

## **Our Land and Property Concerns in Draft Constitution, 2015**

### **Part 3 : Fundamental Rights and Responsibility**

#### **Existed in draft constitution**

#### **Article 30: Right to Property: (page no 10)**

Every citizen shall, subject to the laws in force, have the right to acquire, own, sell, dispose of and otherwise deal with property

#### **Proposed:**

Every citizen shall, subject to the laws in force, have the right to acquire, own, sell, dispose of and otherwise deal with property. However, the state will make provision to regulate land

#### **Why ?**

The use of land be limited provided it's viewed as an individual property. It will also prevent misuse of agriculture land by a person

#### **Sub clause " 6" to be added**

**Sub clause 6 :** Ensuring the right of farmers in agricultural land, a scientific land reform will be made in order to make social justice, increase productivity and for prosperity of the nation

#### **Why?**

Indication of land reform in constitution is mandatory since it is the base for the prosperity of the nation and there is no assurance of right to food and shelter of citizens guaranteed in the constitution without proper land reform. The historical injustices relating to the distribution of land be recovered.

#### **Article 31 : Right to religion :**

#### **Existed**

**Sub-article 2:** Every religious denomination shall have right to maintain its independent existence to operate and protect its religious sites, religious trusts in accordance with law.

#### **To be added**

Provided that nothing in this clause shall apply to manage farmers' right to any type of trust lands

#### **Why ?**

Since the religious trust represents lands as well, practicability is not realizing the land as subject of misuse by a person

#### **Article 42: Right to housing**

#### **Existed:**

The state shall not, except in accordance with law, deport or exile any citizen from their owned settlement.

#### **Proposed:**

The state shall not exile any land less squatters from their settlement without providing them with suitable alternatives

#### **Why ?**

To ensure housing right of weak and poor citizens by the state

#### **Article 45 : Right of Dalits**

**Existed**

Provisioning law, the state should once provide land to *Dalits*

**To be added :**

Provisioning law, the state should once provide land to landless *Dalits* that would be supportive to their livelihoods

**Why ?**

Since there is no use of tiny portion of land given to *Dalits*, which would again make injustice to them

**Part 4 : Obligations, Directive Principles and Policies of State**Policies of State ...**Article 55: Policy of State ....**Policy relating to land and agrarian reform**Existed**

(1) Realizing farmers' wellbeing, make scientific land reform eliminating the dual ownership on land

(2) Increase production and productivity of land by consolidation discouraging absentee landlordism

**Proposed :**

(1) Realizing farmers' wellbeing, make scientific land reform eliminating the dual ownership on land after establishing the rights of genuine tenants

(2) Increase production and productivity of land by consolidation discouraging absentee landlordism and ensuring farmers' access to agriculture lands

**To be added**

The trust land tillers should be provided with lands in accordance with law

**Why ?**

- in order to bring about meaningful conclusion to the land reform that hasn't been made for seven decades and more

- to avoid un-productivity of land caused by absentee landlordism

- since the trust land is being used by poor farmers, increase their access to land and thus productivity

**Policy regarding the protection, promotion and use of natural resources****To be added**

Foreigners and multinational companies would not receive any type of ownership on lands

**Why?**

There is a danger in Nationality provided the multinational companies are allowed to buy lands in Nepal, which has less agriculture lands and weak economic status. Nepalese industries cannot compete with them

## **Article : 119. Federal Consolidated Fund**

### **Existed**

Except for the revenues of trusts (*Guthi*), all revenues received by the Government of Nepal, all loans raised on the security of revenues, all moneys received in repayment of Nepal shall be credited to a Government Fund to be known as the consolidated fund

Provided that the revenues of any trust (*Guthi*) other than any private trust (*Guthi*) shall be regulated by a law made thereon.

### **Proposed :**

119. Federal Consolidated Fund:

- "except for the revenues of any trust (*Guthi*)" be eliminated
- "revenues of any trust (*Guthi*) other than" be eliminated

### **Why?**

Protection of private trusts by constitution, the state loses right to regulate private trust lands which is irrelevant

### **Reference:**

The Draft Constitution of Nepal 2072 (2015)

The Interim Constitution of Nepal 2063 (2007)