

Limbuwan Autonomous State A Proposed Sketch

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Introduction

Kirat Yakthung Chumlung is representative institution of indigenous Limbu people. The institution has been working for social, economic, linguistic, cultural and political development of Limbu people since more than two decades continuously. The institution had actively participated in the mass movement in 2046 and in 2062/63 for the establishment of the democracy in order to establish and ensure the rights of Limbu people. The sixth conference of Kirat Yakthung Chumlung was held in Jestha, 2063 in Damak, Jhapa in Limbuwan just after the mass movement 2062/63. The conference decided to concentrate total power and attention towards the establishment of Limbuwan ethnic autonomous state with the right to self determination during restructuring of Nepali state.

Kirat Yakthung Chumlung had launched people awareness champions in order to establish Limbuwan ethnic autonomous state with right to self determination. The programs were prepared after analyzing internal good aspects, weaknesses and external prospects and challenges of the institution. Various committees and sub committees were formed from centre to the district levels in order to achieve goal and launch people awareness champions. Those committees have conducted various programs in Limbuwan like trainings, assembly, literary and cultural programs, bannering, postering, wall writing, publication, and dialogue and submitted gyapanpatra to central levels along with interactions with political parties and their leaders.

The sub committee formed to analyze the circumstances during the people awareness champions for Limbuwan ethnic autonomous state had prepared the draft of this sketch. The draft was widely discussed in the conference of political parties and central level Limbu leaders in Dharan, Sunsari in 2064. Advice/recommendation from political leaders was inserted in the draft and copies of the draft were distributed among people and other stakeholders for additional reformations. Similarly, Kirat Yakthung Chumlung had presented this draft in internal discussion and district level leadership development trainings under the cultural champion for the establishment of Limbuwan ethnic autonomous state held in 2064, and 13th national council meeting of Kirat Yakthum Chumlung held in Ilam in Falgun, 2064 for further advice/recommendation. Thus, after various discussions and recommendations of subject specialists, political leaders, Limbus and the people of Limbuwan, the draft was finalized in 7th national conference of Kirat Yakthung Chumlung held in Myanglung bazzar in Terhathum 2065. This proposed sketch of Limbuwan autonomous state has been submitted to the constituent assembly as well.

Finally, thanks to those all who help and contribute to the preparation of the sketch of Limbuwan ethnic autonomous state which reflects the aspirations of Limbu people on behalf of Kirat Yakthum Chumlung.

Kirat Yakthum Chumlung
Central Committee

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Preamble

To end prevailing ethnic, linguistic, cultural, social, religious, class and gender discrimination keeping sovereignty, amalgamation and congruence of federal republic democratic Nepal inseparable.

To resolve problems/issues caused by unitary and centralized state polity through ensuring complete representation of caste/ethnicity and community at different levels of the state.

To consolidate norms and values of multiparty competition, federal republic polity, fundamental rights, civil freedom, free judiciary, rule of law, human rights, indigenous rights, and franchise and press freedom.

We, therefore, present the proposed sketch of Limbuwan autonomous state under federal republic democratic Nepal along with the right to self-determination through widespread discussion and consultation of indigenous Limbus and Limbuwan people for economic, social and cultural development of Limbuwan autonomous state in order to bring peace and prosperity in Nepal.

1. Name of the State

The name of state will be Limbuwan Autonomous State. Limbuwan is a autonomous state with freedom, inseparable, sovereignty, secular, inclusive and free of untouchables along with the right to self-determination under federal republic democratic Nepal.

2. Border of Limbuwan Territory

The border of Limbuwan territory includes:

- a. East to Sankhuwa, Arun and Saptakosho rivers,
- b. West to Mechi River and West Bengal and Sikkim of India,
- c. North to Bihar province of India, and
- d. South to Tibbat autonomous region of China.

The territory within these four directions is Limbuwan Autonomous State.

3. Language

1. Multilanguage will be adopted for federal government official language. Limbuwan will adopt Limbu, Khas Nepali or English languages in order to work with federal government or the governments of other states.
2. Limbuwan will adopt Multilanguage policies. Mother languages in Limbuwan will be recognized as state languages. The state will be responsible for preservation and promotion of those languages according to the aspiration of concerned communities.

4. Flag

The flag of the state will be constituted in order to reflect identity and representation of Limbuwan Autonomous State. The state government will prepare the flag of the state.

5. National Anthem etc.

National anthem, music, stamp, flower, color, animal, bird, game etc. of Limbuwan will be according to the decision of Limbuwan Autonomous State.

6. Citizenship

1. The people who have acquired Nepali citizenship according to the constitution of federal republic democratic Nepal before the establishment of Limbuwan autonomous state and the people who have acquired citizenship according to the law after the establishment of Limbuwan are the citizens of Limbuwan.
2. The people of Limbuwan who have acquired citizenship before the establishment of Limbuwan, have to take State Identity Card.
2. The people of Limbuwan who have already acquired Nepali citizenship have to take the State Identity Card after the establishment of Limbuwan. But they have to take the State Identity Card before they acquire citizenship since the establishment of Limbuwan.
3. In the case of indigenous people of Limbuwan, they can acquire their citizenship on the recommendation of their respective ethnic representative institutions.
4. Eligible person can acquire his/her citizenship both by his/her father or mother's name.
5. Dual citizen will be acquired on the basis of federal law. But the citizenship of another country should be given up to hold public post or appointment.

7. Religion

Limbuwan will be secular state. Every one is free to choose and practice any religion. But they should respect other religions. Any discrimination, detestation, insult and social untouchable system on name of religion will be punishable.

8. Division of Powers between Federal and State Governments

The following lists present issues of power sharing between federal and state government.

Federal list	State list	Common list
1. Security	1. Health	1. Megha electricity project
2. Foreign issues	2. Education	2. Highway
3. Monetary	3. Agriculture	3. Airport
4. Central bank and financial institution	4. Industry	4. Huge size mineral resource
5. International trade	5. State level forests, water resources, mines including natural resources	5. National park
6. Crimes related to these issues	6. Peace/security and police administration	6. Postal office
	7. Transport	7. National level irrigation
	8. Sanitation and drinking water	8. Information and communication
	9. Micro hydro project	9. High level education
	10. Alcohol	10. water resource
	11. State level mines and minerals	11. Criminal law
	12. State level development infrastructure	12. Faujdari kanun
	13. Art and cultural heritage	13. Dewani kanun
	13. Land reformation and management	14. Prison
	14. Trade/business	15. Economic and social scheme

	15. Livestock 16. High court 17. Thum court 18. Community court 19. Property tax 20. Treasury 21. Business tax 22. Transport tax 23. Local tax 24. Population management 25. Income tax 26. Crime related to these issues 27. Issues beyond federal and common lists	16. Labor issue 17. Social Welfare and Security 18. Population 19. Inter State trades 20. International water way 21. Film 22. National level education institutions 23. World heritage 24. Custom 25. Value added tax 26. crime related to these issues.
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The issues not incorporated in the list are under the jurisdiction of the state. In the lists of issues, if law or policy of the state contradict with the federal law or policy, the law or policy of the state will be declared invalid till the date of contradiction.

9. The Provision of Law

Limbuwan autonomous state in accordance with the constitution of federal republic democratic Nepal will form bidhan shabha or make provision to make and implement the law.

10. State Executive

Limbuwan Autonomous State will have an executive.

1. Head of the State

Limbuwan autonomous state will have a head of the state. The electoral college consisting of house of representative of the state, state assembly, autonomous region council and thum elects the head of the state.

2. Executive Power

- a. Executive rights of Limbuwan autonomous state will be vested in cabinet according to the constitution of Nepal and constitution and law of the state.
- b. The state cabinet will be responsible for direction, control and operation of polity/ruling system.
- c. The executive works of the state will be done on the name of state government.
- d. The state executive powers though not mentioned in the list of rights and common list, are rights of state.
- e. Implements the law passed by the state legislature.

3. Formation of State Council

- a. The chief minister will be the chief of state cabinet. The head of the state will appoint the leader of the largest party as chief minister.
- b. The state cabinet will be formed in the leadership of the chief minister. The state cabinet will be formed on proportional and inclusive representative principle. But the people beyond the legislature will not be incorporated in the cabinet. The chief minister will form the cabinet by not exceeding the number 11 including himself.

- c. Representation of certain percentage of indigenous limbus and other indigenous people in their ancestor land, Limbuwan is necessary.
- d. The tenure of chief minister and ministers will be of five years. They conduct executive works until newly elected representatives start to work.

11. State Lagisture

Limbuwan will have bi-cameral Lagislature.

- a. House of Representative; and
- b. House of the State.

Both houses will be equally powerful. The state legislature includes head of the state, house of the representative and the house of the state.

1. Legislative Power of State

- a. The state legislative power will be vested in the state legislature.
- b. The legislative power of the house of the state will be in accordance with the state list and common list of the constitution of Nepal for power sharing between federal and state governments; and if not mentioned in state list or common list, it will have legislative power.
- c. To constitute act and law of Limbuwan Autonomous state.
- d. To implement and except federal act on the basis necessity.
- e. To prepare budget of Limbuwan Autonomous State.
- f. To decide on implementation and abolition of tax in Limbuwan.
- g. To permit Limbuwan state government to take loan.
- h. To rectify or reject the amendment of the constitution of federal republic democratic Nepal.
- i. To make act/law to delegate power to autonomous region, Thum autonomous unit, village and municipality.

2. Formation of House of Representatives

- a. The house of representative will be formed on the basis of proportional and first past the post electoral system.
- b. The whole Limbuwan will be assumed as a constituency and 50 percent members of the house of representative will be elected through proportional electoral system in the house of representative.
- c. Altogether 51% members from indigenous people with ancestor land including Limbu people will be elected from the quotas of proportional electoral system and 49% members will be elected for proportional representation from indigenous, gender, class and region.
- d. Rest of the 50% members will be elected from the constituency determined along with the proportion of geography and population. The autonomous region with less proportion of the population will have at least one constituency. The legal provision based on inclusive and proportional theory will be made for candidates of political parties for first past the post election.
- e. Tenure of members of the house of representative will be of five years.

3. Formation the House of State

- a. a male and a female nominated by Limbuwan autonomous state through communitarian democracy under their own fundamental process and representative institution, will be the members of the house of the state.

- b. Some important people who have made contribution to the Limbuwan state, specialist, dalit, women, indigenous people, Madhesi and marginalized communities will be elected on the basis of single vote transferable system for the members of the house of representative of the state.
4. Qualification of candidates for the house of state
To be the member of the House of State the citizen must be:
- a. Citizen of Nepal
 - b. Citizen of Limbuwan Autonomous State
 - c. S/he must be 25 years old for House of Representative and 35 years old for the House of State
 - d. S/he must be able to read and write
 - e. S/he should not be disqualified by the law
 - f. S/he should not occupy the profit post.
- (Clarification: even the person, who occupies the profit post can be the member but such member of the state legislature won't get the facility of salary except the facility of the meeting allowance.)

12. Recall

- a. If the representatives elected by the people of Limbuwan through first past the post electoral system work against the state and the people of Limbuwan, can be called back on the basis of objective reality but requires to fulfil the legal process along with the signature of 51% voters. Such vacant post will be fulfilled through reelection.
- b. If the representatives of indigenous communities elected for the house of the state work against their respective community, can be called back on the basis of objective reality. Such vacant post will be fulfilled through their own process.

13. Voting Rights

The following citizens will have voting rights in Limbuwan Autonomous State :

- a. Citizen of Limbuwan; and
- b. Citizens above sixteen years.

14. State Judiciary

Limbuwan will have separate state judiciary. It will be the branch of federal court. The judiciary system will depend on judicial/legal pluralism. Fundamental judicial institution, custom and customary law of indigenous people will be accepted until they contradict with the universal principle of human rights.

Limbuwan will have the following courts:

- a. High court
- b. Autonomous Region court and Thum court
- c. Community court.

The state law can establish and form Nyadhikaran.

1. Power, Function and Duties of State Judiciary

- a. High court will be highest organ of judiciary in the state.
- b. The high court will observe and supervise all autonomous courts/self governing courts and Thum courts in the state.
- c. The provision of reappeal of the decisions of autonomous and Thum courts.

d. The high court will have the right to final decision besides the issues of the supreme court.

e. High court will be Abhilekh (Record) court

f. Right to final interpretation on act/law of the state will be vested in High State Court.

2. Appointment and Qualification of Justices in the State High Court

a. High court will have not more than five members including a chief justice.

b. The head of the state will appoint the chief justice and other judges of High court on the recommendation of Nyaparisad, (State Judicial Council).

c. The State Judicial Council will include chief justice of the state, law minister of the state, lawyer representing State Bar Association and law specialist and senior justice of the high court nominated by the law minister.

d. At least s/he should work for three years in high court to be chief justice. The person who has worked as judge in autonomous region court or as lawyer for twelve years with the name and fame as famous law specialist, is efficient to be judge.

e. The candidates of chief justice and other judges must be above 45 years and the tenure will continue until he/she is 65 years old.

3. Autonomous Judiciary, Thum Judiciary and Community Judiciary

The state will constitute an act for provision and establishment of Autonomous/Self-governed Court, Thum Court and Community Court.

15. Autonomous/self governed Region

Ethnic communities with clear historical territorial settlements like Lipcha, Yakkha, Aathpahariya, Lohorung, Yamphu, Dhimal, Meche, Rajbansi, Tajpuriya, Urav, Santhal, Topkegola and Walung will have the provision of autonomous region. The determination of autonomous regions will be done with the participation of concerned communities.

1. Power of Autonomous Region

Jurisdiction of autonomous region will base on the lists of autonomy.

Lists for autonomy

1. Health	14. Land reform and management
2. Education	15. Trade/business
3. Agriculture	16. Livestock
4. Industry	17. Autonomous region court
5. Forest	18. Community court
6. Local level peace security and police administration	19. Property tax
7. Transport	20. Treasure
8. Drinking water and sanitation	21. Business tax
9. Micro hydro project	22. Transport Tax
10. Alcohol	23. Local Tax
11. State level mines and minerals	24. Population management
12. Regional level infrastructure	25. Income Tax
13. Art cultural heritage	28. Crime related to these issues

2. Council of Autonomous Region

The autonomous region will have a Council of Autonomous Region.

3. Power of Autonomous Region Council

- a. The executive and legislative power of Autonomous Region Council will be vested in the Council of Autonomous Region.
- b. The legislative power on the issues mentioned in autonomous list will be vested in Autonomous Region Council.

4. Formation of Autonomous Region Council

The state legislature will make an act with the participation of the people living in Limbuwan in order to form Autonomous Region Council.

16. Thum Autonomous Committee

Besides autonomous region, the state will be divided into various administrative Thums on the basis of population, caste/ethnicity and geography. The commission will be formed to divide Thums. The Thum autonomous committees will work in each Thum.

Formation of Thum Autonomous Committee:

- a. The formation of Thum Autonomous Committee will be on the basis of indirect election. The chief and deputy chief of village/Nagar will elect the members of Thum Autonomous Committee.
- b. The members of the Thum Autonomous Committee one Thum chief and Thum deputy chief.
- c. Thum chief will lead the Thum Autonomous Committee.
- d. The tenure will be of 5 years.

17. Village/ Nagar Autonomous Committee

Every Thum will be divided into village and Nagar on the basis of ethnic concentration and geographical congruence.

18. Provision for parties

The Limbuwan state will adopt multiparty system. The political parties must be economically transparent and they must have their internal democracy insured.

19. Commissions of the State

The state will have the following commissions. The commissions will be free and impartial:

1. State Public Service Commission
2. State Election Commission
3. State Human Rights Commission
4. State Indigenous People Commission
5. State Dalit Commission
6. State Women Commission
7. State Authority Abuse Study Commission.
8. State Auditor General
9. The state can form other commissions according to its necessity. The state parliament will enact law for the commission formation process, function, duty and power.

20. Civil/government Service

1. Limbuwan Autonomous State will have two types of civil services. They are federal and state government civil services.

2. The staffs of federal government services will work within the jurisdiction of the federal government. An act will be constituted and implemented to select and appoint the staffs of the government service on the ethnic population basis.
3. Merely the citizens of the state will be efficient to be the staff of the state government service. But all the citizens of Nepal will be efficient for the specific government service.
4. During the consolidation of civil service staffs working in specific services to the state government services, the citizens of the respective state will be prioritized.
5. Limbuwan will have the provision of its own separate administrative and unarmed police.
6. The proportional representation of caste/ethnic communities in the state government services will be ensured.
7. The provision of the representation in administrative and police will be made through free competition under qualification system.

21. Representation

1. At least 50% of women participations will ensured in every sectors in Limbuwan.
2. The proportional representation of all caste/ethnicity, class and region in all state and local level political, administrative and other mechanisms will be ensured in Limbuwan except the place where indiginous people have privilleges/special rights.

22. Privilleges/Special Rights

- a. Indigenous Limbu and other indiginous people will have the following privilleges/special rights in Limbuwan:
 1. Kirat sirijanga script of Limbu language and other indiginous languages with certain tradintion and history will be adopted for official language and privilleges/special rights will be provided to these languages.
 2. The indiginous people have privilleges/special rights of preservation and consolidation including self management for the development of their language, script, religion and spiritual belief.
 3. The indiginous people have special rights to participate in every state and decision making level from their traditional and representative organizations with their own fundamental process.
 4. Indigenous people will have special rights for their cultural preservation and its consolidation and practice.
 5. The indiginous people will have collective and sovereign rights on land, territory and natural resources with traditional and cultural relation.
 6. Indigenous people will have the rights to revive their land and natural resources which were incroached upon against their consent. If they could not revive them, they will have the legal provision to acquire reasonable and complete compensation as soon as possible.
 7. If any issue and place with national and international importance of Limbuwan needed to name, that should be named in Limbu and local indiginous languages.
- b. Dalit people will have special rights in education, health and government services.

23. Financial/Economic Provision

Limbuwan will adopt mixed economic system. To make environment for the investment of Limbuwan people living in and outside Limbuwan will accept positive aspect of glovalization. The scientific and progressive land reforming system will be implenented by ensuring privilleges/special rights of Limbuwan indiginous people.

1. Limbuwan itself will implement tax. The government of Limbuwan will take and spend 75% tax revenue of Limbuwan.
2. Tourism will be developed as industry for major income source.
3. The state will adopt welfare policy to enable poor and poverty stricken groups.
4. The state will make major income source utilizing natural resources (water resource, jungle, minerals etc.) of Limbuwan.
5. The state will preserve and develop indigenous knowledge and tradition based skill and technology and transform them into industry.
6. The environment for developing/increasing modern knowledge, skill, art and capacity of all the people of the state will be created in order to develop human resources.

24. Education

1. The state policy must be to make compulsory education and free education up to secondary level.
2. They must emphasize on practical/technical education
3. The state must ensure the rights of teaching learning in mother tongues.
4. Language teaching department will be established in accordance with the aspiration of various communities under established university in Limbuwan.

25. Capital City

The capital city of Limbuwan will be fixed on the basis of the study on infrastructure, geographical congruence, historical issues including all possibilities.

26. Issues Concerning to Limbuwan State in Federal Government

However, foreign policy, security and monetary policy are under the rights of federal government, the provision the following issues must be made in the federal constitution.

1. There must be the provision for Limbuwan state government to appoint commercial and cultural ambassadors and have direct relation with foreign donors and countries and receive and give donation for the development with information to the federal government.
2. The federal government should include all existing languages in order to issue money.
3. The autonomous states will develop their relation on co-existing principle for their common benefit and development.
4. Limbuwan indigenous people will have the right to develop relation with their respective communities in other states of Nepal or beyond for spiritual, cultural, economic, social and political contact, relation and help.
5. There must be the provision for the people of Limbuwan for proportional representation in military service of the federal government. The head of the department in Limbuwan region must from the people of Limbuwan.

27. Non interfering issues by federal government

1. The federal government can't declare administrative work of Limbuwan state government unconstitutional on the name of constitutional supremacy.
2. The federal government can't interfere in working system of state government.

28. Interrelationship between Federal Government and Limbuwan State

1. The president and vice president will be elected from direct electoral system. The electoral college of both federal and state legislatures will elect both president and vice president. Both president and vice president will not be from the same state and gender. The tenure of both president and vice president will be of five years.
2. The power of judicial review will be vested in the supreme court.
3. The power of states including Limbuwan will be fundamental. The power of the federal government will be merely delegated power. Therefore, the power of federal government will be limited. And rest of the power will be vested in Limbuwan state government or the residuary power must be vested in Limbuwan autonomous state.
4. Tutionomous states including Limbuwan must have decisive role for the amendment of the federal constitution.
5. Federal Nepal should adopt multilanguage policies. The Limbu language in sirijanga script must be one among federal government official languages.
6. The Limbuwan state will determine the tenure of representatives in federal legislature from the state and the provision doesn't need to be similar to other states.
7. The federal constitution shoul ensure the provision of vito (special rights) for the representative of Limbuwan state in order to prevent constituting policy against the people of Limbuwan and Limbus.
8. The federal lagislature should have two chambers with equal power. The one chamber should include equal numbers of elected representatives of autonomous states. Another chamber should include elected members through proportional representation electoral system on the basis of ethnic population and direct electoral system.
9. However, the constitutional court/federal juduciary should have the rights to the resolution of case, conflict and dispute between federal and Limbuwan state governments and Limbuwan state and other states, such rights should be limited in the issues concerning to Limbuwan besides the issue of separation.
10. The centre must ensure proportional representation of the people of Limbuwan in federal constitutional and administrative mechanisms.

The End