

गैरआवासीय नेपाली संघ अन्तर्राष्ट्रिय समन्वय परिषद

Non Resident Nepali Association International Coordination Council

संविधान सुझाव समुह, संविधान सम्वन्धी सुझाव संकलन

Constitution Recommendation Committee, Suggestions for constitution making in Nepal

सुझाव दिने राष्ट्रिय समन्वय परिषद Cambodia

Name of the NCC providing the suggestions -----

मिति (Date) 25 April 2009

(Please kindly send us your suggestion in English or Nepali. If you choose to use Nepali language, please use either *Preeti* font or *Unicode*. आफ्ना सुझावहरूलाई कृपया नेपाली वा अंग्रेजी भाषामा टाइप गरी पठाएर सहयोग गरिदिनु हुन हार्दिक अनुरोध गर्दछौं । नेपाली भाषा प्रयोग गर्दा *प्रीती* फ्रण्ट वा *युनिकोड* मात्र प्रयोग गर्न पनि आग्रह गर्दछौं ।)

क्रम संख्या	Item विषय	Suggestions सुझाव
(A) प्रस्तावना, अधिकार र कर्तव्य सम्वन्धी (Regarding Preamble, Rights and Duties)		
1	What should be included in the Preamble of the constitution? संविधानको प्रस्तावनामा कस्ता कुराहरू समावेश हुनुपर्छ ?	1) Nation, Nationalism, multiparty democracy, Full commitment to human rights, freedom and development for people. 2) Sovereignty should rest on people.
2	What rights and duties of Nepali citizens should be included in the constitution? नेपाली नागरिकका कस्ता अधिकार र कर्तव्यलाई संविधानमा समावेश गरिनु पर्छ ?	1) Sovereign people with human rights, civil rights, political rights and any other rights pertaining to their well being. 2) Freedom of religion, press, peaceful assembly, movement, speech and expression of opinion.
(B) व्यवस्थापिका सम्वन्धी (Regarding Legislature)		
3	Should it be a presidential (such as the one that exists in the USA) or parliamentary (similar to the one in the UK) or a mixed system (such as the one to be found in France) of governance? तपाईंको विचारमा हाम्रो संविधान कस्तो प्रणालिमा आधारित हुनु पर्छ - राष्ट्रपतीय (संयुक्त राज्य अमेरिकामा जस्तो) वा संसदीय (बेलायतमा जस्तो) वा मिश्रित (फ्रान्समा जस्तो)?	Presidential system like in America

4	<p>How should the electoral system be? Should it be-</p> <p>a) fully proportional b) fully first-past-the-post system (directly elected) c) or a mixed system such as the one adopted in the election for the present CA? (If mixed, what should be the proportion between the directly elected and proportional representation?)</p> <p>हाम्रो मुलुकले कस्तो निर्वाचन प्रणाली अपनाउनु वेश हुन्छ -</p> <p>क) पूर्णसमानुपातिक ख) पहिलो हुने निर्वाचित हुने (प्रत्यक्ष निर्वाचित) ग) वा संविधान सभाको निर्वाचनमा प्रयोग भएको जस्तो मिश्रित व्यवस्था ? (मिश्रित भए प्रत्यक्ष निर्वाचित र पूर्णसमानुपातिक बिचको अनुपात कति हुनुपर्छ ?)</p>	Option (b) i.e. direct election
5	<p>If proportional system is to be used, should we have some minimum threshold level of secured votes to qualify for the proportional part of the parliamentary quota? If so, what should be that percentage of the secured votes?</p> <p>समानुपातिक प्रणालि लागु हुने हो भने कुल मतको कुनै न्यूनतम प्रतिशत मत पाएका दललाई मात्र व्यवस्थापिकामा समानुपातिक प्रतिनिधित्वका लागि योग्य मान्ने प्रावधान राख्छ उचित होला ? यदि त्यस्तो प्रावधान राख्ने भए कम्तिमा कति प्रतिशत मत तोक्न वान्छनीय ठान्नु हुन्छ ?</p>	N.A.
6	<p>Any other suggestion not included in the above list</p> <p>माथिका बाहेक अन्य कुनै महत्वपूर्ण सुझाव</p>	
(C) कार्यपालिका सम्वन्धी (Regarding Executive Authority)		
7	<p>How should the chief executive be elected by the people- directly (as in the US, France, or Russia) or by majority votes of parliament (as in Germany, India, or Italy)?</p> <p>देशको कार्यकारी प्रमुखको निर्वाचन कसरी हुनु पर्ला- अमेरिका, फ्रान्स, रुस आदि देशमा झैं प्रत्यक्ष निर्वाचनद्वारा अथवा भारत, जर्मनी, इटाली आदि देशमा जस्तो संसदको बहुमतद्वारा ?</p>	Directly by the votes of people
8	<p>Should the cabinet members be allowed to come from outside of parliament? Or should members of parliament be prohibited from becoming ministers?</p> <p>के व्यवस्थापिका बाहिरका व्यक्तिहरु पनि मन्त्री हुन सक्ने प्रावधान राख्नु उचित होला ? अथवा व्यवस्थापिका सदस्यले मन्त्री नै बन्न नपाउने व्यवस्था गर्नु आवश्यक ठान्नु हुन्छ ?</p>	All from the parliament so that people know that the elected people representative will be ruling the country.

9	<p>Should we have term limits for President and (or) Prime Minister?</p> <p>राष्ट्रपति एवं (अथवा) प्रधानमन्त्रीको पदावधि तोक्नु आवश्यक छ ? छ भने कतिपटक सम्म आफ्नो पदमा बहाल रहन पाउने व्यवस्था गरिनु वाञ्छनीय ठान्नु हुन्छ?</p>	Yes. Maximum of two terms with one term of 5 years.
10	<p>What should be the provision to remove the chief executive and the ministers? To change the government, should we require the opponent to present the complete set of the new government (PM and the key cabinet names) with some minimum support of the parliament members?</p> <p>कार्यकारी प्रमुख र मन्त्रीहरूलाई हटाउन कस्तो प्रावधान राख्नु पर्ला ? सरकार परिवर्तन गराउन प्रस्ताव राख्ने विपक्षी दलले नयाँ प्रधानमन्त्री लगायत पूर्ण मन्त्रिमण्डलको स्वरूप र त्यसलाई संसद सदस्यहरूको आवश्यक न्युनतम समर्थन रहेको प्रमाण समेत पेश गर्नुपर्ने प्रावधान राख्न वाञ्छनीय होला ?</p>	No confidence motion could be passed with two third of the parliament member's vote
11	<p>What constitutional provisions would you suggest to guarantee internal democracy in major political parties?</p> <p>मुख्य दलहरूभित्र आन्तरिक लोकतन्त्रलाई सुनिश्चित गर्न संविधानमा कस्तो व्यवस्था गर्न आवश्यक ठान्नु हुन्छ ?</p>	<ol style="list-style-type: none"> 1) Provisions related to accountability and transparency to the people. 2) Create code of conduct for all political parties operation. 3) Early age succession of party leadership so that young generation gets chance to lead the country.
12	<p>Any other suggestion not included in the above list</p> <p>माथिका बाहेक अन्य कुनै महत्वपूर्ण सुझाव</p>	
(D) संघीयता सम्वन्धी (Regarding Federalism)		
13	<p>What should be the future federal structure of the country?</p> <p>a) purely along ethnic lines b) based on three ecological belts: Mountains, Hill and Terai c) based on the existing five development region model d) based on a mix of ecology, geography, economy, mixed resource endowment (mountains and plains) and ethnicity e) or any other basis ?</p> <p>हाम्रो मुलुकले कस्तो संघीय स्वरूपलाई अपनाउनु हितकर हुन्छ :</p> <p>क) पूर्णतः जातीय आधारमा ख) हिमाल, पहाड, र तराई तीन भौगोलिक क्षेत्रका आधारमा ग) हालको पाँच विकास क्षेत्रको मोडेलमा घ) पर्यावरण, भूगोल, आर्थिक तथा प्राकृतिक स्रोत सम्पन्नता एवं जातीयताको मिश्रित आधारमा ङ) अथवा अरु कुनै आधारमा ?</p>	Option (d)

14	<p>How should the powers be divided or allocated between the centre and federal entities?</p> <p>संघीय एकाई एवं केन्द्रकाबिच शक्तिको बाँडफाँड कसरी हुनु पर्छ ? केन्द्रले कस्ता अधिकार राख्ने र प्रदेशले के पाउने हुनुपर्दछ ?</p>	<ol style="list-style-type: none"> 1) Centre should reserve the powers related to national security issues, foreign policy issues, issues of national interest, national financial system, fundamental rights of the people, major resources of the country 2) States/provinces should be made responsible for education, health, environment, local administration, planning of local economy etc. However national standards should be set by centre.
15	<p>Any other suggestion not included in the above list</p> <p>माथिका बाहेक अन्य कुनै महत्वपूर्ण सुझाव</p>	
(E) समावेशिकरण सम्वन्धी (Regarding Inclusiveness)		
16	<p>What provisions should be included to empower women and others belonging to various marginalized, indigenous and other ethnic groups?</p> <p>महिला, आदिवासी र अन्य जाति-जनजाति समुहका सीमान्तकृत जनतालाई अधिकारसम्पन्न बनाउन संविधानमा के कस्ता प्रावधानहरू राख्न आवश्यक ठान्नु हुन्छ ?</p>	<ol style="list-style-type: none"> 1) Create opportunities of economic, political and educational empowerment. 2) Investment of additional resources to create the economic opportunity so that they can be brought to the mainstream of the development process within short span of time. 3) Positive discrimination for deprived and marginalized community for certain period of time.
17	<p>What provisions should be included to make the system of governance as inclusive as possible?</p> <p>राज्य संयन्त्रलाई बढि भन्दा बढि समावेशी बनाउन संविधानमा के कस्ता प्रावधानहरू राख्न उचित ठान्नु हुन्छ ?</p>	<p>Create a highly decentralized and participatory approach so that all can participate in governance structure</p>
18	<p>Any other suggestion not included in the above list</p> <p>माथिका बाहेक अन्य कुनै महत्वपूर्ण सुझाव</p>	
(F) संशोधन र नियन्त्रण सम्वन्धी (Regarding Amendment and Control)		
19	<p>What should be the requirement to amend the constitution?</p> <p>संविधानको संशोधन गर्न कस्ता प्रावधानहरूको पालना गर्न जरुरी ठान्नु हुन्छ ?</p>	<ol style="list-style-type: none"> 1) Minimum two thirds of the members of the parliament should vote to approve amendments of any article of constitution. 2) The fundamental principles contained in preamble of the constitution should be amended only through referendum.
20	<p>What powers should parliament or president or cabinet have in ratifying Nepal's treaties with other nations?</p> <p>अन्य देशसँग गरिने सन्धीलाई अनुमोदन गर्ने प्रक्रिया कस्तो हुनुपर्छ र सरकार वा राष्ट्रपति वा संसदसँग यस सम्वन्धमा कस्तो अधिकार हुनु पर्छ ?</p>	<p>Executive branch of the state proposes, parliament approves with two thirds majority, head of the state signs and ready for the enforcement.</p>

21	Under which conditions can a state of emergency be declared? कस्तो अवस्थामा राज्यलाई आपत्कालीन स्थितिको घोषणा गर्ने अधिकार हुनुपर्छ ?	Only when there is internal or external security threat to the nation.
22	Who should have residual powers and how should this be defined and used? अवशिष्ट अधिकार (बाधाअडचन फुकाउने अधिकार) लाई कसरी परिभाषित गर्ने र त्यस्तो अधिकार कसले प्रयोग गर्ने व्यवस्था हुनुपर्छ?	
23	What other provisions should be included in the constitution to strengthen democracy, human rights, rule of law and promote economic development? मुलुकको लोकतन्त्र, मानव अधिकार, विधिको शासन तथा आर्थिक विकासको प्रवर्धन एवं सुदृढिकरणकालागि संविधानमा अन्य कस्ता प्रावधान राख्न जरुरी ठान्नु हुन्छ ?	
24	What provisions should be included in the constitution to control corruption by politicians and public officials? सार्वजनीक पद धारण गर्ने व्यक्ति एवं राजनीतिक नेतृत्वबाट हुने भ्रष्टाचारलाई नियन्त्रण गर्न संविधानमा कस्तो व्यवस्था गर्न आवश्यक ठान्नु हुन्छ ?	Declaration of corruption by such people as a crime.
25	Any other suggestion not included in the above list माथिका बाहेक अन्य कुनै महत्वपूर्ण सुझाव	
(G) गैरआवासीय नेपाली सम्बन्धी (Regarding Non-Resident Nepali)		
26	What provisions should be included in the constitution to enable NRNs' contribution in nation-building? In addition to the provision on dual nationality, what else should be included to ensure the NRNs' participation in the governance of the country? राष्ट्रनिर्माणमा गैरआवासीय नेपालीहरूको संलग्नतालाई प्रोत्साहित गर्न दोहोरो नागरिकता लगायत संविधानमा अन्य के कस्ता प्रावधान राख्न आवश्यक ठान्नु हुन्छ ?	Dual citizenship rights followed by voting rights, property rights, investment rights etc.
27	Any other suggestion not included in the above list माथिका बाहेक अन्य कुनै महत्वपूर्ण सुझाव	