

# **Civic Education: The Role of the Youth in the Making of a Modern State**

## **Seminar**

**Organizer- NEFAS**

**In Co-operation with F.E.S. Nepal**

**September 5, 2009**

**At Thaiba, Lalitpur**

**Number of Participants-140 (70% Female)**

### **Introduction**

Nepal Foundation for Advanced Studies (NEFAS) in co-operation with Friedrich-Ebert-Stiftung (FES) organized a one-day seminar at Thaiba, Lalitpur district on 'Civic Education: The Role of the Youth in the Making of a Modern State'.. One hundred and forty persons participated in the program and seventy percent of the participants constituted of women. The youth, women, teachers, representatives of various political parties and associations actively took part. Youth social scientist Shivaraj Dahal presented his paper "Civic Education for the Youth". Kashi Raj Dahal, constitutional expert and former law secretary, dwelt on various aspects of civil education and the present context in folksy manner. The discussion that followed was lively and thought provoking. On the same occasion the booklet "Handouts on Democracy" was distributed to the participants.

### **Presentation and Discussion**

**Shiva Raj Dahal-** We are honored that Mr. Kashi Nath Dahal, who has long experience in the field of legal field and has written numerous articles and books, has agreed to speak on the subject of Civic Education. Mr. Chandra Dev Bhatta on the other hand is a product of the renowned London School of Economics. I would like to request both of them to take their seat in the podium. I would like to request Mr. Ananda Shrestha, the executive director of Nepal Foundation for Advanced Studies (NEFAS) to deliver the welcome address.

**Ananda Shrestha-** I would firstly like to welcome the participants to the one-day seminar. The topic of the seminar is Civic Education for the Youth. We have been holding seminars on this topic in various parts of the country. I would like to shed light on NEFAS. This is an organization devoted solely to conduct research and educate people. Its aim is to study relevant topics, organize seminars, get feed-back and include the findings in books published by it. Since its establishment in 1995, Friedrich-Ebert-Stiftung (FES) has been continuously supporting it. Today's program would also not have been possible without FES's support. Shivaraj Dahal, the paper presenter, will discuss the role of the youth in civic education. We have been to around 40 places to hold seminars on this subject. We have published around 35/36 books. These books are used in the curriculum set for subjects such as economics, political science and sociology from the 10+2 level to the university level. NEFAS seeks to draw the government's attention to various issues through its publications.

Nepal's present-day situation is turbulent and increasingly chaotic. It has become difficult to travel across the country. There is uncertainty about what will happen tomorrow. The *Bhattas* (priests) of Pasupatinath were beaten up. Why did this happen? Is it because the youths do not have a role in the decision-making process? Large numbers of youths are unemployed and are migrating. This seminar seeks to raise awareness of such issues through the active participation of those present. Please feel free to provide suggestions and point out the drawbacks of the paper. We expect fresh ideas from all of you. Later the results of the seminar will be published in a book form. We need help from you in this task. We do not suggest that it is mandatory to have party affiliation but youths must be aware of politics. If we leave politics only to the leaders this country will find the going hard. Thus suggestions are most welcome and will help to further refine the paper and help in the task of publication.

**Shiva Raj Dahal-** FES has been consistently helping NEFAS. The program officer of FES Mr. Chandra Dev Bhatta will provide an introduction of FES.

**Chandra Dev Bhatta-** The full form of FES is Fredrich Eibert Stftung. This is a German organization. This organization was established in 1925 and its office was established in Nepal in 1995. Peace, freedom, solidarity and public awareness are issues that FES is concerned with in Nepal. In Tribhuvan University civic education is included in the curriculum and this subject seeks to raise public awareness. Why do we need civic education? We have different identities; we need to create a common identity which will be answerable to the society and the state. It does not seek to politicize but to socialize and create a critical mass of conscious citizens. Only then will democracy be strong. Socializing people is not the only aim. It also seeks to teach people how to work in a group, encourage political participation, make people aware of duties to the nation and ultimately humanize them. It tries to find ways to turn the multiple identities of people into some sort of national identity. We are divided by religion, ethnicity and region. Civic education has a big role to play to forge a common identity from this diversity. Civic education must be taught from the school level and this will help create a strong state.

Media must help to create awareness about the need to participate in politics. The urban youth's participation in politics is weak. Finally civic education should help to develop the culture of peace. The German statesman Willy Brandt had said that peace is not everything but without peace nothing is possible. Violence will push us back. Civic education is necessary at every level to create a civilized society and a strong state system. Five, six movement for democracy has taken place till date but the question arises why democracy is still not strong. In Nepal at the school level civic education is still not taught. During the Panchyat era students were taught a sort of civic education but the aim was to strengthen the regime. Until people are made aware democracy will not become strong, unless citizens participate in the democratic process democracy will not be strong.

NEFAS in co-operation with FES have from a long time run this type of program. A course titled Current Society is taught till class 12. Mr. Kashi Raj Dahal has an excellent knowledge about constitutions. We need to have knowledge of constitutions and constitution-making process. Discussions are presently taking place about the federal-system, languages etc. People must be given knowledge about such issues so that

they can participate in the process and resist imposition of ideologies. If the system is strong people can utilize their rights. It is necessary to create an atmosphere in which people can utilize their rights.

**Shiva Raj Dahal: “Civic Education: The Role of the Youth in the Building of a Modern State.” (Excerpts)**

- 1) Meaning of civic education-Civic education is teachings concerned with self-governance. In addition to promoting constitutionalism and good governance it helps create a public consensus concerning the drafting of the new constitution.
- 2) The importance of civic education in the present context-As per the directive of the people’s movement of 2062/063 a constituent assembly to draft the new constitution has been formed. This period is a transitional one. It is necessary to ensure the widest possible participation of the citizens and to move forward by collecting suggestions and soliciting advice from them. But due to the unhealthy competition among the parties for power the spirit of co-operation necessary to implement the comprehensive peace agreement is being disturbed. As a consequence, the suspicion that nationalism might be endangered due to dependency created by foreign meddling is being aroused.
- 3) The state, nationalism and civic education-Only when the citizens are ready to contribute through whatever means for the sake of the motherland, will the state be able to take a leap forward in the structural development. We are the sovereign citizens of an independent and sovereign country. That is why in order to promote the feelings of patriotism among us it is necessary to have civic knowledge, civic skills and civic virtue. This will help safeguard the pluralistic society and promote nationalism.
- 4) *Loktantra* and civic education- *Loktantra* and civic education have a solid relationship. *Loktantra* is a system that relies on consensus and co-operation for its functioning and its permanence depends on the behavior, rationality, co-operation and culture of individuals. Since *loktantra* is a system based on facts it has acquired legitimacy at the international level.  
What is the meaning of *loktantra*? According to Abraham Lincoln democracy is the government of the people, for the people and by the people. Democracy acquires two forms-direct and representative. In the representative form of democracy the ordinary people and the state do not directly participate in governance and in formulation of policies and laws but entrust the entire responsibility for this to the people’s representative elected in a free and fair election.  
Why democracy? (a) Democracy besides being a political system has become a way of life of the citizens. (b) Democracy establishes equality. (c) Democracy protects plurality. (d) Democracy is an established system in which political decisions reached on the basis of the participation of the people. (e) Democracy ensures the legitimacy of governance process. (f) The democratic system ensures the right of the citizen to enjoy the fundamental rights and adheres to the directive principles provided by the country’s constitution.
- 5) The qualities citizens must possess in a democratic system-

- (a) Civic Knowledge- Since the governing power is vested in the sovereign people of Nepal, it is essential that the Nepalese people have knowledge about civic education. After the peoples movement of 2046 and 2063 many changes have already taken place in the Nepalese society. The present education system of Nepal is unsystematic, faulty and profit oriented. This has lead to the weakening and destabilization of the present social landscape and the whole democratic system itself.
- (b) Civic Virtue- In a democratic system the state grants its citizens economic, social, political and cultural rights. The individual has to assume certain duties and responsibilities towards the family, society and country as a free citizen. The following are the virtues that a good citizen should possess in a democratic system- reasoned commitment, honesty, civic mindedness, civility, open mindedness, courage, patriotism, and the ability to think critically.
- (c) Civic Skill-A citizen needs intellectual and participatory skills in order to correctly distinguish one's rights and duties and to be aware and vigilant about one's rights, duties and responsibilities.
- 6) Democracy and democratic culture- It is not only the constitution but constitutional behavior that helps develop democratic way of life and culture. There is a difference between a person who is a democrat and a one who has internalized democratic culture.
- 7) Democracy and political parties- Political parties are the collective property, basis and life of democracy. In democracy the opposition is esteemed because they serve as the ears and eyes of the government. The following are the tasks of the political parties in democracy-1) to make the people politically conscious and to provide the kind of leadership that reflects the peoples aspirations, 2) to take part in elections and to govern, 3) to manage social and cultural activities and to hand over the political values, mores and system to the next generation, 4) to act as a bridge between the people and the government, and 5) to help in the creation of a egalitarian society.
- 8) The youth and the present situation-The term youth does not only denote a person of a certain age but is also implies the possession of enthusiasm and certain type of thinking. At present the middle class youth, who should play an important role in our society, are becoming alienated with nationalism and politics and are migrating and becoming citizens of other countries. On the other hand considerable numbers of youths from the lower and lower middle-class families, after spending a long time underground, are living in temporary cantonments. The implications of these developments must be assessed. Otherwise the whole political and economic system of the country might become crisis ridden and invite appalling consequences.
- 8) (a) The youth and politics-We tend to pay more attention to the negative aspects of politics rather than the positive. The political field represents the power of the people. That is why national and constructive politics should be the common concern of all conscious citizens.
- 9) Leadership and civic education-Honest and competent politicians are the treasure of the nation. But on examining the record of selection of leaders until the present, it is clear that the criteria for selection are the ability to carry the party's baggage, time spent

in jails and the ability rebel. Such people are given tickets in election and are given representation in the policy making level.

10) Social justice and civic education-Social justice is the main essence of a democratic system. But in our society the state discriminates in the provision of medical treatment education facilities.

11) Civil society and civic education-Civil society engages in communicating, interacting, mediating and jointly acting on issues of common interest. But civil society is not an alternative to the state and it must not concern itself with personal profit. Usually civil society is based on three values. These values are independence, equality and co-operative spirit.

12) Civic education and other subjects-An intense debate is taking place in the country on whether technical education is the key necessity of the country. This supposition is true but not the whole truth. The knowledge of civic education along with that of other subjects makes the democratic lifestyle productive and effective.

13) Conclusion-Nepal is passing through the transitional stage. On the one hand since Nepal is a land-locked country, she has to bear with foreign economic, political and religious influence and on the other hand because of globalization and the conditionality imposed by the WTO the principles of democracy and social justice are being restricted. A constitution drafted to reflect the aspirations of the people will ensure the participation and identity of all and will generate a sense of ownership. The task of restructuring a country is a multi-dimensional, sensitive and difficult subject. To accomplish this task it is necessary to rise above party, ethnic or narrow communal thinking and bring about a transformation in culture, tradition and mentality. The competition, alliances and political polarization taking place among the political parties for the sake of power only is deepening differences among them. The responsibility not to let the national concerns be eclipsed and to sensitively carry forward the task of civic empowerment has now fallen on the shoulders of the youth.

**Kashi Raj Dahal-** All of you listened very attentively to Mr. Shiva Raj Dahal's paper. Now the time has come to participate in discussions and then only can one reach conclusions. One year ago I had gone to Humla in Karnali. I meet a Japanese person who was conducting a study there. I asked the Japanese why he had come to Humla. He was doing his Phd. from Tokyo University. He replied that his professor had told him that he should seek knowledge in Nepal, in remote places. To gain knowledge one has to go to the villages. Gautam Buddha is renowned all over the world but many of you have gone to Lumbini? We consider Europe and America as important but we tend to ignore local areas. Knowledge is based on experience. I have come here to gain knowledge. I have come here to learn form your perspective of current issues.

Once I had gone to Korea. I had taken a seat in the subway and there were twenty to twenty-two youth in the carriage. I was perplexed when they all suddenly got up. I also got up as well. I wondered if some VIP was among the new entrants to the carriage. I asked them why they got up. They told me when a senior citizen or some one senior to oneself entered one must get up to show respect. They in turn asked if in your country people did not behave in the same manner. I told them they did not used to do so in the past but these days they do so. In Kirtipur when I used to study the students used to enter the bus through the windows. Once seated, the students used to ignore the teachers who

would be standing. After getting down from the bus they used to greet the teachers and pretend as if they had not seen the teacher in the bus. The knowledge that one must show respect to others comes from moral education. To develop good morals it is necessary to impart knowledge.

In another place a legal case concerning whether or not abortion should be made available to those who request it was being fought. The court decided in favor of those favoring abortion rights. Five people had gathered at a designated location with bowed heads to show their opposition to the ruling. Others who wished to show solidarity could put their signature in the book kept nearby for that purpose. A gathering of five people was enough to register displeasure. I told them in our country people burn tires and resort to violence. They replied that in their country also around two hundred years ago the government did not use to listen. To improve the situation Civic Education was introduced. Now problems are solved through negotiations. Here although we talk big such is not the case. To bring this about youth, women and children must all work together. They must understand each other's role.

We have to move towards a new civilization. Nepal is among the poorest country in the world. Only 12% of the budgetary needs are met internally. We must rely on foreigner's help. Thus we become accountable to foreigners. Most of the Nepalese people are poor. In some districts in the West, people went to bed naked. I asked them the reason for this strange behavior. They replied that they only had one piece of clothing. If they slept with their cloths on it would get damaged. They slept naked not because it was hot but because they were poor.

In Dolpa I came across two persons quarreling. A guest had stayed overnight in one of these person's house. In order not to dirty the environs of the host's house the guest had chosen to defecate near the other person's house. The person in whose house the guest had stayed was demanding that he be compensated because his neighbor's pig had consumed his guest's waste and deprived his pig of his right to it.

I had visited another district during the festival season. A couple was engaged in discussion. The wife was with her child and was asking the husband to accompany her to her parent's home for the Puja. The husband was adamant that he would not go. He then snatched the child from his wife and then started beating his wife. He kept repeating that he could kill the child if he wanted to. The child also did not cry. He believed that he had the right to kill since he had fathered the child. This is sheer ignorance.

I have been to 75 districts of Nepal. As I was traveling from Doti to Bajhang I came across two water spouts. I drank from first spout and then decided to drink from the second as well. But a man stopped me. His reasoning was that since I had drunk from the first spout and because it was reserved for Dalits I must be a Dalit. Untouchables are not allowed to drink from the second spout since it is reserved for the upper castes he claimed.

As the head of a commission I had gone to Dhading to study the status of females in that district. We meet a woman there who kept a bottle of water. The water had been used to wash her husband's feet. She said that she always drank the water before taking her meal. I asked her what she would do if the water was used up. She replied that her husband would come back before such an eventuality. If due to unforeseen circumstances her husband could not make it back, she would add some water to the bottle and drink it. Any doctor would consider such water undrinkable.

I was in Dolokha during *Teej* once. The women were fasting in honor of their husbands but the men-folk were busy gambling in the inn. The men maintained that this was their way of fasting during the *Teej* festival. This is the reality of our society. We must change it. This change must come from the school, the family, youth and the elderly.

At times judges find it hard to give judicial decisions. In one case a women claimed that a particular man was the father of her child. The man denied that the child was born out of relationship with him. There was no evidence but the judge gave his judgment. He stated that what the women said must be true because in such cases they do not lie. Now such cases can be solved through DNA testing on the basis of sample taken from the mouth.

We are now in the constitution-making process. A society cannot imitate the practices of another country's society in totality. I am reminded about an incident in Janakapur. A demonstration had come to the CDO's office to *ghero* it. The demonstration demanded that the electricity in their area be turned off. I was astonished at their demand. The branch manger of the local bank had recently come back from overseas study. He believed that the banks should not only provide loans but also promote development. He had helped to electrify the area. But the locals objected because the lights prevented them from defecating on the street. Bowing to their demand the supply of electricity to that area was discontinued.

Two girls in Nawal Parasi had come to the CDO's office to get their marriage registered. Since the CDO was not sure if it was permissible to register such marriages he tried to convince them it was not in their interest to register their marriage. He told them that marriage between a man and women is registered to guard against the possibility of a male leaving the first wife and marrying another one. Since the women engaged in same-sex will not separate in the future, marriage registration is un-necessary.

Thus our country is composed of various types of societies. To develop the same kind of society Civic Education can prove a big help. It is necessary to change behavior and culture. Does everybody know that a constitution is being drafted in our country?

**Participants**-Some answered in the positive while others were less sure.

**Kashi Raj Dahal**- How man people are involved in the process?

**Participants**- 605, 601.

**Kashni Raj Dahal**- How many among them are illiterate? Some of you might wonder what role an illiterate person will have in drafting the constitution. It was necessary to send such persons to the constituent assembly in order to make the constitution making process as inclusive as possible. There are eighty-eighty-five illiterates in the constituent assembly. The constitution belongs not only to the literates but also to the illiterates. Females constitute thirty-three percent of the members. The main law of the country is applicable all over the country. Everyone needs to talk about their problems. Did a team come here with questionnaires?

**Participants**- The participants did not give a unanimous answer.

**Kashi Raj Dahal-** How many of you met the constituent assembly member from this constituency?

**Participants-** Some said yes while others said no.

**Kashi Raj Dahal-** Did everyone give their suggestions? Did you understand the questionnaire? In some cases the people distributing the questionnaire did not understand it themselves. Within one to two months you must scrutinize the draft and see whether your suggestions have been incorporated into it or not. It must address the problems of farmers and women and the question of shelter. It will become the main law of the country. You must clearly express your problems. Constitution is the medicine. But you must know what the disease is. Those who have been able to apply pressure have managed to get their concerns addressed and thus there are provisions for many commissions. Females of all parties got together and managed to apply pressure. Thus provision has been made for a commission for them. In the same way the necessity for commissions for Dalits, Muslims and Janajatis has also been accepted. Reservations are also provided for.

The youths held a meeting in PK Campus. People below forty are called youth. There is no Youth Commission because the youth did not apply pressure. Only people in the forty plus age group can become the chairman. Things will be finalized soon. Thus it is necessary to be conscious. Constitution making process does not happen regularly. This is the time to see whether our rights have been incorporated or not. It must serve the interests of grand-mothers, daughters and grand-daughters. If it does not do so it will be difficult for the constitution to be effective.

Before '59 women who remained unmarried till the age of thirty-five had the legal right to a share of their parental property. There was one legal case filed by one woman over thirty-five against her mother and brother. The mother claimed her daughter was married and had a son who was then studying in Dehra Dun. The judge found it difficult to give a decision. The woman's mother requested that her daughter be sent to the hospital to examine her status. But the lawyers of the woman claimed that such an examination will violate her right to privacy and would be against basic human rights. The Kathmandu District Court ruled against privacy. The case went to the Supreme Court. It ruled that marriage and birth were two different things and that giving birth is no guarantee of marriage. We are in the process of modernizing. Some females are living together while other females claim that they are both the mother and father of the child.

The law is based on the assumption that only males commit rape. It did not visualize that women also could commit rape. The solution is to define rape as an act committed by one person against another person. The society is changing. Twelve years ago there were not many houses in this area. The new generation has acquired education. The youth must become competitive. One must learn different languages, not only one language. Otherwise one will not be able to compete. One person had done his Phd. in the Rai language but it necessary to be conversant in other languages as well. One must also love one's mother tongue. We must preserve our culture and traditions. Flags enable foreigners to identify different nations. It is identified with national glory. At present we see flags of different organization everywhere. This shows the state is weak. We have to

respect the national flag. If *loktantra* is snatched away we can always launch a struggle to restore it. If we lose our nation we cannot get it back.

A Phd. is not necessary. Knowledge gained through experience and the ability to reason is adequate. Co-existence is necessary. The respect shown by the young generation towards the old is a sign of civilization. It is important to learn how to respect others. The constitution is in the process of being drafted. There are many challenges. There is no unanimity on the question of federalism and the form of governance such as whether a presidential or a parliamentary or mixed type of system should be adopted. We have a republican system instead of monarchical system at present. The terms have been changed. Since '62 we have using the term *Loktantra* while previously the word *Prajatantra* was used. In English both these words have the same meaning. On *Falgun 7<sup>th</sup>* we celebrate *Prajatantra Diwas* while in *Jestha* we celebrate *Loktantra Diwas*. This is natural as we are at present in the transitional stage.

While I was in the Terai I witnessed an interesting scene. One youth was using a mobile while sitting atop a buffalo. I said to myself this is definitely a sign of progress. But later I learnt the truth. The young man in fact was seated on the buffalo in the hope that his mobile would better pick up the signal from a higher point. We are a traditional society which is exposed to the latest technology. Different generations have different values, and the resultant tensions can be resolved through co-existence. Poverty is a big problem which can be alleviated through the medium of education. (In the political science department there are more teachers than students). There is a need to invest more in schools and colleges.

The Panchayat system was displaced in '46. Village Panchayats were renamed as *Gaun Vikas Samiti*. One student from Nepal went to study in a foreign country. His mother had given birth to him in the village office. In his birth certificate it was stated that he was born in village office. Later many other students also came with certificates that stated that they were born in the village development committee. Pregnant American women go back to America to give birth because then only the citizenship of her child is assured. The foreigners assumed that in Nepal a child is assured of his/her rights only if the mother gives birth in the village office. Words create confusion. We must not get carried away by catch phrases and words but examine the essence. We must not remain embroiled in superficial matters.

Issues such as how many provinces Nepal should be divided into; the division of power between the centre and provinces etc. has not yet been settled by consensus. To make the constitution consensus is vital. If there is no agreement by *Jestha 14*, problems will arise. Two-thirds majority is needed to promulgate the constitution. It seems the leaders are not serious enough. The people have to be vigilant to ensure that their suggestions are reflected in the constitution and not the wishes of the donors. In Kathmandu many are indifferent. You all must provide suggestions. If not the youths of Nepal only role will be to serve as the different party's cannon-fodder during political movements.

The female gender have become conscious of their rights. They have proposed that the word president be replaced by a gender neutral word like Head of Nation. They have also demanded that if the head of an institution is a male the next in line should be a female and vice-versa. They are also pushing for a 33-50% reservation for the female gender. But it is necessary to develop the necessary expertise to do justice to the post. In

India there is a policy of providing thirty-three percent reservations for females. The wives and relatives of the politicians fill up the quota allocated. But the female genders were nowhere to be seen in the offices. The husbands and male relatives were filling in for them. The women-folk do venture out of their homes unaccompanied. The purpose of the whole exercise was distorted. The decisive role in female empowerment must be played by females. Along with reservation of seats women must develop the expertise. If the female is educated the whole family becomes educated.

Females play a decisive role in the transformation of society. In one study conducted of the last thirty-five years the number of females engaged in corruption was found to be very few. If women are appointed to the post of treasurer there will be no corruption. In most cases women do not have a decisive say in family matters. On the other hand males need not consult with the females while making decision in household matters. The constitution grants equal rights to both sexes. But when one asks a male why the women folk are not part of the decision-making loop in matters concerning property and other family matters they reply that the women are not interested. Many women cannot even make up their mind about which school to admit their children and rely on their husbands to make the decision. It will take time to bring about changes.

There is one couple who have both earned doctorate degrees. Both claim they are feminists. But the husband just could not muster enough courage to go out to the verandah to pick up the cloths hung out to dry. He was afraid that the neighbors would make fun of him. He thus used a long bamboo pole to pick up the washed clothes. We have not been able to internalize the new value-system.

In the foreign county a woman official kept the photo of her son in her office. Nobody asked why her husband was not in the photograph and what he did. In Nepal we have the habit of asking personal questions. In the census there are only two categories of sex-female or male. We are still tradition-bound and tend to favor the status-quo.

Civic education makes the society and the state strong. People who receive such education will understand that there is no difference between dalits and non-dalits and that both are human beings. People will also understand the need to respect the dignity of labor and the need to give protection to the weaker ones. The draft of the constitution is coming out soon. Please get a copy and give your suggestions. Please study it well to see if your rights are guaranteed. Formal study is not important, experience is important.

**Chandra Laxmi Shrestha**-Will we get a new constitution?

**Kashi Raj Dahal**- The people must apply pressure.

**Chandra Laxmi Shrestha**-Is it necessary to hold demonstration for this purpose?

**Kash Raj Dahal**-If the constitution is not made legal procedures can be initiated to strip the Constituent Assembly members of their membership. If pressure is not applied constitution will not be made.

**Chandra Laxmi Shrestha**-There is a possibility that it might be drafted. But at present we neither trust nor distrust the members.

**Kashi Raj Dahal**-The Pajero culture developed in Nepal because the people were not conscious. Only a conscious people can stop the leaders from straying. Many years ago a leader was caught in the airport with gold. He was imprisoned. After he was released he went to his constituency and told the villagers that the government had confiscated the gold he had brought as gift to the villagers and imprisoned him. He told them that if they elected him again he would bring gold for all of them. The people must be able to discriminate what is good and what is bad. Please study the booklet we have provided you all with. Human rights, women's right and child right remain inoperative in many cases. In some gulf countries camel races are held. The harder the child sitting on the back of the camel cries the faster camel runs. Children from poor Asian countries are put to use as jockeys. A large number of people gather to watch the race. The child's right is not respected.

Many leaders prefer the nomination route to posts that are generally the prerogative of elected officials. Elections are a must to promote democracy. The question whether Nepal needs an elected president or not is for the Constituent Assembly to decide. But we need a competitive political system otherwise totalitarianism will develop. The assembly has also to decide to what aspects of the country's governance system should be centralized and to what extent power should be decentralized. The parties should be accountable and transparent. We do not know the source of funding of the parties. Now law has been passed. The people now have the Right to Information. The parties must make their income and expenses public. The INGOs and NGOs must also disclose such information. We must see whether the rule of law and independence of the judiciary is incorporated in the constitution. The civil society should be independent and not party based. It should maintain its separate identity. Please speak up if you have any question or suggestions.

**Mahendra Shrestha**-We heard many things which our friends had to say. My first question is that in the past when programs were held in the same place questionnaires were distributed. But they did not distribute stationary and did not provide tea and lunch. Transparency is needed in this issue. Mr. Shivaraj had said that political parties have been spoilt by the NGOs. This may be true but where did the materials come from for today's program? How much budget has been set aside for this program? How much was allocated for writing the paper? How much did the speaker get as fees for his presentation?

**Kashi Raj Dahal**- I am not from this institution. Some days back I was asked if I was free this Saturday. They have not told me how much they would give me. I have not signed any agreement. I do not know. This far I know. FES is a German foundation. It believes that to promote civic education it is necessary to go to the people. It provides the booklet, transportation and meals. The program is run on a small scale. My other friends present here will provide the details. You have the right to ask. If answers are not provided a case can be filed and if proven guilty the responsible party can be fined Rs. hundred. I have not taken anything. I have come here to learn from you. We must be transparent otherwise *loktantra* will not flourish. Accountability and good governance is necessary. It is necessary to provide food and shelter for those who come to participate from afar.

**Mahendra Shrestha**-The government has not been able to provide perks in seminars held by it. Because of the practice of providing perks not only the leaders but the people also will become spoilt.

**Nava Raj Dahal**-It is the duty of responsible citizens to ask such questions. It is a pertinent question. The state is seeking to solve the problems while some donors are sowing the seeds of new conflicts. Some INGOs are raising such issues as Free Tibet, others are promoting religious conversion, some are smuggling herbs; this is increasing conflict in the society. Tourists with shoe-string budgets are coming to this country and staying in five star hotels for rupees five hundred. This is not possible in other countries. The INGOs are being run on a personal basis. NEFAS was formed in 1990. This is an apolitical research institute. The books published by it have replaced books written by foreigners in the curriculum of a number of subjects adopted by the Tribhuvan University. Many NOOs are family based. Their reports are tailored to meet the needs of the donors. The members of this organization are working on an honorary basis without pay.

**Chandra Dev Bhatta**-FES is not a rich organization. It was initially formed to provide scholarships to the children of laborers. The fund for this comes from the German tax-payers money. The Pajero belongs to the office. It can be used in the course of work when the head-office gives permission. There are good as well as bad NGOs. The people must discriminate between the two. We must not put them in the same basket. In two years twelve thousand NGOs and two hundred NGOs have been registered. They have more funds available to them than the government. FES is an NGO which believes in social justice and is supported by the GTZ.

**Mahendra Shrestha**-Along with civic education, should not moral education not also be taught?

**Kashi Raj Dahal**-It is important to do so. In the revised curriculum moral science will be included.

**Shiva Raj Dahal**-The relevance of five or six topics are being tested and seminars held on these topics. We have to start from the grass-roots level. So please provide suggestions. In Kathmandu in the big schools the course has been prescribed for class twelve students. It is taught under the course Contemporary Societies under the faculty of Education and Humanities. It is being made compulsory in class eleven. It is being taught in four hundred ten plus two schools.

**Ambika Maharjan**-I went to the village development office to get the citizenship certificate of my child made. But they wanted me to produce the citizenship certificate of the father. Citizenship certificates are still not being issued on the basis of the mother's nationality.

**Kashi Raj Dahal-** The training in this regard has still not been completed for the local authorities. There are some problems but the new system will be implemented within one or two years.

**Ambika Maharjan-**After a woman gets divorced it is said that she need not use her husband's name.

**Kashi Raj Dahal-** In theory what you say is true but it has not yet been applied in practice. At present first the father's and secondly the mother's name is used. The issuance of citizenship certificate based on that of the mother's nationality is being debated in the Human Rights Committee. Implementation is not easy.

**Shiva Raj Dahal-** Please provide suggestions so that I can further improve my paper. One of you has suggested including the teaching of morals and ethics in civic education. If more suggestions were to be made from the floor it would be very helpful.

**Dilendra Shrestha-**The youth of the country are leaving the country in large numbers. In the new constitution is there any provision to stop this trend.

**Kashi Raj Dahal-**This is a very good question. In the interim constitution every Nepali citizen has the right to employment (this is according to the specification by law, but the law will never be applied). Fundamental rights and the directive principles keep the state weak. Weak states cannot fulfill such fundamental rights. Nepal has almost become a failed state. Such states cannot provide employment. Nepal is a remittance based economy. Switzerland is a rich country where watch-making is a major source of income. In Nepal we sell iron as junk and exchange it for potatoes. The constitution guarantees employment but it necessary to increase one's capacity. Guiding principles are included in the constitution.

**Chandra Laxmi Shrestha--**Twenty-thirty-five years of our life is already over. How will the constitution benefit us?

**Kashi Raj Dahal-**We have to work for the benefit of the future generations. The martyrs died so that the future generation would benefit.

**Chandra Laxmi Shrestha-**We need the benefits during our life-time. Who cares what happens after one dies?

**Kashi Raj Dahal-**Some things have to be done for our generation and other things have to be initiated for the good of the future generation. Only if things improve will the process of migration be stopped.

**Chandra Laxmi Shrestha-**Is it possible to amend the constitution once it is made?

**Kashi Raj Dahal-**It is possible but one must not throw away the constitution every few years.

**Radheshyam** –What provision is there to stop the encroachment of the border in the constitution?

**Kashi Raj Dahal**-The state has to be strong and then only it can bargain from position from strength. Then only can a state forcefully claim the sole rights to a particular piece of territory and prevent others from encroaching it. Since 1648 the principle that territories of states cannot be encroached has been established. Some time back Nepalese territory was encroached. Leaders must have the confidence to fight for the rights of the state. Some Nepalese leaders are maintaining that the Nepalese territory has not been encroached. If the people exert enough pressure the leaders will have to follow. Thus there is a need for conscious citizens. We must take international help. The same sort of case had occurred in Tanakpur. Stating that Nepalese territory cannot be encroached in the constitution will not be enough. The constitution lays down the system. If the people are conscious the leaders will be compelled to follow the right path.

**Anita Shrestha**-In Pashupati two Bhattas were manhandled. Do we need Indian Bhattas? Can we not appoint Nepalese as Bhattas? We must appoint Nepalese as Bhattas.

**Kashi Raj Dahal**-If our country is strong our demands will be met. The person to be appointed as a *Bhatta* (priests) must be an expert in his field. We are now in a transitional period. If a person is competent he can be appointed. It is possible to build a consensus.

**Renu Maharjan**-I have come to participate in this seminar because of a letter sent to me by a women's volunteer group. We talk of the rights of the youth and children. I participated in a training focused on the welfare of the unborn child. The pregnant woman carries the child in her womb and needs to take special care before she gives birth. We need to know what measures we have to take till that period. The development of the brain in the initial three years of life will determine the child's potential. By the time the child completes five years of age he/she's will have been fully developed. What needs to be done during this period for the benefit of the child and the mother should be mentioned in the constitution. How much attention has been paid to this matter? The people in the villages do not have a clear idea of this issue.

**Kashi Raj Dahal**-In the past abortion was believed to be against the religious right of the child to be born. The mothers-to-be must be provided balanced diet during this period. The Nepalese society was slowly influenced by changes taking place in the wider world. It became acceptable to resort to abortion in case the mother's life was threatened. In 2065 the right to abortion was granted. But this might give rise to another sort of problem. In India ultrasound has been used to determine the sex of the unborn child. In India there is strong preference for the male child. The records of one hospital show that one hundred thousand female foetus were aborted. Women are murdered for not bringing enough dowries. Attempts have been made to prohibit this practice. In the United States the doctor's disclose the sex of the child but there is no attempt to abort the foetus on the basis of sex. The situation in our region will only improve when both the sexes are treated as equal. Civic Education is needed to bring about this sort of change.

In Japan ceremonies are held on the seventh day of the child's birth. On the thirty-first day the child is taken to the temple and purified. There is a belief that the soul has not entered the child's until then. Nutritious food must be provided to the mother. The bill on the Right to Health is being drafted. The practice of breast-feeding is decreasing. This milk is much better for the child's health than milk-powder. Rights can be incorporated in the constitution but awareness is much more important. What matters more than what is written in the constitution is the status of the females in the society. Everything cannot be written down in detail in the constitution.

**Radhe Shyam Maharjan-** I am a student of Kashinath Dahal. I am confused about the program. Different institutions had been given the letter of invitation to participate in the seminar. But I did not know about it. If this seminar is held once more it can be given a wider form with more intensive participation. In this same hall a program was held to solicit suggestions for the new constitution. But since it was held during the period of a *Jatra* many were too busy to be able to participate. The participants were asked to provide suggestions. But many people initially did not know what the program was about, who were responsible for it and the purpose of the program. The questionnaire distributed was very complex. I am a student of law but it took me a week to understand it.

Civic education is concerned both with rights as well as duties of both the state as well as the citizens. Much effort has been put into writing this paper but on some issues it is not clear. Very few youth are present here. The youth are busy studying in schools. There is no focus on the youth and grass-roots level worker. The constitution must address the three basic issues of food, shelter and clothing. These three wants are the basic, minimum needs. People elected six hundred one persons to write the constitution. But if the Prime Minister so desires he/she can appoint other persons besides the constituent assembly members as ministers. This is not acceptable to us. Please convey this sentiment to the responsible entity.

I have questions for law experts, scholars and judges. In the case concerning the Vice-President the Supreme Court gave a swift decision and gave a directive that it be implemented within seven days. But in the case concerning the President's orders regarding Katwal why is there delay in pronouncing decisions? Justice must deal with all cases in the same way. The people must get the feeling that justice is being dispensed in an impartial way.

**Kashi Raj Dahal-** What you said is correct, prior information about the program is a must. I had also thought that the youth would participate in greater numbers. Some of them have gone to the blood donation program. The message has not been effectively communicated. The suggestions have covered different topics. NEFAS and FES run programs on a wide number of issues.

The issue of food, shelter and clothing is included in the constitution. Before reaching the policy-making level all leaders raise these issues. But once they attain the seat of power they have to face the reality of an empty treasury. Then they try to tone down the people's expectation by claiming that they would have loved to implement the promised changes but that the rules stand in their way. Similarly while in the opposition all politicians speak against jumbo cabinets, but once in power they resort to such games

to secure their seats. The state can provide services according to her capacity. Nepal is not giving enough priority to science and technology. But this is not possible unless the state is effective.

I had suggested that more proportion of the members of the constituent assembly should be directly elected and less weight should be given to proportional representation. But politicians who feared direct elections and planned to enter the constituent assembly through the proportional route decided otherwise. We can give suggestions but the ultimate decision-making power lies with the leaders. I agree justice must be dispensed in a consistent manner. Justice delayed is justice denied. A schedule has been made. The district courts are to give five hundred verdicts in one year. There are different reasons for the courts not being able to treat all the cases in the same way. But if this is not done the people's faith in the courts will decrease. Improvement is also needed in the judiciary. I will take up these issues with the relevant authorities.

**Shyam Saran Shrestha**-I want to address my suggestions to the leaders. In two years time election will have to be held. There are only eight months left for the constitution to be drafted. Things have become very expensive, insecurity is increasing and number of murders that are committed is increasing. Is it the responsibility of the present government only to make the constitution or do they have to pay attention to current problems also? Things have become expensive by thirteen to fifty percent. In India inflation has increased by zero to one percent only. According to the Rastriya Bank inflation has increased by thirteen percent. Is it not the present government's responsibility to tame inflation? If this trend continues the population of the country will decrease by half.

**Shiva Raj Dahal**-It is the responsibility of the Commission to investigate irregularities. We will convey your suggestions to the concerned authorities.

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