The constitutions of Nepal : A brief Analysis

Introducing Nepal

1. In between two giant nation China and India Nepal having five step north-south staircase with compassing landscape lush tropics and arctic tundra into an amazing small span facing south-side in the northern hemisphere ; incredibly variety of ecosystem consisting terraces, valleys, forested hills, steamy bushes, frozen peaks and high altitudes hills ; unique tropical flowers, herbs, flora and fauna, antic minerals, traditional but scientific farming and living styles, unique culture; diversity of ethnic groups, castes, sub-castes, kins, tribes, cultures religious faiths and languages bound to be true somewhere is a sovereign independent nation unique in the world. Nepal, is also known as a country of diversities, inquisitive and wonders amidst the world community.

2. In Moran's word– "Democracy is what people want. Exactly what's meant by the term is unclear. 'Democracy' is the code word for the good. The best democracy is that which governs the best. It can be used to advocate freedom of speech or a half day off from school for protesting students." "Nepal's fledgling democracy is still facing serious challenges among them a horrendously low standard of living, a feeble economy, governmental corruption and a burgeoning population with growing expectations[1]." In fact Nepal is the only country that has been successful to protect and preserve the only scientific and true Vedic civilization and culture from the terroristic influences of Muslims and Christians' colonial rules around Nepal. Nepal, after India's independency is now suffering more

1. Kerry Moran, Nepal Handbook, Moon Publication Inc. 1991, pp.39-40.

and more from the habitual attitudes borrowed from the destructive Muslims & colonial Englishmen.

3. Nepal is still determined to protect its sovereignty and independency continued from Vedic civilization and culture, inherent in its mind and soul. At the same time it is convinced to protect and progress it permanently without any hurdle and hurt to the sovereignty, independency and national integrity of Nepal. It must be very prosperous to the use and development of the natural resources of Nepal to the benefit of its inhabitants.
4. A powerful framework to promote the welfare of the people by creating a democratic, just, dynamic and exploitation free society by bringing about harmony among the various classes, groups and levels of people keeping in view the greater interests of the nation. Now the political elites influenced by the aliens under four stooges the materialistic education, ***nastik*** communism, conservative Muslims and the Christian capitalism. They are likely to control the economic powers and lead to sabotage the scheme of decentralization and to the people at grass-root level and people's power to recall their representatives. In absence of class coordination and consensus and presence of party conflicts the future of development both industrial and agricultural are likely to suffer setbacks

   Unless the political system is structured in various organizational system and sub-system, the economic development as expected by the people can never be met.

The Constitution:

1. Human being among the beings is different to work/manage by using its intelligent. However, it finds easier in imitation than in creation. Human's brain capacity is huge, it can store everything we find in nature. The skill given by nature to human beings is so much audacious that it can perform numerous activities that neither of living beings can do. However, such activities of human should be regulated by certain rules within the peripheries of the specific rule of nature. Such rules are equal for all. That is why; in *Sanskrit* it is called sama*+bidhan* (equal-rules). The word represents as Constitution in the western world.

2. The definition of constitution in the oriental society and the western one is different. In Vedic civilization *Sama* plush *Bidhan* i.e. equal rules to all (living beings & ***pancha tatwa***) is in wide space in the *Brahmanda,* whereas in the westerner's definition it is a master rule made by the people for mankind. The word 'constitution' is derived from the word 'constitute' which means formally establish, give legal form or establish by law. Hence, the constitution manages for peaceful transfer of power from one government to another without any bloodshed. Considering this fact, Britain did not even draft a constitution. Britain solely depended upon the laws, the legislative passes and amends through simple majority. This flexible nature, in fact, gives the real meaning of the constitution. Contrary to the meaning of the constitution, the 2047 constitution is rigid and does not give the meaning as expected by the term 'constitute'. So are some articles in the constitution 2015. The constitutions of Nepal mostly hurdle the spirit of the meaning of the constitution. For, as emphasized in the *Hindu* philosophy, nothing is unchangeable, none perishable except the one the eternal divinity, the spirit. A struggle by the people for true democracy in 2006, the interim constitution was framed for making a democratic constitution through constituent assembly election / referendum by participating by all adults of all sections of lives.
3. The constitution is the law of the land. The law is the origin of social peace. The value of social peace in any part of the world or of a nation can never be denied. It can never be a person inherently superior and do what it likes in any system in the world. Its implications can be judged by experiences. For example, the expectation of the people before the Constitution of the Kingdom of Nepal–1990 was almost opposite in 2006. People care only when the ruling government violates the legal priority ground, moral & customary grounds. Then the people rebel to the law of the land. There is little chance in Vedic System to do so. The citizens of the nation are the true maker of law.

   The party system originated from the west, usually tussles when their interest are conflicted mainly in sharing of power by the

parties. This tendency ultimately spoils the existing system and itself could not find the right one, and the country suffers, progress is ruined. They may yield to force or to fear. The people accept because they do not understand or have no subjective choice to select right one they like. In such situation, the law protects to the authority which is surrounded by a penumbra of anarchy.[2] Law, therefore is to make its way to acceptance through the channels of the minds of the people.

4. The constitution in any country, define its nature, specifies the forms and structure of the government, distribute the power between the different organs of government and the constitutional bodies, make political and administrative arrangements intending to function through systems and minimises political appointments and maximizes major decisions through referendums.
5. Constitution as Restriction is common. The state not having any constitution rules arbitrarily or despotically is only possible with the development of constitutionalism to control the despotic rule. According to Prof. Rockwell conceptually conceptualism means essentially limited government, a system of restraints on both rulers and ruled. Regardless of the actual form or effectiveness of restraints, it assumes limitations on governments as opposed to arbitrary government.[3]
6. As the constitution of any country is the law of that land, it is neither a common rule to be amended very quickly and of no rhyme and reason nor it is drafted with a hint to make the gorge exist in favourable condition nor to divulge the gorge in adverse situation by any government.
7. The constitution is also the fundamental law of the state, expressed in a definite rule of action or in an aggregate of laws and political practices, which have been sanctioned by time and long usage. The constitution law is a branch of public law, which determines the political organization of a state and its power, while setting certain substantial and procedural limitations on the exercise of governing power.

2. Harold J. Laski, A Grammar of Politics, Unwin University Books, Fifth Edition 1967, pp.249-250.
3. Roucek, Haszar and Associates, Introduction to Political Science, T.Y. Crowell Co, NY 1954, p.119.

8. **Constitutionalism survives in true practice of Constitutional norms and values not in mere words.** Britain is found to be truly Constitutionalism and even without written constitution. Constitutionalism can be effectively followed. Constitutionalism is not bounded in mere rules and provisions of Constitution but it extend to the fundamental principle of Constitutional law, its foundation, philosophy and background. So, allowing Press Freedom and independence of Judiciary in Preamble of Constitution but restricting their power through mere Statutes of Parliament is totally unconstitutional step seen in Nepal. And this is called statutory corruption where men in power corrupt by framing law in their favor or misinterpreting law formulated by them. Making promises at election and creating an illusion in people by disintegrating the cultural practices, language and religion in the name of several Commissions is Fraud, is against the rule of nature and rule of law (***Vidhiko Shashan***).

The Types:

1. Commonly there are three types of constitutional laws existed in the world. First, comes Informal or unwritten constitution, e.g. the constitution of the United Kingdom. It is both the law of the constitution and the convention of the constitution. Second, type of the constitution is a formal written constitution. It is a practical documented, basic law of the land. The process of amendment of this type varies greatly. Thirdly, constitutional law with judiciary interpretation as of the constitution of the United States of America. The constitution is a supreme law and the federal judiciary has been expressly granted jurisdiction over all cases.
2. There are constitutions written and unwritten. Many countries have written constitutions and very few have unwritten ones.

   The constitutions also can be categorized as federal and unitary. In most cases the larger countries in size have federal constitutions and smaller have unitary.

   The constitutions are also categorized into flexible and rigid ones. The term 'rigid' is usually applied to constitution that provides long and difficult process for amendments. Where, the constitutions can be amended by merely parliamentary

majority is considered flexible. For, example the UK constitution is flexible whereas the American constitution is considered 'rigid' one. Europeans have flexible' and Indian one is mixed. However the constitutions, of course, are not made self enforcing and self-interpreting.

3. The Subjects of constitutional laws mainly are: the determination of the structure of duties, privileges of the constitutional bodies. It includes the definitions of the constitutional bodies implored, and method to be exercised the power. It distributes the powers to executive, legislative and judiciary.

   The constitution creates situation of a sphere of individual liberty. It includes the provisions for making the changes (i.e. amendments) to avoid the risk and dangers of revolution.

   The constitution provides provisions for policies in education, patient, copyright, armed force, corporations, and public debts, rules of judicial procedure, administrative procedures, taxation and official salaries.

   Countries having federal form of government, there are two bodies of constitutional law, namely the central in scope and state to accelerate the pace of development. The former being permanent to the latter in case of conflict.

4. The municipal law is the law that applies within a state is normally divided into private law and public law. The private law regulates legal relations between individuals and the public law determines the organization and functions of a state, regulating both the relations between individuals and the state and the relation between the branches of government.

5. The constitutional law is different from statutory law. Fundamental law determines matters basically in geo-political doctrine while statutory law applies those basic fundamentally to specific category. Constitutional law is always superior to other types of municipal law, both public and private.

   Constitutional law is a separate and distinct body of jurisprudence. Its prescriptions take precedence over all statutory enactments in case of conflict between two. Constitutional law differs from statutory laws in its source and method of enactment.

Statutory law is enacted, amended and repeated by the legislation in routine way while the constitutional law is enacted or changed either in an ordinary manner, legislative body or by extraordinary body or referendum as designed in the constitution.

Constitutional law differs from international law in being wholly municipal in character and administrative law regulates only in general way, leaving the details to be regulated by the rules of administrative law.

The Sources:

1. Different countries have different sources of constitution. The common sources of the constitutions are:- the legal rules; conventional rules; opinions of experts and the historical perspective of the land.

2. The sources of the constitutional laws in Nepal are: *Muluki Ain* (civil code) 1910 BS; *Nepal Sarkar Baidhanik Kanoon,* 2004 BS (first amendment); Acts Concerning Fundamental Rights, 2005.12.30; Individual Freedom Act, 2006.06.02; Interim Constitution 2007 BS, (the second constitution which declared for an election for the constitution assembly on 2010.10.07. including the draft of the constitution drafting committee; the constitution was ratified by the then cabinet; and was proclaimed on 2015.11.07, the third constitution, the Constitution of the Kingdom of Nepal.

Similarly the *Gadhi Ain*,1905 BS. *Shravan Vadi; Rajkaj Ain,* 1945 BS. *Shravan Vadi* 30; *Panchayati Adalat Ain* 2006.06.09; Emergency *Akhtiyar* Act of *Badahakim* 2009.07.17; Nepal Supreme Court Act 2009.01.26; Nepal Citizenship Act 2009.01.26; Dissolution of Advisory Assembly Act 2009.05.28; Citizen Rights Act 2012.07.01; People's Representative Act 2015.02.19; Act concerning *Raj Gaddhi Uttaradhikari* 2015.10.19.; The Supreme Court Act (amended five times); Act concerning Press and Publication 2019.09.29; Supreme Court Act 2019.12.30 and Nepal Citizenship Act 2020.11.16 etcetras are also the sources of the constitutions of Nepal.

The Constitutions and Democratic Principles

1. The democracy and the constitution is complement to each other. Constitution is a process for peaceful transformation of power. It is the supreme law of laws, rules, customs & traditions. It is to protect the rights of the people of the land. Rules as per the will of the people are called Democracy.
2. The concept of democracy in the oriental Vedic civilization and the western countries is different. The word democracy is formed by two words *Demos & Cracy* i.e. rule by the people. While the word Prajatantra is formed by three words *pra+ja+tantra. I.e* rights of all the living being born in nature including human being and the *Panchatatwa* is to protect by the mankind. And such rule is *prajaatantra.* For the first time in Nepal when Rana regime was ended with a revolution and democracy was introduced in Nepal in 2007 B.S. was under the western influence. Therefore referendum for the major subject and referendum for the forthcoming issues in the constitution will only carry the spirit of democracy, which is never practice in Nepal.

Development of Constitutions

1. Nepal, from time immemorial had been ruling under the Vedic principles of oriental civilization. It was not penetrated by the western type of politico administrative system even India was under colonial rule by Muslims/Christen since 629 to 1947 AD.
2. Initially, the First Constitution of Nepal i.e. **Nepal Government Act, 2004 B.S**. was promulgated by the then PM Padma Shumsher in 2004 bs. Before it could fully implemented the western influences overridden it and was made defunct due to Lineage rule by Rana was to be continued. Soon an interim Constitution was framed and promulgated the '**Interim Government Act, 2007**'. It could work for hardly 8 years and Nepal formed a new Constitution named **'Constitution of the Kingdom of Nepal, 2015'**. The Constitutional Drafting Committee along with the help of Constitutional expert Sir Ivor Jennigs (British expert) and other experts mainly from NC party drafted it. It was a British type of constitution.
3. Due to political turmoil neither the permanent policies were formed nor were the constitutional principles practiced. It laid to Government instability and progress obstructed. India was

aiming to making Nepal a protectorate country like Bhutan. Indian military check posts were posted in 18 places to its northern border and Indian Millitary force was taken inside Nepal pretending controlling Dr. K.I. Sing's revolution, in an internal matters. King Mahendra had to declare emergency under article 55/56 of the constitution 2015 B.S. It was just to protect Nepal's sovereignty, independency and democracy. King Mahendra was compelled to declare emergency. After three years of its emergency he introduced Partyless Panchayat form of Constitution like in Nevada state of USA i.e. **Constitution of Nepal, 2019 B.S**. It could work for 30 years, the longest survived Constitution of Nepal. When the multiparty system was restored in 2047, again political instability continued and without any amendment of **Constitution of Kingdom of Nepal, 2047 B.S.**, a mere revolt took place that gave rise to a new form of system of Government by introducing an **Interim Constitution of Nepal, 2063 B.S.**

4. When there was a great pressure mainly from India and missionary supporter western countries King Birendra declare for referendum whether to continue *partyless panchayati* system or change to multiparty system. The victory was in favor of *partyless panchayati philosophy* in 2037 bs. However king Birendra amended the constitution to ease India and west. In my opinion, that one is also a separate 5th constitution in the series, after referendum in 2037. In fact this one is the genuine democratic/*prajatantric* constitution made by the genuine people by means of referendum; no where found in the world except in Vedic Civilization. This was the most democratic constitution which must not have been changed by any power/ force without the general will of the people by referendum of same category. This most democratic constitution could work for 10 years. In 1946 (1990), when Russian one party system collapsed, the world became uni-polar. The king Birendra was so highly pressed, he even could not ventured for referendum, instead declared multiparty system. The agitating parties of Nepal, as the agent of one sect of India and the materialistic Western Christian countries were pleased. Because , Nepal's parties are still backed by them. A constitution framing body of all parties was formed and within a year a new constitution called the Constitution of the Kingdom of Nepal was framed

and implemented. The major change in this constitution was that the King willing accepted to remain as the constitutional king of Nepal.

Rule of Law means every actions of Government and citizen in accordance with the laws of the state, is indeed, in accordance with law of nature. Since Constitution is a fundamental law, every Governmental and non-governmental action should be in accordance with the existing Constitution. When we observe the Nepalis practice, not only law even constitution is violated by the executive several times. e.g. the constitution 2047 bs has four non amendable points.

All of a sudden the parties of Nepal demanded new constitution in place of the 2047 constitution claimed by those parties as the excellent constitution in the world. It was due to Indian pressure. The Missionaries had supported to India and the Guerilla/terrorist/ *Nastik Maoists,* sheltered in India, was due to the quisling principle which usually westerners do so .

Then the 1990 constitution was aboluished and an interim constitution 2063 was drafted and implemented. This constitution had single agenda; that was supposed to conduct election for Constituent Assembly through which a new constitution was framed and implemented. This one was non amendable interim constitution 2063. Unfortunately this was amended several times against the spirit of democracy.

5. The constitution of Nepal 2015 (2072) though called it the only people made constitution, was highly ragged, commented, criticized and even burnt on the same day of its declaration. It is a collection of all abnormalities, collection of the views of all people including all contradicts, over three dozen Human rights that are neither implementable nor incorporatable. The genuine voices of the people collected in two days only, are packed in sacks and rejected. In them include rejection of Federalism and Secularism. However, the present constitution does not bar for referendum to each article of this constitution, but the government in power does not like to do so. Hence, it is no more than the task of an elephant.

6. It is a Constitutional practice that when the fundamental structure of the Constitution needs to be changed then the major debates are ended up. But the major features such as Republic, Secularism and Federalism were introduced by mere

decision of cabinet which is solely unconstitutional and beyond the theory of Constitutionalism. Although the suggestions were collected for newly promulgated **Constitution of Nepal (2072 B.S.)** but they were underestimated.

Rule of Law and Constitution Making:

1. While the constitution is the rule of rules ratified by the people, however the present one is against this concept. It was almost a fake constitution, passed by party whips, always being beyond the public reach. It is a showcase constitution made for those aliens who had helped them to do so.
2. The arbitrary act of the then Constituent Assembly in extending its tenure for twice was without the concept of the people.
3. The Head of judiciary and the head of Council of Minister was same man, acting against the constitutional norms of separation of power. In deed it is undemocratic and ridiculous act in the universe.
4. In reality the existing constitution was ratified & promulgated by the three top party leaders only. It was in the sense that these parties consider people to those who hold party membership.
5. The constitution centralizes all power to the executive, against the principle of separation of power. As legislative is controlled by whips, the judiciary is controlled by impeachments. When such actions are checked by Judiciary, Judges are impeached by Parties. Similarly, no independent power is given to no constitutional bodies. They all must act as a per the wish of the PM/Minister/party chairman. The quality/ qualification and other basics are prepared in such a way that no man having gots and qualification can fit to the post.
6. The whole constitution Intends in involvement of Government in corruption of power, money, and authority. The law making power under it and the huge process of political appointments under it makes a jargon of Corruption everywhere. These all processes end up the notion of rule of law are in verge of extinction in Nepal.
7. In a democratic country the government cannot withdraw or reduce penalty in case of Criminal law (*phaujadari cases*) under

jurisdiction to executive. Nepal is opposite to it. It means government promotes/protects criminals, criminal of all types, collects money and invests it for election and makes a plan always remains in power. There are hundred of such cases as every lawyer knows all detail. The bigger the killer is safer to punishment. There are ample examples since 1990 onward who were given Pardon by President although declared criminal and awarded life time imprisonment, double trible life time impresenments by the courts(s). As per Article 276/292 of Constitution even Chief Justices are threatened in the name of Parliamentary Hearing. A full dependency of Judiciary in Government for financial activities shows the crisis in independency of Judiciary. Constitutional provisions are being underestimated by the law makers themselves.

8. For the implementation of Constitution many new laws are being made and some of them are being followed by the disputes. Most of such laws are unnecessary, contradicting making heaven to the lawyers and unnecessary burden to the people. Also new Civil and Criminal Codes have replaced old general Code. But there are many problems that are being faced by Constitution as Federalism is being more complicated. Those laws have crossed the independencies of Judiciary and rule of law being threatened at many times in any cases. Dissatisfactions and the symptoms of revolts have started, dozen fractions of the ruling communist parties are against of government and underground armed revolutions are also going on. It is ever instable even in the third majority.

9. Federalism is an unwanted subject of the people; imposed as per the guidelines of the alien elements. The interest of the parties is to provide jobs to its second category, what they call it full-time workers. Federalism is a superfluous body to the nation, an economic burden to the commoners, a lump hanged in every body's throat.

   The financial burden upon the commoners is so high and the implementation of the new codes will further increase this burden year by year, till it leads into separatism or into merges / submerges.

   Generally, a country is made federal in two conditions. The first, if a country is so large that it cannot be regulated from center, the other reason to create Federal is when two or more

independent state agreed to join each other making a single state. But Nepal's situation support neither of reason. In only one condition Nepal can enter into federalism i.e.in case of return of the lost territory of eastern and western Nepal from Tista to Sutlej. In that case, Nepal can adopt federalism with three provinces. But the present Constitution has adopted Federalism against principle of federalism and jurisprudential norms and values.

10. Local Self Government in Nepal is an utmost necessary unit. It is unique to harness family position card & all type of statistic, updating every day. It can solve all day today problems; search a full time job to match to every individual and all types of local development on the local demand. Thus this unit helps guide to suffice the whole nation without alien aid. By the influence of westerner materialistic Macaulay educational concept the Vedic Panchayati (localself system) have been misutilising due to imported feudal mindset. This is due to lack of sufficient trainings and discussions spoiled & destroyed by both Mulims & Christians since 629 to 1947 ad. The division of the area, location and population after 2015 constitution has been most unscientific spoiling the local areas.
11. Federalism, Secularism and Republicanisms, ethnic reservations, all are made without Main National Policy. All these things are against the demand of the social norms/values and against the geo-politics. All those imported things are in the interest of R&AW and Christian interest so that Nepali can be use to divide and rule in any way, any time they like, e.g. Christianization/border encroachments. Whatever such changes are made are for the foreign interests. Every one now can judge by The RAW invasions & a Holy-wine scandals.
12. *Muluki Ain,* 2020 was replaced by five new Muluki Codes i.e. Criminal Code and Criminal Procedure Code; Civil Code & Civil Procedure Code. The codes, however, have not been received well by all sections of the society. It has raised fears and concerns about freedom of press, national heritage, culture & civilization through the Guthisansthan accests trying misused as per will of Christians.

    If the government, not realizing these events now, continues its whims, nation will face the serious challenges in near future. With an effective implementation and resource mobilization

strategy and a strong will to improve the Nepali legal system, the whole changes made so far have to reverse to the tune of Vedic politico-administrative civilization.

13. Politics including Economic & administrative policies are changed as per the will of the people of the land, however in case of Nepal they are changed as per the party leaders whims/ wish directly or indirectly. Constitutions in Nepal are not made for sustaining policies of a state consistent. Nepalis Governance system is guided by individual rulers rather than policy-guides. An individual acts are the key factors of the system in Nepal rather than sustainable national policies and principles that are based on geo-physics of Nepal. That is why ministry try to grab ministers that has bigger budget.

14. Part 20 to Part 30 of present Constitution has made provision of several Commissions, not found any where. These Commissions are in the name of caste, religion, tribes, gender; geography, language and so on. The target of which is to diminish the people's integrity & humanities remained since Vedic ages. Madhesi Commission is supposed to rise disputes between Madhesi and Pahadi and divide nation into two big fractions, several time killing each other. Tharu Commission has rose disputes between Tharu and non-tharu, Tikapur event is the glaring example of this type. Dalit Commission has rose disputes between Dalit and non-dalit; untouchability, main curse remained in them, was almost removed in 1964, have now revived. It will never come to an end till the present constitution exists. Women Commission has rose gap between Men and Women fighiting between husband and wife, family members, isolating olds and children. AdibasiJanjati Commission is a nonsense one. All Nepalis are always Aadivasi. Nepalis are never dominated by Whites as in America over Red Indian or in Oceania over Aboriginal or over on blacks in Africa. All people residing in Nepal from million/ trillion years all are Adibasi. This game has helped to hide the newly imported 10 million Indians nationals after 1990. Citizenship provisions recognizes the Indians living in Nepal as Nepali within very short period of time. Thus, the present Constitution of Nepal passing through Undemocratic process, Fraud in People's Vote is the outcome of all these immoral activities. Hence, this Constitution has no long existence, either by people or by the

time itself it is going to be revoked sooner or later. Every provisions of the Constitution of different Countries of the world and different ethnic groups, which part individual leaders thinks have been inserted without any test, have been incorporated in this Constitution. But the real need of Nepali land has been underestimated.

15. Provision of Fundamental Rights in present Constitution is so much bulky that they have been incorporated in Constitution without any logical reason or without mentioning minimum infrastructure to accomplish such Rights. These are general policies which need to be kept under Directive Principles of State but are kept under the chapter of Fundamental Rights without considering the notion of Fundamental Rights. Fundamental Rights need to be provided to the people from very next day of the implementation of Constitution but they are kept as showing teeth of Elephant. Most of them are never applicable. For example, when one third people of Nepal are out of country in search of jobs for livelihood, trade balance is in alarmingly in deficit every year, national productivity is declining every year the constitution guarantees of full jobs to all nationals or pay them compensation is no more than a mockery.
16. The division of power and responsibilities, to carry on, is not specific. Different levels of Government have been assigned with different powers which are complex to determine what sorts of power to what extent is provided to them. Most of them are overlapping to each other and creating disputes among themselves. Procedure of exercising the federal powers, provincial power and local power is not clearly mentioned. Hence, the concept of good governances and appropriate uses of economic, political, judicial functions are spoiled, handicapping all sorts of developments.
17. There are two ways making Constitution by people in Democratic manner. The First one is to submit views by all the people who like to amend the Constitution drafted and published by the state e.g. the constitution of the kingdom of Nepal 1990. The Second way is to draft and finalize the constitution by the elected members of the Constitution Assembly e. g. the Constitution of Nepal 2015. The second one is to pass the provisions of Constitution by Constituent

Assembly and it should be accepted by all people. The second one is a traditional process of the west while the first one is direct exercise of the people in majority.

18. International Jurisprudential Practice is that if major decisions have to be passed in Parliament then the provision of issuing whip by the leader of certain Political party or Parties is not accepted. The Whip system, at present world can be issued by the leader of Political party in deciding major issues in the parliament but not in case of framing Constitution by the member of Constituent Assembly, by it was practiced in Nepal in making constitution of 2015. The members of Constituent Assembly, as members of parliament are not bounded by whips or party cadres. Unless they view independently they cannot cope with the views of the people of the constituency they represent. The present Constitution of Nepal, had issued whip several times. This step, taken during this time, means purely undemocratic/dictatorial practice.
19. When we observe Constitution making process around the world, most of the countries follow the Vedic concepts of Prajatantra. Regarding the evolution of written Constitutional process in Nepal, it has made almost eight Constitutions in 66 years under the Western influences and pressures. Why Constitution is changing in Nepal so fastly, have not been judged so far to find the factual reason rather than following the orders of aliens.
20. The main source of making the Constitution 2015 was its guidance and source by the Missionary of the West wings, the R&AW and CIA. The main decisions held in Constituent Assembly, were guided by those factors. The big defect seen in present Constitution by Foreign influence is that there is maximum chances of creating disputes among Nepalis and breaking a long historic harmonious and integrity between them, commonly known as Unity in Diversity as a characteristic of Nepal.
21. This Constitution has kept the Judiciary as a department of Executive. Controlling every judge through the mechanism of Judicial Council, Constitutional Council, and Parliamentary Hearing and Impeachment motions all are under the dominations of executive. Due to which easy and fast access to justice is denied and if the high profile are involved in

corruption and crime, their cases are delayed to decide after 20 or 30 years or giving pardon to them from executive to President with intention to protect the Parties cadre from being punished.

22. Even the Constitutional Organs of the Constitution are not free. They are regulated in such a way that they are to be run as per the order of the Prime Minister. If Prime Minister thinks that election is not in favor of him, he can order Election Commission for Re-election. If the report of Human Right Commission is not in favor of Prime Minister or Parliament then such report is not accepted and no cases are trialed even suggested by Human Right Commission. Likewise, provisions of appointment of head of Constitutional organs are made all in favor of party in Government. The existing Constitution has given the authority of tyrannical rule to the Government which is undemocratic and unethical.
23. Federalism, under Divide and Rule policy of Europeans, has been successful to bring disputes in family members by introducing of different sorts of Commissions and caste-based discrimination. The system of Federalism is designed in such a way that incapables are put at the apex bodies. Election system is designed in such a way that majority of votes are considered useless and minority are at the ruling position. Minority votes in Parliament are ruling over majority votes. The local election at the Chitawan district during premiership of Dahal can be citing as a burning example.
24. Local levels are increased in such a way that we cannot find any reason for making the local levels over 7 thousands in number in an age of highly developed stage of transportation and communication. It is completely illogical. Without any study and observation, the local levels are created haphazardly. A study has proven that Nepal is in need of 2523 local self government each rural unit having 9 wards and more to the requirement of area and size in case of municipalities. Wards are made in huge number with no justification. There is not any system to regulate, supervise and monitor, harness local resources and utilize them, record and regulate them regularly.
25. An other defect of present Constitution is the incorporation of Secularism, without knowing the genuine meaning of Dharma and religion. Hindu Kingdom was not a part of religion but a

lifestyle under Dharma, that is common to all human being, *panchtatwa*/nature & all living beings in the universe. Its culture, traditions and norms and values were followed from a long time since its creation; that had been being unified with harmonious relation and integration as *aatma* common to all living being. We have lost our identity of cultural values and traditions and cultures. We have been nowhere now.

26. We have also ended up of our every household's self sufficient organic and fresh food system, inviting hundred of dangerous diseases, thus spoiling our self sufficiency economic structure under the Vedic communism. Our culture is developed with sustainable organic farming. Now there is no roadmap of self-sustainability from Centre to Local Levels. It is spoiled, due to import of materialistic consumerism of the west. Now we have no proper planning of generating economy to run our system, and no proper planning to provide employment to all the people of Nepal. Now the country is facing a huge debt 7 poverty due to draining our money by the multinational companies of the West. Developmental Activities has gain no priority and the local structure have been the best tools to promote corruptions.
27. Nepal is only a state in the world that requires two-third of its total budget just to meet the regular budget. A good governing country is that which spends less than 35% of its budget for regular expenses. If the country consists of full aware citizen they would not pay taxes to the government. The present Constitution Eighth in its series is the outcome of the changes seen after restoration of Multi-party system in 2047 B.S.Restoration of Multi-party system in Nepal is imposed by India and the Christian countries of the west imposing to the Party leaders of Nepal.
28. No European Christians had influences in Nepal upto 1990s in Nepal. Even, King Birendra introduced a Referendum in 2037 B.S. just to control the western influences and Peace Zone proposal just to control Indian influences. Majority people voted for partylessPanchayat system and the then Constitution of Nepal, 2019 was ratified by majority of votes. King showed not only to the India but to the world that Panchayat system was a system of its own origin different from capitalism & Communism which was liked by Nepalis without outer

influences. The Partyless Pachayati sytem was justified through Referendum.

29. The proposal to declare Nepal as Peace Zone by King Birendra was supported by 116 major countries of the world but it was only India who didn't support the proposal. Nepal could showed its identity as an independent sovereign country to the world once again. India wanted making Nepal a weak nation as the protectorate state within its sphere of influences finally could succeed 1n 2006 by ending up Kingship. For that it had been trying for several times, in 1961, in 1989, 1990 and 2006. Since the Movement in 1990 was being headed by India through Nepalis Party leaders in front and without any democratic means Constitution of 1963 (2019 BS) was abandoned and new Constitution was implemented in favor of India.
30. Under the Nehru Doctrine, supported by Ballav Bhai Patel, the northern border of India was conceptuated as the Himalaya Range, the hangover since British rule is still there. Besides, Nepal is reach in water resources, next to north pole, can fulfill the demand of South Asia for irrigation, hydro power and other uses. Herbs of Nepal are unique and of topmost quality. The second reason of influencing Nepal by India is to control Nepal's Security and International relation as she has done in Kashmir kingdom, Sikkim and Bhutan. Nepal has protected its sovereignty by fighting with Muslim British colonials, it doesn't want to compromise with any countries of the world in case of sovereignty and independency. Vedic Hindu kingdom of Nepal reigned by Kings of Vedic *saamyavaad*, is the only kingdom in the world. It never acted in the favor of any country beyond the Vedic civilization. This had made India upset and with hook or crook it wanted to end King System in Nepal by introducing its commandable Political System so that it can fulfill its interests through them. India through RAW, has been still expanding its activities all over Nepal in every micro management. The Party leaders are still dancing in the tune of them.
31. Western Christian world is still to end up Nepal to a long integrity of Vedic Civilization popularly known as Hindu Kingdom. Christianization is to spoil up the residue of Nepali harmonious relation. They formerly end up Kingship, the gravitational power of Nepal and then do whatever it likes.

Naxalists & Maoist made its main agenda of Caste and Conflicts to ease India and the West. Christian Machineries supported the movement and Secularism was forcefully introduced, without any consent of a single Nepali. Europeans had concluded that Secularism was not possible unless they end up Kingship of any type. Even constitutional kingship was ended up by many means and tools of international standards. Besides Christian Machineries, even CIA, UNO tools also involved in introducing secular federalist republicanism in Nepal. Nepal's political system was trapped in this kind of foreign activities which was against Nepal's interest. Yet India's interest is not ended up, the hard days are ahead.

Analysis

Eight Constitutions in 66 years

1. Any constitution expects rationals, wisdom, skill, ability, tolerance above all all-round development of the nation. Disappointment can be had those constitutions.

   While looking after the references of the constitution of Nepal is in the tug of war between the efforts of moving ahead by the glorious, fundamental indigenous need of the country and external neo-colonialists. That is why Nepal had to prepare eight different constitutions in 68 years. In an average one constitution could work for 8 years and 6 months. This is unique record in the world. While USA is working for two centuries with the smallest constitution of the world and India with its largest constitution for seven decdes; at the same time Nepal has made and applied eighth different ones.

   The 2004 BS Constitution was said to emerge to suit with the soil and tradition of the land, however, it was not as per the will of the people. It could not survive because it was drafted to suit the vested interests of the autocratic *Rana Rules.*

   The Interim Constitution, 2008 was framed in accordance with the direction of India, which was grown with the culture of the *Samanti* colonial government of West. It was said that the constitution would be drafted by the constitution assembly, in contrary to, no election could be held under the constitution assembly. It was almost forgotten.

Slowly descending down to its own fundamental tradition, the Constitution of the Kingdom of Nepal, 2015 was formed in the break-even point of the Western and Eastern influences. It was framed by the British expert as per the wishes of NC. After two years, the indigenous attitude could march ahead of the imported British attitude and Lord Macaulay's mind. As a result of which the constitution of Nepal 2019 BS was said to be framed purely in accordance with the wish of the people and culture of the East. The constitution was said dynamic and amendable to cope with the changing demand of the people. The first amendment was made in the year 2023 and second in the year 2032 BS. In 2036 BS, it was put to the surer test of referendum and ratified by the majority of the people. And third amendment was done in the year 2037 BS. That is why its life was longest of all. In fact it was the fifth in its series. This is the only constitution which was ratified by the people through referendum.

The Constitution of the kingdom of Nepal 2047 was actually drafted by the two major political parties the NC and the CPN-UML. Suggestions were asked from all sectors of the people. Hence, the political parties had claimed the best and most democratic constitution of the world.

The 2047 BS wave of the change of the world politics deemed away the Nepali politics. As a result for which a new constitution was framed under the guidance of neo-colonialists, and against the will of the people and the democratic practices, besmeared forcefully, without referendum and/or without the election of the constitution assembly in 2047 BS. It created many problems. The framer of the constitution themselves violated the constitution. Many scholars did not understand its spirit and meaning, for, it was influenced by the alien ideas. Even the Chairman of the Constitution drafting committee, who later on as a Chief Justice of the Supreme Court, misinterpreted twice. It can be considered nation on constitutional crisis. As a result the term 'rule of law' was used ridiculously. The first elected multi party government crushed the constitution, kept it aside and forwarded its own decisions and remained firm. The whole administrative machinery was compelled to work against the norms of the constitution. The Tanakpur treaty, providing of citizenship certificate on the basis of the voters'

list, continuance of premiership after its resignation, recommendation for the termination of the House of Representative, formation of The Labor Act, The Citizenship Act, 2057 are few examples of the violation of the spirit of constitution. The wonder is there the Prime Minister did not resign even when the Supreme Court proved twice that the executive violated the constitution. And such leaders shylessly claim themselves as democrat and protector of democracy.

3. A constitution alone is not sufficient to safeguard democracy. The administrative machinery and above all much is depending upon the behaviors of the party polity leaders, thus providing glorious example to the commoners. Democracy can never flourish till the party leaders are limited only in hoarding power politics always remaining in the government; work for the benefit of their kin men, relatives and party workers; hate to the common people and opponents; carry out the evil traditions, so on and so forth. Justice, Liberty and equality has never got a priority. These all things prove that this constitution might not retain permanency, if not reformed itself in the use of democracy not in the say of democracy. The democracy is survived not on political system but on its use. We need to learn democracy in practice.
4. A very brief drafted constitution can be observed of USA. The elite scholars who drafted such a brief constitution thought that the outcome of the party system would be the sign of the division of the nation. But such constitution gave rise to the party and economic development simultaneously. Perhaps, for that reason, Londoners took no pain in drafting the constitution; they have been exercising the complete democracy; contrary to that Nepal with partyless set up of constitution had been trying to save its notion of integrity for last three decades from being splits.
5. Politics in real term, in the poor and developing country has been directed much and more by the selfishlessness of an individual as well as of its common norm passing through the ideal welfare of the human being, kinsmen and party cadres without any discrimination. In reality, to these days, the political beings when in power are found influenced for individuals as well as for party interests. Even in developing country it can be observed as a burning problem in abundance. Lack of the active

agencies to maintain the principle for check and balance, the dictatorial performance from the side of the executive and unwanted activities by their followers are seen everywhere. If not activated the positive principle for check and balance, there is sure, to appear a dragging gap between the people and politicians. Due to such trends of politics it might reach to the extreme end for evils reaching at the peak of the unwanted activities. As a result of which distraction might be created towards the constitution as well as the democracy; considering politics as a dirty game.

Such type of event is obvious even in in developed country too. Politicians both in Japan and Italy were involved in the corruption cases. In France the Prime Minister and the ministers were drawn into magistratorial investigation. In England one of the person of the ruling body put the Prime Minister in danger, resigning him. The only difference is that in developed countries methods of control are active whereas in third world countries are inactive.

6. At present, in the third world countries, the executives still have to develop the principle of check and balance by converting discretionary rules and regulations to be executed into executive rules and regulations, otherwise the dragging gap increasing to these days, between the government and the people mainly in the South Asian democratic countries, would widen more. Nepal is worse among the developing countries. Politicians here in Nepal are progressing in the form of contractors, black businessmen, dons or in gangs of international drug smugglers above all money earners by any means to further being in power by means of a tool called election. They see no more than family members, relatives and party cadres only. And therefore, to override with, some time the Election Commission and some time the Supreme Court are seen active on this configuration. The PSC, the Abuse of Authority Commission, the public enterprises & other independent commissions, this or that way are their pocket items. They all, not as a capitalists or as a communist drift their pitch down with certain vested interests.
7. As it seems that the fate of the developing countries can not be protected if this way political set up is taken with negligence and irresponsibly. None of us can breathe easily nor stay

satisfactorily that the fate for the nation is safe. There, the establishment for fishing judgement is inevitable. There might be the rule of *'taka sheer bhaji taka sheer 'khaja , Andha nagariko chaupat raaja.*

8. The political system of any country is tied up with its culture, geo-physical situation, living styles of the people in and their traditions, awareness level and economic standard of the nation. The administrative system also is set accordingly. The constitutions of those nations are also drafted by considering those elements. Because of those elements, constitution embraces certain political system. In reality, any constitution should be able to carry out the feeling of the majority of the people; which slowly should be changed to match with the changes of the level of mass consciousness and economic standard, failure of which create dissatisfaction resulting political turmoil. The present *dalit, janjati, madhisi, durgambasi, aadibasi, women problems, aarakshyan* and so on are the glaring examples of non-matching of the political/ economic/administrative system. Changes also should be to the level of social change matching with the changes of generation gap. Only such constitutions can deep root and retain political permanency based of its own and free from alien influences. Permanency of the constitution can bring peace and peace helps to accelerate the pace of development. The development motion brings changes in economic upliftment and mass consciousness level. Such constitution survives for a longer lives and maintains social norms. Otherwise, there remain unrest, killing, breaking, destroying, firing and many more terrorist activities. And those activities bring down the standard of living of the people heading towards the poorer situation every year.

9. The Western capitalist countries, that are materialistically rich, are found usually loaded their own political system (including religion through NGOs) with the inherent neo-colonial attitude which usually repulses not matching with the need of the country. But in developing nations, due to lack of which, strifes are created, quarrels are occurred and downfall of the nation is started. The benefit of which, once again, go to the nation in sufficiency i.e. the developed western countries. In other words, this means that the rich nations are both dictator and exploiters. They do not understand that as the faces, voices of

each individual are different from others, so are the surfaces of the earth. That is why same political system can not be applied in all the countries. Third World countries should learn lessons from Yugoslavia, Czechoslovakia, Poland, the USSR, Middle East, African and Latin American countries. Therefore, third world and least developed countries should remain united free from the domination of the rich country and develop political, economic and social norms to the level of the requirement of the country they live in.

10. The penetration of the influence of the west like in religious performance, education, music, culture and in many more things could not remain influencing Nepali politics.
11. So to say, because of the conspiracy of the westerners' capitalistic dictators, the bi-polarization power was uni polarized after downfall of Soviet politics and power in 1990. It could end the cold war, however, hot war, bloodshed war, war of ethnic violence and war to enlarge poverty rapidly disintegrating and weakening themselves are enlarged. The whole of East Europe, Africa, Latin America and many Asian nations have been suffering since then. It is easy to spoil but very difficult to rehabilitate and reconstruct. Now the three countries, North Korea, Cuba and People's Republic of China are facing the greatest pressures of the westerners. They will once spoil the established system and do nothing.
12. Nepal, due to Macaulay education & Christian influences its social and political positions are corrupting. Simultaneously, the thinking and the concept of the people & its government are also changing negatively opposite to the tune of public services and democracy. Each time while promulgating a new constitution it is being said that the constitutions have been promulgated as per the will of the people and their desires, the actual actions are different; they are guided by the alien.
13. Now the concept of parties, mainly Maoist communists that the people are those who have taken their party's membership. Hence, people as they claim in the constitution as *'we the people of Nepal'* is no more a democratic one. Among the Constitutions, 2007, 2015 and 2047 carry western styles. However, the Nepal Government Act 2004 and The Constitution of Nepal 2019, ratified by referendum in 2037 bs carry mostly its own culture and traditions and indigenous

political ideologies and very little western influences. The western neo-colonial strategy has kept east downtrodden and sunk in the depth. The 2015 constitution carries all western culture, civilization, politics and administrative styles.

14. Due to the alarming western influences morality and *aastikta, Dharma* & *Prajatantra* have almost been collapsed. Unity in diversity is replaced by *Bahunvaad, jaativaad & bhasaa vaad*, spoiling all democratic approaches of free competitive posts through PSC is collapesd. Even the separation of powers between executive, legislative and Judiciary are ended up. Single Executive controls all these three independent organs & constitutional bodies. The government does not hesitate to do so by making undue laws by mis-utilising the power of two-third in the parliament. As a result the immoral and *naastik* people have helped in enlarging the use of alcohol, drugs, nudging, spoiling music, culture, traditions, trust on God, wearing, eating and speaking habits. In the same way our management, administration and political practices also are sunk into the deep Christian colored water which carries myths, dogmatic faith and bad traditions. The new generations of the east are under Macaulay influences and some dogmatic faith any act done by the Colored-Complex skin is the act of the civilized one.[4] Some have bland faith that the westerners, mainly whites are most civilized ones; westernized action may earn much and meet their demands; thus remaining same and spoiling the good things that they already had. Our politics, administration and management and even economics is the result of such influences. This influence will not only spoil the things they had but ultimately they will be dependant and slave. However the new generation is the cause of the change and should carry the responsibility carefully.

4 "I have travelled across the length and breadth of India and I have not seen one person who is a begger, who is a thief, such wealth I have seen in this country, such high moral values, people of such caliber, that I do not think we would ever conquer this country , unless we break the very backbone of this nation, which is her spiritual and cultural heritage , and, therefore, I propose that we replace her old and ancient education system, her culture, for if the Indians think that all that is foreign and English is good and greater than their own, they will lose their self esteem, their native culture and they will become what we want them, a truily dominated nation." (Lord Macaulay, Feb 2, 1932)

15. While analyzing the concepts of the activities performed so far, the strong agitations made by the parties was for spoiling nationality, unity in diversity, national integrity and entity of the country; and fore sighting the probability to be happen again; the framer of the constitution drafted that the four points mentioned below can be agreed upon when the joint meeting of the both houses of parliament pass by a two-third votes. (a) Peace and friendship treaty; (b) Defence strategic involvement; (c) Boundary issues of the Kingdom of Nepal and (d) Distribution and use of the natural resources.
16. The 2047 constitution carries the form of the representation of woman, indirect representation methods and participation of the remaining class and professional organisation of the former constitution by electing 15 members for the upper house three from each region from among the elected members of the local units of local self governments.
17. Article 112 of the constitution prohibits to make any amendment of the constitution or to make any law in support of one party and party less democracy. If the sovereign power is vested upon the people, the procedure of referendum must not be prohibited. This is simply a long arm of the neo-colonialist to influence to the cause of boss subordinate relationship.
18. The formation of judicial council and judicial service commission was such that it can neither be independent nor impartial. Therefore there was sufficient chance not having justice by any justice seeker. Executive may influence judiciary. The interim constitution 2006 and constitution of 2015 are further ahead in this regard.
19. The abuse of authority control commission was converted into abuse of authority investigation commission, thus making commission as a reporting agency to executives. The executive is made so powerful above any constitutional body. Any minister, chief executive, departmental head and even any junior employee could grab money out of any deed under the grace of the ruling party. Regarding discipline and corruption control all the former constitution lags behind.
20. If it is drafted by a small group of persons having no clear objective, keen vision; but filled with anguish, ego, revenge

and confusion the last constitution has been spoiled. Any lover of democracy must always try to avoid any type of dictatorial rules. The possible dictatorial rule in Nepal are: one party dictatorship, party less dictatorship, military dictatorship, one man's rule , party dictatorship and oligarchical dictatorship. Avoiding the last two even by the general public is a very difficult job. Therefore due care must be taken timely by all people of Nepal.

21. The second amendment in the interim constitution 2063 and passage of Constituent Assembly Members Elections Act, pushes the country's political system to tilt towards a guided democracy in which basic elements of democracy like right to dissension, right to contest the election, right to choose and independence of judiciary are denied[5]. The interim constitution 2006 was compelled to complete the constitution by constitution assembly within 2 years (by the non amendable article) failing of which it was to return to 1990 constitution under the eclipse theory of jurisprudence. Unfortunately the same article was amended 13 times.

The uncommon Practices in Nepal

1. Interim constitution is prepared almost once in its history but Nepal has two interim constitutions in 1951 and in 2006. Nepal is also a country which prepared 8 different constitutions in 68 years in place of its amendment when necessary. It also exercised all the political systems such as capitalistic democracy, communism of all types and the Vedic socialism commonly known as Party-less Panchayati democracy; however the selected political system by referendum was ignored by three party men on the pressure of R&AW and the Christian countries. Nepal is also the country which made citizenship cut-off year two times for Indian nationals. Nepal is the country which frequently changed its political system under alien pressures. Even the constitution ratified by referendum and the political system selected by plebiscite were also made null and void by three party leaders as guided by alien.
2. King Gyanendra, a peace lover suspended domestic war saying - who ever is killed is its subjects but he was punished &

5. Keshab poudel : Spot Light, 22 June 07, might not help guide to be a true democratic Nepal.

suspended. So, to protect the people from killing each other he was ready to leave throne, instead the Hindu kingdom was removed. He also tried to hold general elections for the protection of democracy was rejected by all the western countries, however, the declaration of republicanism, secularism, federalism, ethnicism were done by non elected 8 persons of 8 parties in New Delhi under Indian guidance. This one was supported worldwide calling it a democratic practice. The world is confused about the democracy, human rights; instead the capitalist world has supported a rule by Criminals, killer, destructors and looters.

3. If King Gyanendra wished to be powerful ruler to the tune of President, of Sarbia killing millions, he might have used the Royal Nepali Army (Military Force) to resolve the disputes roused by the terrorist Maoist as was suppressed & ended up of the Naxalists. But he wanted to go with the people's wishes and was punished. He even gave up his throne for protecting nationalism, national identity & self sufficiency; people's liberty and democracy, but every thing went opposite to it.

4. India, under its game plan, is planning making majority of Indian citizen in due course of time. One day it will be used to the tune of Sikkimization; making Himalayan range of its northern border. During last 14 years India has been successful making Nepal to its dependent as a protectorate country. This one is the most failure aspect of imported party system. For that, India is influencing in politics, administration, economic sectors and even Constitutional making provision. Hence, the provisions of Secularism, Republicanism, Federalism and Ethnicisms have been forced to insert in new Constitution of 2015 even by Modi government, the lover of Vedic Hindu administrative system. though, India calls itself a big Democratic country of the world is overall tendency is still going as per colonialist Britons, divide and rule and exploit the weaker neighbors. Having democratic approach in zero, Constitution was neither made by People nor by Constituent Assembly. It was passed by the whips of the leader of Political Parties, the agent of RAW and the Missionaries. So, it was and is not a democratic Constitution.

   Finally, the present Constitution of Nepal was said to be framed by the people's representatives but it was passed by the whip

of leaders of Political Party, which is fully undemocratic compared to International Political practices.

Conclusively

1. Each of the foregone constitution carries good points and bad points. All good things should be borrowed and the new constitution be full of good things. The collection of all those foregone constitutions is for the food for thought.
2. The first step to reform the present Constitution is to revolt against the present scenario with firearms and the next step is to make the people aware about the wrong notions of the present Constitution and influence them to the right path by telling them truth about advantages and defects of political system. We should apply second step of reformation because the changes we bring through firearms is not long lasting and it is seen in case of Maoist in Nepal. If we really want to bring changes in Nepal then awaking and educating Nepali about our culture, tradition, economic condition, norms and values, Laws and Dharma, moral education in Devanagari scripts, as per political and social needs of Nepal is the best and permanent way of reformation Nepal has always waiting for.

   Before making others aware, an individual Nepali should be aware about the present condition of Nepal. She/he should drive himself/herself towards nation's prosperity and goodness. Then only we can make others aware.

   Once, After restoration of Multi party, Chandrashekhar Azad, An Indian leader visited to Nepal and guided Nepali Congress and told that Nepalis are animals, feed them good grass they will vote to the party who can feed. This shows thatNepali people do not support leader but they support money during the time of election. When we see the last year's election of Narendra Modi in India, it has shown that people of India are aware about the need of their nation and no one or very less are influenced by money in the election. However, Nepalis still do not. Till Nepalis be able to judge right and wrong and make win the one who could serve for Nepal and Nepali is to teach principles of Sanskrit *bangmayas* to the commoners.
3. To conclude, this system of Government, good or bad, has been weakening its whole economic system, stopping all of its self sustaining in all sectors, along with Nepaliness since time

immemorial. Now they are making Nepal alien dependent including foods and daily consumable items. It is already a failed state surviving on remittances by compelling two-thirds of its working manpower in critical jobs in nonadjustable anti climatic areas.

Constitution of Nepal (2072 B.S.)

PREAMBLE

We, the people of Nepal, in exercise of the sovereign powers inherent in us, Embracing the sovereign right of the people and the right to autonomy and self-rule, by maintaining Nepal's, geographical independence, integrity, national unity, freedom and dignity,

Remembering the glorious history of his to historical peoples' movement and armed struggles time and again and the sacrifice made by people for national interest, democracy, progressive change, and recognizing the martyrs, the disappeared citizens and the victims,

Ending all forms of discriminations and oppression created by the feudal, autocratic, centralized and unitary system,

Embracing multi-caste, multi-lingual, multi-cultural and diverse geographical specificities, by ending discriminations relating to class, caste, region, language, religion and gender discrimination including all forms of racial untouchability, in order to protect and promote unity in diversity, social and cultural solidarity, tolerance and harmonious attitudes, we also express our determination to create an egalitarian society on the basis of the principles of proportional inclusion and participation, to ensure equitable economy, prosperity and social justice,

Expressing commitment to create the bases of socialism by adopting democratic norms and values, including peoples' competitive multi-party democratic governance system, civil liberty, fundamental rights, human rights, adult franchise, periodic elections, complete press freedom and an independent, impartial and competent judiciary, and the concept of rule of law,

NOW THEREFORE, in order to fulfill the aspirations for perpetual peace, good governance, development and prosperity

through the medium of federal democratic republican system of governance, hereby promulgate this Constitution through the Constituent Assembly.

PART 1: Preliminary

1. **Constitution as the fundamental law:** (1) This constitution is the fundamental law of Nepal. All laws inconsistent with this constitution shall, to the extent of such inconsistency, be void. (2) It shall be the duty of every person to uphold this constitution.
2. **Sovereignty and state authority:** The sovereignty and state authority of Nepal are vested in Nepali people. The use of which shall be as provided for in this constitution.
3. **Nation:** Having multi-ethnic, multi-lingual, multi-religious, multi-culturalcharacteristics with common aspirations of people living in diverse geographical regions, and being committed to and united by a bond of allegiance to national independence, territorial integrity, national interest and prosperity of Nepal, all the Nepali people collectively constitute the nation.
4. **State of Nepal:** (1) Nepal is an independent, indivisible, sovereign, secular,inclusive democratic, socialism-oriented federal democratic republican state. Explanation: For the purpose of this article, 'secular' means protection of religion and culture being practiced since ancient times and religious and cultural freedom. (2) The territory of Nepal shall comprise: (a) the territory existing at the commencement of this constitution, and (b) such other territory as may be acquired after the commencement of this constitution.
5. **National interest:** (1) Independence, sovereignty, territorial integrity, nationality, autonomy, self-respect, protection of rights and interests of Nepali people, protection of boundaries, and economic progress and prosperity, shall be the fundamental subjects of Nepal's national interest. (2) Act and character against national interest shall be punishable by Federal law.
6. **Language of the nation:** All the mother tongues spoken in Nepal shall be the national language.

7. **Language of official transaction**: (1) The Nepali language written in D*evanagiri* script shall be the language of official business in Nepal. (2) In addition to Nepali language, a province shall select one or more national language that is spoken by majority of people in that province as the language of official business, as provided for by the provincial law. (3) Other matters concerning language shall be as decided by the Government of Nepal on the recommendation of the Language Commission.
8. **National flag**: (1) The national flag of Nepal, consists of two juxtaposed triangular figures with a crimson colored base and deep blue borders, there being a white emblem of the crescent moon with eight rays visible out of sixteen in the upper part and a white emblem of a twelve rayed sun in the lower part. (2) The method of drawing the flag and other particulars relating thereto shall be as set out in Schedule-1.
9. **National anthem, etc.**: (1) The national anthem of Nepal shall be as set out in Schedule-2. (2) The coat-of-arms of Nepal shall be shall be as set out in Schedule-3. (3) The *Rhododendron Arboreum* is the national flower, crimson is the national color, the cow is the national animal and the *Lophophorus* is the national bird of Nepal.

PART 2: Citizenship

10. **Citizenship not to be denied**: (1) No Nepali citizen shall be denied the right to acquire citizenship. (2) There shall be a provision of single federal citizenship with provincial identity in Nepal.
11. **Nepali citizen to be deemed**: (1) The persons who have acquired citizenship of Nepal at the commencement of this Constitution and the persons who are eligible to acquire citizenship of Nepal under this Part shall be deemed to be the citizens of Nepal. (2) The following persons who have their permanent domicile in Nepal shall be deemed to be citizens of Nepal by descent:- (a) A person who has acquired the citizenship of Nepal by descent before the commencement of this constitution. (b) Any person whose father or mother was a citizen of Nepal at the birth of such a person. (3) A child of a citizen who has acquired citizenship of Nepal by birth before

the commencement of this Constitution shall, if his/her father and mother both are the citizens of Nepal, shall be entitled to Nepali citizenship by descent upon his/her attaining the age of majority. (4) Every child found in Nepal where abouts of whose paternity and maternity is not known shall, until the mother or father is traced, be deemed a citizen of Nepal by descent. (5) A person born to a Nepali citizen mother and having his/her domicile in Nepal but whose father is not traced, shall be conferred the Nepali citizenship by descent. Provided that in case his/her father is found to be a foreigner, the citizenship of such a person shall be converted to naturalized citizenship according to the Federal law. (6) If a foreign woman married to a Nepali citizen so wishes, she may acquire naturalized citizenship of Nepal as provided for in a Federal law. (7) Notwithstanding anything contained elsewhere in this Article, in case of a person born to Nepali woman citizen married to a foreign citizen, he/she may acquire naturalized citizenship of Nepal as provided for by a Federal law if he/she is having the permanent domicile in Nepal and he/she has not acquired citizenship of the foreign country. Provided that if his/her father and mother both are the citizen of Nepal at the time of acquisition of the citizenship, he/she, if born in Nepal, may acquire citizenship by descent. (8) Except provided for in this Article, Government of Nepal may confer naturalized citizenship of Nepal according to Federal law. (9) Government of Nepal may confer honorary citizenship according to Federal law. (10) In case any area is annexed into Nepal by merger, the persons having domicile in such area shall be citizens of Nepal subject to a Federal law.

12. **Citizenship based on Descent and with Gender Identity:** The person who isentitled to the citizenship of Nepal by descent may obtain the citizenship certificate of Nepal from name of his/her mother or father along with gender identity.
13. **Acquisition, Requisition and Termination of Citizenship:** Other provisions asto acquisition, requisition and termination of citizenship shall be as provided for in a Federal law.
14. **Non-residential citizenship may be conferred:** The person who has acquired citizenship of a foreign country and residing in a country other than the country which is a member of the South Asian Association of Regional Cooperation (SAARC) and who

or whose father or mother, grandfather or grandmother was a citizen of Nepal by descent or birth and later on has acquired citizenship of the foreign country, may be conferred with the non-residential citizenship of Nepal entitling him/her to the economic, social and cultural rights as provided for in a Federal law.

15. **Other Provisions as to Citizenship of Nepal:** Record shall be maintained of each citizen of Nepal along with his/her identity, and other provisions as to citizenship shall be as provided for in the Federal law.

PART 3: Fundamental Rights and Duties

16. **Right to live with dignity**: (1) Each person shall have the right to live with dignity. (2) No law shall be made for capital punishment.

17. **Right to Freedom**: (1) Except as provided for by law no person shall be deprived of her/his personal liberty. (2) Every citizen shall have the following freedoms: (a) freedom of opinion and expression, (b) freedom to assemble peacefully and without arms, (c) freedom to form political party, (d) freedom to form unions and associations, (e)freedom to move and reside in any part of Nepal; and (f) freedom to engage in any occupation or be engaged in employment, establish and operate industry, trade and business in any part of Nepal. *Provided that,*

    (1) Nothing in section (a) shall be deemed to prevent the making of an Act to impose reasonable restrictions on any act which may undermine the nationality, sovereignty, independence and indivisibility of Nepal, or federal units, or jeopardizes the harmonious relations subsisting among the people of various caste, ethnicity, religion, or communities, or incites racial discrimination, or untouchability, or disrespects labor, or any act of defamation, or contempt of court, or an incitement of offence, or is contrary to decent public behavior or morality.

    (2) Nothing in section (b) shall be deemed to prevent the making of an Act to impose reasonable restrictions on any act which may undermine the nationality, sovereignty, independence and indivisibility of Nepal, or jeopardize the harmonious relations between federal units, or public law and order situation.

(3) Nothing in section (c) shall be deemed to prevent the making of an Act to impose reasonable restrictions on any act which may undermine the nationality, sovereignty, indivisibility of Nepal, or an act of espionage against the nation, or disclosing national secrets, or helping foreign state or organization that may jeopardize Nepal' security, or an act of treason, or an act that undermines the harmonious relations subsisting between federal units, or instigates communal animosity, or jeopardizes the harmonious relations subsisting among different caste, ethnicity, religious groups and communities, or an act of acquiring or depriving the membership of a political party only on the grounds of caste, language, religion, community or gender, or the formation of a political party that creates discrimination against citizens, or an act that incites violence, or is contrary to decent public behavior.

(4) Nothing in section (d) shall be deemed to prevent the making of an Act to impose reasonable restrictions on any act which may undermine the nationality, sovereignty, indivisibility or Nepal, or an act of espionage against the nation, or disclosing national secrets, or helping foreign state or organization that may jeopardize Nepal' security or an act of treason, or an act that undermines the harmonious relations subsisting between federal units, or instigates communal animosity, or jeopardizes the harmonious relations subsisting among different caste groups, ethnicity, religious groups and communities, or an incitement of violence, or an act which is contrary to public morality.

(5) Nothing in section (e) shall be deemed to prevent the making of an Act to impose reasonable restrictions on any act which may undermine the interest of the general public, or the good relations between federal units, or the harmonious relations subsisting among various caste groups, ethnicity, religious groups or communities, or an act of committing crime or violence, or inciting such acts.

(6) Nothing in section (f) shall be deemed to prevent the making of an Act to impose reasonable restrictions on any act which may undermine the good relations between federal units, or restricting an act which may have negative impact on public health, decent behavior and morality, or the particular industries, trade, business or services which only the state may

engage in, or setting conditions or eligibility to engage in industries, trade, business, livelihoods or occupation.

18. Right to equality: (1) All citizens shall be equal before law. No person shallbe denied the equal protection of law. (2) There shall be no discrimination in the application of general laws on the grounds of origin, religion, race, caste, tribe, sex, physical conditions, disability, health condition, matrimonial status, pregnancy, economic condition, language or geographical region, or ideology or any other such grounds. (3) The state shall not discriminate among citizens on grounds of origin, religion, race, caste, tribe, sex, economic condition, language or geographical region, ideology and such other matters. Provided that nothing shall be deemed to bar the making of special provisions by law for the protection, empowerment or advancement of the women lagging behind socially and culturally, Dalits, *Adibasi*, Madhesi, Tharus, Muslims, oppressed class, backward communities, minorities, marginalized groups, peasants, laborers, youths, children, senior citizens, sexual minorities, persons with disability, pregnant, incapacitated and the helpless persons, and of the citizens who belong to backward regions and financially deprived citizens including the *Khas Arya*. **Explanation**: With reference to this Part and Part 4,"financially deprived" means the person having the income less than prescribed in the Federal law. (4) There shall not be any gender discriminations regarding remuneration for the same work and social security. (5) There shall be no gender discrimination regarding the right to parental property with regard to all family members.

19. Right to communication: (1) There shall be no prior censorship of publications and broadcasting, or information dissemination, or printing of any news item, editorial, article, feature, or other reading material, or the use of audio-visual material by any medium, including electronic publication, broadcasting and printing. *Provided that* nothing shall be deemed to prevent the making of laws to impose reasonable restriction on any act which may undermine the nationality, sovereignty, and indivisibility of Nepal, or the good relations between federal units, or jeopardizes the harmonious relations subsisting among different caste groups and tribes, or communities, or an act of treason, or defamation of social dignity of individuals through

the publication and dissemination of false material, or contempt of court, or material that incites criminal offence, or an act that is contrary to decent public behavior and morality, or disrespects labor, or incites untouchability or gender discriminations. (2) If there is any broadcasting, publishing or printing, or dissemination of news, article, editorial, feature, or other material through the medium of electronic equipment or the use of visuals or audio-visuals, no radio, television, online publication or any kind of digital or electronic equipment, or press, or other kind of media outlet, shall be closed, seized, or their registration cancelled for publishing, or transmitting, or broadcasting such material. *Provided that* nothing in this clause shall be deemed to prevent the making of Acts to regulate radio, television, online or the use of any other kind of digital or electronic equipment, printing press or other medium of communication. (3) No means of communication including the press, electronic broadcasting and telephone shall be obstructed except in accordance with law.

20. **Right to Justice**: (1) No person shall be detained without being informed of the ground for such an arrest. (2) The person who is arrested shall have the right to consult a legal practitioner of her/his choice and be defended from the time of arrest. The consultations held with the legal practitioner and the advice given thereon shall remain confidential. *Provided that* this clause shall not apply to a citizen of an enemy state. **Explanation**: For the use of this clause "legal Practitioner" shall mean a person who has the legal right to represent any person in any court or office. (3) Every person who is arrested shall be produced before a judicial authority within a period of twenty-four hours after such arrest, excluding the time necessary for the journey from the time and place of arrest to such authority, and the arrested person shall not be detained in custody beyond the said period except on the order of such authority. *Provided that* this clause shall not apply to a person in preventive detention or to a citizen of an enemy state. (4) No person shall be punished for an act which was not punishable by law when the act was committed, and no person shall be subjected to a punishment greater than that prescribed by law at the time of the offence. (5) No person accused of any offence shall be assumed to be an offender until proven guilty. (6) No person shall be prosecuted or punished for the same offence

in a court of law more than once. (7) No person accused of any offence shall be compelled to be a witness against herself/ himself. (8) Every person undergoing trial shall have the right to be informed about the proceedings of the trial. (9) Every person shall be entitled to a fair hearing from an impartial, independent and competent court or judicial authority. (10) An indigent person shall have the right to free legal aid as provided for by law.

21. Right of victim of crime: (1) The victim of crime shall have the right to be informed about the investigation and proceedings of the case regarding his/her victimization. (2) The victim of crime shall have the right to social rehabilitation and justice with compensation as provided for by law.

22. Right against torture:(1) No person in detention shall be subjected to physical or mental torture, or be treated in a cruel, inhuman or degrading manner. (2) Any such act pursuant to clause (1) shall be punishable by law and a victim of such an act shall have the right to compensation as provided for by law.

23. Right against preventive detention: (1) No person shall be held under preventive detention unless there is sufficient ground to believe that there exits an immediate threat to the sovereignty and territorial integrity of Nepal or public peace and order. (2) Family member or close relative of the person in preventive detention pursuant to clause (1) shall have to be immediately informed about his/her condition as provided for by law. *Provided that* this clause shall not be applicable to a citizen of an enemy state. (3) If an official is found to have held any person under preventive detention against the law and with malicious intention, such person shall be entitled for compensation as per the law.

24. Right against untouchability and discrimination: (1) No person shall be treated with any kind of untouchability or discrimination in any private or public place on grounds of caste, ethnicity, origin, community, occupation, or physical condition. (2) No person belonging to a particular caste or ethnicity shall be prevented from buying an object or getting services or facilities in the process of production of such objects or in the distribution or delivery of services, or no such objects shall be sold to, or facilities or services distributed or delivered to

persons belonging to a particular caste or ethnicity only. (3) Racial discriminations shall not be encouraged in any way, or there shall not be any behavioral attitude to exhibit high or low status on grounds of a particular caste, ethnicity or community, or physical condition of a person, or there shall not be any behavioral attitude that justifies social discrimination based on caste, ethnicity, or untouchability, or encouragement for the propagation of attitudes based on caste superiority and untouchability, or hatred. (4) There shall not be any racial discrimination in the workplace by indulging or not indulging in untouchability. (5) All forms of untouchability or discrimination contrary to this provision shall be punishable by law as a serious social crime, and the victim of such an act shall have the right to compensation as provided for by law.

25. **Right to property**: (1) Every citizen shall, subject to laws, have the right to acquire, enjoy own, sell, have professional gains, and otherwise utilize, or dispose of property. **Explanation**: For the purpose of this Article, "property" means all types of movable and immovable property and the word also includes intellectual property. *Provided that* the state may impose tax on property and income of a person according to the norms of progressive tax. (2) The State shall not, except in the public interest, acquire, requisition, or create any encumbrance on the property of any person. *Provided that* this clause shall not be applicable to property acquired through illegal means. (3) In the case when the land of a person is acquisitioned by the State according to clause (2), the basis of compensation and the relevant procedure shall be as prescribed by Act. (4) The provisions of clauses (2) and (3) shall not obstruct the state in carrying out land reforms, management and regulation by law in order to increase the production and productivity of land, modernize the agriculture and make it professional, environment protection and managed housing and urban development. (5) In case the state has acquired property of any person for public interest pursuant to clause (3), there shall be no hindrance to use such property for any other public interest, other than the public interest for which it has been acquired.

26. **Right to religious freedom**: (1) Each person shall be free to profess, practice,and preserve his/her religion according to his/

her faith. (2) Every religious denomination shall, maintaining its independent existence, have the right to manage and protect its religious places and religious trusts in accordance with law. *Provided that* it shall not be deemed to have hindered to make law to operate and protect a religious place or religious trust and to manage trust property and regulate land management. (3) While exercising the right as provided for by this Article, no person shall act or make others act in a manner which is contrary to public health, decency and morality, or behave or act or make others act to disturb public law and order situation, or convert a person of one religion to another religion, or disturb the religion of other people. Such an act shall be punishable by law.

27. Right to information: Every citizen shall have the right to seek information on any matters of concern to her/him or the public. *Provided that* nothing shall be deemed to compel any person to provide information about which confidentiality is to be maintained according to law.

28. Right to privacy: Except in circumstances provided by law, privacy in relation to the person, and their residence, property, documents, records, statistics and correspondence, and their reputation are inviolable.

29. Right against exploitation: (1) Every person shall have the right against exploitation. (2) No person shall be subjected to any kind of exploitation on the basis of religion, custom, tradition, culture, practices or any other bases. (3) No person shall be subjected to human trafficking or bonded labor, and such an act shall be punishable by law. (4) No person shall be subjected to forced labor. *Provided that* nothing in this clause shall prevent the enactment of a law requiring citizens to be engaged in compulsory service for public purposes. (5) Any act contrary to clause (3) and (4) shall be punishable by law and the victim of such an act shall have the right to compensation from the perpetrator.

30. Right regarding clean environment: (1) Each person shall have the right to live in a healthy and clean environment. (2) The victim of environmental pollution and degradation shall have the right to be compensated by the pollutant as provided for by law. (3) Provided that this Article shall not be deemed to obstruct the making of required legal provisions to strike a

balance between environment and development for the use of national development works.

31. **Right to education**: (1) Every citizen shall have the right to access to basic education. (2) Every citizen shall have the right to compulsory and free basic education, and free education up to the secondary level. (3) The physically impaired and citizens who are financially poor shall have the right to free higher education as provided for in law. (4) The visually impaired person shall have the right to free education with the medium of brail script. (5) Every Nepali community living in Nepal shall have the right to acquire education in its mother tongue up to the secondary level, and the right to open and run schools and educational institutions as provided for by law.
32. **Right to language and culture**: (1) Each person and community shall have the right to use their language. (2) Every person and community shall have the right to participate in the cultural life of its community. (3) Each community living in Nepal shall have the right to preserve and promote its language, script, culture, cultural civilization and heritage.
33. **Right to employment**: (1) Every citizen shall have the right to employment. Terms and conditions of employment and unemployment benefits shall be as determined by Federal law. (2) Every citizen shall have the right to select employment.
34. **Right regarding labor**: (1) Every laborer shall have the right to proper work practices. **Explanation**: For the purpose of this Article, "laborer" means a worker or laborer who offers physical or mental work for an employer for remuneration. (2) Every laborer shall have the right to appropriate remuneration, facilities and contribution-based social security. (3) Every laborer shall have the right to form trade union, participate in it, and organize collective bargaining.
35. **Right to health care**: (1) Every citizen shall have the right to seek basic health care services from the state and no citizen shall be deprived of emergency health care. (2) Each person shall have the right to be informed about his/her health condition with regard to health care services. (3) Each person shall have equal access to health care. (4) Each citizen shall have the right to access to clean water and hygiene.

36. Right to food: (1) Each citizen shall have the right to food. (2)Every citizen shall have the right to be protected from a state of starvation, resulting from lack of food stuffs. (3) Every citizen shall have the right to food sovereignty as provided for in law.

37. Right to housing: (1) Each citizen shall have the right to appropriate housing. (2) No citizen shall be evicted from the housing owned by him/her, or encroached on the housing, except in accordance with law.

38. Right of women: (1) Every woman shall have equal right to lineage without any gender discriminations. (2) Every woman shall have the right relating to safe motherhood and reproductive health. (3) There shall not be any physical, mental, sexual or psychological or any other kind of violence against women, or any kind of oppression based on religious, social and cultural tradition, and other practices. Such an act shall be punishable by law and the victim shall have the right to be compensation as provided for in law. (4) Women shall have the right to access participate in all state structures and bodies on the basis of the principle of proportional inclusion. (5) Women shall have the right to special opportunity in the spheres of education, health, employment and social security on the basis of positive discrimination. (6) Both the spouses shall have equal rights in property and family affairs

39. Right of children: (1) Each child shall have the right to his/her identity with the family name, and birth registration. (2) Every child shall have the right to education, health care nurturing, appropriate upbringing, sports, recreation and overall personality development from family and the State. (3) Every child shall have the right to formative child development, and child participation. (4) No child shall be employed in factories, mines, or in any other hazardous works. (5) No child shall be subjected to child marriage, illegal trafficking, kidnapping, or being held hostage. (6) No child shall be subjected to recruitment or any kind of use in the army, police or armed groups, neglected, or used immorally, or abused physically, mentally, or sexually, or exploited through any other means, in the name of religious or cultural practices. (7) No child shall be subjected to physical, mental, or any other forms of torture at home, in school, or in any other places or situations. (8) Every child shall have the right to child friendly justice. (9) Children

who are helpless, orphaned, physically impaired, victims of conflict and vulnerable, shall have the right to special protection and facilities from the State. (10) Any act contrary to Clause (4), (5), (6) and (7) shall be punishable by law, and children who have suffered from such an act shall have the right to be compensated by the perpetrator as provided for in law.

40. Right of Dalits: (1) Dalit shall have the right to participate in all agencies of the state based on the principle of proportional inclusion. There shall be special legal provision of empowerment, representation, and participation of Dalit community for employment in other area also including the public service. (2) Provisions of free education with scholarships shall be made for Dalit students from the primary to higher level of education as provided for in law. Special provision shall be made in law for Dalits to pursue higher education in technical and professional subjects. (3) In order to provide health care and social security to Dalit community, special arrangements shall be made in accordance with law. (4) Dalit community shall have the right to use, preserve and develop their traditional occupation, knowledge, skill and technology. The State shall give priority to modern profession of Dalits in relation to their traditional occupation, by providing them with necessary skill and resources. (5) The State shall, according to law, provide land to landless Dalits for one time. (6) The State shall, according to law, make housing arrangements for Dalits who do not have housing of their own. (7) The facilities provided to the Dalit community according to this Article, shall have to be justly distributed to Dalit women and men and all the Dalit communities living in different parts of the country, ensuring that all Dalits receive the facilities proportionally.

41. Right of senior citizens: Senior citizens shall have the right to special protection and social security from the State.

42. Right to social justice: (1) Socially backward women, Dalits, Adibasi, Janajati, Adibasi Janajati, Madhesi, Tharu, minority groups, persons with disability, marginalized groups, Muslim, backward classes, gender and sexually minority groups, youths, peasants, laborers, the oppressed and the citizens of backward regions, and economically poor Khas Arya shall have the right to employment in state structures on the basis of the principle of inclusion. (2) Citizens who are economically very poor and

communities on the verge of extinction, shall have the right to special opportunity and facilities in the areas of education, health, housing, employment, food and social security, for their protection, progress, empowerment and development. (3) People with physical impairment shall have the right to a dignified way of life and equal access to social services and facilities, along with their diversity identity. (4) Each peasant shall have the right to access to land as provided for in law for agricultural purposes, along with the right to choose and preserve traditionally adopted and used endemic seeds and agricultural species. (5) The families of martyrs who sacrific movements, armed conflicts and revolutions for a democratic progressive change in Nepal, the families of those who were disappeared, persons who fought for democracy, victims of conflict and the displaced, persons who were physically maimed, the wounded and the victims, shall have the right with priority, as provided for by law, to education, health, employment, housing and social security, with justice and appropriate respect.

43. **Right to social security:** Economically poor, physically incapacitated and helpless person, helpless single women, persons with physical impairment, children, persons who cannot look after themselves and the citizens who belong to communities that are on the verge of extinction, shall have the right to social security as provided for by law.
44. **Right of consumers**: (1) Each consumer shall have the right to quality food stuffs and services. (2) A person who has suffered from sub-standard object or service shall have the right to be compensated as provided for by law.
45. **Right against exile**: No citizen shall be exiled.
46. **Right to constitutional remedy:** There shall be right to constitutional remedy pursuant to the Articles 133 or 144 in course of implementation of rights granted in this part.
47. **Implementation of fundamental rights**: For the enforcement of the rights conferred in this Part, the State shall make legal provisions, as required, within three years of the commencement of this constitution.
48. **Duties of citizens**: Each person shall the following duties: (a) Protect nationality, sovereignty and integrity of Nepal by

pledging allegiance to the nation, (b) Abide by the constitution and law, (c) Compulsorily enlist when the state needs the service. (d) To protect and conserve public property.

PART 4: Directive Principles, Policies and Responsibilities of the State

49. To be the Guiding Principles: (1) The Directive Principles, Policies and Responsibilities of the State mentioned in this Part shall remain as guidelines for the governance of the State. (2) The State shall mobilize or have it mobilized, the required resources and means for the implementation of the principles, policies and responsibilities mentioned in this Part.

50. Directive Principles: (1) It shall be the political objective of the State to strengthen a federal democratic republican system to ensure an atmosphere where democratic rights are exercised by acknowledging sovereignty, independence and integrity of the country to be of utmost importance; by protecting freedom, equality, property and all citizens through rule of law; by embracing the norms and values of fundamental rights and human rights, gender equality, proportional inclusion, participation and social justice; and by maintaining a just system in all spheres of national life in order to establish a government system aimed at public welfare, while maintaining relations between federal units on the basis of cooperation between them, and internalizing the principle of inclusion in the governance system on the basis of local autonomy and decentralization, (2) It shall be the socio-cultural objective of the State to build a civilized and egalitarian society by ending all forms of discrimination, oppression and injustice based on religion, culture, cultural practices, customs, traditional practices, or on any other grounds; develop socio-cultural values based on national pride, democracy, people orientation, dignity of labor, entrepreneurship, discipline, dignity and tolerance, by respecting cultural diversity and maintaining communal harmony, solidarity and amity. (3) It shall be the economic objective of the State to make the national economy self-reliant, independent, and developing it towards socialism oriented economy with equitable distribution of resources and means, by ending all forms of economic exploitation and inequality, with maximum utilization of available resources and

means through the participation of cooperatives, and public and private sector for sustainable development, and to build an exploitation-free society by fair distribution of the achievements made so far. (4) The international relations of the State shall be directed towards maintaining international relations based on sovereign equality, protecting sovereignty, independence, territorial integrity and national interest of the country, and promoting national prestige in the international community.

51. State policies: The State shall pursue the following policies:

(a) Policies regarding national unity and national security: (1) Maintaining national unity intact by protecting independence, sovereignty, territorial integrity and autonomy of the country; (2)Promoting national unity by developing relations of mutual cooperation between federal units by maintaining mutual understanding, tolerance, and solidarity among various caste, ethnic, religious, linguistic and cultural groups and communities. (3) Management of law and order situation by developing a national security system. (4) Guaranteeing an all-round human security system. (5) Making the army, police, armed police and other security organs strong, capable, professional, inclusive and accountable to people on the basis of national security system. (6) Making citizens capable and ready for national service according to the need of the nation. (7) Utilizing the knowledge, skills and experience of the ex-bureaucrats, army men and policemen in an appropriate way.

b. Policies regarding political and governance system: (1) Guaranteeing people's welfare and all-round-progress through economic, social and cultural transformation, while defending and strengthening political achievements and their development. (2) Maintaining rule of law by protecting and practicing human rights. (3) Implementing international treaties and agreements to which Nepal is a State party. (4) Guaranteeing good governance by ensuring equal and easy access of people to services provided by the State and making public administration clean, competent, impartial, transparent, accountable and participatory. (5) Making necessary provisions to make the mass media clean, healthy, impartial, dignified, responsible and professional. (6) Expanding and developing a

harmonious and cooperative relations between federal units through partnerships in the management of resources and means, administration and responsibilities.

c. Policies regarding social and cultural transformation: (1) Building a society based on harmonious social relations by developing a healthy and civilized culture. (2) Conducting studies, research and archaeological excavations and dissemination of Information about them for the protection, maintenance and development of historical, archaeological and cultural heritage. (3) Community development by promoting local participation through the promotion and mobilization of creativity of local communities in social, cultural and charitable works. (4) Stressing on the development of art, literature and music that are in the form of national heritage. (5) Put an end to all forms of discrimination, and injustice in the name of religion, culture, tradition, practices and rites. (6) To preserve and develop the language, texts, culture, literature, arts motion pictures and property of different castes and communities, on the basis of equity, while also maintaining the country's cultural diversity. (8) To pursue the multi-language policy.

d. Policies regarding finance, industry and commerce: (1) Strengthening national economy through the participation and free development of public sector, cooperative sector and private sector. (2) Achieving economic prosperity with the maximum utilization of available resources and means by stressing on the roles of private sector in the economy; (3) Promoting cooperatives with its maximum utilization for national development. (4) Providing for regulation to maintain fairness, accountability and competitive atmosphere in all activities of economic sector to promote and mobilize them for the overall national development; (5) Fair distribution of the fruits of development and available means and resources. (6) Diversifying and expanding markets for productions and services through the development and expansion of industries and promotion of exports by identifying the areas of comparative advantages. (7) Protecting consumer rights by maintaining discipline and business fairness by controlling anomalies and malpractices such as black-marketing, monopoly, artificial scarcity and unhealthy competition and making national economy competitive. (8) Prioritizing domestic

investment based on Nepali labor, skill and raw material for the development of the economy of the country through the protection and promotion of national industries and resources and means. (9) According priority to domestic investment in service sector to promote it a competitive industry for development of national economy; (10) Encouraging and mobilizing foreign capital and technology investment for infrastructure development in the areas of export promotion, and import to suit national interest. (11) Foreign aid shall be based on national needs and priority, and it shall be made transparent. The amount received as foreign aid shall be included in the national budget. (12) Utilizing the knowledge, skill, technology and capital of the non-resident Nepalese for national development. (13) Providing mobility to economic development by establishing coordination among provinces and between province and federation regarding industrial corridors, special economic zones, national projects and foreign investment projects.

e. Policies regarding agriculture and land reform:
(1) Introducing scientific land reform by ending dual ownership of land for the benefit of farmers. (2) Increasing produce and productivity through land plotting and by discouraging absentee land ownership. (3) Protecting and promoting rights and interests of peasants and utilizing the land use policy for increasing production and productivity of agriculture and for commercialization, industrialization, diversification and modernization of agriculture; (4) Making proper utilization of land through proper regulation and management on the basis of productivity of land, its nature, and also by maintaining environmental balance. (5) Making arrangements for agricultural tools and an access to market with appropriate price for the produce.

f. Development policy: (1) Formulating strategies and programs for sustainable socio-economic development under regional development plans for balanced and inclusive regional development and to implement them in a coordinated manner. (2) Prioritizing under-developed regions while going for balanced, environment-friendly, qualitative and sustainable physical infrastructure development. (3) Increasing the participation of local people in development process.

(4) Promoting investment in scientific studies and research, and inventions in science and technology, and for their progress and development, while protecting scientific, technological and intellectual minds and special talents. (5) Developing and expanding information technology as required by the nation, and making its access easy and simple for the general public, while also making its maximum use for national development. (6) Prioritizing poor citizens in the distribution of the fruits of development, and making necessary arrangements for the general public to have a fair share of it. (7) Developing an integrated national identity management information system, and manage it in an integrated way for all kinds of information and statistics relating to citizens, and integrate it to the services and facilities provided by the State and the national development planning. (8) Updating of population statistics and affiliating it with the national development planning.

g. Policy regarding the conservation, management and use of natural resources: (1) The State shall pursue a policy of conserving the natural resources available in the country by imbibing the norms of inter-generation judicious use of it and for the national interest. It shall also be about its sustainable use in an environmental friendly way. The policy shall ensure the fair distribution of the benefits generated by it by giving local people the priority and preferential rights. (2) The State shall pursue a policy of prioritizing national investment in water resources based on people's participation and making of multi-utility development of water resources. (3) The State shall pursue a policy of developing and producing renewable energy, ensuring cheap, easily available and dependable supply of energy, and making an appropriate use of it to meet the basic needs of the citizens. (4) Developing a sustainable and dependable irrigation system by controlling water-related natural disasters with the management of the river systems. (5) The State shall pursue a policy of making a sustainable use of biodiversity through the conservation and management of forests, fauna and flora, and by minimizing the negative impacts of industrialization and physical development by promoting public awareness on environmental cleanliness and protection. (6) The State shall pursue a policy of keeping necessary landmass as forest area in order to strike an environmental

balance. (7) The State shall pursue a policy of adopting appropriate ways of minimizing or stopping negative effects on environment if it is there, or if there is a possibility of such an impact on nature, environment, or biodiversity. (8) The State shall formulate policies and enact laws on the basis of the principle of sustainable environment development based on pre-warning and pre-informed agreements regarding environmental protection. (9) The State shall formulate and pursue a policy of designing a pre-warning system, disaster preparedness, rescue, relief works and rehabilitation in order to minimize the risks of natural disasters.

h. Policies regarding the basic needs of citizens: (1) Making education scientific, technical, professional, skill-oriented, and employment and people oriented in order to prepare the human resources to be competent, competitive, moral, and committed to national interest. (2) Increasing the investment of the State in the educational sector, and regulating and managing the investment of the private sector in it to make education service oriented. (3) Making higher education easily available, of high quality and accessible, and gradually making it free. (4) Establishing and promoting information centers and libraries for the personality development of citizens. (5) The State shall gradually increase necessary investment in the public health sector in order to make citizens healthy. (6) Ensuring easily available and equal access to high quality health care for all. (7) Protecting and promoting Nepal's traditional medicinal system such as the Ayurveda, natural medicines and homeopathy; (8) The State shall gradually increase investment in the health sector and make it service oriented by regulating and managing the investment of the private sector in it. (9) Gradually increase the number of health institutions and health workers, while emphasizing research on health in order to make qualitative health service available to all. (10) It shall be the policy of the State to increase general life expectancy by decreasing maternity-infant mortality rate by encouraging family planning population management based on the need and capacity of the country. (11) Developing well-planned and organized settlement areas by managing the unplanned settlements. (12) Increasing investment in the agricultural sector by making necessary provisions for sustainable productivity, supply, storage and security, while making it easily

available with effective distribution of food grains by encouraging food productivity that suits the soil and climate conditions of the country in accordance with the norms of food sovereignty. (13) Making a well-planned supply system by ensuring equal access of citizens to the basic needs and services, and prioritizing the remote areas and regions that were made to lag behind. (14) Increasing investment in the transportation sector by ensuring simple, easy and equal access of all citizens to transportation facilities, and prioritizing environment friendly technology, encouraging public transportation and quality private transportation, while also making the transportation sector safe, well managed and disabled friendly. (15) Ensuring insurance policy for citizens and making arrangements for their access to health care.

i. Policies regarding labor and employment: (1) Creating a condition to ensure employment for all and employment opportunities in the country itself by making the labor power, which is the main social and economic force, competent and professional. (2) Guaranteeing social security by ensuring the basic rights of all laborers in accordance with the concept of dignity of labor. (3) Ending child labor and all forms of labor exploitation. (4) Encouraging the participation of laborers in the management by creating good industrial relationship between employers and employees. (5) Regulating and managing foreign employment in order to make this sector exploitation free, safe and well-managed to guarantee laborers' right and employment. (6) Encouraging the use of the capital, skill, technology and the experience gained in foreign employment in the productivity sector of the country.

j. Policies regarding social justice and inclusion: (1) Making appropriate arrangements of livelihoods by prioritizing employment for single women who are in helpless conditions on the basis of skill, capability and merit. (2) Making women self reliant who are vulnerable, victims of conflict, excluded by family and the society, by making necessary arrangements of rehabilitation, protection and empowerment for them. (3) Ensuring the use of necessary services and facilities during the reproductive stage. (4) Economically evaluating the works and contribution in regard to child care and care for the family. (5) Paying primary attention to the utmost interest of children.

(6) Rehabilitation of *kamaiya* (bonded laborers), *kamlari, haruwa, charuwa, haliya,* the landless and the squatters by identifying them, and making arrangements of housing, or providing small plot of land or house, employment, or arable land for their livelihoods. (7) Providing appropriate opportunities to youths for their contribution to the all-round-development of the State by increasing their participation in it, through the creation of an atmosphere for them to use their political, economic, social and cultural rights, and also by providing special opportunities in educational, health and employment sector through their personality development for their empowerment and all-round-development. (8) Making special arrangements to ensure the rights of Adivasi Janajatis (indigenous ethnic groups) to lead a dignified life with their respective identities, and making them participate In decision making processes that concern them, and preserving and maintaining the traditional knowledge, skill, experience, culture and social practices of Adivasi Janajatis and local communities. (9) Making special arrangements for minority communities to exercise their social and cultural rights by maintaining their identity. (10) Making special arrangements for the Madhesi community to have equal distribution of benefits of economic, social and cultural opportunities, and also for the protection, progress, empowerment and development of the very poor and backward classes within the Madhesi community. (11) Making special provisions of protection, progress, empowerment and development, and the fulfillment of basic needs of the citizens of oppressed and backward regions. (12) Giving priority to the very poor within all communities, regions, and gender, while providing social security and social justice. (13) Making a well planned investment in sports and sports men and women in order to produce healthy, able and disciplined citizens and developing sports as a medium of consolidating national unity and promoting national prestige in the international arena. (14) Involving NGOs and INGOs only in the areas of national needs and priority, by adopting a one-door policy for the establishment, endorsement, engagement, regulation and management of such organizations, and by making the investment and role of such organizations accountable and transparent.

k. Policies regarding justice and punishment: (1) Making judicial administration swift, competent, easily available, economical, impartial, effective and accountable to people. (2) Adopting alternative methods such as reconciliation and mediation for the settlement of disputes of ordinary nature. (3) Adopting effective methods in controlling corruption and irregularities in all sectors, including politics, judicial sector, administration and the social sector.

l. Policies regarding tourism: Developing environment friendly tourism industry as an important basis of national economy by identifying, protecting, promoting and publicizing the historical, cultural, religious, archaeological and natural heritage sites of the country, and prioritizing local people in the distribution of benefits of the tourism industry.

m. Policy regarding international relations: (1) Pursuing an independent foreign policy considering national interest to be of utmost importance, on the basis of the UN Charter, non-alignment, principle of P*anchasheel,* international law and universal norms, and by remaining active to defend the sovereignty, indivisibility, national independence and national interest. (2) Entering into treaties and agreements on the basis of equality and mutual interest, by reviewing past treaties.

52. Obligation of the Sate: It shall be the obligation of the State to maintain Nepal's independence, sovereignty, territorial integrity, autonomy of Nepal, protecting and promoting fundamental rights and human rights, and to observe the directive principles of the State and gradually implementing the policies.

53. Submitting report: An annual report regarding the works of the government including the achievements made in the implementation of the directive principles, policies and responsibilities mentioned in this Part, shall be presented to the President. The President shall make arrangements to send such reports to the Federal Legislature through the Prime Minister.

54. Provision regarding monitoring: (1) There shall be a committee in the Parliament as provided for in law to monitor the progressive implementation of the directive principles, policies and responsibilities of the state as mentioned in this Part.

55. Questions not to be raised in court: No question shall be raised in any court as to whether any of the provisions contained in this Part is implemented or not.

PART 5: Restructuring of the State and the distribution of State power

56. Structure of the State: (1) The Federal Democratic Republic of Nepal shall have three main levels of structure: federal, provincial and local. (2) The State powers of Nepal shall be used by the federal, provincial and the local level in accordance with this constitution. (3) There shall be the provinces with the districts listed in Schedule-4 that prevail at the commencement of this Constitution in Nepal. (4) Under the local level, there shall be Village Council, Municipal Council and District Assembly. The number of wards in a Village council and Municipal Council shall be as provided for in a Federal law. (5) Special, protected and autonomous regions may be created for socio-cultural protection or economic development according to Federal law. (6) The Federation, provinces and local levels independence, sovereignty, territorial integrity, autonomy, national interests, overall development, multi-party competitive democratic republic and federal system of governance, human rights and fundamental rights, rule of law, separation of powers and check and balance, equitable society based on plurality and equality, and inclusive representation and identity.

57. Distribution of State power: (1) The power of the federation shall be relating to the subjects mentioned in Schedule-5, and such authority shall be exercised in accordance with this Constitution and the Federal law. (2) The power of the province shall be relating to the subjects mentioned in Schedule-6, and the exercise of such authority shall be done in accordance with this Constitution and the Federal law. (3) The concurrent/ shared power of the federation and the province shall be relating to the subjects mentioned in Schedule-7, and the exercise of such authority shall be done in accordance with this constitution and the laws made by the Federal Parliament and Provincial Assembly. (4) Powers shall be vested in the local level on the matters referred to in Schedule-8 and such powers shall be exercised according to this Constitution and Federal

law, provincial law and laws formulated by the local level. (5) Concurrent list of powers of the Federation, province and local level shall be as mentioned in Schedule-9 and exercise of such powers shall be according to this constitution, and Federal law, provincial law and laws formulated by the local level. (6) While making law by Provincial Assembly, village council and municipal council pursuant to clause (5), they shall have to make laws without being inconsistent to Federal law and if such laws formulated by Provincial legislature, village council and municipal council is inconsistent with the Federal law, such law shall, to the extent of its being inconsistent, be void. (7) While making law by village council and municipal council pursuant to clause (5), they shall have to make laws without being inconsistent to provincial law and if such laws formulated by the village council and municipal council is inconsistent with the provincial law, such law shall, to the extent of its being inconsistent, be void.

58. Residual powers: Powers relating any subject that are not mentioned in the list of powers of the federation, province or the local level entity, or in the concurrent/shared powers of federation and the province, or not stated in this Constitution, shall rest with the federation as residual powers.

59. Use of fiscal power:(1) The federal, provincial and the local entities shall enact law, make annual budget, make necessary decisions, formulate policies and planning, and implement them in regard to the subjects related to the fiscal power mentioned in their respective lost of powers. (2) The federation may make basic laws regarding necessary policies and criteria related to the subjects included in the list of concurrent/shared power and in other areas of fiscal authority, which may also be implemented in provinces. (3) The federation, province and the local level entity shall make budgets of their respective levels, and the budget shall be presented in accordance with the Federal law. (2) The federation, province and the local level entity shall have to make arrangements for equitable distribution of the benefits from the development of natural resources. A certain portion of such benefit, royalty, services or objects, shall have to be distributed in areas affected by projects and to the local communities as provided for by law. (3) When the federal, provincial and local level entity utilize

natural resources, they shall have to give priority to local communities to make certain percentage of investment if they wish to do that in view of the nature and percentage in the investment. (4) The government of Nepal shall have the right to seek foreign aid and loan. The economic stability of the country as a whole shall have to be maintained in doing so. (5) The management of budget deficit of the federation, province and the local level entity and the arrangements regarding fiscal discipline shall be in accordance with Federal law.

60. Distribution of sources of revenue: (1) The federation, province and the local level entity shall impose tax on subjects within their fiscal jurisdiction and collect revenue from such sources. *Provided that* with regard to the source that are not included in the concurrent/shared list or in any list at any level, it shall be as determined by the Government of Nepal. (2) The Government of Nepal shall make necessary arrangements to equitably distribute the revenue generated by it from its sources, between the federation, province and the local level entities. (3) The amount of the fiscal transfer, the province and the local level entities are to receive shall be as recommended by the National Natural Resources and Fiscal Commission. (4) The Government of Nepal shall distribute fiscal equalization grants to province and local level entity on the basis of their need for expenditure, their capacity in generating revenue and the efforts made by them. (5) The province shall distribute fiscal equalization grants received from the Government of Nepal and the revenue generated from its sources, to the local level entities under it on the basis of need for their expenditures and their capacity to generate revenue, in accordance with provincial law. (6) The Government of Nepal shall make arrangements regarding conditional grants to be provided through the Federal Consolidated Fund, complementary grants, or the special grants for other purposes. (7) The distribution of revenue between the federal, provincial and the local level entity shall be transparent. (8) While enacting the Federal Act regarding revenue distribution, the matters that need to be included are: national policy, national needs, the autonomy of provinces and local level entities, the service delivery of the provinces and local level entities and the fiscal rights given to them; their capacity to generate revenue; feasibility and use of revenues; their contribution to development works; regional

imbalance; poverty and inequality; exclusion, emergency works and the support of meet temporary needs.

PART 6: President and vice-President

61. President: (1) There shall be a President in Nepal. (2)The President shall be the head of the State. He/she shall perform his/her duties according to this Constitution and Federal laws. (3) The President shall promote national unity of Nepal. (2) Compliance and protection of the constitution shall be the main duties of the President.

62. Election of the President: (1) An electoral college, consisting of votingmembers of the Federal Parliament and the members of Provincial Assembly, shall elect the President. It shall be done as provided for in law with the difference of weightage in voting of the members of the Federal Parliament and the members of Provincial Assembly. (2) Notwithstanding anything contained in clause (1), it shall not be deemed to prevent the formation of an electoral college for the use of the election of the President simply because of the reason that an election of Provincial Assembly has not been held in any province. (3) The person who receives majority votes of the total number of existing members of the Electoral College as provided for in clause (1), shall be elected as President. (4) If any candidate fails to receive majority votes according to clause (3), there shall be a second round of voting between the two candidates who receive the highest votes, and a person getting more than fifty percent of vote in this voting shall be elected as President. (5) If none of the two candidates obtain more than fifty percent of the votes in the voting held under clause (4), then a re-voting will be conducted. Any person getting the majority of votes cast in this re-voting shall be elected as President. (6) If a person who is elected to the position of the President already holds a political position through election, nomination, or appointment, the position held by such a person shall automatically become vacant. (7) The election of the President and other related arrangements shall be as provided for by law

63. Term of Office of President: (1) The term of the President shall be for five years. (2) The President whose term has expired

pursuant to clause (1), shall continue to work according to this Constitution until the newly elected President joins the office.

64. **Qualifications of the President**: (1) A person shall be eligible to be Presidentif he/she fulfils the following qualifications: (a) He/she is eligible to be a member of the Federal Parliament. (b) He/she has attained at least 45 years of age, and (c) Is not ineligible by any law. (2) Notwithstanding anything contained in clause (1), a person who has already been elected President for two terms, shall not be eligible to be a Presidential candidate for the Presidential election thereafter.

65. **The circumstances in which the President ceases to hold office**: The President shall cease to hold office under the following circumstances: (a) If a written resignation is tendered to the Vice-President. (b) If an impeachment motion against the President is passed pursuant to Article 101; (c) If the term of office expires (d) If he/she dies

66. **Functions, duties and powers of the President**: (1) President shall exercisehis/her rights and duties as provided for by this constitution and Federal laws. (2) While exercising rights under clause (1), the President shall perform all the works with the consent and recommendation of the Council of Ministers, except in case where the works have to be performed expressly under the recommendation of some agency or official. Such consent and recommendation shall be made to the President through the Prime Minister. (3) The decision or order made in the name of the President as provided for by clause (2) and the certification of credentials in that regard, shall be done as specified by Federal law.

67. **Vice-President**: (1) There shall be a Vice-President in Nepal. (2) The Vice-President shall perform the duties of the President until a new President is elected in the case when the President ceases to hold Office due to reasons other than when the President is absent or the term of office has expired. (3) If a person is elected to the position of Vice-President already holds a political position through election, nomination or appointment, the position held by such a person shall automatically become vacant.

68. **The circumstances in which the Vice-President ceases to hold office**: The Vice-President shall cease to hold office under the following circumstances: (a) If he/she tenders a written

resignation to the President, (b) If an impeachment motion against the Vice-President is passed pursuant to Article 101, (c) If the term of office expires,or (d) If he/she dies.

69. **Other provisions regarding the Vice-President:** The qualification of the Vice-President, election process, and other provisions regarding the term of office, shall be similar to that of the President.

70. **President and Vice-President to belong to different gender or community**: While conducting election of the President and Vice-President under this constitution, the election shall be held so as to represent different gender or communities.

71. **Oath of office of the President and Vice-President**: The President shall take the oath of office and secrecy before the Chief Justice, and, the Vice-President before the President, as provided for by law, before assuming the responsibilities of the office.

72. **Remuneration and other benefits to the President and Vice-President**: The remuneration and other benefits to the President and Vice-President shall be as determined by an Act, and until such Act is made, it shall be as specified by the Government of Nepal.

73. **Office of the President and the Vice-President**: (1) Separate offices shall be set up to assist the works of the President and the Vice-President. (2) The Government of Nepal shall provide necessary personnel and make other arrangements for the management of the works of the offices pursuant to clause (1).

PART 7: Federal Executive

74. **Form of governance**: The form of governance of Nepal shall be a multi-party, competitive, federal democratic republican parliamentary system based on plurality.

75. **Executive Power**: (1) The executive power of Nepal shall rest with the Council of Ministers in accordance with this Constitution and law. (2) The responsibility of providing general directives, control and enforcement regarding the governance system of Nepal, by adhering to this constitution and law, shall rest with the Council of Ministers. (3) The entire works relating to the federal executive of Nepal shall be done in the name of

the Government of Nepal. (4) The decision or Order and related certification of credentials as provided for by clause (3) shall be done according to law.

76. Formation of the Council of Ministers: (1) The President shall appoint the parliamentary party leader of the political party with the majority in the House of Representatives as a Prime Minister, and a Council of Ministers shall be formed in his/her chairmanship. (2) If there is not a clear majority of any party according to clause (1), the President shall appoint as Prime Minister the member of the House of Representatives who can have the majority with the support of two or more political parties represented in the House of Representatives. (3) If there is a situation wherein it is not possible to make the appointment of the Prime Minister as provided for in clause (2) within 30 days of the final result of the election of the House of Representatives, or if the appointed Prime Minister, as provided for in clause (4), fails to receive a vote of confidence, the President shall appoint the leader of the party with the highest number of members in the House of Representatives as the Prime Minister. (4) The Prime Minister appointed according to clause (2) or (3) shall have to receive the vote of confidence of the House of Representatives within 30 days of his/her appointment. (5) If a Prime Minister appointed according to clause (3) fails to receive a vote of confidence pursuant to clause (4), the President shall appoint a member as Prime Minister, who produces bases that he/she may win the vote of confidence of the House of Representatives as provided for in clause (2). (6) The Prime Minister appointed according to clause (5) shall have to get the vote of confidence according to clause (4). (7) If the Prime Minister appointed according to clause (5) fails to get the vote of confidence or if any member fails to be appointed as Prime Minister, the President shall, on the recommendation of Prime Minister, dissolve the House of Representatives and fix a date to conduct another election within six months. (8) The procedure regarding the appointment of the Prime Minister shall have to be completed within 55 days after the post of the Prime Minister falls vacant, or the announcement of the final results of the election of the House of Representatives according to this Constitution. (9) The President shall, on the recommendation of the Prime Minister, form a council of ministers consisting of members

not exceeding twenty five in number from among the members of the Federal Parliament on the basis of the principle of inclusion. **Explanation:** For the purpose of this Article 'minister' stands for Deputy Primeminister, minister, minister of state and assistant minister. (10) The Prime Minister and the ministers shall be collectively accountable to the Federal Parliament, and, a minister shall be personally accountable to the Prime Minister for the works of his/her ministry, and also to the Federal Parliament.

77. Circumstances under which the Prime Minister and minister ceases to hold office: (1) The Prime Minister shall cease to hold office in the following circumstances: (a) If he/she tenders written resignation to the President, (b) If a vote of confidence fails to be approved according to Article (100), or a motion of no confidence is passed, (c) If he/she ceases to be a member of the House of Representatives, (d) If he/she dies. (2) The minister shall cease to hold office in the following circumstances: (a) If he/she tenders a written resignation to the Prime Minister, (b) If the Prime Minister removes him/her from the post, (c) If the Prime Minister ceases to hold office according to clause (1) (a), (b) or (c), or (d) If he/she dies. (3) If the Prime Minister ceases to hold the office according to clause (1), the same council of ministers shall continue to work until another council of ministers is constituted. *Provided that*, in the case of the death of the Prime Minister, the senior most minister shall continue to act as Prime Minister until a new Prime Minister is appointed.

78. A person to be a minister who is not a member of the Federal Parliament: (1) Whatsoever is contained in clause (9) of Article (76), the President may, on the recommendation of the Prime Minister, appoint deputy Prime Minister, minister, minister of state, assistant minister, who is not a member of the Federal Parliament. (2) The minister appointed according to clause (1) shall have to receive membership of the Federal Parliament within six months of taking oath of office. (3) If the minister fails to get the membership of the Federal Parliament according to clause (2), the minister shall not be eligible for reappointment as minister during the tenure of the existing House of Representatives. (4) Whatever may be contained in clause (1), a person who has lost election in the election of the

existing House of Representatives, shall not be eligible to be a minister according to clause (1), during the tenure of the existing House of Representatives.

79. **The remuneration and other benefits to the Prime Minister, deputy Prime Minister, minister, state minister and assistant minister:** The remuneration and benefits to the Prime Minister, deputy Prime Minister, minister, state minister, and assistant minister shall be as provided for by Federal Act. Until such an Act is formulated, it shall be as determined by the Government of Nepal.

80. **Oath of office**: The Prime Minister, the Deputy Prime Minister and minister shall take the oath of office and secrecy before the President, and, the state minister and assistant minister before the Prime Minister according to Federal law.

81. **The President to be informed**: The Prime Minister shall inform the President about the following: (a) The decision of the Council of Ministers, (b) The Bill to be presented before the Federal Parliament, (c) If the President asks for other information relating to Part (a) and (b), the other information shall be provided. (d) Contemporary situations of the country and subjects relating to foreign affairs.

82. **The working procedure of the government of Nepal**: (1) The division of works and work performance of thegovernment of Nepal shall be in accordance with the regulations passed by the Government of Nepal. (2) No question shall be raised in any court as to whether or not the regulations under clause (1) were abided by.

PART 8: Federal Parliament

83. **Federal Parliament:** There shall be a Legislature, called Federal Parliament, consisting of two Houses, namely the House of Representatives and the National Assembly.

84. **Constitution of House of Representatives:** (1) The House of Representatives shall consist of two hundred and seventy five members as follows:- (a) One hundred and sixty five members elected through the first-past-the-post electoral system consisting of one member from each of the one hundred and sixty five electoral constituencies formed by dividing Nepal into 165 constituencies based on geography, and population. (b)

One hundred and ten members elected from proportional representation electoral system where voters vote for parties, while treating the whole country as a single electoral constituency. (2) Provision shall be made according to Federal law for the representation of political parties to file candidacy for the election of the House of Representatives for proportional representation system through closed list of women, *Dalit*, *Adibasi Janajati, Khas Arya, Madhesi, Tharu,Muslim, and* backward regions. Balance in geography and province shallbe considered for such candidacy. **Explanation:** For the purpose of this provision, *Khas Arya* means *Chhetri, Brahmin, Thakuri* and *Sannyasi (Dasnami)* community. (3) While filing candidacy by political parties pursuant to clause (2), provision of representation of persons with disability shall also be made. (4) The election for the members of House of Representatives pursuant to clause (1) shall be held through secret ballots as provided in the law. (5) Every Nepali citizen who has attained the age of eighteen years, as provided in law, shall be entitled to vote in any constituency. (6) Subject to law, any Nepali citizen, who is entitled to vote in election for House of Representatives, and who meets the requirements under Article 87, shall be allowed to file candidacy from any constituency. *Provided that* the same person shall not be a candidate in more than one electoral constituency at the same time. (7) In case of vacancy of a seat of a member in House of Representatives, while still ahead of six months of its terms, such vacancy shall be filled through process by which said member had been elected. (8) Notwithstanding anything contained elsewhere in this Article, women should account for at least one third of total members elected from each party in Federal Parliament. In case, one-third percentage of women are not elected while being elected under section (a) of clause (1), and section (a), clause (2) of Article 84, the party that fails to ensure one-third representation shall have to elect at least one-third of total numbers as woman in the Federal Parliament while electing members under section (b) of clause (1). (9) Election of House of Representatives and other matters thereto shall be pursuant to Federal laws.

85. Term of House of Representatives: (1) Except when dissolved earlier, the term of House of Representatives shall be five years. (2) Notwithstanding anything in clause (1), *provided that* the situation when the order for the state of emergency is made and when such state of emergency exists, the term of House of Representatives may be extended, not exceeding one year in accordance with Federal law. (3) The term extended under clause (2) shall, *ipso facto*, end within six months of the end of state of emergency.

86. Constitution of National Assembly and terms of members: (1) National Assembly shall be a permanent house. (2) There shall be fifty-nine members in the National Assembly as follows:- (a) Fifty six members elected from an Electoral College comprising members of Provincial Assembly and chairpersons and vice-chairpersons of Village councils and Mayors and Deputy Mayors of Municipal councils, with different weights of votes for each, with eight members from each province, including at least three women, one Dalit, one person with disability or minority; (b) Three members, including at least one woman, to be nominated by the President on the recommendation of Government of Nepal. (3) The tenure of members of National Assembly shall be six years. *Provided that* after the commencement of this Constitution, arrangements shall be made by drawing lottery to retire one-third of the members on the expiry of two years, another one-third on the expiry of four years, and the final one-third on the expiry of six years. (4) The tenure shall be considered to have commenced from the day of first meeting of the National Assembly. (5) In case of vacancy of a seat in National Assembly, it shall be filled in the manner through which the said member had been elected or nominated. (6) Other provisions relating to election of National Assembly members shall be as provided by law.

87. Qualifications for Members: (1) Persons who meet the following requirement shall be considered eligible to be the member of Federal Parliament:- (a) citizen of Nepal, (b) who has attained twenty five years of age for the House of Representatives and thirty five years of age for the National Assembly; (c) who has not been punished for any criminal offence involving moral turpitude (d) not ineligible under any law, (e) not holding an office of profit. **Explanation:** "Office of

profit" in this section means any position, other than a political position which is to be filled by election or nomination, for which a remuneration or economic benefit is paid out of a government fund. (2) No personshall be a member of both Houses at the same time. (3) No one person can be a member of both the houses at the same time. (4) If a person who is elected or nominated to the position of the member of Federal Parliament already holds a political position through election, nomination, or appointment, the position held by such a person shall automatically become vacant from the day of his/her taking oath of office.

88. Oath: Every member of the Federal Parliament shall, before taking part for the first time in the meeting of the parliament at its committees, have to take an oath as provided in law.

89. Vacation of seat: The seat of a Member of Parliament shall be vacant in the following circumstances:- (a) if he or she resigns in writing to the Speaker or Chairperson, (b) if he or she does not meet the requirements under Article 91, (c) if his or her term of office expires or if the term of the House of Representatives and National Assembly expires, (d) if he or she remains absent from ten consecutive meetings without notification to the House, (e) if the party of which he or she was a member when elected provides notification in the manner set forth by law that he or she has abandoned the party. (f) if he or she dies.

90. Decision as to Disqualification of Members: If a question arises as to whether a Member of Parliament is disqualified or has ceased to possess any of the qualifications set forth in Article 91 the final decision shall be made by the Constitutional bench of the Supreme Court.

91. Speaker and Deputy-Speaker of the House of Representatives: (1) The House of Representatives shall, within fifteen days of commencement of first meeting, elect a Speaker and a Deputy Speaker from among its members. (2) While electing Speaker and Deputy Speaker as per clause (1), either Speaker or Deputy Speaker shall be a woman and belong to different parties. *Provided that*, no more than one party is elected to the House of Representatives or does not seek to file its candidacy even when elected, nothing in this article shall bar from having Speaker and Deputy Speaker of the same party. (3) If the office

of the Speaker or the Deputy Speaker falls vacant, the House of Representatives shall fill the vacancy through election from among its members. (4) The Deputy Speaker shall, in the absence of the Speaker of the House of Representatives, chair the meeting of House of Representatives. (5) In case the election of the Speaker and Deputy Speaker has not taken place, or both positions remain vacant, the senior-most member of the House of Representatives shall preside the meeting of the House of Representatives. (6) The office of the Speaker or the Deputy Speaker shall be vacant in the following circumstances: (a) if s/he ceases to be a member of the House of Representatives: *Provided that,* after the dissolution of the House of Representatives, the Speaker and Deputy Speaker shall continue in office until the date of the filing of nominations for election to the House of Representatives. (b) if s/he submits a written resignation; (c) if a resolution is passed by a majority of two-thirds of the total number of members in the House of Representatives to the effect that his/ her conduct is not compatible with his/her position. (7) The Deputy Speaker shall preside over a meeting at which deliberations are to be held on a resolution that the conduct of the Speaker of the House of Representatives is not compatible with his/her position. The Speaker shall be entitled to take part and vote in the deliberations on such resolution.

92. Chairperson and Vice-Chairperson of National Assembly: (1) After the commencement of its first session, the National Assembly shall, within fifteen days of commencement of first meeting, elect a Chairperson and Vice chairperson from among its members. (2) While electing as per clause (1), either Chairperson or Vice chairperson Chairman of the National Assembly shall be a woman. *Provided that* no more than one party is elected to the National Assembly or does not seek to file its candidacy even when elected, nothing in this article shall bar from having Chairperson and Vice chairperson from the same party. (3) If the office of theChairperson or Vice chairperson falls vacant, the National Assembly shall fill the vacancy through election from among its members. (4) The Vice-Chairperson shall, in the absence of the Chairperson of the National Assembly, chair the National Assembly. (5) If the election of the Chairperson and Vice chairperson has not taken place, or if both the positions have become vacant, the senior-

most member of the National Assembly shall preside over the meeting of the National Assembly. (6) The office of the Chairperson and Vice chairperson shall be vacant in the following circumstances: (a) if s/he ceases to be a member of the National Assembly, (b) if s/he submits a written resignation, (c) if a resolution is passed by a majority of two-thirds of the total members of the National Assembly to the effect that his or her conduct is not compatible with his/her position. (7) The Vice-Chairperson shall preside over a meeting at which deliberations are to be held on a resolution that the conduct of the Chairperson of the National Assembly is not compatible with his/her position. The Chairperson shall be entitled to take part and vote in the deliberations on such resolution.

93. Summoning and Prorogation of Sessions: (1) President shall summon a session of parliament within one month after the elections to the House of Representatives are held. Thereafter, President shall summon other sessions from time to time in accordance with this Constitution: *Provided that* the interval between two consecutive sessions shall not be more than six months. (2) President may prorogue the session of both or either of the Houses of Parliament. (3) If, during the prorogation or recess of the House of Representatives, one-fourth of its members submit a request stating that it is desirable that a session or meeting of House of Representatives be called, the President shall call the session or meeting of the Parliament by setting date and time for this within a fortnight, and House of Representatives shall convene or commence its session on the specified date and the time thus fixed.

94. Quorum: Except as otherwise provided in this Constitution, no resolution shall be presented for decision in either House of Parliament unless one-fourth of the total number of members of the concerned House are present.

95. Address by President: (1) President may address either House or a joint sitting of both the Houses of Parliament, and s/he may summon the members for that purpose. (2) President shall address the first session after an election to the House of Representatives and a joint sitting of both the Houses of Parliament after the commencement of the first session of each year.

96. Deputy Prime-minister, State Minister and Assistant Minister Entitled to Take Part in Both Houses: A Minister shall be entitled to attend and take part in the proceedings and deliberations of any of the House of Parliament or its committees. *Provided that* s/he shall not be entitled to vote in a House or committee of which s/he is not a member.

97. Formation of Committees: (1) House of Representatives and National Assembly shall have the right to form committees according to the law. (2) If a resolution is passed by either House demanding that a Joint Committee of both the Houses be constituted for the purpose of managing the working procedure between the two Houses, resolving disagreements on any Bill, or for any other specified function, a Joint Committee thereon shall be constituted. The Joint Committee shall consist of up to a maximum of twenty-five members in the ratio of five members from the House of Representatives to one member from the National Assembly.

98. Transaction of Business in case of vacancy of Members: Both House of Federal Parliament shall have the power to transact its business notwithstanding any vacancies in the seats of its members, and no proceedings shall become invalid even if it is subsequently discovered that a person not entitled to take part in the proceedings of either House had participated therein.

99. Voting: Except as otherwise provided in this Constitution, all questions submitted for decision in either House of Parliament shall be decided by a majority vote of the members present and voting. Normally, the member presiding shall not have the right to vote. But he may exercise the right to cast decisive vote in case of a tie.

100. Provision related to Vote of Confidence and Motion of no-confidence: (1) The Prime Minister, while he holds office, may, whenever he is of the opinion that it is necessary or appropriate to obtain a vote of confidence from the members of the House of Representatives, shall table a resolution to that effect in the House of Representatives. (2) The Prime Minister may, if his or her party is fragmented or the coalition partner withdraws its support, to obtain a vote of confidence from the members of the House of Representatives, table a resolution to that effect in the House of Representatives within thirty days. (3) A decision on a resolution tabled pursuant to clauses (1) and (2)

shall be made by a majority of the total number of members of the House of Representatives. (4) One-fourth of the total number of members of the House of Representatives may table in writing a no-confidence motion against the Prime Minister: *Provided that* a no-confidence motion shall not be presented up to first two years of appointment of the Prime Minister and if a no-confidence motion fails, another motion cannot be tabled within a year of its failure. (5) The name of the member proposed for Prime Minister should be mentioned when tabling the no-confidence motion under clause (4). (6) The Prime Minister shall be deemed to be relieved of his/her office if the no-confidence motion tabled under clause (4) is passed by a majority of the total number of members of the House of Representatives. (7) If the office of Prime Minister falls vacant under clause (6), the President shall appoint the member proposed in motion of no-confidence under Article 76, the Prime Minister.

101. Impeachment: (1) At least one-fourth majority of the total number of the then members of House of Representatives may table a motion of impeachment against the President or Vice-President on the charge of serious violation of the Constitution and law by him/her. If at least two-thirds majority of the total number of the then members of joint session of both Houses of Federal Parliament passes the motion, the President or Vice President shall ipso facto be relieved of his or her office. (2) A motion of impeachment against the Chief Justice or any other Judge of Supreme Court, member of Judicial Council and Head or official of Constitutional Bodies may be moved by at least one-fourth majority of the total number of the then members of House of Representatives on the grounds of serious violation of the Constitution and law, his or her incompetence, misbehavior or failure to discharge the duties of his or her office in good faith or his or her inability to discharge his or her duties because of physical or mental reason; and if the motion is passed by a two-thirds majority of the total number of the then members of joint session of both Houses of Federal Parliament, he or she shall ipso facto be relieved of his or her office. (3) A motion of impeachment recommendation committee shall be formed in House of Representatives to recommend charges of impeachment under clause (2). (4) The committee formed under clause (3) shall comprise of eleven

members. (5) According to clause (2), motion of impeachment can be tabled at the House of Representatives by the committee under clause (2) on the charges of serious violation of constitution, other grounds of his or her incompetence, misbehavior or failure to discharge the duties of his or her office in good faith or his or her inability to discharge his or her duties because of physical or mental reason, are proven with evidence by at least three members. (6) Once the process of impeachment is set in motion as per clause (2), then the person against whom the impeachment motion is moved, whether Chief Justice or Supreme Court judges, members of Judicial Council or chiefs or members of Constitutional bodies, shall not perform his/her duty till the process over the motion is complete. (7) Person against whom impeachment motion is moved as per clause (1) or (2) shall be given adequate opportunity to defend. (8) There shall be no obstruction in taking action as per the law against a person who is discharged of duty after the approval of impeachment motion as per this article if such a person is found to have committed crime whether such person was President or vice President, chief justice or supreme court judges, members of judicial council or chiefs or members of constitutional bodies. (9) Any official who has been removed from office by way of impeachment pursuant to clause (1) and (2) shall not be entitled to gratuity or pension, and shall be ineligible to be appointed or nominated to any other public position. (10) Other provisions related to impeachment motion shall be as provided by law.

102. Penalty for Unauthorized Presence or Voting: If a person sits or votes in a meeting of either House of Parliament as a member without taking an oath pursuant to Article 88, or knowing that s/he is not qualified for membership in the House, s/he shall, on order of the person chairing the House, be liable to a fine of five thousand rupees for each day of such presence or voting. The fine shall be recovered as government dues.

103. Privileges: (1) Subject to the provisions of this Constitution there shall be full freedom of speech in both Houses of Parliament and no member shall be arrested, detained or prosecuted in any court for anything said or any vote cast in the House. (2) Subject to the provisions of this Constitution, each- House of Parliament shall have full power to regulate its

internal business, and it shall be, the exclusive right of the House concerned to decide whether or not any proceeding of the House is regular. No question shall be raised in any court in this behalf. (3) No comment shall be made about the good faith concerning any proceeding of either House of Parliament and no publication of any kind shall be made about anything said by any member which intentionally distorts or misinterprets the meaning of the speech. (4) The provisions laid in clause (1) and (3) shall also apply to any person, other than a member, who is entitled to take part in a meeting of the House. (5) No proceedings shall be initiated in any court against any person for publication of any document, report, vote or proceeding which is made under authority given by a House of Parliament. **Explanation:** For the purpose of this clause and clauses (1), (2), (3) and (4), theword "House" shall mean and include the House of Representatives and National Assembly and shall also mean a joint sitting of Parliament or a meeting of the Joint Committee. (6) No members of Parliament shall be arrested between the date of issuance of the summons for a session and the date on which that session closes: *Provided that* nothing in this clause shall be deemed to prevent the arrest under any law of any member on a criminal charge. If any member is so arrested, the official making such arrest shall forthwith inform the person chairing the concerned House. (7) Any breach of privilege of either House of Parliament shall be deemed to constitute contempt of Parliament and the concerned House shall have the exclusive right to decide whether or not any breach of privilege has taken place. (8) If a person is in contempt of either House of Parliament, the Chairperson of the concerned House may, after a decision by the House to that effect, admonish, warn or impose a sentence of imprisonment not exceeding three months, to remain effective only during the current session of the House, or impose a fine up to five thousand rupees on such person. The fine shall be recovered as government dues. *Provided that* if the person so accused submits an apology to the satisfaction of the House, it may either pardon him or remit or commute the sentence imposed on him. (9) Other matters relating to privileges not mentioned in this Constitution shall be as determined by law.

104. Procedures relating to the Conduct of Business: (1) Each House of Federal Parliament shall, subject to the provisions of this Constitution, frame rules for conducting its business, maintaining order during its meetings and regulating the constitution, functions and procedures of the committees or any other matter of the Federal Parliament or committees. The Federal Parliament shall determine its own conduct of business until such rules are framed. (2) Matters relating to the conduct of business of a joint sitting of Federal Parliament and the constitution of its Joint Committee and the functions and procedures thereof shall be in accordance with rules approved by the joint session of the both Houses.

105. Restriction on discussion: No discussion shall be held in either House of Federal Parliament on a matter which is under consideration in any court of Nepal, and about anything done by a Judge in course of performance of his duties. *Provided that* nothing in this Article shall be deemed to bar the expression of opinion about the conduct of a Judge during deliberations on a motion of impeachment.

106. Secretary General and Secretary of Federal Parliament: (1) Secretary of the House of Representatives shall be appointed on the recommendation of its Speaker, the Secretary of the National Assembly shall be appointed on the recommendation of its Chairperson, the secretary-general appointed in consultation with both the Speaker and the Chairperson. (2) The qualifications, duties, functions, rights and other services of Secretary General the Secretary of the National Assembly, and the Secretary of Federal House of Representatives shall be as determined by law.

107. Secretariat of Federal Parliament: A Secretariat shall be established for the purpose of conducting the business of Parliament. Other matters related thereto shall be as determined by law.

108. Remuneration: The remuneration and benefits of the Speaker and Deputy Speaker of the House of Representatives, the Chairperson and Vice-Chairperson of the National Assembly and Chairperson of committees and members of Federal Parliament shall be as determined by the law. Until so determined it shall be as specified by the Government of Nepal.

PART 9: Federal Legislative Procedure

109. Legislative power of Federal Parliament: The legislative powers of the Federal Parliament shall be as enumerated in Schedule-5, Schedule-7 and Schedule-9.

110. The procedure of introducing a Bill: (1) A Bill may be introduced at either House of the Federal Parliament subject to this Constitution. *Provided that* finance bill may be introduced in the House of Representatives only. (2) The finance Bill and Bills concerning the security agencies, including the Nepal Army, Nepal Police, Armed Police, shall be introduced only as a government Bill. (3) "Finance Bill" means a Bill concerning subjects: (a) the imposition, collection, abolition, remission, alteration of taxes or regulation of tax system. (b) the preservation of the Federal Consolidated Fund or any other Federal Government fund, the deposit of money into and the appropriation or the withdrawal of money from such funds, or the reduction, increment or cancellation of appropriations or of proposed expenditures from such funds. (c) the regulation of matters relating to the raising of loans or the giving of guarantee by the Government of Nepal or any matter pertaining to the amendment of the laws concerning financial liabilities undertaken or to be undertaken by the Government of Nepal. (d) the custody and investment of all revenues received by any Government fund, money acquired through the repayment of loans and the grant of money, or audit of the accounts of the Government. (e) Matters directly related to sections (a), (b), (c) and (d). *Provided that* a bill shall not be deemed to be a Finance bill by reason only that it provides for the payment of any fees such as license fee, application fee, renewal fee, or it provides for imposition of any penalty or imprisonment. (4) If any question is raised as to whether a bill is a finance Bill or not, the decision of the Speaker thereon shall be final.

111. Procedure for passing Bills: (1) A Bill passed by one House of the Federal Parliament shall be immediately sent to the other House, and after the bill is passed by that House, it shall be sent to the President for certification. (2) The Finance Bill passed by the House of Representatives, shall be sent to the National Assembly. The National Assembly shall have to discuss on the Bill send it back to the House of Representatives with

suggestions, if any, within fifteen days of receiving it. (3) The House of Representatives shall discuss over the Bill returned with suggestions according to clause (2), incorporate the appropriate suggestions, if any, and present it to the President for certification. (4) If the National Assembly does not return the Bill even after 15 days of receiving it according to clause (2), the House of Representatives shall send the Bill to the President for certification. (5) Except In the case of a Finance Bill, the Bill sent to the National Assembly by the House of Representatives after passing it, the National Assembly shall have to send them back with suggestions after passing them within two months of receiving them. In the event when such bills are not returned by the National Assembly within the timeframe, the House of Representatives shall send such Bills to the President for certification, after making a decision on them with a majority voting of total existing number of members. (6) If one House rejects the Bill passed by another House, or if it is passed with amendments, the Bill shall have to be sent back to the House where it had been originated. (7) If a Bill is rejected by National Assembly, or sends it back with amendments to the House of Representatives, and if a majority of the existing number of members of the House of Representatives discuss over it and pass it as it is , or pass it with amendments, the Bill shall be presented to the President for certification. (8) If a Bill is sent back to the National Assembly by the House of Representatives with amendments as provided for by clause (6), and if National Assembly also passes the Bill along with the amendments made, it shall be presented to the President for certification. (9) The following Bills shall be presented in the joint meeting of both the Houses and if the Bill is passed as it is or with amendments by the joint meeting, the House where the Bill had originated shall present it before the President for certification. (a) Bills Passed by the National Assembly but rejected by the House of Representatives, or (b) Bills sent back by the House of Representatives to the National Assembly with amendments but National Assembly failing to agree on the amendment. (10) If the session ends when a Bill is still under consideration, the next session may take over the procedure. *Provided that*, if a Bill is presented to the House of Representatives and is under consideration, or it is sent to National Assembly after passing it, but if the House of

Representatives is dissolved while the Bill is still under consideration in the National Assembly, or if its tenure comes to an end, such Bill shall be considered not effective.

112. Withdrawal of Bill: The member who introduces a Bill may withdraw the Bill with the approval of the House.

113. Certification of the Bills: (1) The Bill which is presented to the President according to Article (111) for certification shall have to be authenticated by the Speaker or Chairperson of the House where it originated. *Provided that*, in the case of a Finance Bill, the Speaker shall have to authenticate it as Finance Bill. (2) The Bill presented to the President for certification according to this Article, shall be certified within 15 days, and both the Houses shall be informed about that as early as possible. (3) Except in the case of a Finance Bill, if the President is satisfied that reconsideration is necessary on a bill, the Bill may be sent back to the House where it originated with necessary information within 15 days of receiving the Bill. (4) If the President sends back a Bill with the information and if both the Houses reconsiders the bill as it was presented or with amendments, and pass it and present it again to the President, the Bill shall be certified by the President within 15 days of its submission. (5) The Bill becomes an Act after it is certified by the President.

114. Ordinance: (1) If at any time, except when both the Houses of the Federal Parliament is in session, the President is satisfied that circumstances exist which render it necessary to take action, the President may issue an Ordinance on the recommendation of the Council of Ministers. (2) An Ordinance promulgated under clause (1) shall have the same force and effect as an Act. *Provided that*, every such Ordinance: (a) Shall be tabled at the next session and if not passed by both the Houses, it shall cease to be effective, (a) May be repealed at any time by the President, (b) Shall unless rendered ineffective or repealed under section (a) or (b), cease to have effect after six months of its issuance, or after six months of the meeting of both the Houses, **Explanation**: For the use of this clause, if the meetings of the Federal Parliamentare held at different dates, the time shall be count from the later date of the meeting.

PART-10: Federal Financial Procedures

115. Not tax to be levied or loan to be raised: (1) No tax will be levied and collected except in accordance with law. (2) No loan shall be raised or guarantee be given by the Government of Nepal except in accordance with law.

116. Federal Consolidated Fund: Except for the revenues of religious endowments, all revenues received by the Government of Nepal, all loans raised on the security of revenues, and all money received in payment of any loan made under the authority of any Act and any amount received by the Government of Nepal, unless any other arrangement is made by the Act, shall be credited to a Government Fund to be known as Federal Consolidated Fund.

117. Expenditure from Federal Consolidated Fund or Federal Government Fund: No expenditure shall be incurred out of the Federal Consolidated Fund or any other federal government fund, other than the following: (a) Money charged to the Federal Consolidated Fund, (b) Money required to meet expenditure under an Appropriation Act, (c) Advance money authorized by an Act required to meet expenditures, when an Appropriation Bill is under consideration, or (d) Expenditures to be incurred in extraordinary circumstances under a Vote of Credit Act which contains only a description of expenditure. *Provided that* matters relating to the Contingency Fund shall be governed in accordance with Article 124.

118. Expenditure chargeable on the Federal Consolidated Fund: The expenditures related to the following matters shall be charged on the consolidated fund and the approval of the Federal Parliament shall not be necessary for such expenses: (a) amount required as remuneration and benefits payable to the President and vice President, (b) amount required as remuneration and benefits payable to the Chief Justice, Supreme Court Justice and the Judicial Council members, (c) amount required as remuneration and benefits payable to the Speaker and deputy Speaker of the House of Representatives, Chair and Vice-chair of National Assembly, (d) amount required as remuneration and benefits payable to the Heads and office-bearers of Constitutional bodies, (e) amount required as remuneration and benefits payable to the Provincial Head, (f) the administrative expenses of the office of the President and

the Vice-President, Supreme Court, Judicial Council and constitutional bodies and office of the Provincial Head, (g) all charges relating to debts for which the Government of Nepal is liable, (h) any sum required to be paid under any judgment or decree of a court against the Government of Nepal, and (i) Any other sum declared by Federal law to be chargeable on the Federal Consolidated Fund.

119. Estimates of Revenues and Expenditure: (1) The Finance Minister of the Government of Nepal shall, with respect to every fiscal year, present before the joint meeting of both the houses of the Federal Parliament the annual estimates including the following matters: (a) an estimate of revenues, (b) the money required to meet the charges on the Federal Consolidated Fund, and (c) the money required to meet the expenditure to be provided for by an Appropriation Act. (2) The annual estimates to be presented pursuant to Clause (1) shall be accompanied by a statement of the expenses allocated to each Ministry in the previous financial year and particulars of whether the objectives of the expenses have been achieved. (3) The Finance Minister of the Government of Nepal shall table the revenue and expenditure estimates according to Clause (1) on the 15th of the month of Jestha (beginning of June) in the Lunar Calendar every year.

120. Appropriation Act: The money required to meet the expenditure to be provided by an Appropriation Act shall be specified under appropriate heads in an Appropriation Bill.

121. Supplementary estimates: (1) The Finance Minister of the Government of Nepal shall, in respective of any financial year, present supplementary estimates before the House of Representatives, if it is found: (a) that the sum authorized to be spent for a particular service by the Appropriation Act for the current fiscal year is insufficient, or that a need has arisen for expenditure upon new services not provided for by the Appropriation Act for that year, or (b) that the expenditures made during that fiscal year are in excess of the amount authorized by the Appropriation Act. (2) The sums included in the supplementary estimates shall be specified under separate heads in a Supplementary Appropriation Bill.

122. Votes on Account: (1) Notwithstanding anything contained in this part, a portion of the expenditure estimated for the

financial year may, when an Appropriation Bill is under consideration, be incurred in advance by a Federal Act. (2) A Vote on Account Bill shall not be submitted until the estimates of revenue and expenditures have been presented in accordance with the provisions of Article 119, and the sums involved in the Vote on Account shall not exceed one-third of the estimate of expenditure for the financial year. (3) The expenditure incurred in accordance with the Federal Vote on Account Act shall be included in the Appropriation Bill.

123. Votes of credit: Notwithstanding anything contained elsewhere in this Part, if owing to a local or national emergency due to either natural causes, a threat of external aggression or internal disturbances or other reasons, and it is impractical or inexpedient in view of the security or interest of the State to specify the details required under Clause (1) of Article 119, the Finance Minister may present a Vote of Credit Bill before the House of Representatives giving only a description of the proposed expenditure.

124. Federal Contingency Fund: (1) A Federal Act may create a Contingency Fund into which shall be paid from time to time such money as may be determined by the Federal Act. (2) Such Fund created under clause (1) shall be under the control of the Government of Nepal. Any unforeseen expenditures shall be met out of such fund by the Government of Nepal. (3) The amount of expenditures so met under clause (2) shall be reimbursed as soon as possible as per the Federal Act.

125. Act relating to financial Procedures: Matters relating to the transfer of money appropriated from one head to another and other financial procedures shall be regulated by Federal Act.

PART-11: Judiciary

126. Courts to exercise powers related to justice: (1) Powers relating to justice in Nepal shall be exercised by courts and other judicial institutions in accordance with the provisions of this Constitution, other laws and recognized principles of justice. (2) All must adhere to the order or verdict given by the court in relation to the court cases.

127. Courts: (1) There shall be the following courts in Nepal: (a) Supreme Court, (b) High Court, and (c) District Court (2) In

addition to the courts referred to in Clause (1), other institutions may be established according to the need to adopt other means of alternatives of dispute resolution or judicial bodies to adjudicate cases at the local level according to the law.

128. Supreme Court: (1) There shall be a Supreme Court in Nepal. (2) The Supreme Court shall be the Court of Record. Unless otherwise provided in this Constitution, all other courts and judicial institutions shall be under the Supreme Court. The Supreme Court shall have the final power to interpret the Constitution and law. (3) The Supreme Court may inspect, supervise and give necessary directives to courts and other judicial institutions falling under its jurisdiction on matters relating to judicial administration or management. (4) The interpretation of constitution and law or the legal principles propounded by the Supreme Court in relation to court cases must be followed by all. The Supreme Court can initiate a contempt of court case and punish according to the law against anyone obstructing its or its subordinate court's act of judicial execution or not abiding by its order or verdict.

129. Appointment and qualifications of Chief Justice and Justices of the Supreme Court: (1) In addition to the Chief Justice of Nepal, there shall be maximum of 20 Justices in the Supreme Court. In case the number of the Justices is inadequate because of the increase of number of cases at the Supreme Court, a maximum of ten temporary Justices may be appointed for a certain period. (2) President shall appoint a Chief Justice on the recommendation of Constitutional Council and Justices of the Supreme Court on the recommendation of Judicial Council. (3) Any person who has worked as a Judge of the Supreme Court for at least three years is eligible for appointment as Chief Justice of the Supreme Court. (4) The tenure of office of the Chief Justice shall be six years. (5) Any Nepali citizen who holds a bachelor degree of law and has worked as Chief Judge or Judge of the High Court for seven years or has practiced law for at least fifteen years as a law graduate senior advocate or advocate or has worked for at least fifteen years in the judicial or legal field or has worked as a gazetted officer first class or above of the judicial service for at least twelve years is eligible for appointment as a Judge of the Supreme Court. **Explanation**: The period worked as a judge of the Appellate

Court before the commencement of this Constitution shall be regarded as the period to have worked in capacity of the High Court Judge for the purpose of this Clause. (6) If the office of the Chief Justice becomes vacant, or the Chief Justice is unable to carry out the duties of her/his office due to any reason or she/he cannot be present in office due to a leave of absence, or her/his being outside of Nepal, the senior-most Judge of the Supreme Court shall act as the Acting Chief Justice.

130. Conditions of service and benefits of the Chief Justice and Justices: (1) The Chief Justice, and judges of the Supreme Court are entitled to receive a pension as provided for in the law if they resign, or get compulsory retirement or die after having served for at least five years. (2) Except as otherwise provided in this Constitution, the remuneration and other conditions of service of the Chief Justice and Judge of the Supreme Court shall be according to the law. (3) Notwithstanding anything contained in Clauses (1) and (2), any Chief Justice or Judge of the Supreme Court who has been removed from office through impeachment or has been punished by the court on criminal charges of moral degradation shall not be entitled to any gratuities and pensions. (4) The remuneration and other conditions of service of the Chief Justice and other judges of the Supreme Court shall not be altered to their disadvantage. However, this provision shall not apply in case of a declaration of a state of emergency due to severe economic breakdown.

131. Vacation of Office of Chief Justice or Justices of the Supreme Court: TheChief Justice or Judge of the Supreme Court will cease to hold office in the following situations: (a) If the Chief Justice submits her/his written resignation to the President and a Judge submits her/his resignation to the Chief Justice, (b) If she/he attains the age of six-five years, (c) If an impeachment resolution is passed according to Article 101, (d) If the President relieves her/him of the post on the recommendation of the Constitutional Council in case of the Chief Justice and on the recommendation of the Judicial Council in case of the Judge for not being able to perform duties in service due to physical or mental illness, (e) If convicted by the court on criminal charges of moral degradation, or (f) If she/he dies.

132. Chief Justice and Justices not to be engaged in any other assignment: (1)The Chief Justice or Judge of the Supreme Court

shall not be engaged in or deputed to any other assignment except that of a Judge. *Provided that* the Government of Nepal may, in consultation with the Judicial Council, depute a Supreme Court Judge to work concerning judicial inquiry or to legal or judicial investigation or research for a specified period. (b) Any person who has once held the office of Chief Justice or Judge of the Supreme Court shall not be eligible for appointment in any government post, except otherwise mentioned in this Constitution.

133. Jurisdiction of the Supreme Court: (1) Any Nepali citizen may file a petition in the Supreme Court to have any law or any part thereof declared void on the ground of inconsistency with this Constitution because it imposes an unreasonable restriction on the enjoyment of the fundamental rights conferred by this Constitution or on any other ground, or any law formulated by the Provincial Assembly is inconsistent with the law formulated by Federal Parliament or any law formulated by Municipal Assembly or Village Assembly is inconsistent with the law formulated by Federal Parliament or Provincial Assembly, and extra-ordinary power shall rest with the Supreme Court to declare that law void either ab initio or from the date of its decision if it appears that the law in question is inconsistent. (2) The Supreme Court shall, for the enforcement of the fundamental rights conferred by this Constitution, for the enforcement of any other legal right for which no other remedy has been provided or for which the remedy even though provided appears to be inadequate or ineffective, or for the settlement of any constitutional or legal question involved in any dispute of public interest or concern, have the extraordinary power to issue necessary and appropriate orders to enforce such rights or settle the dispute. (3) For this purpose, the Supreme Court may, with a view to imparting full justice and providing the appropriate remedy, issue appropriate orders and writs including the writs of habeas corpus, mandamus, certiorari, prohibition and quo warranto. *Provided that*, except on the ground of absence of jurisdiction, the Supreme Court shall not, under this Clause, interfere with the internal affairs of the Federal Parliament and, the proceedings and decisions of the Federal Parliament concerning violation of its privileges and any penalties imposed thereof. (4) The Supreme Court shall have jurisdiction to hear original and appellate cases, to review

its own judgments or interim order, to examine decision referred for confirmation, review cases or hear petitions. Such review shall be done by judge other than the one involved in original verdict. (5) The Supreme Court shall hear appeal of cases that have been initiated and executed by the High Court, a subject of public interest litigation including a question related to the interpretation of the constitution and law or a case referred by the High Court along with its opinion that it would be appropriate for the Supreme Court to decide on it. (6) Other rights and procedural of the Supreme Court shall be as per the Federal law.

134. Transfer of cases: (1) If a case including the same question in substantial terms are under consideration of the Supreme Court and High Courts and if the Supreme Court considers that the question is of public importance or if it is seen so in the petition of the Attorney General or the petitioner of the case, the Supreme Court shall have the right to invite the case and decide it together. (2) If special circumstances arise whereby question could be raised on the judicial impartiality over the hearing of a case in any High Court, the Supreme Court may order according to the law by clarifying the reason and basis to transfer the hearing of the case from one High Court to another High Court.

135. Not to be part of pleading of court cases: The Chief Justice or Judge of the Supreme Court, Judge of the Constitutional Court following their retirement shall not be allowed to plead any cases in any court, or involve in reconciliation or mediation business.

136. Responsibility of the Chief Justice: The Chief Justice shall have the ultimate responsibility to make the administration of justice effective of the Supreme Court and other courts under its jurisdiction or other judicial institutions.

137. Formation of the Constitutional Bench: (1) There shall be a Constitutional Bench in the Supreme Court. The Bench shall comprise of the Chief Justice and other four Justices appointed by the Chief Justice on the recommendation of Judicial Council. (2) The Bench under clause (1) shall hear and decide on the following cases in addition to the petitions filed according to clause (1) of Article (133): (a) Related to disputes over the jurisdiction between the Federation and Province, among

Provinces, between a Province and local level and among the local levels (of government), (b) Related to disputes concerning the election of members of the Federal Parliament or Provincial Assembly, and ineligibility of the member of the Federal Parliament or Provincial Assembly. (3) Notwithstanding anything written in Article (133), the Chief Justice may allocate any cases under consideration at Supreme Court containing question of serious constitutional explanation to the Bench under clause (1). (4) Other arrangements related to the procedures of the Constitutional Bench shall be as determined by the Supreme Court.

138. Annual report: (1) Each year, the Supreme Court, Judicial Council and Judicial Service Commission shall present its annual report to the President, and the President through the Prime Minister shall submit such reports before the Federal Parliament. (2) If recommendations from the Federal Parliament are deemed necessary upon discussion on the annual report submitted according to Clause (1), then such recommendations may be given to the concerned institution through the Government of Nepal, Ministry of Law and Justice. (3) Other provisions relating to the annual report according to Clause (1) will be according to the law.

139. High Court: (1) There shall be a High Court in every province. (2) The High Court can initiate a contempt of court case and punish according to the law against anyone obstructing its or its subordinate court's act of judicial execution or not abiding by its order or verdict. (3) In addition to the Chief Judge, every High Court shall have judges in the number as provided in the Federal law.

140. The appointment and qualifications of the Chief Judge and Judges of the High Court: (1) The Chief Justice shall, on the recommendation of the Judicial Council, appoint the Chief Judge and Judges of the High Court. (2) Any Nepali citizen who has a Bachelor' degree in law and has worked as a District Judge for at least five years or has practiced as a law graduate senior advocate or advocate for at least ten years ; or for at least 10 years, has either taught law or conducted research thereon or worked in any other field of law or justice or worked in any post of gazetted first class officer of the Judicial Service for a period of at least five years shall be considered eligible for

appointment as Chief Judge or other Judge of the High Court. (3) During appointments of Chief Judge and other Judges of the High Court from among the persons meeting qualifications according to Clause (2), in case of a district judge, the appointment shall be made also on the ground of the proportion of cases decided annually by her/him and the situation of cases endorsed or overturned during final decision in the higher court, and in case of others, on the ground of examination and evaluation according to the law. (4) If the office of the Chief Judge becomes vacant, or the Chief Judge is unable to carry out the duties of her/his office due to any other reason, or she/he cannot be present in office due to a leave of absence or her/his being outside of the province, the senior-most Judge of the High Court shall act as the Acting Chief Judge.

141. Conditions of service and benefits of Chief Judge and Judges: (1) Unless otherwise mentioned in this Constitution, the remuneration and other conditions of service of the Chief Judge and other Judges of the High Court shall be according to the law. (2) Notwithstanding anything contained in Clause (1), the Chief Judge and Judge of the High Court, who has been removed from office following action by the Judicial Council or following punishment by the court on criminal charges constituting moral degradation, shall not be entitled to gratuity or pension. *Provided that* this provision shall not apply in a condition of the Judicial Council removing her/him from office for being unable to perform duties of office due to reasons of physical or mental illness. (3) The remuneration and other terms of service of the Chief Judge or Judge of the High Court shall not be altered to their disadvantage. *Provided that* this provision shall not apply in situation of a declaration of state of emergency due to severe economic breakdown.

142. Vacancy of office of the Chief Judge or Judge: (1) The Chief Judge or Judge of the High Court shall cease to hold office in the following circumstances: (a) If she/he submits written resignation to the Chie Justice, (b) If she/he attains the age of sixty three years, (c) If she/he is removed by the Judicial Council for reasons of incompetence, misbehavior, ill-intended activities and serious violation of the code of conduct, (d) If she/he is removed by the Judicial Council for being unable to discharge the duties of her/his office due to physical or mental

illness. (e) If punished by the court on criminal charges constituting moral degradation, or (f) If she/he dies. (2) A Judge who is facing a charge before being removed from office according to Section (c) of Clause (1) must be given a reasonable opportunity to defend herself/himself. The Judge against whom proceedings have been initiated accordingly shall not perform duties of her/his office until the proceedings have been completed. (3) The Chief Judge or Judge removed from office may face investigation and prosecution according to the law for offense committed while holding office.

143. Chief Judge and Judge not be engaged in any other assignment and transfer related provision: (1) The Chief Judge and Judge shall not be transferred to or deputed to any assignment except that of a Judge. *Provided that* the Government of Nepal may, in consultation with the Judicial Council, depute a High Court Judge to work concerning judicial inquiry or for a specified period to any legal or judicial investigation or research or to any other work of national concern. (2) The Chief Justice may transfer a High Court Judge from one High Court to another on the recommendation of the Judicial Council.

144. Jurisdiction of the High Court: (1) The High Court shall, for the enforcement of the fundamental rights conferred by this Constitution, for the enforcement of any other legal right for which no other remedy has been provided or for which the remedy even though provided appears to be inadequate or ineffective, or for the settlement of any legal question involved in any dispute of public interest or concern, have the right to issue necessary and appropriate orders in the name of governments, office-bearers, institutions or individuals within its provincial jurisdiction. (2) For the purpose of Clause (1), the High Court may issue appropriate orders and writs including the writs of habeas corpus, mandamus, certiorari, prohibition and quo warranto. *Provided that* except on the ground of absence of jurisdiction, the High Court shall not, under this Clause, interfere with the internal task and the proceedings and decision of the Provincial Assembly concerning violation of its privileges and any penalties imposed thereof. (3) The High Court shall have jurisdiction to hear original and appellate cases and to examine decisions referred for confirmation, as provided for in law. (4) Other powers and working procedures of the High Court shall be according to the Federal law.

145. Transfer of cases: (1) If the High Court feels that any case under consideration at courts under its jurisdiction involved a question of provincial law and that the question needs to be resolved in order to decide the case, then the Court may invite such cases from the subordinate courts and give full decision on the case or decide on such questions and send it back to the original court. (2) If a special circumstance of questions likely to be raised on the judicial impartiality appears, then the High Court may, by clearing the reasons and ground according to the law, order such cases to be transferred and heard from one district court to another district under its jurisdiction.

146. Allowed to plead: A person who has retired as a High Court Judge can plead in in the Supreme Court and High Courts other than in the high courts and subordinate courts that she/he has served as the Judge.

147. Responsibility of the Chief Judge: The Chief Judge shall have the ultimate responsibility to make the administration of justice within the jurisdiction of the High Court effective, and for this purpose she/her may, subject to this Constitution and other laws, give necessary instructions to the High Court, other subordinate courts and judicial institutions.

148. District Court: (1) There shall be a district court in every district. (2)The local level judicial institutions established according to the provincial law shall remain under the District Court. The District Court may inspect, supervise and issue necessary instructions to its subordinate judicial institutions.

149. Appointment, qualifications and remuneration and other terms of service of the Judges of District Courts: (1) The Chief Justice shall, on the recommendation of the Judicial Council appoint the Judges of the District Courts. (2) The position of vacant district court judge shall be fulfilled as follows:- (a) Out of the total vacant positions, twenty percent positions to be fulfilled through appointment of the second class officers of the judicial service who have completed Bachelor's level i least three years of service, based on seniority, qualifications and evaluation of performance; (b) Out of the total vacant positions, forty percent positions to be fulfilled through appointment of the second class officers of the judicial service who have completed Bachelor's level i least three years of service, based on an open competitive examination; (c) Out of the remaining

positions, forty percent of positions to be fulfilled through an open competitive examination amongst Nepali nationals who have the Bachelor's Degree in Law and worked as an advocate for eight years or at least eight years in any post of gazetted second class officer having completed Bachelor's Degree in Law or person who have practiced Law or has either taught law or conducted research thereon or worked in any other field of law and justice for at least eight years; (3) The Judicial Service Commission shall, after taking written and verbatim practical examinations according to the law from among the persons with qualifications according to section (b) and section (c) of Clause (2), recommend to the Judicial Council according to the merit list for appointment as district judge. (4) The remuneration and other conditions of service of the Judges of District Court shall be according to the law. (5) The remuneration and other conditions of service of the Judges of the District Court shall not be altered to their disadvantage. *Provided that* this provision shall not apply in a situation of declaration of a state of emergency due to severe economic breakdown. (6) A Judge of the District Court shall cease to hold office in the following circumstances: (a) If she/he submits written resignation to the Chief Justice of Supreme Court, (b) If she/he attains the age of sixty three years, (c) If she/he is removed by the Judicial Council for reasons of incompetence, misbehavior, ill-intended work or serious violation of the code of conduct, (d) If removed by the Judicial Council for being unable to discharge the duties of her/his office due to physical or mental illness, (e) If punished by the court on criminal charges constituting moral degradation, or (f) If she/he dies. (7) A Judge of the District Court who is facing a charge before being removed according to section (c) of Clause (6) shall be given a reasonable opportunity to defend herself/himself. The Judge against whom proceedings have been initiated accordingly shall not perform the duties of her/his office until the proceedings have been completed. (8) The Judge thus removed may face investigation and prosecution according to the law on offenses committed while holding office.

150. Judges of the District Court not to be engaged in any other assignment and provisions related to transfer: (1) A District Court Judge shall not be engaged in or deputed to any

assignment except that of a Judge. *Provided that* the Government of Nepal may, in consultation with the Judicial Council, assign a District Court Judge to work concerning judicial inquiry or for a specified period to any legal or judicial investigation or research, or to works related to elections. (2) The Chief Justice may transfer the Judges of the District Court from one court to another on the recommendation of the Judicial Council.

151. Jurisdiction of the District Court: (1) The District Court shall, unless provided otherwise in the law, have jurisdiction to hear original cases and execute all cases within its jurisdiction, hear petitions of habeas corpus, prohibitory order and other petitions according to the law, hear appeal over the decisions taken by the quasi-judicial bodies, hear appeal over the decision of the local level judicial institutions established according to the law of the province and initiate action and punish in contempt of court against those obstructing its or its subordinate courts acts of judicial execution or not abiding by the order or verdict. (2) The jurisdiction of the district court and other provisions relating to its working procedure shall be as provided for in the law.

152. Specialized court: (1) In addition to the courts referred to in Article 130, the law may establish and constitute other specialized courts, judicial institutions or tribunal, for the purpose of hearing cases of special types and nature. *Provided that* no specialized court, judicial institution or tribunal shall be constituted for the purpose of hearing a particular case. (2) Cases related to criminal offense leading to prison sentence of more than a year shall not fall under the jurisdiction of any other institution other than a court or specialized court or military court or judicial body.

153. Judicial Council: (1) There shall be a Judicial Council to make recommendations and give advice in accordance with this Constitution concerning the appointment of, transfer of, disciplinary action against, dismissal of Judges, and other matters relating to judicial administration, which shall consist of the following as its Chairperson and members:-

a. The Chief Justice – Chairperson

b. The Federal Minister for law and justice – Member

c. Senior-most Judge of the Supreme Court – Member

d. A legal expert nominated by the President on the recommendation of the Prime Minister – Member

e. A senior advocate, or an advocate who has at least twenty years' experience to be appointed by the President on the recommendation of the Nepal Bar Association – Member

(2) The term of office of the members referred to in sections (d) and (e) of Clause (1) shall be four years and their remuneration and privileges shall be the same as those of a Judge of the Supreme Court. (3) The members referred to in sections (d) and (e) of Clause (1) above, may be removed from office on the same grounds and in the same manner as provided for the removal of a Judge of the Supreme Court. (4) The Chairperson, inter alia, and members of the Judicial Council may obtain and study the documents and files of a case related to any complaint lodged against a judge, and may furnish information thereon to the Judicial Council. (5) The Judicial Council may, while carrying out preliminary investigation of a complaint received against a judge, constitute a Committee of Inquiry, if it has determined that a detailed investigation by an expert is required. (6) Except in case of Justices who can be removed from office through the impeachment motion under this constitution, the Judicial Council can investigate and move court cases against other judges accused of corruption or abuse of authority. (7) The Judicial Council shall, pursuant to this Constitution, maintain an updated record of the persons who meet the qualifications to be appointed to the post of Chief Justice and Judge of the Supreme Court, Chief Judge and Judge of the High Court. (8) The other functions, duties and powers of the Judicial Council shall be according to the law.

154. Judicial Service Commission: (1) The Government of Nepal shall carry out appointments, transfers and promotions to gazetted posts of federal judicial service or take departmental action against any staff holding such post according to the law on the recommendation of the Judicial Service Commission. *Provided that* the Government of Nepal shall make permanent appointments through new recruitments in gazetted post of federal judicial service of a person who is not in Federal Government Service or while making promotions from non-gazetted post of federal judicial service to gazette post of the

same service, on the recommendation of the Public Service Commission. **Explanation**: For the purpose of this Article, the Public Service Commission shall conduct the open and internal practical examinations taken during appointments to gazetted post of judicial service. (2)The Judicial Service Commission shall consists of the following chairperson and members:

a. Chief Justice of the Supreme Court – Chairperson

b. Federal Law and Justice Minister – Member

c. Senior-most Judge of the Supreme Court – Member

d. Chairperson of the Public Service Commission – Member

e. The Attorney General – Member

(3)The other functions, duties, and powers, and working procedures of the Judicial Service Commission shall be according to the law.

155. Provisions related to conditions of service and benefits: The remuneration, benefits and conditions of service of the staffers of the Federal Judicial Services shall be as provided in Federal Act.

156. Provisions related to provincial level Judicial Service Commission: The formation of judicial service in the province and the remuneration, benefits and conditions of service of its staffers shall be as provided in the Federal law.

PART 12: Attorney General

157. Attorney General: (1) There shall be an Attorney General in Nepal. (2) The President, on the recommendation of the Prime Minister, shall appoint Attorney General. The Attorney General shall hold office as required by the Prime Minister. (3) The person qualified to be the judge of the Supreme Court shall be eligible to be appointed as Attorney General. (4) The office of Attorney General shall be deemed vacant under the following circumstances:- (a) if she/he submits resignation in writing through the Prime Minister to the President, (b) if the President, on the recommendation of the Prime Minister, removes him/her from the office, (c) if she/he dies. (5) The remuneration and other facilities of the Attorney General shall be at par with that of a judge of the Supreme Court. The other conditions of

the service of the Attorney General shall be as prescribed by law.

158. Functions, Duties and Powers of Attorney General: (1) The Attorney General shall be the Chief Legal Advisor to the Government of Nepal. It shall be the duty of the Attorney General to give opinions and advice on constitutional and legal matters to the Government of Nepal and to such other authorities as the Government of Nepal may specify. (2) The Attorney General or officers subordinate to him/her shall represent the Government of Nepal in suits in which the rights, interests or concerns of the Government of Nepal are involved. Unless this constitution otherwise requires, the Attorney General shall have the right to make the final decision to initiate proceedings in any case on behalf of the Government of Nepal in any court or judicial authority. The Attorney General shall appoint other attorneys as needed to deal with legal proceedings. (3) The advice from the Attorney General shall be required to withdraw any lawsuits filed on behalf of the Government of Nepal. (4) In case of being called to do so, the Attorney General may appear in the meeting of the Federal Legislature or any committee to express his/her opinion on any legal question. (5) In the course of discharging his/her official duties, the Attorney General shall have the right to appear before any court, office or authority of Nepal. (6) In addition to clause (2), the Attorney General shall have authority as follows:- (a) To appear on behalf of the Government of Nepal in litigations submitted by or against the Government of Nepal. (b) To monitor or cause to be monitored the implementation of interpretation of law and the legal principles propounded by the Supreme Court in the course of proceeding. (c) To investigate allegations of inhuman treatment to any person in custody, or any denial of consultation with his/her relatives or through legal practitioners in case of complaints or information received to him through any means and give necessary instruction, under this constitution, to the relevant authorities, to prevent the recurrence of such a situation. (7) The Attorney General may delegate his/her functions, duties and power to his subordinates or prosecutors, to be exercised in compliance with the conditions specified. (8) In addition to the functions, duties and rights as set out in this Article, the other functions,

duties and rights of the Attorney General shall be as determined by this Constitution and other laws.

159. Annual Report: (1) The Attorney General shall, every year, prepare an annual report on the works she/he according this constitution and other laws, and submit it to the President, and the President, through the Prime Minister, shall make the report to be presented in the Federal Legislature. (2) The report under clause (1) shall, in addition to other matters, cover the number of instances of constitutional and legal advice given in the year by the Attorney General, a description of cases prosecuted by the government, a summary of cases involving the government as either plaintiff or defendant, and recommendations for future improvements in cases brought by the government.

160. Chief Attorney: (1) There shall be a Chief Attorney under Attorney General in each province. (2) The Head of Province shall, in recommendation of the Chief Minister, appoint Chief Attorney in the province. The Chief Attorney shall hold office as required by the Chief Minister. (3) The person qualified to be the judge of the High Court shall be eligible to be appointed as Chief Attorney. (4) The office of Chief Attorney shall be deemed vacant under the following circumstances:- (a) if she/he submits resignation in writing through Chief Minister to the Head of Province, (b) if the Head of Province, on the recommendation of the Chief Minister, removes him/her from the office, (c) if she /he dies. (5) The Chief Attorney shall be the Chief Legal Advisor to the provincial government. It shall be the duty of the Chief Attorney to give opinions and advice on constitutional and legal matters to the provincial government and to such other authorities as the provincial government may specify. (6) The office of the Attorney General shall manage the staffs under office of Chief Attorney. (7) The remuneration and other benefits of the Chief Attorney shall be at par with that of a judge of the High Court. The other conditions of the service of Chief Attorney and his/her functions, duties and powers shall be as prescribed by law of the province.

161. Provisions Concerning Terms and Conditions of Service and Benefits : The remuneration, other benefits and conditions for service for government attorneys and other employees

working under the Attorney General shall be as prescribed in Federal law.

PART 13: Provincial Executive

162. Provincial executive power: (1) The executive power of the Province shall, pursuant to this Constitution and laws, be vested in the Council of Ministers of the Province. *Provided that* the executive power of the Province shall be exercised by the Provincial Head in case of absence of the Provincial Executive in a State of Emergency or enforcement of Federal rule. (2) The responsibility for issuing general directives, controlling and regulating the administration of the Province shall, subject to this Constitution and other laws, lie in the Provincial Council of Ministers. (3) The executive functions of the Province shall be exercised in the name of the Provincial government. (4) The provincial executive power, pursuant to this Constitution, shall be as provided in the list of competencies of the Province in Schedule-6 and the list of Concurrent competencies/powers in Schedule-7 and Schedule-9. *Provided that* the Provincial Council of Ministers must coordinate with the Government of Nepal while exercising executive powers in areas mentioned in the concurrent list. (5) Any decision or order or implementation warrant to be issued in the name of Government of Nepal, pursuant to Clause (3) above, shall be authenticated as prescribed by the provincial law.

163. Provisions related to the Provincial Head: (1) Every province shall have a Provincial Head as the representative of the Federal government. (2) The President shall appoint a Provincial Head for every province. (3) The term of office of the Provincial Head shall be of five years, except when she/he is removed by the President before the expiry of her/his term of office. (4) The same person shall not be the Provincial Head for more than one time in the same Province.

164. Qualifications of Provincial Head: Any person with the following qualifications shall be eligible for the post of the Provincial Head: (a) has attained 35 years of age, (b) is eligible to be a member of the Federal Parliament, and (c) is not ineligible by any law.

165. Vacation of the post of Provincial Head: (1) The post of the Provincial Head shall fall vacant under following conditions: (a) if she/he tenders her/his resignation before the President, (b) if her/his term comes to an end or is removed by the President before the end of the term, or (c) if she/he dies. (2) In case of the post of the Provincial Head of any Province falls vacant, the President may designate Provincial Head of any other Province to officiate until a new Provincial Head is appointed.

166. Functions, duties and powers of Provincial Head: (1) The Provincial Head shall exercise the rights and duties as specified in this constitution or laws. (2) All tasks executed by the Provincial Head as per clause (1) shall be carried out on the recommendation and consent of the Provincial Council of Ministers except where it has been specified to be done on the recommendation of any institution or office-bearers pursuant to this Constitution and law. Such recommendation and consent shall be submit through the Chief Minister. (3) The decision or order made in the name of the Provincial Head as provided for by clause (2) and the certification of credentials in that regard, shall be done as specified by provincial law.

167. Oath of Provincial Head: The Provincial Head shall take her/his oath of office and secrecy before the President, pursuant to the Federal law.

168. Constitution of the Provincial Council of Ministers: (1) The Provincial Head shall appoint the leader of the parliamentary party with majority in the Provincial Assembly as the Chief Minister and the Provincial Council of Ministers shall be formed under the chairpersonship of the Chief Minister. (2) If no party carries a clear majority in the Provincial Assembly for purpose of Clause (1), the Provincial Head shall appoint as Chief Minister the member of the Provincial Assembly who can attain majority of two or more than two parties represented in the Provincial Assembly. (3) If a situation arises whereby the appointment of the Chief Minister according to Clause (2) is not possible within thirty days from the date of announcement of the final result of the election to the Provincial Assembly or if the Chief Minister so appointed is unable to win a vote of confidence according to Clause (4), the Provincial Head shall appoint as

Chief Minister the leader of the parliamentary party with the highest number of members in the Provincial Assembly. (4) The Chief Minister appointed pursuant to Clause (2) or Clause (3) above must obtain a vote of confidence from the Provincial Assembly within thirty days of being appointed the Chief Minister. (5) If the Chief Minister appointed pursuant to Clause (3) cannot obtain a vote of confidence pursuant to Clause (4), the Provincial Head shall appoint as Chief Minister any other member pursuant to Clause (2) who can win a vote of confidence in the Provincial Assembly. (6) The Chief Minister appointed pursuant to Clause (5) must obtain a vote of confidence pursuant to Clause (4). (7) If the Chief Minister appointed pursuant to Clause (3) or (5) fails to obtain a vote of confidence pursuant to Clause (4) and (6) or if appointment of Chief Minister pursuant to Clause (5) is not possible, the Provincial Head shall dissolve the Provincial Assembly and announce the date for another elections to be held within six months. (8) The appointment process of the Chief Minister in pursuant to this Article shall be completed within thirty-five days of the announcement of the final result of the election held for the Provincial Assembly pursuant to this Constitution or from which the post of the Chief Minister falls vacant. (9) The Provincial Head shall, on the recommendation of the Chief Minister, constitute from among the members of the Provincial Assembly the Provincial Council of Ministers on the basis of the principles of Inclusion and not exceeding more than twenty per cent of the total number of members of the Provincial Assembly, including the Chief Minister. **Explanation**: For the purpose of this Article the word 'Minister' shall mean Minister, State Minister and Assistant Minister. (10) The Chief Minister and Minister shall be collectively accountable towards the Provincial Assembly, and the Ministers shall be individually responsible to the Chief Minister and the Provincial Assembly for the work of their respective Ministries.

169. Vacancy of office of Chief Minister and Ministers: (1) The Chief Minister shall be deemed to have ceased to hold office in the following situations: (a) If the Chief Minister submits her/his resignation to the Provincial Head. (b) If vote of confidence pursuant to Article 188 fails or the no-confidence motion against her/him is passed, (c) If she/he ceases to be the member of the Provincial Assembly, or (d) If she/he dies. (2) The Minister,

State Minister or Assistant Minister shall be deemed to have ceased to hold office in the following situations: (a) If they submit their resignation to the Chief Minister, (b) If the Chief Minister removes them, (c) If the Chief Minister ceases to hold office pursuant to Clause (1), or (d) If she/he dies. (3) If the Chief Minister ceases to hold office pursuant to Clause (1), the existing Council of Ministers shall continue to function until a new Provincial Council of Ministers is constituted. *Provided that* in the case of the death of the Chief Minister, the senior most Minister shall act as Chief Minister until a new Chief Minister is appointed.

170. Appointment of non-member of Provincial Assembly as Minister, State Minister or Assistant Minister: (1) Notwithstanding anything contained in clause (9) of Article (168), the Provincial Head, on the recommendation of the Chief Minister, may appoint any person who is not a member of Provincial Assembly as Minister, State Minister or Assistant Minister. (2) The Minister, State Minister or Assistant Minister appointed pursuant to Clause (1) shall gain membership of the Provincial Assembly within six months of taking oath. (2) Failure to attain membership of the Provincial Assembly within the period pursuant to Clause (2) shall make them ineligible to be re-appointed as Minister, State Minister or Assistant Minister during the term of the existing Provincial Assembly. (3) Notwithstanding anything contained in Clause (1) a person who lost in the elections of the existing Provincial Assembly shall not be eligible for appointment to the post of Minister, State Minister or Assistant Minister pursuant to Clause (1) during the term of the same Provincial Assembly.

171. Remuneration and other benefits of Chief Minister, Minister, State Minister and Assistant Minister: The remuneration and other benefits of the Chief Minister, Minister, State Minister and Assistant Minister shall be as determined by an Act. Until so determined, they shall be as specified by the Government of Nepal.

172. Oath: The Chief Minister and Ministers shall take their oath of office and secrecy according to the law before the Provincial Head, and the State Ministers and Assistant Ministers shall take their oath of office and secrecy before the Chief Minister.

173. Provincial Head to be informed: The Chief Minister shall inform the *Provincial Head* about the following subjects: (a) The decision of the Provincial Council of Ministers, (b) Bills to be presented before the Provincial Assembly, (c) Other necessary information sought by the Provincial Head in relation to subjects mentions in Section (a) and (b), and (d) The contemporary situation of the Province.

174. Conduct of business of the Provincial government: (1) The allocation and transaction of business of the provincial government shall be carried out as set forth in rules approved by the provincial government. (2) No question shall be raised in any court as to whether or not rules made pursuant to Clause (1) above have been observed.

PART-14: Provincial Legislature

175. Provincial Legislature: There shall be a unicameral legislature in a province which shall be called the Provincial Assembly.

176. Formation of the Provincial Assembly: (1) Every Provincial Assembly shall consist of the following number of members: - (a) Members equal to double the number of members to be elected through the first-past-the-post (FPTP) election system to the House of Representatives from the concerned province, (b) The number of members to be elected through the Proportional Representation (PR) election system equal to the number equivalent to the remaining forty per cent when the number of members maintained pursuant to section (a) is regarded as sixty per cent. (2) Electoral constituencies shall be maintained pursuant to Federal law on the basis of geography and population for the election of the members pursuant to section (a) of Clause (1). (3) Sixty per cent of the members of the Provincial Assembly shall be elected through first-past-the-post election system and forty per cent shall be elected through proportional representation election system; (4) Election of members of the Provincial Assembly to be conducted pursuant to clause (3) shall be held on the basis of adult franchise through secret ballot as provided in the law. (5) Every Nepali citizen having domicile in a province and having attained the age of 18 years shall have the right to vote in any election constituency as provided for by law. (6) The representation of women, Dalit, indigenous, indigenous nationalities, Khas Arya, Madhesi,

Muslim, backward region and minorities community on the basis of geography and population in the nominations filed by the political parties for the election to be held for the Provincial Assembly through the proportional representation (PR) election system shall be made on the basis of closed list in accordance with Federal law. **Explanation:** 'Khas Arya' shall mean Chettri, Brahman, Thakuri, Sanyasi(Dashanami) community. (7) While filing of candidacy by political party pursuant to clause (6), representation of the persons with disability shall also be made. (8) In case the seat of any member falls vacant with more than six months of the term of the Provincial Assembly remaining, the seat shall be filled by pursuing the same electoral system by which earlier member had been elected. (9) Notwithstanding anything contained elsewhere in this Article, at least one third of the total number of members to be elected from each political party to the Provincial Assembly shall have to be women. In case at least one third of the candidates elected from a political party pursuant to section (a) of clause (1) are not women, the political party shall have to make provision of electing at least one third women while electing members pursuant to section (b) of the same clause. (10) Any person eligible to vote for the member of Provincial Assembly and qualified as per Article 178 can stand as candidate from any election constituency of the province. *Provided* no one candidate shall stand in election from more than one constituency at a time. (11) Other provisions related to Provincial Assembly election shall be as prescribed in Federal law.

177. Term of Provincial Assembly: (1) Unless dissolved earlier pursuant to this Constitution, the term of the Provincial Assembly shall be five years. (2) *Provided that* the term of the Provincial Assembly may be extended by a maximum of one year as per the Provincial Act, in the event of the declaration of a State of Emergency. (3) The term of Provincial Assembly extended according to clause (2) shall, ipso facto, come to an end after six months of the date of annulment of the declaration of the State of Emergency.

178. Qualification of members of Provincial Assembly: (1) Any person who possess the following qualifications is eligible to become a member of the Provincial Assembly: (a) be a Nepali

citizen, (b) be a voter of the concerned Province, (c) have attained twenty-five years, (d) not have been punished for any criminal offence involving moral turpitude, (e) not deemed ineligible by any law, and (f) Not be holding an office of profit. **Explanation:** For the purpose of this section, 'office of profit' means any position, other than a political position, filled by election ornomination for which remuneration or economic benefit is paid out of a Government Fund. (2) If a person who is elected or nominated to the position of the member of Provincial Assembly already holds a political position through election, nomination, or appointment, the position held by such a person shall automatically become vacant from the day of his/her taking oath of office.

179. Oath of member of Provincial Assembly: The members of the Provincial Assembly shall take the oath, as provided for in the law, before taking part for the first time in a meeting of the Assembly or a meeting of any of its Committee.

180. Vacation of seat of Provincial Assembly member: The seat of a member of the Provincial Assembly shall deemed to be vacant in the following circumstances: (a) if she/he submits resignation to the Speaker of the Provincial Assembly, (b) if she/he does not, or has ceased to, possess the qualifications pursuant to Article 178, (c) if the term of the Provincial Assembly expires or is dissolved, (d) if she/he remains absent from ten consecutive meetings without notification to the Provincial Assembly, (e) if the party of which she/he was a member when elected provides notification in the manner set out by provincial law that she/he has left the party, or (f) if she/he dies.

181. Decision about disqualification of members of Provincial Assembly: If a question arises as to whether any member of the Provincial Assembly is disqualified or has ceased to posses any of the qualifications required by Article 178, the final decision shall be made by the Constitutional Bench of the Supreme Court.

182. Speaker and Deputy Speaker of the Provincial Assembly: (1) The Provincial Assembly shall elect a Speaker and a Deputy Speaker from among its members within fifteen days of the first meeting of the Assembly. (2) While electing speaker and deputy speaker as per clause (1), either of Speaker or Deputy Speaker shall be woman and they shall belong to different

parties. *Provided that* if not more than one party is represented in the Provincial Assembly or candidacy has not been registered even with the presence of more than one party, it shall not obstruct the Speaker and Deputy Speaker being from the same party. (3) If the office of the Speaker or Deputy Speaker falls vacant, the Provincial Assembly shall fill the vacancy through election from among its members. (4) In the absence of the Speaker of the Provincial Assembly, the Deputy Speaker shall chair the meeting of the Provincial Assembly. (5) If the election of the Speaker and Deputy Speaker has not taken place, or if both the positions become vacant, the member who is the senior most by age among the members present, shall preside over the meeting of the Provincial Assembly. (6) The office of the Speaker or Deputy Speaker of Provincial Assembly shall become vacant in the following circumstances: (a) if she/he ceases to be a member of the Provincial Assembly, (b) if she/he submits written resignation, or (c) if a resolution is adopted by a majority of two-thirds of the total number of members existing for the time being in the Provincial Assembly, to the effect that her/his conduct is not compatible with her/his position. (7) The Deputy Speaker shall preside over the meeting at which deliberations are to be held on a resolution that the conduct of the Speaker is not compatible with her/his position. The Speaker shall be entitled to take part and vote in the deliberations on such a resolution.

183. Summoning and prorogation of sessions of Provincial Assembly: (1) The Provincial Head shall summon the session of the Provincial Assembly within twenty days after the final result of the election to the Provincial Assembly has been announced. And the subsequent sessions shall be called from time to time pursuant to the Constitution by the Provincial Head. *Provided that* the period between the prorogation of a session and the commencement of new session shall not be more than six months. (2) The Provincial Head may prorogue the session of the Provincial Assembly. (3) If, when the Provincial Assembly is not in session or has been adjourned, at least one-fourth of all members of the Provincial Assembly submit a request stating that it is desirable that a session or meeting of the Provincial Assembly be called, the Provincial Head shall call such a session or meeting by setting the date and time for this. The session of the Provincial Assembly shall

commence or the meeting will be held in the date and time designated accordingly.

184. Address by the Provincial Head: (1) The Provincial Head shall make a call to address the session of the Provincial Assembly and appeal to members for their presence in it. (2) The Provincial Head shall address the first session held following the elections to the Provincial Assembly and the meeting of the Provincial Assembly after commencement of the first session every year.

185. Quorum of Provincial Assembly: Except as otherwise provided for in this Constitution, no resolution shall be presented for decision in any meeting of the Provincial Assembly unless one-fourth of the total number of members are present.

186. Voting in Provincial Assembly: Any resolution submitted for decision in the Provincial Assembly shall be decided by a majority vote of members present and voting. The presiding member shall not have the right to vote. *Provided that* in case of a tie the presiding member may exercise a casting vote.

187. Privileges of Provincial Assembly: (1) There shall be full freedom of speech, pursuant to this Constitution, in the Provincial Assembly and no member shall be arrested or detained or prosecuted in any court for anything expressed or for any vote cast in that meeting. (2) The Provincial Assembly shall, pursuant to this Constitution, have full power to regulate its business, and it shall have the exclusive right to decide whether or not any proceeding of the Provincial Assembly is regular. No question shall be raised in any court in this regard. (3) No comment shall be made about the good faith of any proceedings of the Provincial Assembly, and no person shall make or disseminate anything about the comments or suggestion made by any member, deliberately misinterpreting or distorting their meaning. (4) The provision of Clause (1) and (3) shall also be applicable to any other person who is allowed to take part in the Provincial Assembly, other than the member of the Provincial Assembly. (5) No proceedings shall be initiated in any court against any person for publication made under authority given by the Provincial Assembly of any document, report, vote or proceeding. **Explanation:** For this Clause and for Clauses (1), (2), (3) and (4), the word 'Provincial Assembly'

shall also mean the meeting of the Committee of the Provincial Assembly. (6) No member of the Provincial Assembly shall be arrested after a notice of the summoning of the session has been issued and until the session ends. *Provided that* nothing in this Clause shall be deemed to prevent the arrest of any member on a criminal charge under any law. If any member is so arrested, the authority making such arrest shall immediately inform the person chairing the Provincial Assembly. (7) Any breach of privilege shall be deemed to constitute contempt of the Provincial Assembly and the Provincial Assembly shall have the exclusive right to decide whether or not any breach of privilege of the Assembly has taken place. (8) If a person is in contempt of the Provincial Assembly, the person chairing the meeting may, in accordance with a decision by the meeting to that effect, reprimand or warn or impose a sentence of imprisonment not exceeding three months or impose a fine of up to ten thousand rupees on such a person, and such fine shall be recovered as government dues. *Provided that* if such a person submits an apology to the satisfaction of the Provincial Assembly, it may either pardon her/him or alter the sentence imposed on her/him. (9) Other matters relating to privileges of the Provincial Assembly shall be as determined by the Provincial law.

188. Provisions related to Vote of Confidence and no-confidence motion: (1) If the Chief Minister considers it necessary or appropriate to make it clear that the Provincial Assembly has confidence in her/him, she/he may propose a vote of confidence to the Provincial Assembly any time. (2) If the party represented by the Chief Minister is divided or if a party joining the provincial government withdraws its support, the Chief Minister shall propose a vote of confidence to the Provincial Assembly within thirty days. (3) If the vote proposed in pursuant to Clause (1) and (2) is not passed by a majority of the total number of members existing in the time being, the Chief Minister shall cease to hold office. (4) At least one-fourth of the total number of members of the Provincial Assembly may propose a no-confidence motion, stating that the Provincial Assembly has no confidence in the Chief Minister. *Provided that* a no-confidence motion shall not be moved until the first two years of her/his appointment as the Chief Minister and not before another year once a no-confidence motion fails.(5) A no-confidence motion pursuant to Clause (4) shall also include

the name of the proposed member for the post of Chief Minister. (6) If the no-confidence motion registered pursuant to Clause (4) is passed by a majority of the total number of members existing in the time being in the Provincial Assembly, the Chief Minister shall cease to hold office. (7) If the no-confidence motion pursuant to Clause (6) is passed and the post of Chief Minister falls vacant, the Provincial Head shall appoint as Chief Minister, pursuant to Article 168, the member of the Provincial Assembly proposed pursuant to Clause (5).

189. Minister, State Minister and Assistant Minister to attend the meeting of Provincial Assembly: The Minister, State Minister and Assistant shall be allowed to attend and take part in the business and deliberations of the Provincial Assembly and its Committee meetings. *Provided that* the Minister, State Minister or Assistant Minister, who is not a member of the Provincial Assembly, shall not be allowed to vote in the Provincial Assembly meeting or its Committees and the Minister, State Minister or Assistant Minister, who is a member of the Provincial Assembly shall not be allowed to vote in the meeting of the Committee other than she/he is a member.

190. Unauthorized presence or voting in Provincial Assembly to be penalized : If any person who has not taken oath pursuant to Article 178 or does not hold necessary qualifications for membership of the Provincial Assembly attends the Provincial Assembly or its Committee meetings or votes in capacity of a member then the person presiding over the meeting shall order a fine of five thousand rupees against the person for every instance of such attendance or voting, and the penalty shall be recovered as government dues.

191. Restriction on discussion: No discussion shall be held in the Provincial Assembly which could have an adverse impact in the judicial execution of a matter under consideration in any court of Nepal, and about anything done by a Judge in the course of performance of his or her judicial duties.

192. Transaction of business in case of vacancy in membership: The proceedings of the Provincial Assembly shall be conducted notwithstanding any vacancies in its membership, and no proceedings shall become invalid even if it subsequently found that a person not entitled to take part in the proceedings participated.

193. Provincial Assembly to form committees: The Provincial Assembly shall constitute committees or special committees according to the need and as provided for in its rules to manage the transaction of business of the Provincial Assembly.

194. Procedure relating to the conduct of business of the Provincial Assembly: The Provincial Assembly shall frame rules to conduct its business, maintain order during its meetings and to regulate the constitution, functions and procedures of, and for any other matters pertaining to, committees of the Provincial Assembly.

195. Secretary and Secretariat of the Provincial Assembly: (1) The Provincial Head shall, on the recommendation of the Speaker of the Province, appoint Secretary of the Provincial Assembly. (2) There shall be a Secretariat to carry out and manage the business of the Provincial Assembly. The establishment of such a Secretariat and other matters related thereto shall be as determined by Provincial law. (3) The qualification, functions, duties, powers and other terms and conditions of service of the Secretary of the Provincial Assembly shall be as provided for in the law.

196. Remuneration: The remunerations and benefits of the Speaker, Deputy Speaker and members of the Provincial Assembly shall be as provided for in the Provincial law. Until such a law is formulated, it shall be as determined by the provincial government.

PART 15: Provincial Legislative Procedure

197. Legislative power of Provincial Legislature: The legislative powers of the Provincial Legislature shall be as enumerated in Schedule-6, Schedule-7 and Schedule-9.

198. Procedure to introduce bills in the Provincial Assembly: (1) A bill may be introduced, pursuant to this constitution, in the Provincial Assembly. (2) The Finance Bills and Bills concerning law and order shall be introduced only as a Government Bill. (3) "Finance Bill" means a Bill concerni subjects: (a) the imposition, collection, abolition, remission, alteration or regulation of taxes or regulation of tax system in the Province, (b)the preservation of the Provincial Consolidated Fund or any Government fund of another Province, the deposit of money into and the appropriation or the withdrawal of money from

such funds, or the reduction, increment or cancellation of appropriations or of proposed expenditures from such funds, (c) the regulation of matters relating to the raising of loans or the giving of guarantees by the Provincial Government, or any matter pertaining to amendment of the laws concerning the financial liabilities undertaken or to be undertaken by the Provincial Government, (d) the custody and investment of all revenues received by any Provincial Government Fund, money acquired through the repayment of loans, and the grant of money; or audits of the accounts of the Provincial Government; or (e) matter directly related to sections (a), (b), (c), (d) and (e). *Provided that* a Bill shall not be deemed to be a Finance Bill by reason only that it provides for the levying of any charges and fees such as license fee, application fee, renewal fee or it provides for imposition of any penalty or imprisonment. (4) If any question arises whether a Bill is a Finance Bill or not, the decision of the Speaker of the Provincial Assembly thereon shall be final.

199. Procedure for Passing Bills: (1) A Bill passed by the Provincial Assembly shall be presented to the Head of Province for certification. (2) If a session of the Provincial Assembly terminates while a Bill is under consideration, deliberations on the Bill may continue at the succeeding session: *Provided that* if the Provincial Assembly is dissolved or its term expires when any Bill is under consideration at the Provincial Assembly, such Bill shall be deemed to have lapsed.

200. Withdrawal of the Bill: A Bill may be withdrawn by the member introducing it with the approval of the Provincial Assembly.

201. Certification of the Bill: (1) A Bill which to be presented to the Head of Province for certification pursuant to Article 199 shall be so presented by the Speaker of the Provincial Assembly after certifying it. *Provided that* in the case of a Finance Bill, the Speaker shall so certify stating that it is a Finance Bill. (2) The Head of Province shall certify the Bill presented to her/him for certification within fifteen days, and inform the Provincial Assembly about the same as soon as possible. (3) Except for a Finance Bill, if the Head of Province is of the opinion that any Bill presented to her/him for certification needs further deliberations, she/he may send back the Bill with her/his message to the Provincial Assembly within fifteen days from

the date of presentation of the Bill to her/him. (4) If any Bill is sent back with a message from the Head of Province, it shall be reconsidered by the Provincial Assembly and if the Bill so reconsidered is again passed as it was or with amendments, and is again presented to him/her, the Head of Province shall certify the Bill within fifteen days of such presentation. (5) A Bill shall become an Act after it is certified by the Head of Province.

202. Ordinance: (1) If at any time, except when the Provincial Assembly is in session, if circumstances exist which render it necessary to take immediate action, the Head of Province may, on the recommendation of the Provincial Council of Ministers, promulgate an Ordinance. (2) An Ordinance promulgated under Clause (1) shall have the same force and effect as of Act: *Provided* that every such Ordinance: (a) shall be tabled at the next session of Provincial Assembly, and if not passed it shall ipso facto cease to be effective; (b) may be repealed at any time by the Head of Province; and (c) shall, unless rendered ineffective or repealed under sections (a) or (b), ipso facto cease to have effect at the expiration of sixty days from the commencement of the session of the Provincial Assembly.

PART 16: Financial Procedures of Province

203. No tax to be levied or loan to be raised: (1) No tax shall be levied and collected except in accordance with law. (2) No loan shall be raised and guarantee be given by the Provincial Government except in accordance with the Federal law.

204. Consolidated Fund of the Province: Except for the revenues of religious endowments, all revenues received by the Provincial Government, all loans raised on the security of revenues, and all the money received in repayment of any loan made under the authority of any Act and any amount received by the Provincial Government shall be credited to a Provincial Government Fund to be known as the Provincial Consolidated Fund.

205. Expenditures from the Provincial Consolidated Fund or a Provincial Government Fund: No expenditure shall be incurred out of the Provincial Consolidated Fund or any other Provincial Government fund other than the following: (a) money charged

on the Consolidated Fund, (b) money required to meet expenditure under an Appropriation Act, (c) advance money authorized by an Act required to meet expenditures, when an Appropriation Bill, is under consideration, or (d) expenditures to be incurred in extraordinary circumstances under a Vote of Credit Act which contains only a description of expenditure. *Provided that* matters relating to the Provincial Contingency Fund shall be in accordance with Article 212.

206. Expenditure chargeable on the Provincial Consolidated Fund: The expenditures relating to the following matters shall be charged on the Provincial Consolidated Fund and permission of the Provincial Assembly shall not be necessary for such expenses : (a) the amount to be provided for the salary and benefits of the Speaker and Deputy Speaker of the Province, (b) the amount required as remuneration and benefits payable to the Chairperson and members of the Provincial Public Service Commission, (c) all charges relating to debts for which the Provincial Government is liable, (d) any sum required to be paid under any judgment or decree of a court against the Provincial Government, (e) any other sum declared by law to be chargeable on the Provincial Consolidated Fund.

207. Estimates of revenues and expenditure: (1) The Finance Minister of the Province shall, with respect to every fiscal year, present before the Provincial Assembly annual estimates including the following matters: (a) an estimate of revenues, (b) the money required to meet the charges on the Provincial Consolidated Fund, and (c)the money required to meet the expenditure to be provided for by Provincial Appropriation Act.(2) the annual estimate to be presented pursuant to Clause (1) shall be accompanied by a statement of the expenses allocated to each Ministry in the previous financial year and particulars of whether the objectives of the expenses have been achieved.

208. Province Appropriation Act: The money required to meet the expenditure to be provided by any Province Appropriation Act shall be specified under appropriate heads in an Appropriation Bill.

209. Supplementary estimates: (1) The Finance Minister of the Province shall, in respect of any financial year, present supplementary estimates before the Provincial Assembly, if it

is found- (a) that the sum authorized to be spent for a particular service by the Provincial Appropriation Act for the current fiscal year is insufficient, or that a need has arisen for expenditure upon new services not provided for by the Provincial Appropriation Act for that year, or (b) that the expenditures made during that fiscal year are in excess of the amount authorized by the Provincial Appropriation Act. (2) The sums included in the supplementary estimates shall be specified under separate heads in a Supplementary Appropriation Bill.

210. Votes on account: (1) Notwithstanding anything contained in this Part, a portion of the expenditure estimated for the financial year may, when an Appropriation Bill is under consideration, be incurred in advance by an Act. (2) A Vote on Account Bill shall not be submitted until the estimates of revenues and expenditures have been presented in accordance with the provisions of Article 207, and the sums involved in the Vote on Account shall not exceed one-third of the estimate of expenditure for the financial year. (3) The expenditure incurred in accordance with the Vote on Account Act shall be included in the Appropriation Bill.

211. Votes of credit: Notwithstanding anything contained elsewhere in this Part, if owing to a provincial emergency due to either natural causes or a threat of external aggression or internal disturbances or other reasons, it is impractical or inexpedient in view of the security or interest of the Province to specify the details required under Clause (1) of Article 207, the Finance Minister of the Province may present a Vote of Credit Bill before the Provincial Assembly giving only a description of the expenditure.

212. Provincial Contingency Fund: (1) A Provincial Act may create a Fund by the name of Provincial Contingency Fund into which shall be paid from time to time such money as may be determined by the Provincial Act. (2) Such Fund created under clause (1) shall be under the control of the Provincial Government. Any unforeseen expenditures shall be met out of such Fund by the Provincial Government. (3) The amount of the expenditures so met shall be reimbursed as soon as possible as per the Provincial Act.

213. Act relating to financial procedures: Matters relating to the transfer of money appropriated by Provincial Act from one

head to another and other financial procedures shall be regulated by Provincial Act.

PART- 17: Local Executive

214. Executive power of local: (1) The local executive power shall, subject to this Constitution and other laws, be vested in the Village executive or Town executive. (2) The local executive power shall, subject to this Constitution, remain limited to the subjects mentioned in the local level/level competencies in Schedule-8 and Schedule-9. (3) The responsibility for issuing general directives, controlling and regulating the administration of Village Council and Municipality shall, subject to this Constitution and other laws, lie in the Village executive and Town executive. (4) The executive functions of the Village Council and Municipality shall be exercised in the name of Village executive and Town executive. (5) Any decision or order or implementation warrant to be issued in the name of the Village executive and Town executive, pursuant to Clause (4) above, shall be authenticated as prescribed by law.

215. Provisions related to Head and Deputy Head of Village Executive: (1) There shall be a Head of Village executive in every Village Council. The Village executive shall be formed under her/his chairpersonship. (2) The Village executive, pursuant to Clause (1), shall have a Deputy Head and ward chairpersons elected from each ward and members elected as per clause (4) below. (3) The election of the Head and Deputy Head shall be held through secret ballot based on one person one vote according to the the first-past-the-post electoral system by the voters of the concerned Village Council area. **Explanation:** For the purpose of this Article, "Head and Deputy Head" shall mean the Head and Deputy Head of the Village executive. (4) Four women members that are elected by the Village Assembly members from among themselves and two persons elected from the Dalit or minority community with qualifications pursuant to Clause (5) below shall also be members of the Village executive and this election shall be held within 15 days following the final result of the election of Village Assembly as per Article 222. (5) Any person with the following qualifications shall be eligible for election to the post of Head, Deputy Head, ward chairperson and member: (a) be

a Nepali citizen, (b) have attained twenty-one years of age, (c) is included in the voters list of the Village council, (d) is not ineligible by any law. (6) The term of office of the Head, Deputy Head, ward chairperson and Village executive members shall be of five years. (7) Any person who has been elected to the post of the Head for two terms shall not be eligible to become a candidate in the subsequent Village municipality elections. (8) The post of the Head, Deputy Head, ward chairperson or member shall fall vacant under following conditions:- (a) If the Head tenders her/his resignation before the Deputy Head and the Deputy Head before the Head, (b) if her/his term comes to an end, or (c)if she/he dies. (9) In case the post of Head or Deputy Head falls vacant as per Clause (8) with more than one year of the term left, the vacant post for the remaining term shall be filled through by-elections.

216. Provisions related to Mayor and Deputy Mayor of Municipality: (1) There shall be a Mayor of the Municipal Executive in every municipality. The municipal executive shall be formed under her/his chair. (2) The Municipal Executive, pursuant to Clause (1), shall have a Deputy Mayor, ward chairperson elected from each ward and members elected as per clause (4) below. (3) The election of the Mayor and Deputy Mayor shall be held through secret ballot based on one person one vote according to the first-past-the-post electoral system by the voters of the concerned Municipal Council area. **Explanation:** For the purpose of this Article Mayor and Deputy Mayor shall mean the Head and Deputy Head of the Municipal executive. (4) Five women members that are elected by the Municipal Assembly members from among themselves and three persons elected from the Dalit or minority community with qualifications pursuant to Clause (5) below shall also be members of the Municipal executive and this election shall be held within 15 days following the final result of the election of Municipal Assembly as per Article 223. (5) Any person with the following qualifications shall be eligible for election to the post of Head, Deputy Head, ward chairperson and members: (a) be a Nepali citizen, (b) have attained twenty-one years of age, (c) is included in the voters list of the Municipality, (d) is not ineligible by any law. (6) The term of office of the Head, Deputy Head, ward chairperson and Municipal executive members shall be of five years. (7) Any person who has been

elected to the post of the Mayor for two terms shall not be eligible to become a candidate in the subsequent municipality elections. (8) The post of the Head, Deputy Head, ward chairperson or members shall fall vacant under following conditions:- (a) if the Head tenders her/his resignation before the Deputy Head and the Deputy Head before the Head, (b) if her/his term comes to an end, or(c) if she/he dies. (9) In case the post of Head and Deputy Head falls vacant as per Clause (8) with more than one year of the term left, the vacant post for the remaining period shall be filled through by-elections.

217. Judicial Committee: (1) There shall be a Judicial Committee under the Convenorship of the Deputy Head of the Village Executive in every Village Council and under the Convenorship of the Deputy Mayor of the Municipality in every Municipality to exercise power to hear cases, as entrusted to the Village Council or Municipality pursuant to Federal and Provincial laws. (2) The Judicial Committee, pursuant to Clause (1), shall have two members designated by the Head of Village Executive in case of Village Council and two members designated by the Mayor of the Municipal executive in case of a Municipality.

218. Conduct of business of Village Executive and Municipal Executive: The allocation and transaction of business of the Village Executive and Municipal Executive shall be carried out as set forth in rules approved by the Village Executive and Municipal Executive.

219. Other provisions related to local level executive: Other provisions relating to the local level executive other than those written in this part shall be as provided for in the laws drafted, in pursuant to this Constitution, by the Federal Parliament.

220. District Assembly and District Co-ordination Committee: (1) There shall be a District Assembly, as provided in the law, for coordination and essential management among the Village Municipalities and Municipalities within the District. (2) Head of every Village executive and Mayor of every Municipal executive within the district shall be members in the District Assembly. The first meeting of the District Assembly shall be held within thirty days of the announcement of the final results of the Village Assembly and Municipal Assembly elections. (3) The District Assembly shall, pursuant to Provincial laws, elect a District Coordination Committee with a maximum of nine

members including a Head, a Deputy Head, at least three women and at least one person from the Dalit or minority community. The District Coordination Committee shall execute all tasks to be carried out on behalf of the District Assembly. (4) The members of the Village Assembly or Municipal Assembly within the district concerned shall be eligible to be a candidate for the post of Head, Deputy Head or member of the District Coordination Committee. (5) The term of office of the Head, the Deputy Head and member of the District Coordination Committee shall be of five years. (6) The post of the Head or Deputy Head or member of the District Coordination Committee shall fall vacant under following conditions:- (a) if the Head tenders her/his resignation before the Deputy Head and the Deputy Head or member tenders her/his resignation before the Head, (b) if her/his term comes to an end, or (c) if she/he dies. (7) The function, duties and powers of the District Assembly shall be as follows: (a) to coordinate among the Village Municipalities and Municipalities and Province within the District, (b) to carry out monitoring so as maintain balance in development and construction works, (c) to maintain coordination among the Federal and Provincial government offices and Village Council and Municipality within the district, (d) to perform other tasks as provided for in the Provincial law. (8) The fiscal responsibility related to the operation of District Assembly and benefits received by members of District Coordination Committee shall be upon the Provincial Government.

PART 18: Local Legislature

221. Legislative Power of Local Level: (1) The legislative power of the local level shall, subject to this Constitution, be vested in the Village Assembly and Municipal Assembly. (2) The legislative power of the Village Assembly and Municipal Assembly shall be as enumerated in Schedules-8 and -9.

222. Formation of Village Assembly: (1) There shall be a Village Assembly in each Village Council. (2) The Village Assembly referred to in clause (1) shall comprise a village executive Head, a Deputy Head and four members elected from every Ward of the Village council and member of the village executive elected from the Dalit or minority community pursuant to clause

(4) of Article 215. (3) The Village Assembly to be constituted pursuant to Clause (1) shall have the representation of at least two women from every Ward of the Village Council. (4) One ward committee comprising of one ward Chairperson and four members shall be formed in each ward of the Village council as provided for in Federal law. The election of the ward Chairperson and members shall be held on the basis of the first past the post system. (5) Every person who has attained the age of eighteen years and included in the voters list of the Village Council shall be entitled to vote as provided for in a Federal law. (6) Any person who possess the following qualifications is eligible to become a candidate for the post of member of the Village Assembly: (a) be a Nepali citizen, (b) have attained twenty-one years of age, (c) be included in the Voter's list of Village Council, and not deemed ineligible by any law. (7) Elections to the Village Assembly and other matters pertaining thereto shall as provided for in the law.

223. Constitution of Municipal Assembly: (1) There shall be one Municipal Assembly in each Municipality. (2) The Municipal Assembly referred to in clause (1) shall comprise the Mayor and Deputy Mayor, ward Chairperson and four members elected from every Ward of the Municipal council and member of the Municipal executive elected from the Dalit or minority community pursuant to clause (4) of Article 216. (3) The Municipal Assembly to be constituted pursuant to Clause (1) shall have the representation of at least two women from every Ward of the Municipality. (4) One ward committee comprising of one ward Chairperson and four members shall be formed in each ward of the Municipality as provided for in Federal law. The election of the ward chairperson and members shall be held on the basis of the first past the post system. (5) Every person who has attained the age of eighteen years and is included in the voters list of the Municipality shall be entitled to vote, as provided for in a Federal law. (6) Any person who possesses the following qualifications is eligible to become a candidate for the post of member of the Municipal Assembly: (a) be a Nepali citizen, (b) have attained twenty-one years of age, (c) be included in the voter's list of the Municipality, and (d) not deemed ineligible by any law. (7) Elections to the Municipal Assembly and other matters pertaining thereto shall as provided for in the Federal law.

224. Chairperson and Vice-Chairperson of Village Assembly and Municipal Assembly: The Head and Deputy Head of the Village Executive and the Mayor and Deputy Mayor of the Municipal Executive shall carry out the transaction of business as Chairperson and Vice-Chairperson of the Village Assembly and Municipal Assembly respectively.

225. Term of office of Village Assembly and Municipal Assembly: The term of Village Assembly and Municipal Assembly shall be five years.

226. To form laws: (1) The Village Assembly and Municipal Assembly shall make necessary laws on the subjects mentioned in the list of competencies of the local level pursuant to Schedule-8 and 9. (2) The procedure of drafting of laws pursuant to Clause (1) shall be as provided for in the Provincial law.

227. Other provisions related to Village Assembly and Municipal Assembly: The operation of the Village Assembly and Municipal Assembly, meeting procedures, formation of Committees, condition of vacation of the post of members, the benefits entitled to members of the Village Assembly and Municipal Assembly and other arrangements of the Village Council and Municipality personnel and office shall be as provided for in the Provincial law.

PART 19: Local Financial Procedure

228. No tax to be levied or loan to be raised: (1) No tax shall be levied and collected except in accordance with law. (2) The local level shall impose tax in areas within its jurisdiction, without causing any adverse impact on the national economic policy, transportation of goods, services, capital and labor, and on neighboring Province or local levels.

229. Local Consolidated Fund: (1) There shall be a Local Consolidated Fund in every Village Council and Municipality under the local level. All revenues received by the local Village Council or Municipality, grants and loans received from the Government of Nepal and the Provincial Government and any amount received from other sources shall be deposited in such Fund. (2) Provision relating to expenditures from the Local Consolidated Fund, pursuant to Clause (1), shall be as provided for in the local law.

230. Estimate of Revenue and Expenditure of Village Council and Municipality: (1) The Village Executive and Municipal Executive shall, with respect to every fiscal year, present before the Village Assembly or Municipal Assembly annual estimates of revenues and expenditure, and have it passed. (2) If the Village Executive and Municipal Executive have to develop a deficit budget while presenting a budget under clause (1), they shall, pursuant to Federal law and Provincial law, also propose sources to fulfill the deficit.

PART 20:

Interrelationship between the Federation, Provinces and Local levels

231. Legislative interrelationship between Federation and Province: (1) Federal law shall be formulated to be enforced across Nepal or to any region of Nepal according to the need. (2) Provincial law shall be formulated to be effective within whole of the province or any part thereof. (3) If two or more Provinces make a petition before the Federal Parliament to make laws on any subject in the Schedule-6, the Federal Parliament may formulate necessary laws. Such laws shall be enforced in the respective Provinces only.

232. Relations between the Federation, Provinces and local level: (1) The Federation, Provinces and the local level shall enjoy relations based on the principles of cooperative, coexistence and coordination. (2) The Government of Nepal may issue necessary directives, pursuant to the constitution and prevalent laws, to all the Provinces on matters of national importance and on matters to be coordinated among the Provinces and it shall be the duty of the respective Province to abide by such directives. (3) If any Province indulges in an act that would have a serious effect on Nepal's sovereignty, territorial integrity or independence, autonomy, the President shall, according to the need, reprimand such a Province, suspend or dissolve the Council of Ministers of the Province and the Provincial Assembly. (4) The act of such suspension or dissolution of the Council of Ministers of the Province and the Provincial Assembly, pursuant to Clause (3), must be approved by a majority of total members of the Federal Parliament existing

in the time being within thirty-five days. (5) If the suspension or dissolution, pursuant to Clause (3), is endorsed by the Federal Parliament, fresh elections of the Provincial Assembly of such Province shall be held within six months. *Provided that* if not endorsed by the Federal Parliament, such suspension or dissolution shall ipso facto cease to be effective. (6) If the suspension pursuant to Clause (3) is endorsed according to Clause (4) and until elections are held pursuant to Clause (5), Federal rule shall come into force in such Province. (7) During a period when federal rule is imposed, the Federal Parliament may make laws on the matters enumerated in Schedule-6. Such law shall prevail until its repeal by subsequent law enacted by the Provincial Assembly. (8) The Government of Nepal may, in pursuant to the Constitution and Federal law, provide necessary support and directives to the Village Executive and Municipal Executive on its own or through the Provincial Government. It shall be the duty of the Village executive or Municipal executive to abide by such directive.

233. Relations among the Provinces: (1) A Province shall cooperate in implementing the legal provisions or judicial and administrative decisions or orders of another Province. (2) A Province shall exchange information and consult on subjects of mutual concern and interest, coordinate mutually about its tasks and legislation and expand mutual support with another Province. (3) A Province shall provide equal protection, treatment and benefits to residents of another Province in according with its own laws.

234. Inter-Provincial Council: (1) There shall be an Inter-Provincial Council to settle disputes of political nature between the Federation and Province and among the Provinces, consisting of a Chairperson and members as follows:

a. Prime Minister	– Chairperson
b. Home Minister of Government of Nepal	– Member
c. Finance Minister of Government of Nepal	– Member
d. Chief Minister of respective provinces	– Member

(2) Meeting of the Inter-Provincial Council shall be held as may be necessary. (3) The Inter-Provincial Council shall, according to need, invite to the meeting of the Council the Minister of the Government of Nepal and the Minister of the Province and

experts related to the subject of dispute. (4) Procedures concerning meeting of Inter-Provincial Council shall be as determined by the said council.

235. Coordination among the Federation, Provinces and local Levels: (1) The Federal Parliament shall formulate necessary laws to maintain coordination between the Federation, Provinces and local levels. (2) The Provincial Assembly shall coordinate with District Coordination Committee to establish coordination between the Province and Village Council or Municipality and to settle disputes, if any, of political nature. (3) The method and procedure of settling disputes pursuant to Clause (2) shall be as provided for in the Provincial law.

236. Interprovincial Trade: No obstruction of any kind or levying of taxes or discrimination shall be made in the export and import of goods or services from one Province or local level to another Province or local level and in the transportation of any goods or services through the territory of any province or local level to another province or local level of Nepal.

237. Jurisdiction of the Constitutional Court not to be affected: Nothing contained in this Part shall have any effect on the jurisdiction of the Constitutional Bench of the Supreme Court as provided for in Article 137.

PART 21: Commission for the Investigation of Abuse of Authority

238. Commission for the Investigation of Abuse of Authority: (1) There shall be a Commission for the Investigation of Abuse of Authority in Nepal, consisting of a Chief Commissioner and four other Commissioners. The Chief Commissioner shall act as the Chairperson of the Commission for the Investigation of Abuse of Authority. (2) The President shall, on the recommendation of the Constitutional Council, appoint the Chief Commissioner and other Commissioners. (3) The term of office of the Chief Commissioner and other Commissioners shall be six years from the date of appointment. (4) Notwithstanding anything contained in Clause (3), the office of the Chief Commissioner or a Commissioner shall be deemed vacant under the following circumstances: (a) if she/he submits a written resignation to the President, (b) if she/he attains the

age of sixty-five, (c) if a resolution of impeachment is passed against her/him as per Article 101, (d) If she/he is removed by the President on the recommendation of Constitutional Council for being unable to discharge the duties of her/his office due to physical or mental illness, or (e) if she/he dies. (5) Chief Commissioner or Commissioners appointed as per Clause (2) cannot be re-appointed. *Provided that*, nothing in this Clause shall be deemed to bar the appointment of a Commissioner to Chief Commissioner, and when a Commissioner is so appointed as the Chief Commissioner, her/his term of office shall be computed as to include her/his tenure as Commissioner as well. (6) Any person who possesses the following qualifications is eligible to be appointed as the Chief Commissioner or a Commissioner of the Commission for the Investigation of Abuse of Authority: (a) holds a bachelor's degree from a recognized university, (b) is not a member of any political party immediately before the appointment, (c) has at least twenty years of experience in the field of accounting, revenue, engineering, law, development or research and is a distinguished person, (d) has attained forty-five years of age, and (e) possesses a high moral character. (7) The remuneration and other conditions of service of the Chief Commissioner and the Commissioners shall be as determined by law. The remuneration and other conditions of service of the Chief Commissioner and the Commissioners shall not, so long as they hold office, be altered to their disadvantage. *Provided that* this provision shall not apply in the event of a declaration of a State of Emergency due to extreme financial breakdown. (8) A person who has been the Chief Commissioner or Commissioner shall not be eligible for appointment in any other government service. *Provided that* nothing in this Clause shall be deemed to be a bar to the appointment to any position of a political nature, or to any position which has the responsibility of making investigations, inquiries or findings on any subject, or to any position which has the responsibility of submitting advice, opinions or recommendations after carrying out a study or research on any subject.

239. Functions, duties and powers of the Commission for the Investigation of Abuse of Authority: (1) The Commission for Investigation of Abuse of Authority may, in accordance with the law, conduct or cause to be conducted investigations of

corruption by a person holding any public office. *Provided that* this Clause shall not be applicable to any official in relation to whom this Constitution itself separately provides for such action, and to any officials with regard to whom other law has separately made special provision. (2) Any investigation may be conducted or caused to be conducted, against any official of a Constitutional Body removed from their office following an impeachment resolution on the ground of misbehavior as per Article 101, any Judge removed by the Judicial Council, or any person proceeded against under the Army Act after they are removed from office, in accordance with Federal law. (3) If the Commission for the Investigation of Abuse of Authority finds, upon investigation carried out pursuant to Clause (1) and (2), that a person holding any public office has committed an act which is defined by law as corrupt, it may lodge or caused to be lodged a case against such person or any other person involved therein in a court with jurisdiction, in accordance with the law. (4) If the Commission for the Investigation of Abuse of Authority finds, upon investigation carried out pursuant to Clause (1) and (2), that the nature of the work to be carried out by the person holding any public office falls under the jurisdiction of another authority or body, it may forward a recommendation to authority or body concerned in writing for necessary action. (5) The Commission for the Investigation of Abuse of Authority may delegate any of its functions, duties and powers relating to the investigation or lodging of cases, to the Chief Commissioner, Commissioner or any officer-level employee of the Government of Nepal to be exercised and followed in compliance with the conditions specified. (6) Subject to this Constitution, other function, duties, powers and procedures of the Commission for the Investigation of Abuse of Authority shall be as determined by Federal law.

PART 22: Auditor General

240. Auditor General: (1) There shall be an Auditor General of Nepal. (2) The Auditor General shall be appointed by the President on the recommendation of the Constitutional Council. (3) The term of office of the Auditor General shall be six years from the date of appointment. (4) Notwithstanding anything contained in Clause (3), the office of the Auditor General shall

be deemed vacant in the following circumstances:- (a) if she/he submits a written resignation to the President, (b) if she/he attains the age of sixty-five,(c) if a resolution of impeachment is passed against her/him as per Article 101, (d) If she/he is removed by the President on the recommendation of Constitutional Council for being unable to discharge the duties of her/his office due to physical or mental illness, or (e) if she/he dies. (5) Auditor General appointed as per Clause (2) shall not be re-appointed. (6) Any person who possesses the following qualifications is eligible to be appointed as the Auditor General:- (a) holds a Bachelor's Degree in Management, Commerce or Accounts from a recognized university, or has worked as a Special Class Officer of the Government of Nepal after successfully completing the Chartered Accountants examination, or has at least twenty years experience in the field of auditing, (b) is not a member of any political party immediately before appointment, (c) has attained forty-five years of age, and (d) possesses high moral character. (7) The remuneration and conditions of service of the Auditor General shall be as determined by law. The remuneration and other conditions of service of the Auditor General shall not, so long as she/he holds office, be altered to her/his disadvantage. *Provided that* this provision shall not apply in the case of declaration of a State of Emergency due to extreme economic breakdown. (8) A person who has been the Auditor General shall not be eligible for appointment in other Government service. *Provided that*, nothing in this Clause shall be a bar to appointment to any position of a political nature, or to any position which has the responsibility of making investigations, inquiries or findings on any subject, or to any position which has the responsibility of submitting advice, opinions or recommendations after carrying out studies or research on any subject.

241. Functions, duties and powers of the Auditor General: (1) The accounts of the Office of the President and Vice-President, Supreme Court, the Federal Parliament, Provincial Assemblies, Provincial Governments, Constitutional bodies or their offices, courts, the Office of the Attorney General and the Nepal Army, Nepal Police and Armed Police as well as of all other government offices and courts shall be audited by the Auditor General in the manner determined by law, with due

consideration given to the regularity, economy, efficiency, effectiveness and the propriety thereof. (2) The Auditor General shall be consulted in the matter of the appointment of auditors for carrying out the audit of any corporate body of which the Government of Nepal or Provincial Government owns more than fifty percent of the shares or assets. The Auditor General may also issue necessary directives setting forth the principles for carrying out the audit of such corporate bodies. (3) The Auditor General shall, at all times, have access to documents concerning the accounts for the purpose of carrying out the functions specified in Clause (1). It shall be the duty of the Head of the office in question to provide all documents or information which may be demanded by the Auditor General or her/his employees. (4) The accounts to be audited pursuant to Clause (1) shall, subject to the Federal law, be maintained in such form as is prescribed by the Auditor General. (5) In addition to the accounts of the offices referred to in Clause (1), the Federal law may also require that the accounts of any other office or institution be audited by the Auditor General.

PART 23: Public Service Commission

242. Public Service Commission: (1) There shall be a Public Service Commission of Nepal consisting of a Chairperson and four other members. (2) The President shall, on the recommendation of the Constitutional Council, appoint the Chairperson and members of the Public Service Commission. (3) At least fifty percent of the total number of members of the Public Service Commission shall be appointed from among persons who have worked for twenty years or more in any government service, and the rest of the members shall be appointed from among persons who have done research, investigation, teaching or any other significant work in fields such as science, technology, art, literature, law, public administration, sociology or any other sphere of national life and who hold a high reputation. (4) The term of office of the Chairperson and other members of the Public Service Commission shall be six years from the date of appointment. (5) The Chairperson and members appointed pursuant to clause (2) shall not be eligible for reappointment. *Provided that* nothing in this Clause shall be deemed to be a bar to the appointment of a member of the Public Service

Commission as Chairperson thereof, and when a member is so appointed as the Chairperson, her/his term of office shall be computed so as to include her/his tenure as member as well. (6) Notwithstanding anything contained in Clause (4), the office of Chairperson or other members shall be deemed vacant in the following circumstances:- (a) if she/he submits a written resignation to the President, (b) if she/he attains the age of sixty-five, (c) if a resolution of impeachment is passed against her/him as per Article 101, (d) If she/he is removed by the President on the recommendation of Constitutional Council for being unable to discharge the duties of her/his office due to physical or mental illness, or (e) if she/he dies. (7) A person who possesses the following qualifications is eligible to be appointed as the Chairperson and member of the Public Service Commission: (a) holds a post-graduate degree from a recognized university, (b) is not a member of any political party immediately before appointment, (c) has attained the age of forty five years, and (d) possesses high moral character. (8) The remuneration and other conditions of service of the Chairperson and members of the Public Service Commission shall be as determined by law. The remuneration and other conditions of service of the Chairperson and members of the Public Service Commission shall not, so long as they hold office, be altered to their disadvantage. *Provided that* this provision shall not apply in the case of declaration of a State of Emergency due to extreme economic breakdown. (9) A person who has been the Chairperson and the member of the Public Service Commission shall not be eligible for appointment in other Government service. *Provided that*, nothing in this Clause shall be deemed to be a bar to appointment to any position of a political nature, or to any position which has the responsibility of making investigations, inquiries or findings on any subject, or to any position which has the responsibility of submitting advice, opinions or recommendations after carrying out studies or research on any subject.

243. Functions, duties and powers of the Public Service Commission: (1) It shall be the duty of the Public Service Commission to conduct examinations for the selection of suitable candidates to be appointed to Civil Service positions. **Explanation:** For the purposes of this Article, "Civil Service positions" shall meanpositions of all services of the

Government of Nepal, except Army and Federal Police or Armed Police, and such other services and positions as are excluded from the Civil Service or positions by Act. (2) In addition to the Civil Service, provisions shall be made in the law for the Public Service Commission to conduct the written examinations for the recruitment in the Nepalese Army, Nepal Police or Armed Police Force, or federal government services or corporate bodies. **Explanation:** For the purpose of this Article, the words "corporate bodies" shall mean any corporate body including corporation, company, bank, committee, commissions to be formed under a Federal law, authority, academy, board, center, council and similar institution in which the Government of Nepal owns and controls more than fifty percent of the shares or assets, other than a University and Teachers Service Commission. (3) Consultation with the Public Service Commission shall be made on matters concerning general principles to be followed while promoting a person holding a position of Nepal Army, Nepal police, Armed Police Force, Nepal and of other federal government services. (4) Consultation with the Public Service Commission shall be made on matters concerning general principles to be followed while formulating laws concerning terms and conditions of services of any corporate body including promotion and departmental actions. (5) No permanent appointment shall be made in a position which entitles to pension from Nepal government except on the recommendation of the Public Service Commission. (6) The Public Service Commission shall be consulted on the following subjects: (a) matters concerning the law relating to the conditions of service of the Federal Civil Service, (b) the general principles to be followed in the course of appointment to, promotion to, and departmental action concerning therein, the Federal Civil Service or positions therein, (c) matters concerning the suitability of any candidate for appointment to a Federal Civil Service position for a period of more than six months, (d) matters concerning the suitability of any candidate for transfer or promotion from one kind of Federal Civil Service to another kind of Federal Civil Service or from any other Government Service to the Federal Civil Service or for changing the service or translocation from the Civil Service Position of any Province to Federal Civil Service position or from Federal Civil Service position to the Provincial Civil

Service. (e) matters concerning the permanent transfer or promotion of any employee working in any position of an organization which is not required to consult with the Public Service Commission on matters of appointment, to any position for which consultation with the Public Service Commission is required, and (f) matters relating to departmental actions proposed against any Federal Civil Servant. (7) Notwithstanding anything contained in Clause (6), matters falling within the purview of the Judicial Service Commission pursuant to Article 154 shall be governed by that Article. (8) The Public Service Commission may delegate any of its functions, duties and powers to any members of the commission, a committee of such members or any employee of the Government of Nepal, to be exercised and followed in compliance with specified conditions. (9) Subject to this Constitution, other functions, duties and working procedures of the Public Service Commission shall be as determined by Federal law.

244. Provision related to Provincial Public Service Commission: (1) There shall be a Provincial Public Service Commission in every Province. (2) The formation, functions, duties and powers of the Provincial Public Service Commission shall be determined as provided for in the Provincial law. (3) For the purpose of clause (2), the Federal Parliament by making a law, shall determine the bases and criteria.

PART 24: Election Commission

245. Election Commission: (1) There shall be an Election Commission in Nepal consisting of a Chief Election Commissioner and four other Election Commissioners. The Chief Election Commissioner shall act as the Chairperson of the Election Commission. (2) The President shall, on the recommendation of the Constitutional Council, appoint the Chief Election Commissioner and the Election Commissioners. (3) The term of office of the Chief Election Commissioner and the Election Commissioners shall be six years from the date of appointment. (4) Notwithstanding anything mentioned in Clause (3), the office of the Chief Election Commissioner and Election Commissioner shall be deemed vacant in the following circumstances: (a) if she/he submits a written resignation to the President, (b) if she/he attains the age of sixty-five, (c) if a

resolution of impeachment is passed against her/him as per Article 101, (d) If she/he is removed by the President on the recommendation of Constitutional Council for being unable to discharge the duties of her/his office due to physical or mental illness. (e) if she/he dies. (5) The Chief Commissioner and commissioner appointed pursuant to clause (2) shall not be eligible for reappointment. *Provided that* nothing in this Clause shall be deemed to be a bar to the appointment of a commissioner of the Election Commission as Chief Commissioner thereof, and when a Commissioner is so appointed as the Chief Commissioner, her/his term of office shall be computed so as to include her/his tenure as Commissioner as well. (6) Any person who possesses the following qualifications is eligible to be appointed as the Chief Election Commissioner or an Election Commissioner:- (a) holds a Bachelor's Degree from a recognized university, (b) is not a member of any political party immediately before the appointment; (c) has attained the age of forty five, and (d) possesses high moral character. (7) The remuneration and other conditions of service of the Chief Election Commissioner and the Election Commissioners shall be as determined by law. The remuneration and other conditions of service of the Chief Election Commissioner and the Election Commissioners shall not, so long as they hold office, be altered to their disadvantage. *Provided that* this provision shall not apply in the case of declaration of a State of Emergency due to extreme economic breakdown. (8) A person who has been the Chief Election Commissioner or the Election Commissioner shall not be eligible for appointment in other Government Services. *Provided that*, nothing in this Clause shall be deemed to be a bar to the appointment to any political position or to any position which has the responsibility of making investigations, inquiries or findings on any subject, or to any position which has the responsibility of submitting advice, opinion or recommendation after carrying out a study or research on any subject.

246. Functions, duties and powers of Election Commission: (1) The Election Commission shall, subject to this Constitution and other laws, conduct, supervise, direct and control the election of the President, the Vice-President, Federal Parliament, Provincial assemblies, local bodies. The Election Commission

shall be responsible for preparing the voters' list for the purpose of election. (2) The Election Commission shall hold referendum on subject of national importance as per this Constitution and Federal laws. (3) If candidacy nominations have been registered for the election of the President, the Vice-President, the member of Federal Parliament and Provincial Assembly but a question arises before the completion of the election about the illegitimacy of a candidate, a final decision thereon shall be made by the Election Commission. (4) The Election Commission may delegate any of its functions, duties and powers to the Chief Election Commissioner, Election Commissioner or any employee of the Government of Nepal to be exercised and followed in compliance with the conditions specified. (5) Other functions, duties and powers and working procedures of the Election Commission shall be as regulated by law.

247. Necessary Cooperation to be Extended: The Government of Nepal, provincial government and local government shall provide necessary employees and extend other cooperation as may be required to perform the functions of the Election Commission in accordance with this Constitution.

PART 25: National Human Rights Commission

248. National Human Rights Commission: (1) There shall be a National Human Rights Commission in Nepal consisting of the following Chairperson and four other members: (2) The President shall, on the recommendation of the Constitutional Council, appoint the Chairperson and the Members of the National Human Rights Commission. (3) The term of office of the Chairperson and Members of the National Human Rights Commission shall be six years from the date of appointment. (4) The Chairperson and members appointed pursuant to clause (2) shall not be eligible for reappointment. *Provided that* nothing in this Clause shall be deemed to be a bar to the appointment of a member of the Commission as chairperson thereof, and when a member is so appointed as the Chairperson, her/his term of office shall be computed so as to include her/his tenure as member as well. (5) Notwithstanding anything contained in Clause (3), the office of the Chairperson or the Members of the National Human Rights Commission

shall be deemed vacant in the following circumstances: (a) if she/he submits a written resignation to the President, (b) if a resolution of impeachment is passed against her/him as per Article 101, (c) If she/he is removed by the President on the recommendation of Constitutional Council for being unable to discharge the duties of her/his office due to physical or mental illness, or (d) if he or she dies. (6) Any person who possesses the following qualifications is eligible to be appointed as the Chairperson or a member of the National Human Rights Commission :- (a) for the position of Chairperson, a person from among the retired Chief Justices or Judges of the Supreme Court who has made an outstanding contribution to the protection and promotion of human rights, or a person who holds a high reputation and has rendered an outstanding contribution in the field of protection and promotion of human rights or various sections of national life for at least twenty years, (b) for the position of members, persons from among the persons who hold high reputation and have been actively involved in the field of, and rendered an outstanding contribution to, the protection and promotion of human rights or children rights, or various sections of national life for at least twenty years, (c) holds a Bachelor's Degree from a recognized university, (d) has attained the age of forty five, (e) is not a member of any political party immediately before the appointment, and (f) possesses high moral character. (7) The remuneration and other conditions of service of the Chairperson and the Members of the National Human Rights Commission shall be as determined by law. The remuneration and other conditions of service of the Chairperson and the Members of the National Human Rights Commission shall not, so long as they hold office, be altered to their disadvantage. *Provided that* this provision shall not apply in the case of declaration of a State of Emergency due to extreme economic breakdown. (8) A person who has been the Chairperson or a Member of the National Human Rights Commission shall not be eligible for appointment in any other government service. *Provided that* nothing in this Clause shall be deemed to be a bar to the appointment to any political position or to any position which has the responsibility of making investigations, inquiries or findings on any subject, or to any position which has the responsibility of submitting advice, opinion or

recommendation after carrying out a study or research on any subject.

249. Functions, duties and powers of National Human Rights Commission: (1) It shall be the duty of the National Human Rights Commission to ensure the respect, protection and promotion of human rights and their effective implementation. (2) In order to perform the duty pursuant to Clause (1), the National Human Rights Commission may carry out the following functions:- (a) conduct inquiries into, and investigations of, and recommendation for action against the perpetrator of, instances of violation or abetment of violation the human rights of any person or a group of persons, upon a petition or complaint presented to the Commission by the victim herself/himself or any person on her/his behalf or upon information received from any sources, or on its own initiative, (b) forward a recommendation to the authority concerned to take departmental action against any authority that has the duty of responsibility to prevent violations of human rights, if it failed to perform such duty or responsibility or showed recklessness or lack of interest in performing that duty, (c) make recommendations if necessary, to lodge a petition in the court, in accordance with the law, against a person or institution that has violated human rights, (d) work jointly and in a coordinated manner with civil society to enhance awareness of human rights, (e) forward a recommendation to the relevant authority for taking departmental action against or imposing punishment on the violators of human rights, giving clear reasons and basis therefor, (f) review existing laws relating to human rights on a periodic basis and to recommend to the Government of Nepal necessary reforms and amendment thereto, (g) recommend with reasons to the Government of Nepal that it become a party to any international treaties and agreements on human rights, if it is desirable to do so, and to monitor the implementation of the international treaties and agreements on human rights to which Nepal is a party and if found not to be implemented, forward recommendations to the Government of Nepal for effective implementation of such agreements, (h) Publicize the names of any official, person or bodies not following or implementing the recommendations and directions of the National Human Rights Commission regarding the violations of human rights in accordance with

law, and to record them as human rights violators. (3) The National Human Rights Commission in performing its functions and duties, may exercise the following powers:- (a) exercise same powers as the court in requiring any person to appear before the Commission for recording their statement and information or examining them, receiving and examining evidence, and ordering the production of any physical proof, (b) in case the Commission has received the information from any source that a serious incident of violation of human rights has occurred or is likely to occur, it office, conduct a search and seize any documents and evidence relating to human rights violations therein, (c) enter any government premises or other places, without prior notice, in case the Commission has received information that violation of human rights of a person is occurring thereon and immediate action is required, to provide rescue, (d) order compensation for the victims of human rights violations in accordance with law. (4) The National Human Rights Commission may delegate any of its functions, duties and powers to the Chairperson, any member or any employee of the Government of Nepal to be exercised and followed in compliance with the conditions specified. (5) Other functions, duties and powers and procedural of the National Human Rights Commission shall be as specified by Federal law.

PART 26: National Natural Resources and Fiscal Commission

250. National Natural Resources and Fiscal Commission: (1) There shall be a National Natural Resources and Fiscal Commission in Nepal consisting of a Chairperson and members not exceeding five in number. (2) The President shall, on the recommendation of the Constitutional Council, appoint Chairperson and members of the National Natural Resources and Fiscal Commission. (3) The tenure of office of the Chairperson and members of the National Natural Resources and Fiscal Commission shall be for six years from the date of appointment. (4) Notwithstanding anything contained in Clause (3), the office of the Chairperson and members of the National Natural Resources and Fiscal Commission shall be deemed vacant in the following circumstances: (a) If a written resignation is tendered to the President, (b) If he/she attains

the age of 65 years; (c) If an impeachment motion against him/her is passed as per Article 101, (d) If she/he is removed by the President on the recommendation of Constitutional Council for being unable to discharge the duties of her/his office due to physical or mental illness. (e) If he/she dies. (5) The Chairperson and members appointed pursuant to clause (2) shall not be eligible for reappointment. *Provided that* nothing in this Clause shall be deemed to be a bar to the appointment of a member of the Commission as chairperson thereof, and when a member is so appointed as the Chairperson, her/his term of office shall be computed so as to include her/his tenure as member as well. (6) Any person with the following qualifications is eligible to be appointed as the Chairperson or member of the National Natural Resources and Fiscal Commission: (a) who holds at least a Bachelor's Degree in the concerned subject from a university recognized with expertise in natural resources or fiscal management, economics, law or management, and having at least twenty years of experience in the sector. (b) who is not a member of a political party at the time of the appointment, (c) who is at least forty five years of age, and (d) who has a high moral character. (7) The remuneration and the conditions of service of the Chairperson and members of the National Natural Resources and Fiscal Commission shall be as provided for by law, and the remuneration and conditions of service shall not be alterable to their disadvantage. *Provided that*, this provision shall not be applicable in the event of the declaration of a State of Emergency due to extreme economic breakdown. (8) A person who has already served as the Chairperson or a member of the National Natural Resources and Fiscal Commission shall not be eligible to be appointed in other government position/service. *Provided that* nothing in this Clause shall be deemed to be a bar to the appointment to any political position or to any position which has the responsibility of making investigations, inquiries or findings on any subject, or to any position which has the responsibility of submitting advice, opinion or recommendation after carrying out a study or research on any subject.

251. The functions, duties and powers of National Natural Resources and Fiscal Commission: (1) The functions, duties and powers of the National Natural Resources and Fiscal

Commission shall be as follows: (a) Determine extensive grounds and measures, regarding the distribution of revenue from the federal consolidated fund to the federal, provincial and local level governments according to the constitution and law, (b) Making recommendations, according to law, on distribution of the equalization grants to provincial and local governments from the federal consolidated fund, (c) Conducting research and studies with regard to making a basis for distribution of conditional grants to provincial and local governments in compliance with national policy and program and standards, and the state of infrastructure there. (d) Determine extensive grounds and measures regarding the distribution of revenue between provincial and local governments from the provincial consolidated fund. (e) Making recommendations regarding the measures of reforms on responsibilities of expenditures and revenue generation for the federal, provincial and local governments. (f) Making recommendations about the internal loans the federal, provincial and local governments may take, by analyzing the macroeconomic indices. (g) Reviewing the bases of revenue distribution between the federal and provincial governments, and making recommendations for reform. (h) Determine base for computing the share of investment and return for federal, provincial and local government while exploiting natural resources, and make necessary recommendations. (i) Making recommendations about coordination and mitigation of disputes likely to arise regarding distribution of natural resources between the federation and province, between the provinces, between a province and local level entity, or between local level entities. (2) The National Natural Resources and Fiscal Commission shall make recommendations to the Nepal Government, by conducting necessary research into, with regards to environmental impact assessment linked to distribution of natural resources. (3) Other matters including the functions, duties and powers of the National Natural Resources and Fiscal Commission, extensive basis for revenue distribution and natural resources exploitation, shall be as provided for by Federal law.

PART 27: Other Commissions

252. National Women Commission: (1) There shall be a National Women Commission in Nepal consisting of a Chairperson and four other members. (2) The President shall, on the recommendation of the Constitutional Council, appoint the Chairperson and members of the National Women Commission. (3) The term of office of the Chairperson and other members shall be six years from the date of appointment. (4) Notwithstanding anything contained in Clause (3), the office of the Chairperson and members of National Women Commission shall be deemed vacant in the following circumstances: (a) if she submits written resignation to the President, (b) if she attains the age of sixty five, (c) if a motion of impeachment is passed against her as per Article 101, (d) If she/he is removed by the President on the recommendation of Constitutional Council for being unable to discharge the duties of her/his office due to physical or mental illness. (e) if she dies. (5) The Chairperson and members appointed pursuant to clause (2) shall not be eligible for reappointment. *Provided that* nothing in this Clause shall be deemed to be a bar to the appointment of a member of the Commission as chairperson thereof, and when a member is so appointed as the Chairperson, her/his term of office shall be computed so as to include her/his tenure as member as well. (6) Any person who possesses the following qualifications is eligible to be appointed as the Chairperson or member of National Women Commission:- (a) a woman who has made a significant contribution for the rights, interest of women or gender justice or women development or in the field of human rights and law for at least ten years, (b) holds a Bachelor's Degree from a recognized university in case of the Chairperson, (c) has attained the age of forty-five, (d) is not a member of any political party immediately before the appointment, and (e) possesses high moral character, (7) The remuneration and other conditions of service of the Chairperson and other members of the National Women Commission shall be as determined by law. The remuneration and other conditions of service of the Chairperson and the member of the National Women Commission shall not, so long as they hold office, be altered to their disadvantage. *Provided that*, this provision shall not apply

in the case of declaration of a State of Emergency due to extreme economic breakdown. (8) A person who has been the Chairperson or member of National Women Commission shall not be eligible for appointment in other Government Services. *Provided that* nothing in this Clause shall be deemed to be a bar to the appointment to any political position or to any position which has the responsibility of making investigations, inquiries or findings on any subject, or to any position which has the responsibility of submitting advice, opinion or recommendation after carrying out a study or research on any subject.

253. Functions, duties and powers of the National Women Commission: (1) Functions, duties and powers of the Federal Women Commission shall be as follows:- (a) To formulate policies and programs regarding women welfare for the Government of Nepal and forward them to the Government for implementation, (b) To review whether or not statutes related to women welfare are executed, and whether the international covenant signed by Nepal, as a signatory, has been executed, and to forward a recommendation to the Government of Nepal in case they are found not to have been executed, (c) To monitor, review and evaluate policies and programs implemented by the State to bring women into the mainstream of national development such as proportionate representation in all of the state agencies, and to forward a recommendation to the Government of Nepal for an effective implementation of those provisions, (d) To carry out research and studies regarding gender equality, women empowerment, other legal provisions concerning women, and to forward a recommendation to the concerned bodies regarding the areas to be amended in those laws, and to monitor the same, (e) To monitor the government regarding report to be submitted by the Government of Nepal in matters related to international covenant and treaties to which Nepal is a party, (f) To forward a recommendation to concerned authority to lodge a petition in the court, in accordance with the law, in matters related with gender violence, and women deprived of women rights due to social malpractices, (2) The National Women Commission may delegate, some of its rights to the Chairperson of the Commission, member, or an officer of the Government of Nepal, to be exercised in compliance with the conditions

specified. (3) Other functions, duties and powers of the National Women Commission shall be as specified in Federal law.

254. Offices may be established in province: The National Women's Commismay establish its offices in provinces as may be necessary.

255. National Dalit Commission: (1) There shall be a National Dalit Commission in Nepal consisting of Chairperson and four other Members. (2) The President shall, on the recommendation of Constitutional Council, appoint the Chairperson and members of National Dalit Commission. (3) The term of office for the Chairperson and Members of National Dalit Commission shall be for six year from the date of appointment. (4) Notwithstanding anything contained in the clause (3), the office of the Chairperson and the members of National Dalit Commission shall be vacant in the following circumstances:- (a) if he/she submits written resignation to the President, (b) If he/she is passed 65 years of age, (c) in case impeachment proposal filed against him/her is passed as per Article 101, (d) If she/he is removed by the President on the recommendation of Constitutional Council for being unable to discharge the duties of her/his office due to physical or mental illness, or (e) if he/she dies. (5) The Chairperson and members appointed pursuant to clause (2) shall not be eligible for reappointment. *Provided that* nothing in this Clause shall be deemed to be a bar to the appointment of a member of the Commission as chairperson thereof, and when a member is so appointed as the Chairperson, her/his term of office shall be computed so as to include her/his tenure as member as well. (6) Persons who meet following qualification shall be eligible for appointment in the posts of Chairperson and members of the National Dalit Commission:- (a) a person from Dalit community who has significantly contributed to Dalit welfare, human rights and in the legal field for at least ten years, (b) in case of the Chairperson, a person who has held at least Bachelor's Degree in human rights, social justice, sociology or law from the recognized university, (c) who has attained the age of forty-five years, (d) who has not been a member of any political party immediately before the appointment,(e) who possesses high moral character. (7) The remuneration and other benefits

of the Chairperson and members of the National Dalit Commission shall be as prescribed by law, and conditions and terms of remuneration and other benefits shall not be altered, so long as they hold office, to their disadvantage. *Provided that* extreme economic breakdown has led to the state of emergency, this provision shall not be applicable. (8) The person, who has served in the capacity of Chairperson or members of the National Dalit Commission, shall not be eligible for appointment in other government services. *Provided that*, nothing in this clause shall be deemed to be a bar to the appointment to any position of a political nature, or to any position which has the responsibility of making investigations, inquiries or findings on any subject, or to the position which has the responsibility of submitting advice, opinions or recommendations.

256. Functions, duties and powers of National Dalit Commission: (1) Functions, duties and powers of National Dalit Commission shall be as follows:- (a) To carry out research and studies regarding Dalit community of Nepal so as to identify legal and institutional reforms to be made and make a recommendation to the Government of Nepal, (b) To formulate national policies and programs in matters related with ending caste discrimination, untouchability, suppression and to enhance Dalit's status and development and to forward a recommendation to the Government of Nepal for implementation, (c) To monitor, so as to ensure whether the special provisions and laws related with Dalit welfare have been implemented or not, and to forward a recommendation to the government of Nepal, in case these provisions are found not to have been implemented, (d) To review or monitor the Government of Nepal, so as to ensure that the Government of Nepal submits the report as a signatory to the international treaties and agreement, as provisioned by those treaties, (e) To monitor, review and evaluate the policies and programs implemented by the State to bring Dalit community into the mainstream of national development such as proportionate representation in all of the state agencies, and to forward a recommendation to the Government of Nepal for an effective implementation of those provisions, (f) To recommend to respective agencies on filing petitions in court according to the law, against any person or organization if it is deemed necessary

on subjects of discriminations on caste and untouchability or victim of social malpractices or disallowing or depriving of exercising the right of Dalits. (2) The National Dalit Commission may delegate, as required, some of its powers to the Chairperson of the Commission, member, or an officer of the Government of Nepal, to be exercised in compliance with the conditions specified. (3) Other functions, duties and powers of the National Dalit Commission, shall be as specified by Federal law.

257. Offices may be established in province: The National Dalit Commission may establish its offices in provinces as may be necessary.

258. National Inclusion Commission: (1) There shall be a National Inclusion Commission in Nepal consisting of Chairperson and as many as four other members. (2) The President shall, on the recommendation of Constitutional Council, appoint the Chairperson and members of National Inclusion Commission. (3) The term of office of Chairperson and members of National Inclusion Commission shall be six years from the date of appointment. (4) Notwithstanding anything contained in the clause (3), the posts of the Chairperson or member of National Inclusion Commission shall be deemed vacant in the following circumstances:- (a) if he/she submits written resignation to the President, (b) If he/she is past 65 years of age, (c) in the case impeachment proposal filed against him/her is passed as per Article 101, (d) If she/he is removed by the President on the recommendation of Constitutional Council for being unable to discharge the duties of her/his office due to physical or mental illness, or (e) if he/she dies. (5) The Chairperson and members appointed pursuant to clause (2) shall not be eligible for reappointment. *Provided that* nothing in this Clause shall be deemed to be a bar to the appointment of a member of the Commission as chairperson thereof, and when a member is so appointed as the Chairperson, her/his term of office shall be computed so as to include her/his tenure as member as well. (6) Persons who meet following qualification requirement shall be eligible for appointment in the post of Chairperson and member of National Inclusion Commission:- (a) who has significantly contributed, for at least ten years, in the field of social inclusion, and in promoting the rights and interests and

development of persons disability, marginalized, minority and backward communities, human rights, (b) in case of Chairperson, a person who has attained at least Bachelor's Degree from recognized university, (c) who has attained the age of forty five years, (d) who has not been a member of any political party immediately before the appointment, (e) who possesses high moral character. (7) The remuneration and other conditions of service of the Chairperson and members of the National Inclusion Commission shall be as prescribed by law. Conditions and terms of remuneration and other benefits shall not be altered, so long as they hold office, to their disadvantage. *Provided that* extreme economic breakdown has led to state of emergency, this provision shall not be applicable. (8) The person, who has served in the capacity of Chairperson or members of the National Inclusion Commission, shall not be eligible for appointment in other government services. *Provided that*, nothing in this clause shall be deemed to be a bar to the appointment to any position of a political nature, or to any position which has the responsibility of making investigations, inquiries or findings on any subject, or to the position which has the responsibility of submitting advice, opinions or recommendations.

259. Functions, duties and powers of National Inclusion Commission: (1) Functions, duties and powers of National Inclusion Commission shall be as follows:- (a) To carry out research and studies for protecting rights and welfare of Khash Arya, backward class, persons with disability, senior citizens, laborers, peasants, marginalized and minority communities, people of Karnali region and economically disadvantaged people, (b) To review the policies of the Government of Nepal for inclusion of the persons as mentioned in section (a) above and their implementation, and to forward necessary recommendation to the government for reform, (c) To conduct study about the rightful representation of the persons as mentioned in section (a) above in the state mechanisms, and to forward a recommendation to the Government of Nepal to review the provision to ensure their representation therein, (d) To study whether protection, empowerment and development of the persons as mentioned in section (a) is satisfactory and to forward a recommendation to the Government of Nepal regarding the policies to be adopted for

the future, (e) To recommend the Government of Nepal regarding policies and programs to be implemented for development and prosperity of Karnali and other backward regions, (f) To recommend for timely revision in the laws related to minorities and marginalized communities, (g) To monitor the situation of implementation of rights and interests of minorities and marginalized communities, and to make recommendations for revision based on reports of periodic census and human development indices. (2) The National Inclusion Commission may delegate, as required, some of its powers to the Chairperson of the Commission, member, or an officer of the Government of Nepal, to be exercised in compliance with the conditions specified. (3) Other functions, duties and powers of the National Inclusion Commission shall be as specified by Federal law.

260. Offices may be established in province: The National Inclusion Commission may establish its offices in provinces as may be necessary.

261. Adibasi Janajati Commission: (1) There shall be a Adibasi Janajati Commission in Nepal consisting of Chairperson and as many as four other members. (2) The President shall, on the recommendation of Constitutional Council, appoint the Chairperson and members of Adibasi Janajati Commission. (3) The term of office of Chairperson and members of Adibasi Janajati Commission shall be six years from the date of appointment. (4) The qualifications, conditions of vacancy, remuneration and conditions of service of the Chairperson and members of Adibasi Janajati Commission and other provisions related to functions, duties and power of such Commission shall be according to the Federal law.

262. Madheshi Commission: (1) There shall be a Madheshi Commission in Nepal consisting of Chairperson and as many as four other members. (2) The President shall, on the recommendation of Constitutional Council, appoint the Chairperson and members of Madheshi Commission. (3) The term of office of Chairperson and members of Madheshi Commission shall be six years from the date of appointment. (4) The qualifications, conditions of vacancy, remuneration and conditions of service of the Chairperson and members of Madheshi Commission and other provisions related to

functions, duties and power of such Commission shall be according to the Federal law.

263. Tharu Commission: (1) There shall be a Tharu Commission in Nepal consisting of Chairperson and as many as four other members. (2) The President shall, on the recommendation of Constitutional Council, appoint the Chairperson and members of Tharu Commission. (3) The term of office of Chairperson and members of Tharu Commission shall be six years from the date of appointment. (4) The qualifications, conditions of vacancy, remuneration and conditions of service of the Chairperson and members of Tharu Commission and other provisions related to functions, duties and power of such Commission shall be according to the Federal law.

264. Muslim Commission: (1) There shall be a Muslim Commission in Nepal consisting of Chairperson and as many as four other members. (2) The President shall, on the recommendation of Constitutional Council, appoint the Chairperson and members of Muslim Commission. (3) The term of office of Chairperson and members of Muslim Commission shall be six years from the date of appointment. (4) The qualifications, conditions of vacancy, remuneration and conditions of service of the Chairperson and members of Muslim Commission and other provisions related to functions, duties and power of such Commission shall be according to the Federal law.

265. Review of the Commissions: Federal Parliament shall review the Commissions constituted under this part after ten years of commencement of this Constitution.

PART 28: Provision regarding National Security

266. National Defense Council: (1) There shall be a National Defense Council to formulate policies for Nepal's overall national interests, securaty and defence in order to make recommendations to the Council of Ministers, Government of Nepal on mobilization or control of Nepal Army comprisingfollowing Chairperson and members:-

a) Prime Minister – Chairperson

b) Defense Minister, Government of Nepal – Member

c) Home Minister, Government of Nepal – Member

d) Minister for Foreign Affairs, Government of Nepal – Member
e) Finance Minister, Governement of Nepal – Member
f) Chief Secretary of Government of Nepal – Member
g) Chief of the Army staff – Member

(2) The Secretary of Ministry of Defense shall work as the Secretary of National Defense Council. (3) The National Defense Council shall submit its annual report to the President; the President shall make it present to the federal legislature through the Council of Ministers, Government of Nepal. (3) Other provisions of National Defense Council shall be in accordance with Federal law.

267. Provision relating to Nepal Army: (1) There shall be an organization of Nepal Army, committed to democratic principles, inclusive in character and national in form, for the protection of Nepal's independence, sovereignty, territorial integrity, autonomy and national unity. (2) The President shall be the Supreme Commander-in-Chief of the Nepal Army. (3) The entry of women, Dalit, indigenous community, Khash Arya, Madhesi, Tharu, Muslim, people of backward class and backward region shall be ensured in Nepal Army, based on the principle of equality and principles of inclusion as provided for in the Federal law. (4) The Government of Nepal may, in accordance with Federal law, mobilize Nepal Army for works relating to development, disaster management and others. (5) The President shall appoint or remove the Commander-in-Chief of Nepal Army on the recommendation of the Council of Ministers. (6) Mobilization of Nepal Army shall be declared by the President according to the decision by Council of Ministers, Government of Nepal on recommendation of National Defense Council during wars on security of any parts, territorial integrity or sovereignty of Nepal, external attacks, armed insurgency or serious crisis arisen due to extreme economic breakdown. Decision of mobilization of Nepal Army shall have to be approved by the House of Representatives within a month of the declaration. (7) Other provisions relating to Nepal Army shall be as provided by law.

268. Provision relating to Nepal Police, Armed Police Force, Nepal and National Investigation Organization: (1) There shall be Nepal Police, Armed Police Force, Nepal and National

Investigation Department at the federal level. (2) There shall be a provincial police organization in each province. (3) Operation, supervision and coordination of Nepal Police and provincial police shall be as provided for by Federal law. (4) Other provisions relating to Nepal Police, Armed Police Force and National Investigation Department shall be as provided by Federal law.

PART 29: Provision relating to Political Parties

269. Constitution, registration and operation of Political Parties: (1) Persons who are committed to a common political ideology, philosophy and program shall, subject to the laws under section (b), clause (2) of the Article (17), be entitled to form and operate the political parties and to generate or cause to be generated publicity in order to secure public support and cooperation from the general public for their ideology, philosophy and program, and to carry out any other activities for that purpose. (2) The political parties formed under clause (1) shall be required to register their names under the Election Commission in accordance with the procedure determined by law. (3) While submitting application for registration pursuant to clause (2) above, the political parties shall be required to submit the documents relating to constitution of the party, annual auditing report and other documents as required by law. (4) While applying for the registration of the parties pursuant to clause (2) above, the political parties shall have to meet the following conditions:- (a) The constitution and rules of the political party should be democratic, (b) There should be the provision, in the constitution of the political party, of the election of the office bearers in the federal and provincial levels, at least once in five years. *Provided that* in case election of the office bearers could not be held within five years due to situation arising out of special circumstance, there shall be no hindrance to make provision in the statute of a political party to hold such election within a period of six months. (c) There should be the provision of proportional participation so as to reflect the diversity of Nepal, in the executive committees at various levels of the party. (5) No political party shall be registered if its name, objective, symbol and flag is of a character that may dis communal unity or is divisive in character.

270. Prohibition on the imposition of restrictions on political parties: (1) Any provision, law or the decision that prohibits formation, registration and operation of political parties under Article 269, and generate or cause to be generated publicity in order to secure public support and cooperation from the general public for ideology, philosophy and program of the parties, shall be deemed against this constitution and shall *ipso facto* be void. (2) Any law, arrangement or decision which allows for participation or involvement of only a single political party or persons having a single political ideology, philosophy or programs in the election, political system of the country or conduct of sates affairs shall be considered against this constitution and shall *ipso facto* be void.

271. Registration required for securing recognition for the purpose of contesting elections as a Political Party: (1) Any political party, formed under Article 264, wishing to secure recognition from the Election Commission for the purpose of elections, shall be required to register its name with the Election Commission in accordance with the procedures determined by the law. (2) While applying for registration pursuant to clause (1), a political party shall have to clarify the details under clause (3) of Article 269, submit annual audit report, and also meet the conditions set in clause (4) of the same article.

272. Other provisions relating to Political Party: Other provisions relating to formation, registration, operation and facilities of the political parties shall be as provided in Federal law.

PART 30: Emergency Powers

273. Emergency Powers: (1) In case a grave emergency arises in relation to the sovereignty or territorial integrity of Nepal or the security of any part thereof, whether by war, external attack, armed revolt, extreme economic breakdown, natural calamity or epidemic outbreak, the President may, by Proclamation or Order, declare a state of emergency to be enforced in Nepal or any specified part thereof. (2) Notwithstanding anything contained in clause (1), in case a grave situation arises, whether by natural calamity or epidemic outbreak, in any province, the concerned province may request the Government of Nepal to declare, by Proclamation or Order,

a state of emergency to be enforced in the province or any specified area of the province. (3) The Proclamation or the Order issued pursuant to clause (1) shall be presented before the meetings of both houses of federal legislature for approval within a month from the date of its issuance. (4) If the Proclamation or the Order presented for the approval pursuant to clause (3) is approved by a two-third majorities of the total members present at the meetings of both the houses of federal legislature, such Proclamation or Order shall continue in force for a period of three months from the date of Order or Proclamation. (5) If the Proclamation or Order presented before both houses of federal legislature pursuant to clause (4) is not approved, such Proclamation or Order shall, *ipso facto*, be invalid. (6) Notwithstanding other provisions in this article, the proposal to extend the period of the Proclamation or Order of state of emergency for another period, not exceeding for three months, may be forwarded in the federal legislature, stating that the circumstances under clause (4) still exist. (7) Pursuant to Clause (6), if the resolution for Proclamation or Order of state of emergency for another period is passed by a majority of the two third members present of both the houses of the federal legislature, the state of emergency for the said period shall continue to exist. (8) In case of dissolution of House of Representatives, the power of Federal Parliament as per clause (3), (4), (6) and (7) shall be exercised by National Assembly. (9) After the state of emergency has been declared pursuant to clause (1), the President may issue necessary orders to meet the exigencies. Orders so issued shall be operative with the same force and effect as law so long as the state of emergency is in operation. (10) While issuing the Proclamation or Order of state of emergency pursuant to clause (1), the President may suspend the fundamental rights provided in Part 3 so long as the Proclamation or Order is in operation. *Provided that*, Article 16, section (c) and (d) of Article 17(2), Article 18, 19 (2), 20, 21, 22, 24, 26 (1), 29, 30, 31, 32, 35, 36 (1) and (2), 38, 39, 40 (2) and (3), 41, 42, 43, 45 and the right to constitutional remedy and right to *habeas corpus* related to Article 46 shall not be suspended. (11) In circumstances where any Article of this constitution is suspended pursuant to clause (10), no petition may be made in any court of law, nor any question be raised for the enforcement of the fundamental rights conferred

by such Article. (12) If, during the continuation of a Proclamation or Order pursuant to this article, any damage is inflicted upon any person by an act of any official done in contravention of law or in bad faith, the affected person may, within three months from the date of termination of the Proclamation or Order, file a petition for compensation for said damage. In case the petition is filed, the court may arrange for the appropriate compensation, or punish the guilty according to the Federal law. (13) The President may, at any time during its continuance, revoke the proclamation or order relating to state of emergency.

PART 31: Amendment of the Constitution

274. Amendment of the Constitution: (1) This Constitution shall not be amended in way that contravenes with self-rule of Nepal, sovereignty, territorial integrity and sovereignty vested in people. (2) Except for matters under clause (1), in case an amendment is sought in matters that fall under the fundamentals of this constitution, such a proposal shall be presented to either house of the federal legislature. *Provided that*, Clause (1) shall not be amended. (3) Subject to the conditions under clause (2), the bill so presented shall be published for the perusal of the general public within 30 days of presentation of the bill in either house of the federal legislature. (4) In case the bill proposed under clause (2) is related with altering the boundaries of a province and falls under the right of provinces as mentioned in Schedule (6), such a bill shall have to be forwarded to the respective Provincial Assembly to garner consensus, within thirty days of the time the bill is presented in the federal legislature. (5) Pursuant to forwarding the bill to the Provincial Assembly as provided in Clause (4), the Provincial Assembly shall have to get the consensus bill endorsed or rejected through majority of the Provincial Assembly and forward the information regarding the same to the federal legislature, within three months. *Provided that*, In case the Provincial Assembly is not in place, the bill shall have to be endorsed or rejected within three months from the time the assembly comes into force and forward the information to the federal legislature. (6) If the Provincial Assembly, within the time frame pursuant to Clause (5) informs

the federal legislature that the bill has been rejected by the majority, the bill shall considered to be rejected. (7) If, within the time stipulated in clause (5), majority of provincial assemblies inform the Federal Parliament of the rejection of the bill, such bill shall be void, (8) In case the bills that do not require consent from Provincial Assembly or the one that has garnered consensus from Provincial Assembly as mentioned under clause (5), shall require endorsement by the two-thirds majorities of the existing members in the both houses of federal legislature. (9) The bill so approved pursuant to Clause (8) shall be forwarded to the President for approval. (10) The President shall have to approve the bills under clause (9) within fifteen days from the day of reception of the bill, the constitution shall be amended from the date of approval.

PART 32: Miscellaneous

275. Provision relating to Referendum: (1) If the two third majority of the total members in the federal legislature take a decision that it is necessary to make a decision on any matters of national importance through referendum, a decision may be reached on such matters through referendum. (2) The procedures pertaining to referendum shall be as determined by the Federal law.

276. Pardon: The President may grant pardons to persons convicted, and suspend, commute, or reduce any sentence imposed by any court, judicial or quasi-judicial bodies or administrative officer or authority.

277. Titles, honors, and decorations: (1) The President shall confer the titles, honors, or decorations to be conferred on behalf of the State. (2) Any citizen of Nepal shall have to take approval from the Government of Nepal before accepting any title, honor, or decoration from the government of any foreign country.

278. Right to enter into treaty: (1) The right to enter into treaty or agreement shall rest in the Federation. (2) The Government of Nepal shall have to consult respective province while making the treaties or agreement on matters under provincial list. (3) The Council of Ministers of a province may enter into a

contractual agreement on industrial and economic issues after taking approval from the Government of Nepal.

279. Ratification of, accession to, acceptance of or approval of treaties or agreement: (1) The ratification of, accession to, acceptance of or approval of treaties or agreement to which the State of Nepal or the Government of Nepal is to become a party shall be as determined by the law. (2) The laws to be made pursuant to clause (1) shall, *inter alia*, require that the ratification of, accession to, acceptance or approval of treaty or agreement on the following subjects be done by two thirds majority of the total members in both houses of federal legislature:- (a) peace and friendship, (b) security and strategic alliance, (c) the boundaries of Nepal, and (d) natural resources and the distribution of their uses. *Provided that* simple majority of the present members of House of Representatives can ratify, accede to, accept or approve ordinary type of treaty or agreement under section (a) and (d) that do not have wide, grave or long term impact on the nation. (3) No agreement or treaty to be done after the commencement of this constitution shall be implemented by the Government of Nepal or State of Nepal so long as it is not ratified, acceded, accepted or approved according to this Article. (4) Notwithstanding anything contained in clause (1) and (2), there shall be no agreement and treaty that may adversely affect regional integrity of Nepal.

280. Special Provision Relating to Exercise of President Function: Incase the position of the President and Vice-President of Nepal falls vacant at once under this constitution, the Prime Minister shall perform the responsibilities mandated to the President under this constitution.

281. Review and revision of Special Powers: The Government of Nepal shall review and revise, along with census of every ten years, the provisions regarding special rights of the women and Dalit community and its implementation and effectiveness based on human development index.

282. Nepali Ambassadors and Emissaries: (1) The President shall appoint ambassadors of Nepal and other emissaries for specified purposes based on the principle of inclusion. (2) The President shall accept the credentials from foreign ambassadors and diplomatic envoys.

283. Appointment to be made on Inclusive Principles: Appointment to the constitutional bodies and agencies shall be made based on the principles of inclusion.

284. Provision relating to Constitutional Council: (1) There shall be a Constitutional Council for making recommendation in accordance with this constitution for appointment of Chief Justice, the chief and officials of constitutional bodes, consisting of Chairperson and members as follows:-

a) Prime Minister – Chairperson

b) Chief Justice – Member

c) Speaker of the House of Representatives – Member

d) Chairperson of National Assembly – Member

e) Leader from the Opposition Party in House of Representatives – Member

f) Deputy Speaker of House of Representatives – Member

(2) When the position of the Chief Justice falls vacant and a recommendation has to be made for the same, the Minister for Justice shall be present in the Constitutional Council as a member. (3) The recommendation shall, in accordance with this constitution, have to be made by the Constitutional Council a month before the posts of Chief Justice, Chief and officials of Constitutional bodies fall vacant. *Provided that*, In case the posts have fallen vacant due to death or resignation, the recommendation for appointment has to be made so as to fulfill the vacant posts within a month from the day of position lying vacant. (4) Other functions, rights and powers of the Constitutional Council and proceedings related to appointment of Chief Justice, chief and officials of Constitutional Council shall be as determined by the Federal law. (5) The Chief Secretary of the Government of Nepal shall function as the secretary of the Constitutional Council.

285. Formation of the Government Service: (1) The Government of Nepal may, in order to run the administration of the country, constitute federal civil service, and other federal services as required. The constitution, operation, and terms and conditions of such services shall be determined by Federal Act. (2) Positions of all federal governmental services shall be fulfilled through competitive examinations on the basis of the principle of open and proportional inclusion according to Federal law.

(3) Provincial council of ministers, village council and municipal council may form and operate various government services according to law as may be required for running their administration.

286. Constituency Delimitation Commission: (1) For the purpose of electing members, in accordance with this constitution, to federal legislature, Provincial Assembly, village assembly and municipal council, the government of Nepal may form a Constituency Delimitation Commission, with the following Chairperson and members in it:-

a) Retired Justice of the Supreme Court – Chairperson

b) A geographer/geologist – Member

c) A sociologist/demographer – Member

d) An administrator or a legal expert – Member

e) A special class gazette officer of the Government of Nepal – Member Secretary

(2) The procedural of Constituency Delimitation Commission shall be as determined at the time of constituting the Commission. (3) Following persons shall be deemed eligible to be appointed as Chairperson and members of the Constituency Delimitation Commission:- (a) who has held at least a Bachelor's Degree in a relevant subject from a recognized university, (b) who has attained the age of forty five years, (c) who has high moral character. (4) The position of the Chairperson or members of the Constituency Delimitation Commission shall be deemed vacant in the following circumstances:- (a) if she/he submits written resignation, (b) if Council of Ministers of Government of Nepal relieves him/her from duty, or (c) if she/he dies. (5) The Constituency Delimitation Commission, while delimiting the constituencies in accordance with this Article, shall, based on population and geography, maintain as far as practicable the equal ratio or proportionality between geography, population and the number of members. (6) While delimiting the constituencies pursuant to clause (5), attention shall be paid to population density of the constituency, geographical conditions, administrative and transportation proximity, and the communal and cultural characteristics of the people living in such districts. (7) No question shall be raised in any court of law regarding the constituencies determined

by Constituency Delimitation Commission. (8) The Constituency Delimitation Commission shall submit its report to the Government of Nepal about the work it has performed. (9) The Government of Nepal shall submit the report received pursuant to clause (8) to the federal legislature and also forward it to the Election Commission for implementation. (10) Constituency Delimitation Commission shall determine its own working procedures. (11) The remuneration and other benefits of the Chairperson and members of the Constituency Delimitation Commission shall be similar to those of Chief Election Commissioner and Election Commissioners, respectively. (12) The constituencies determined in pursuant to clause (5) shall be put to a review in every 20 years. (13) The Government of Nepal shall provide staff to the Constituency Delimitation Commission in the number as required.

287. Language Commission: (1) The Government of Nepal shall establish a Language Commission ensuring representation of the provinces within a year from the commencement of this Constitution. (2) There shall be a Chairperson and members as may be required in Language Commission. (3) The term of office of the Chairperson and members of the Language Commission shall be of six years from the date of appointment. None of them shall be eligible for reappointment. (4) The persons having possessed the following qualifications may be appointed to the position of chairperson or member of the Language Commission:- (a) Having attained Master's degree on the concerned subject from a recognized University; (b) Having the experience of at least 20 years in studies, teaching, and research on various languages of Nepal; (c) Having attained the age of 45 years; (d) Having high moral character. (5) The office of the Chairperson or member of the Language Commission shall be vacant on any of the following circumstances:- (a) If he/she tenders resignation in writing; (b) If the Council of Minister of Government of Nepal removes him/her; (c) If he/she attains the age of 65 years; (d) If he/she dies. (6) Powers, duties and powers of the Language Commission shall be as follows:- (a) To determine the basis for a language to acquire status of official language and forward a recommendation to the Government of Nepal, (b) To forward a recommendation to the government of Nepal regarding the measures to be adopted for the protection, promotion and development of languages,

(c) To measure the standards for development of mother language, and to forward a recommendation to the Government of Nepal regarding its potentials for use in education, (d) To carry out research, monitoring and studies of languages. (7) The Language Commission shall accomplish the tasks outlined in section (a) of clause (3) within five years of formation. (8) The Government of Nepal may, in coordination with the provincial government, establish the branch offices of Language Commission in the provinces. (9) Other rights, duties and powers and proceedings of the Language Commission shall be as determined by Federal law.

288. Capital: (1) The capital of Nepal shall remain in Kathmandu. (2) The capital of the provinces under this Constitution shall be decided by the two-thirds majority of the then members of the Provincial Assembly. (3) Unless decided according to clause (2), the operations of the province shall be carried from the location determined by the Government of Nepal.

289. Special provisions relating to Citizenship of the office-bearers: (1) A person shall have acquired a citizenship by descent to be elected, nominated and appointed as the President, Vice-President, Prime Minister, Chief Justice, Speaker of the parliament, Chairperson of National Assembly, Head of the province, chief minister, speaker of Provincial Assembly and chief of security bodies. (2) For appointment to the constitutional positions, other than those referred to in clause (1), the persons having obtained citizenship by descent, by naturalization or by birth may be eligible. *Provided that* in case of the person having obtained citizenship by naturalization, he/she shall have to have permanent domicile for at least ten years in Nepal and in case of the person having obtained citizenship by birth or person having obtained citizenship by naturalization under Article 11 (6), he/she shall have to have permanent domicile for at least five years in Nepal.

290. Provision relating to Trust: (1) Without prejudice to the fundamental norms of trusts, the Federal Parliament shall make laws concerning the rights of peasants having possession on trusts land and the rights of the trusts. (2) Other provisions as to trusts shall be according to the Federal law.

291. Not Eligible for Appointment: (1) notwithstanding anything contained elsewhere in this constitution, a Nepali citizen having

obtained permanent residence permission of a foreign country shall not be eligible for election, nomination or appointment to the position to be elected, nominated or appointed according to this constitution. *Provided that* there shall be no hindrance to elect, nominate or appoint such a person to such position after lapse of a period of three months after he/she waives such permanent residential permission.(2)Other provisions as to the Nepalese citizens having obtained permanent residence permission of a foreign country as per clause (1) shall be as provided by Federal law.

292. Provision relating to Parliamentary Hearing: (1) Prior to the appointment, Chief Justice, Justice of the Supreme Court, members of Judicial Council, Head or official of Constitutional bodies and ambassadors who are appointed on the recommendation of the Constitutional Council, there shall be a parliamentary hearing, in accordance with this constitution. (2) A joint committee shall be formed, in accordance with law, comprising the members of both the houses of Federal Legislature for the purpose mentioned under clause (1). (3) The members represented in the joint committee under clause (2) shall not be entitled to advocate in the Supreme Court until the term of the Federal Legislature.

293. Monitoring and evaluation of works of Constitutional Bodies: The chief and officials of the constitutional bodies shall be accountable and answerable to federal legislature. The respective committee of the House of Representatives may monitor and evaluate the functioning of the constitutional bodies including reports, other than that of the National Human Rights Commission, and issue necessary directives and suggestions.

294. Annual report of Constitutional Body: (1) The constitutional bodies, formed in accordance with this Constitution, shall submit the annual report about its works to the President, who in turn shall have it presented at the federal legislature, through the Prime Minister. (2) The details to be included in the report under clause (1) shall be as determined by law. (3) Notwithstanding anything contained in clause (1), the constitutional bodies may prepare separate reports with regard to its functions in each province and submit the report to the Head of the Province.

PART 33: Transitional Provisions

295. Formation of Federal Commission: (1) In order to furnish suggestions with regard to the demarcation of the provinces, Government of Nepal may form a Federal Commission. (2) Naming of province shall be made by a decision of two third majority of the provincial legislature pursuant to clause (3) of Article 56. (3) Government of Nepal shall form a commission for determination of number and borders of the Village Council, Municipal Council and Special, protected, or autonomous regions to be formed pursuant to clauses (4) and (5) of Article 56. The number and borders of the Village Council, Municipal Council and Special, protected, or autonomous region shall be determined according to the criteria determined by Government of Nepal. (4) The commission to be formed pursuant to clause (3) shall be formed within six months from the date of commencement of this constitution and the term of office of such commission shall be of one year.

296. Constituent Assembly to be transformed into Legislature-parliament: (1) After the commencement of this constitution, the Constituent Assembly shall be transformed into a Legislature-parliament, and the term of such Legislature-Parliament shall be up to 21 January, 2018 A.D. *Provided that*, if the elections for the House of Representatives are to happen pursuant to this Constitution, the term of the transformed Legislature-parliament shall be until one day before the nominations are filed for the elections of House of Representatives. (2) The Bills that were under consideration in the House of Representatives at the time of the commencement of this Constitution shall be transferred to the legislature parliament under clause (1). (3) Pursuant to this Constitution, the Legislature Parliament as per clause (1) shall conduct all the activities under the prerogative of the Federal Legislature until the elections for House of Representatives are conducted. (4) Until the time the elections for Provincial Assembly are not conducted after this constitution comes into effect, the responsibility to formulate laws according to Schedule 5 shall fall under the prerogative of the Legislature-Parliament pursuant to Clause (1). The laws thus formulated shall be, *ipso facto*, void in the province a year after Provincial Assembly is constituted according to this constitution. (5) The

Legislature Parliament Secretariat, its General Secretary, Secretary, and employees shall remain at the Federal Legislature Secretariat pursuant to this constitution under the condition of their services at the time of their appointment. (6) If a session of the Legislature-Parliament is not active when this constitution comes into effect, then the President shall summon a session of the Legislature Parliament within seven days of this constitution coming into effect. Thereafter, the President shall summon the session of the Legislature Parliament from time to time.

297. Provisions relating to the President and Vice-President: (1) The President and Vice President in office during the time of this constitution coming into effect shall continue to hold office till the time new elections for their posts are conducted pursuant to this Article. (2) If the session of the Legislature Parliament is ongoing at the time of commencement of this constitution, then from the date of the commencement of the constitution; and if the parliament is not in session, then from the date of the summoning of the session under Clause (6) of Article 296; within one month, the President and Vice President shall be elected on the basis of political understanding by the Legislature-Parliament pursuant to Clause (1) of Article 296. (3) If political understanding cannot be reached as per clause (2), the President and vice President shall be elected by simple majority of the Legislature-Parliament. (4) If the post of either President or Vice President falls vacant after being elected pursuant to Clause (2) and (3), re-elections shall be conducted by the Legislature Parliament pursuant to this Article, until the formation of the Federal Legislature. (5) The term of office of the President and Vice-President elected under this Article, shall be until new President and Vice-President are elected from the Electoral College as mentioned in Article 62, and assume office. (6) The position of President or Vice President elected under this Article may fall vacant in following situations: (a) If President tenders his/her resignation to Vice President; or if Vice President tenders his/her resignation to President, (b) If impeachment motion against him/her is passed as per Clause (7), (c) If new President or Vice-President is elected from the Electoral College as mentioned in Article 62 and assume office, (d) if he/she dies. (7) If at least one fourth of the current members of the Legislature Parliament agree, a motion of

impeachment for grave violation of this constitution or law shall be moved against President or Vice President in the Legislature Parliament under Clause (1) of Article 296. If the motion is passed by at least two-third majority of the present number of the Legislature Parliament, then he/she shall be relieved off the office**.**

298. Provision relating to Constitution of Council of Ministers: (1) The Council of Ministers existing at the time of commencement of this Constitution shall remain until the transformed Legislature-parliament, in accordance with Clause (2), constitutes a new Council of Ministers. (2) If the session of the Legislature Parliament is ongoing at the time of commencement of this constitution, then from the date of the commencement of the constitution; and if the parliament is not in session, then from the date of the summoning of the session under Clause (6) of Article 296; within seven days the Prime Minister shall be elected on the basis of political understanding. (3) If political understanding cannot be reached as per clause (2), the Prime Minister shall be elected by simple majority of the Legislature Parliament. (4) Structure and division of portfolio in the Council of Ministers to be formed as per this Article shall be conducted as per mutual understanding. (5) There shall be Deputy Prime Minister and other Ministers, as required, in the Council of Ministers to be formed as per this Article. (6) When appointing Minister as per clause (5), the Prime Minister, at the recommendation of related political party, shall appoint from among the members of the Legislature Parliament. (7) The Prime Minister and Ministers appointed as per this Article, shall be collectively accountable to the Legislature Parliament and Ministers shall be individually accountable to the Prime Minister and the Legislature Parliament regarding their work performance in respective Ministries. (8) The Prime Minister elected under this Article shall be relieved off his/her office in following situation: (a) If he/she tenders written resignation to the President, (b) If vote of no confidence as per Clause (14) is passed or if he/she is unable to pass vote of confidence, (c) If he/she is no longer a member of Legislature Parliament, (d) If he/she dies. (9) The Deputy Prime Minister, Minister, State Minister, Assistant Minister appointed under this Article shall be relieved off his/her office in following situation: (a) If he/she tenders written

resignation to the Prime Minister, (b) If the Prime Minister loses his/her office as per Clause (8), (c) If the Prime Minister relieves him/her off the office at the recommendation or consent of the respective political party, (d) If he/she dies. (10) If the Prime Minister is relieved off his/her office as per clause (8), the same Council Ministers shall continue to discharge its duty till a new Council of Ministers is formed. (11) If the Prime Minister appointed under this article dies, the Deputy Prime Minister or senior most Minister shall take charge of Prime Minister until a new Prime Minister is elected. (12) The Prime Minister appointed under this Article can, at any time of his/her term, move a motion of vote of confidence at the Legislature Parliament, in order to clarify that he/she enjoys majority. (13) At least one fourth member of Legislature Parliament can move a motion of vote of no confidence against the Prime Minister at the Legislature Parliament. *Provided that* no more than one such motion of vote of no confidence shall be moved to the Legislature Parliament against the same Prime Minister within six months. (14) The motions moved as per Clause (12) or (13) shall be decided upon by the simple majority of the current members of the Legislature Parliament. (15) After the commencement of this Constitution and until the provincial council of ministers is constituted, in accordance with this constitution, the executive power of the province shall be exercised by the Government of Nepal.

299. Interim provision regarding Speaker and Deputy-speaker: (1) The Speaker and Deputy of the Legislature-Parliament during the time of commencement of this constitution shall continue to hold office till the time new elections for their posts are conducted pursuant to this Article. (2) If the session of the Legislature Parliament is ongoing at the time of commencement of this constitution, then from the date of the commencement of the constitution; and if the parliament is not in session, then from the date of the summoning of the session under Clause (6) of Article 296; within twenty days the Speaker and Deputy Speaker shall be elected on the basis of political understanding by the members of the Legislature Parliament from amongst themselves. (3) If political understanding cannot be reached as per clause (2), the Speaker and the Deputy Speaker shall be elected by simple majority of the current members of the Legislature Parliament. (4) While

electing Speaker and Deputy Speaker as per clause (2) and (3), the Speaker and Deputy Speaker shall belong to different political parties representing at the Legislature Parliament. (5) Speaker or Deputy Speaker shall discharge his/her duty in a neutral manner and without taking sides to any political party. (6) The Speaker or Deputy Speaker shall be relieved off his/her office in following situation: (a) If he/she tenders written resignation; (b) If he/she loses membership of Legislature Parliament; (c) If a motion against his/her conduct is passed by at least two third majority of the Legislature Parliament; (d) If he/she dies. (7) Meeting of the Legislature Parliament conduct is discussed shall be presided by Deputy Speaker or another member. But the Speaker can take part in the discussion and vote. (8) Other processes related to election of Speaker and Deputy Speaker and other processes related to the passage of motion against his/her conduct, shall be as specified by the existing Legislature Parliament.

300. Provision relating to the Judiciary: (1) The Supreme Court, Constituent Assembly Court, Appellate Court, and District Courts subsisting at the time of the commencement of this constitution shall continue until the structure of the judiciary is constituted under this constitution. And this constitution shall not be meant to hinder the making of the decision by the concerned courts on cases filed prior to and after the commencement of this Constitution. (2) The Chief Justice and Justices of the Supreme Court, Chief Judge and Judges of the Appellate courts and Judges of District courts shall be deemed to have been appointed under this Constitution. (3) Within a year of the commencement of this constitution, High Courts as per Article 139 shall be established as per Federal law. After their establishment, the Appellate Courts subsisting at the time of the commencement of this constitution shall be dissolved. (4) After the High Courts are formed as per clause (3), the cases under consideration in the Appellate Courts shall be transferred to the High Courts by the government of Nepal with the consent of Judicial Council and by publishing notice to that effect in the Nepal Gazette. (5) After the High Courts are formed as per clause (3), the Chief Justice shall, with the recommendation of the Judicial Council, transfer the Chief Judge and Judges of the Appellate Courts as the chief judge and judges of the High Courts. (6) The additional judges engaged at Appellate Courts

during the commencement of this constitution, shall continue to remain in their offices till the term specified during their appointment. (7) The criminal cases, that demand more than a year of imprisonment, lying sub-judice at other bodies except the courts, shall be transferred to the District Courts of the respective districts after the commencement of this Constitution.

301. Provisions regarding Constitutional Bodies and Officials thereof: (1) The Constitutional bodies subsisting at the time of the commencement of this Constitution shall be deemed to have been constituted under this Constitution, and this Constitution shall not hinder such bodies in dealing with matters under consideration according to the existing laws. (2) The Chief or officials of the Constitutional bodies engaged at the time of commencement of this constitution shall be deemed to have been appointed under this Constitution and he/she shall remain in his/her office subject to the terms and conditions stated at the time of appointment. (3) If during the commencement of this constitution, there are additional number of office-bearers in the Commission for Investigation of Abuse of Authority and Public Service Commission than what is specified in this constitution, then they shall continue to remain in their office subject to the terms and conditions stated at the time of their appointment.

302. Formation and Operation of Government Services in Provincial and Local Level: (1) Government of Nepal shall make necessary provisions to provide services at provincial and local level. (2) While creating provisions pursuant to clause (1), Government of Nepal can integrate the personnel working in government services at the time of commencement of this constitution into the provincial and local level.

303. Provision regarding the Local Bodies: (1) The local bodies existing at the time of the commencement of this Constitution shall exist until the number and constituency is determined, in accordance with this constitution. (2) The election of the local bodies existing pursuant to clause (1) shall be as determined by law. (3) The officials of the local bodies elected pursuant to clause (2) shall remain in their office until the election of local level is held according to this constitution.

304. Existing laws to remain in operation: (1) All the laws in the force at the time of commencement of this Constitution shall remain in operation until repealed or amended. *Provided that* laws inconsistent with this Constitution shall, to the extent of inconsistency, *ipso facto*, cease to operate, one year after first session of federal legislature, in accordance with this constitution. (2) The activities under peace process conducted according to the Interim Constitution 2007 shall be considered to be conducted according to this constitution.

305. Power to remove difficulties: Until the first session has started after conducting election of the Federal Parliament in accordance with this constitution, if any difficulty arises in connection with the implementation of this Constitution, the President, on the recommendation of the Council of Ministers, Government of Nepal, may issue necessary orders to remove such difficulties. Such orders shall be required to be presented immediately to the meeting of the Legislature-Parliament or Federal Parliament for endorsement.

PART 34: Definitions and Interpretations

306. Definitions and Interpretations: (1) Unless the subject or context otherwise requires, in this Constitution:- (a) "Minority" means those caste, language, and religious communities, whose population is less than that determined by the law, and who has their own specialties, and who aim to protect them; it also signifies those groups who have faced discrimination and harassed. (b) "Law" means a Federal law, provincial law, and local law. (c) "Article"means an Article of this Constitution. (d) "Municipality" means metropolitan and submetropolitan city as well. (e) "Citizen" means citizen of Nepal. (f) "Province" means the area and structure of the federal unit carved in accordance with this Constitution. (g) "Remuneration" means and includes salary, allowances, pension and any other forms of emoluments. (h) "State power" means powers of the Executive, the legislative and the Judiciary. (i) "Bill" means a draft of a Constitution or an Act which has been introduced in the federal legislature or a Provincial Assembly. (j) "Federation" means the federal structure that is the apex body of the federal system. (k) "Federal Unit" means federation, provincial or local level. (l)"Constitutional body" means Commission for the

investigation of Abuse of Authority, Auditor General, Public Service Commission, Election Commission, National Human Rights Commission, National Natural Recourses and Finance Commission, National Women Commission, National Dalit Commission, National Inclusion Commission, Adibasi Janajati Commission, Madheshi Commission, Tharu Commission and Muslim Commission established in accordance with this Constitution. (m) "Marginalized" means those who have been forced to fall backward politically, economically and socially, those who have been unable to avail services because of discrimination and harassment, and because of geographical disconnection, and those communities whose standard of living has been below the legal standard as specified in the Human Development indicators. It also signifies the ultra-marginalized and communities on verge of extinction. (n) "Local level" means village council, municipal council and district assembly to be formed in accordance with this Constitution. (2) Unless the subject or context otherwise requires, the prevailing law of Nepal relating to interpretations shall, subject to the provisions of this Constitution, apply to the interpretation of this Constitution in the same manner that law applies to the interpretation of the laws of Nepal.

PART 35: Short Title, Commencement and Repeal

307. Short title, Commencement and Repeal: (1) This Constitution shall be called Constitution of Nepal, 2015 (2072). (2) This Constitution shall come into force from 20th day of the 9th month of the year 2015 A.D.

308. Repeal: The Interim Constitution of Nepal 2007 is hereby repealed.

SCHEDULE- 1:
(RELATED WITH CLAUSE (2) OF ARTICLE 8)

Method of Making the National Flag of Nepal

(A) Method of Making the shape inside the Border

(1) On the lower portion of a crimson cloth, draw a line AB of the required length from left to right. (2) From A draw a line AC perpendicular to AM making AC equal to AB plus one third AB. From AC mark off D making the line AD equal to line AB. Join BD. (3) From BD mark off E making BE equal to AB. (4) Touching E draw a line FG, starting from the point F on line AC, parallel to AB to the right hand-side. Mark off FG equal to AB. (5) Join CG.

(B) Method of making the Moon

(6) From AB mark off AH making AH equal to one-fourth of line AB and starting from H draw a line HI parallel to line AC touching line CG at point I. (7) Bisect CF at J and draw a line JK parallel to AB touching CG at point K. (8) Let L be the point where lines JK and HI cut one another. (9) Join JG. (10) Let M be the point where line JG and HI cut one another. (11) With center M and with a distance shortest from M to BD mark off N on the lower portion of line HI. (12) Touching M and starting from O, a point on AC, draw a line from left to right parallel to AB. (13) With center L and radius LN draw a semi-circle on the lower portion and let P and Q be the points where it touches the line OM respectively. (14) With the center M and radius MQ draw a semi-circle on the lower portion touching P and Q. (15) With center N and radius NM draw an arc touching PNQ at R and S. Join RS. Let T be the point where RS and HI cut one another. (16) With center T and radius TS draw a semi-circle on the upper portion of PNQ touching at two points. (17) With center T and radius TM draw an arc on the upper portion of PNQ touching at two points. (18) Eight equal and similar triangles of the moon are to be made in the space lying inside the semi-circle of No (16) and outside the arc of No (17) of his Schedule.

(C) Method of Making the Sun

(19) Bisect line AF at U, and draw a line UV parallel to AB line touching line BE at V. (20) With center W, the point where HI and UN cut one another and radius MN draw a circle. (21) With center W and radius LN draw a circle. (22) Twelve equal and similar triangles of the sun are to be made in the space enclosed by the circle of No (20) and No (21) with the two apexes of two triangles touching line HI.

(D) Method of Making the Border

(23) The width of the border will be equal to the width of TN. This will be of deep blue color and will be provided on all the sides of the flag. However, on the given angles of the flag the external angles will be equal to the internal angles. (24) The above mentioned border will be provided if the flag is to be used with a rope. On the other hand, if it is to be hoisted on a pole, the hole on the border on the side AC can be extended according to requirements. **Explanation:**- The lines HI, RS, FE, ED, JG, OQ, JK and UV are imaginary. Similarly,the external and internal circles of the sun and the other arcs except the crescent moon are imaginary. These are not shown on the flag.

SCHEDULE –2:
(RELATED TO CLAUSE (1), ARTICLE 9)

National Anthem of Nepal

Woven from hundreds of flowers, we are one garland that's Nepali
Spread sovereign from Mechi to Mahakali. A playground for nature's wealth unending Out of the sacrifice of our braves, a nation free and unyielding. A land of knowledge, of peace, the plains, hills and mountains tall indivisible, this beloved land of ours, our motherland Nepal. Of many races, language, religions, and cultures of incredible sprawl This progressive nation of ours, all hail Nepal.

SCHEDULE –3:
(RELATED TO CLAUSE (2), ARTICLE 9)

Coat of Arms of Nepal

NOTE: This Coat of Arms can be made larger or smaller in size according to necessity. Color determined by Government of Nepal shall be used in it.

CHEDULE – 4:
(RELATING TO CLAUSE (3) OF ARTICLE 56)

PROVINCES AND DISTRICTS WITHIN PROVINCES

	Province No. 1		**Province No. 2**
1.	Taplejung	1.	Saptari
2.	Panchthar	2.	Siraha
3.	Ilam	3.	Dhanusha
4.	Sankhuwasabha	4.	Mahottari
5.	Terhathum	5.	Sarlahi
6.	Dhankuta	6.	Rautahat
7.	Bhojpur	7.	Bara
8.	Khotang	8.	Parsa
9.	Solukhumbu		
10.	Okhaldhunga		
11.	Udayapur		
12.	Jhapa		
13.	Morang		
14.	Sunsari		

	Province No. 3		**Province No. 4**
1.	Dolakha	1.	Gorkha
2.	Ramechhap	2.	Lamjung
3.	Sindhuli	3.	Tanahu
4.	Kavrepalanchowk	4.	Kaski
5.	Sindhupalchowk	5.	Manang
6.	Rasuwa	6.	Mustang
7.	Nuwakot	7.	Parbat
8.	Dhading	8.	Syanja
9.	Chitwan	9.	Myagdi
10.	Makwanpur	10.	Baglung
11.	Bhaktapur	11.	Nawalparasi *(east of Bardaghat susta)*
12	Lalitpur		
13	Kathmandu		

	Province No. 5		**Province No. 6**
1.	Nawlparasi (west of Bardaghat Susta)	1.	Rukum *(Western part)*
2.	Rupandehi	2.	Salyan
3.	Kapilbastu	3.	Dolpa
4.	Palpa	4.	Jumla
5.	Arghakhachi	5.	Mugu
6.	Gulmi	6.	Humla
7.	Rukum *(Eastern part)*	7.	Kalikot
8.	Rolpa	8.	Jajarkot
9.	Pyuthan	9.	Dailekh
10.	Dang	10.	Surkhet
11.	Banke		
12.	Bardiya		

Province No. 7

1. Bajura	2. Bajhang	3. Doti
4. Achham	5. Darchula	6. Baitadi
7. Dadeldhura	8. Kanchanpur	9. Kailali

SCHEDULE 5:
(RELATED TO ARTICLE 57(1) AND 109)

List of Federal Powers/Jurisdiction

S.N. Subjects

1. Related to defense and army
a. Protection of national unity and territorial integrity
b. Related to national security
2. Central police, armed police force, national intelligence and investigation, peace and security
3. Central planning, central bank, financial policy, currency and banking, monetary policy, foreign grants, aids and loan.
4. Monitoring and regulation of telecommunication, central telecom, radio frequency distribution, television and postal service
5. Customs, excise-duty, value added tax (VAT), corporate income tax, individual income tax, tax on remuneration, passport fee, visa fee, tourism fee, service charge, penalties and fines.
6. Federal civil service, judicial service and other government services
7. Policies and criteria related protection and multi-dimensional use of water resources
8. International and inter-provincial electricity transmission lines
9. Central statistics (national and international standards and qualities)
10. Central level mega projects for electricity, irrigation and other projects
11. Central university, central level academies, university standard and regulation, central library
12. Central health policy (setting standard, quality and monitoring of the health services, national/special service provider

hospitals, traditional treatment services, control of communicable diseases

13. Federal legislature, federal executive, local level affairs, special structures
14. International trades, exchange, ports and quarantines
15. Civil aviation, international airports
16. Foreign and diplomatic affairs, international relations and related to United Nations
17. International treaties and agreements, extradition, mutual legal assistance and international border, international border river
18. National transport policy, train and national highways management
19. Laws related to Supreme Court, High Courts, District Courts and Judicial Administration
20. Citizenship, passport, visa, and immigration
21. Nuclear energy, atmosphere and space related
22. Intellectual property (including patent, design, copy right)
23. War and defense
24. Factory and production of arms and ammunitions
25. Standards and metrology
26. Mining, exploration
27. National and international ecology management, national parks, wildlife reserves and wetlands, national forest policy, carbon services
28. Insurance policy, securities, cooperative regulations
29. Land use policy, housing development policy, tourism policy, environment adaptation
30. Formulating criminal and civil laws
31. Security press
32. Social security and poverty alleviation
33. Constitutional bodies and commissions of national importance
34. Ancient monuments and places of archaeological importance
35. Issues not listed in the federation, province and local level power or concurrent level power lists, along with other issues not mentioned in this constitution and law

SCHEDULE 6

(RELATED WITH ARTICLE 57 (2), 162 (4), 197, 231 (3), 232 (7), 274 (4) AND 296 (4))

List of Provincial Powers/Jurisdiction

1. Provincial police administration as well as law and order
2. Banks and operation of financial institutions according to the policy of Nepal Rastra Bank, cooperatives, and foreign grants and aids with consent from the center
3. Radio, FM, television operation
4. Land and house registration fee, vehicle tax, entertainment tax, advertisement tax, tax on tourism and agricultural income, service charge and penalties and fines
5. Provincial civil service, and other government services
6. Provincial statistics
7. Provincial level electricity, irrigation projects, drinking water, transport
8. Provincial level university, higher education, libraries and museums
9. Health service
10. Related to Provincial Assembly, provincial cabinet
11. Trade/Business within the province
12. Provincial highways
13. Provincial investigation bureau
14. Infrastructure management and other necessary matters of province government offices
15. Provincial public service commission
16. Land management, record-keeping of the land
17. Exploration and management of mines
18. Protection and use of language, culture, script, fine arts and religion
19. Management of national forest, water resources and ecology within the province
20. Agriculture and livestock development, factories, industrialization, business, transportation
21. Guthi (community trust/endowment) management

SCHEDULE 7

(RELATED TO ARTICLE 57(3), 109, 162 (4), AND 197)

List of Concurrent (federal and provincial) Powers/Jurisdiction

1. Criminal and civil work procedures and evidences and oath of office(legal recognition, public act and records and judicial process)
2. Supply, distribution, price control, standard and monitoring of essential goods and services
3. Preventive detention, jail and custody management on the matters of national security and management of law and orders
4. Transfer of accused as well according those in custody and jail from one province to other.
5. Laws related to family affairs (marriage, property transfer, divorce, endangered, orphan, adopted child, successors and joint family).
6. Receiving property, acquisition and creation of rights
7. Matters related to contracts, cooperatives, collaborations and agencies
8. Matters related to bankruptcy and insolvency
9. Medicine and pesticides
10. Planning, family planning and population management
11. Matters related to social security and employment, trade union, resolution of industrial disputes, labor rights and disputes
12. Medical, legal, audit, engineering, ayurved, veterinary services, Amchi and other professions
13. Province border rivers, waterways, environment protection, biodiversity
14. Related to mass communication
15. Industries and minerals and infrastructures
16. Casino, lottery
17. Natural and man-made disaster preparedness, rescue, relief and rehabilitation
18. Tourism, drinking water and sanitation
19. Movies, cinema halls and sports
20. Insurance operation and management

21. Poverty alleviation and industrialization
22. Scientific research, science and technology and human resource development
23. Inter-provincial forest, wildlife, birds, mountains, national parks and water uses
24. Land policy and related legal provisions
25. Employment and aid to unemployed

SCHEDULE 8

(RELATED TO 57 (4), 214 (2), 221 (2) AND 226 (1))

List of Powers/Jurisdiction for Local Level

1. Municipal police
2. Cooperatives
3. FM operation
4. Local tax (property tax, house rent tax, fee on registration of houses and land, vehicle tax), service fee, tourism fee, advertisement tax, business tax, land tax (land revenue), fines, entertainment tax
5. Management of local services
6. Local statistics and record keeping
7. Local development projects and programs
8. Basic and secondary education
9. Basic health and sanitation
10. Management of local markets, environment conservation and biological diversity
11. Local roads, rural roads, agriculture roads, irrigation
12. Village assembly, Municipal assembly, district assembly, local courts, dispute settlement and mediation
13. Management of local records
14. Distribution of land, building ownership certificates
15. Farming and livestock, agriculture production management, livestock health, cooperative

16. Management of senior citizens, people with physical disability and disabled
17. Collection of statistics of unemployed people
18. Management, operation and control of agriculture extension
19. Drinking water, small electricity projects, alternative energy
20. Disaster management
21. Conservation of Watershed, wetland, wildlife, mines and minerals
22. Preservation and development of language, culture and fine arts

SCHEDULE 9

(RELATED TO 57 (5), 109, 162 (4), 197, 214 (2), 221 (2) AND 226 (1))

List of concurrent Powers/Jurisdiction for Federation, Province and Local Level

1. Cooperatives
2. Education, Health and Newspapers/Magazines
3. Health
4. Agriculture
5. Services like electricity, drinking water, irrigation
6. Service fee, registration fee, fine, tourism fee and royalty received from natural resources
7. Forest, wildlife, birds, water use, environment, ecology and biodiversity
8. Mines and minerals
9. Disaster management
10. Social security and poverty alleviation
11. Registration of personal incidents, birth, death, marriage and statistics
12. Archaeology, ancient monuments and museums
13. Management of landless
14. Royalty received from natural resources
15. Permission for vehicles

The Interim Constitution of Nepal, 2063 B.S.

Preamble:

We the Nepalese people endowed with Sovereignty and State authority,

Recognizing the mandate of the Nepali people expressed from time to time since 2007 (1951) through historical movements and people's movements for Democracy, Peace and Progress,

Expressing determination to restructure the state for advancement of the State and resolve the existing problems related to class, caste, regional, gender problems of the country,

Expressing full commitment to democratic ideals and norms, including Competitive Multi Party Democratic System, Civil Liberty, Fundamental Rights, Human Rights, Adult Franchise, Periodical Elections, Full Press Freedom, Independent Judiciary and principles of the rule of law,

Guaranteeing the basic rights of the Nepali citizen to formulate their Constitution for themselves and to participate in free and fair elections of the Constituent Assembly in a free-from-fear environment,

Keeping Democracy, Peace, Prosperity, forward-looking Economic-Social changes and the Country's Sovereignty, Integrity, Independence and self-respect at the centre of everything, and

In order to institutionalize the achievements hitherto made through revolutions and movements,

Hereby promulgate this Interim Constitution, 2063 of Nepal, drafted through political consensus, for an interim period until a New Constitution has not been drafted by the Constituent Assembly.

PART 1: Preliminary

1. **Constitution as the Fundamental Law:** (1) This Constitution is the fundamental law of Nepal. All laws inconsistent with it shall, to the extent of such inconsistency, be void. (2) It shall be the duty of every person to uphold the provisions of this Constitution.
2. **Sovereignty and State Authority**: The sovereignty and state authority of Nepal are vested in the Nepalese people.
3. **Nation**: Having common aspirations and united by a bond of allegiance to national independence, integrity, national interest and prosperity, the Nepalese people endowed with multiracial, multilingual, multi-religious and multicultural specialties collectively constitute the nation.
4. **The State of Nepal**: (1) Nepal is an independent, indivisible, sovereign, secular, inclusive and fully democratic State. (2) The territory of Nepal shall comprise: (a) the territory existing at the commencement of this Constitution; and (b) such other territory as may be acquired after the commencement of this Constitution.
5. **National Language**: (1) All languages spoken in Nepal as mother tongues are national Languages. (2) The Nepali Language in the Devnagari script shall be the official language for Government businesses. (3) Notwithstanding sub-article (2) the usage of mother language at local bodies and offices shall not be considered objectionable. Languages used in such manner shall be translated in the official language of the state for record.
6. **National Flag**: The national flag of Nepal, as handed down by the tradition, consists of two juxtaposed triangular figures with a crimson-coloured base and deep blue borders, there being a white emblem of the crescent moon with eight rays visible out of sixteen in the upper part and a white emblem of a twelve rayed sun in the lower part. The method of drawing out the flag and other particulars relating thereto shall be as set forth in the Schedule.
7. **National Anthem etc**: (1) The National Anthem and the coat-of-arms of Nepal shall be as specified by the Nepal Government. (2) The Rhododendron Arboreum shall be the national flower, Crimson Colour shall be the national colour, the Cow shall be the national animal and the Lophophorous (Danphe Pheasant) shall be the national bird of Nepal.

PART 2: Citizenship

8. **Citizenship at the commencement of the Constitution**: (1) Those who have citizenship during the commencement of the Constitution and the people who qualify to get citizenship under this Part shall be the citizen of Nepal. (2) During the time of the commencement of this constitution the following person residing permanently in Nepal shall be considered the citizen of Nepal: (a) a person who has acquired citizenship by descent before the commencement of this Constitution, and (b) Any person whose father or mother was a citizen of Nepal at the birth of such person. (3) Every child found within the boundary of Nepal without parental identity shall be considered the citizen on the basis of lineage until the father or the mother of the child is found. (4) Whenever any area is acquired by way of incorporation into Nepal, every person who is the resident within such territory shall become a citizen of Nepal, subject to the provisions of prevalent laws. (5) Anyone born and has been residing in Nepal since 2046 BS mid Chaitra within the boundary of Nepal shall be able to obtain citizenship on the basis of the prevalent laws on the basis of birth right. But, in order to obtain the citizenship on the basis of this provision pursuant to the prevalent law they will have to submit an application within the given time frame. (6) If a woman of foreign nationality who has a matrimonial relationship with a Nepalese citizen if wants to then can obtain neutralized citizenship pursuant to the prevalent law. (7) Notwithstanding anything contained under this article the son or daughter or descendant of a citizen of Nepal married to a foreigner, born and who has been a resident of Nepal and hasn't taken citizenship of the another country on the basis of his/her father's citizenship shall acquire the citizenship of Nepal pursuant to provisions made by the prevalent law.
9. **Naturalized or Honorary Citizenship**: Notwithstanding anything contained under Article 8, the Government of Nepal may grant to a person naturalized or honorary citizenship of Nepal..
10. **Acquisition and Termination of Citizenship**: The necessary provisions for acquisition and termination of citizenship shall be made pursuant to the prevalent law.
11. **Deployment of Citizenship Team**: The Nepal Government pursuant to the prevalent law may deploy citizenship

distribution team in order to grant citizenship to an eligible person.

PART 3: Fundamental Rights

12. **Rights to Freedom:** (1) Every person shall have a right to live with dignity and no law shall be made which provides for capital punishment. (2) No person shall be deprived of his personal liberty save in accordance with law. (3) Every citizen shall have the following freedoms: (a) freedom of opinion and expression; (b) freedom to assemble peacefully and without arms; (c) freedom to form political party or associations; (d) freedom to form unions and associations; (e) freedom to move and reside in any part of Nepal; and (f) freedom to practice any profession, or to carry on any occupation, industry, or trade. *Provided that*, (1) nothing in sub-clause (a) shall be deemed to prevent the making of laws to impose reasonable restrictions on any act which may undermine the sovereignty and integrity of Nepal, or which may endanger the harmonious relations subsisting among the peoples of various castes, tribes or communities, or on any act of sedition, defamation, contempt of court or incitement to an offence; or on any act which may be contrary to decent public behaviour or morality; (2) nothing in sub-clause (b) shall be deemed to prevent the making of laws to impose reasonable restrictions on any act which may undermine the sovereignty, integrity or law and order situation of Nepal which may instigate violence or which may be contrary to public morality; (3) nothing in sub-clause (c) and (d) shall be deemed to prevent the making of laws to impose reasonable restrictions on any act which may undermine the sovereignty and integrity of Nepal, which may endanger the harmonious relations subsisting among the peoples of various castes, tribes or communities; (4) nothing in sub-clause (e) shall be deemed to prevent the making of laws which are in the interest of the general public, or which are made to impose reasonable restrictions on any act which may endanger the harmonious relations subsisting among the peoples of various castes, tribes or communities; (5) nothing in sub-clause (f) shall be deemed to prevent the making of laws to impose restriction on any act which may be contrary to public health or morality, to confer on the State the exclusive right to undertake specified industries, businesses or services; or to impose any condition

or qualification for carrying on any industry, trade, profession or occupation.

13. **Rights to equality**: (1) All citizens shall be equal before the law. No person shall be denied the right to equal protection of the laws. (2) No discrimination shall be made against any citizen in the application of general laws on grounds of religion, race, sex, caste, tribe or ideological conviction or any of these. (3) The State shall not discriminate among citizens on grounds of religion, race, sex, caste, tribe, or ideological conviction or any of these.*Provided that* special provisions may be made by law for the protection and advancement of the interests of women, Dalit, ethnic tribes, Madeshi, or farmers, laborers or socially or culturally backward class or children, the aged or those who are physically or mentally incapacitated or those who belong to a class which is economically, socially or educationally backward. (4) No discrimination in regard to remuneration shall be made between men and women for the same work.
14. **Rights against untouchability and racial discrimination:** (1) No discrimination against as untouchable shall be made against any person on the basis of caste, lineage, community or occupation. Such discriminating act shall be liable to be punished and the victim shall receive the compensation as determined by the law. (2) No person shall, on the basis of caste, be discriminated against as untouchable, be denied access to any public place, or be deprived of the use of public utilities or be denied entry into public religious places or be denied to perform any religious ceremony. (3) Any thing, service or benefits that is produced or distributed, anyone shall not be denied from purchasing or getting those services, benefits or things nor shall those things, services or benefits be sold or distributed to certain special caste or race. (4) Any caste, race or people of origin or exhibiting status of people's community, who thinks social discrimination on the basis of caste, race is righteous or advocates for caste supremacy and principles based on hatred or encourages any sort of racial discrimination shall be prohibited. (5) Any contravention of the sub-clause (2) (3) and (4) shall be punishable according to the law.
15. **Press, Publication and Broadcasting Right**: (1) No prior prohibition shall be made on publication, broadcasting or to print any news, editorial, write-up, writing, or any other book, audio visual clips along with Electronic publication,

broadcasting and use of press.But nothing shall prevent the making of laws to impose reasonable restrictions on any act which may undermine the sovereignty and integrity of Nepal, or which may endanger the harmonious relations subsisting among the peoples of various castes, tribes or communities; or on any act of sedition, defamation, contempt of court or incitement to an offence; or on any act against which may be contrary to decent public behaviour or morality. (2) Any audio, audio visual or material if produced and broadcasted or printed through any electronic device those materials produced and broadcasted or print radio, television, online or any other digital or electronic press or other media medium shall not be closed, seized or the registration be cancelled. (3) The registration of a newspaper, magazine or press shall not be closed, seized or cancelled merely for publishing or inserting of any news item, editorial, article or other reading material. (4) Apart from in accordance with the law any press, electrical transmission and any other communication including telephone shall not be obstructed.

16. **Right toEnvironment and Health**: (1) All citizens shall have the right to live in clean environment. (2) Every citizen shall have the right to free basic health service in accordance with the provision made by the government in the law.
17. **Right to Education and Culture**: (1) Every community shall have the right to get basic education in their mother tongue in accordance with the provision made by the law. (2) Every citizen shall have the right to free education up to secondary level in accordance with the provision made in the law by the state. (3) Every community residing in Nepal shall have the right to conserve and promote their language, script, culture, cultural civility and heritage.
18. **Right to Employment and Social Security**: (1) Every citizen shall have the right to employment according to the provisions made by the law. (2) Women, labourers, elder citizen, disabled and vulnerable and helpless shall have the right to employment in accordance with the provision made by the law. (3) Every citizen shall have the right to food sovereignty in according to the provision made by the law.
19. **Right toProperty**: (1) Every citizen shall have the right to property to acquire, own, sell, otherwise dispose employment

according to the provisions made by the law. (2) Unless for social welfare the state shall not acquire or obtain nor shall they have any authority over such property. But this clause shall not be applicable on property acquired through illegal means. (3) While implementing scientific land reforms or for social welfare reason if the state acquires or obtain any person's property or make authoritative claim on such property shall provide compensation in accordance with the law. The compensation and basis of it and working system will be in accordance with the decision made by the law.

20. **Right to Women**: (1) No one shall be discriminated merely for being a woman. (2) Every woman has the right to reproductive health and reproductive related right. (3) No physical, mental or any other form of violence shall be inflicted to any women and such acts shall be punishable by the law (4) Son and daughter shall have equal rights to their ancestral property.
21. **Right to Social Justice**: Economically, socially or educationally backward women, Dalit, Ethnic Tribes, Madheshi community, oppressed class, poor farmers and labourers shall have the right to participate in the state restructuring on the basis of proportional inclusive principles.
22. **Right to the Child** : (1) Every child shall have the right to have their own identity and name. (2) Every child shall have the right to get nurtured, basic health and social security. (3) Every child shall have the right against physical, mental or any other form of exploitation. The exploiting actions shall be punishable by the law and the person who is treated in such manner shall be compensated in accordance with the law. (4) Helpless, orphan, mentally challenged, conflict victims, displaced and street kids at risk shall have the right to get special provision from the state for their secured future. (5) Any minor shall not be employed in factories, mines or for any other hazardous work or shall be used in army, police or in conflicts.
23. **Right to Religion**: (1) Every person shall have the freedom to profess and practise his/her own religion as handed down to him/her from ancient times having due regards to traditional practices. But no person shall be entitled to convert another person from one religion to another and shall not take actions or behave that would create disturbances in other's religion. (2) Every religious community in accordance with the law shall

have the right to maintain it's independent identity and conserve and manage it's religious places and trusts.

24. **Right Regarding Justice**: (1) No person shall be arrested without a clarification notice. (2) The arrested person shall have the right to consult a legal professional of his choice at the time of his/her arrest. The discussion between that person and the legal professional shall remain confidential and that person shall not be denied the right to appeal for trial by his/her legal professional. **Clarification**: In this clause "Legal professional" means a person who has been authorized by the law to represent any person in any court. (3) The arrested person should be brought before judicial authority within 24 hours of the arrest excluding the time required to travel. But notwithstanding what is written in clause 2 and 3 shall not be applicable to preventive detention or citizen of enemy state. (4) In case where any person does something that can not be punished under the prevalent law then that person shall not be punished and if any person commits a crime then that person shall not be punished more than what is decided by the prevalent law. (5) No person who is accused of an offence shall be considered guilty unless the person's crime is proven. (6) No person shall be prosecuted or punished for the same offence in a court of law more than once. (7) No person who is accused of any offence shall be compelled to be a witness against oneself. (8) Every person has the right to be informed about the proceedings of the trail. (9) Every person has the right to a fair hearing from a competent court or judicial body. (10) The unable party in accordance with the provision made by the law shall have the right to free legal service.

25. **Right against Preventive Detention**: (1) No person shall be held under preventive detention unless there are sufficient grounds of existence of an immediate threat to the sovereignty, integrity or public peace and management of Nepal. (2) If any person is held under preventive detention and if his detention was found to be contrary to law or was in bad faith, then shall have the right to be compensated in accordance with the provision made by law.

26. **Right against Torture**: (1) No person who is detained during investigation or for enquiry or for trial or for any other reason shall be subjected to physical or mental torture, nor shall be

given any cruel, inhuman or degrading treatment. (2) Actions in pursuant to clause (1) shall be punishable by the law and any person so treated shall be compensated in accordance to the decision determined by law.

27. **Right to Information**: (1) Every citizen has the right to demand and obtain the information regarding any matters of their own or of public relevance. But the information that should be kept confidential in accordance with the law, any person shall not be made compelled to provide such information.
28. **Rights to Privacy**: Unless demanded by law, the privacy of the person's body, house, property, document, statistics, correspondence or photographs of anyone is inviolable.
29. **Rights against Exploitation**: (1) Every citizen shall have the right again exploitation. (2) No person shall be exploited in any form on the basis of custom, tradition or in the name of enforcement. (3) No person shall be bought or sold, made slave or made bonded labour. (4) No person shall be made to work against his/her wishes. But, nothing in this clause shall be a bar the law from making a provision for compulsory service for public purposes.
30. **Right to Labour**: (1) Every employee and worker shall have the right to proper work exercise. (2) In accordance with the provision made in the law every employee and worker shall have the right to open trade unions, gather together and make group negotiation for their personal benefit.
31. **Right against Exile**: No citizen shall be exiled from the country.
32. **Right to Constitutional Remedy**: The right to proceed in the manner set forth in Article 107 for the enforcement of the rights conferred by this Part is guaranteed.

PART 4: Duties, Directive Principles, and Policies of the State

33. **Duties of the State:** The State shall have the following duties: (a) Focus all its attention to conduct a free and impartial election for the members of the Constitutional Assembly within Jestha 2063 (June 2007), considering the matter to practically guarantee that the sovereign authority of the State inherently lies in the Nepali people. (b) Ensure forward-looking political,

economical and social change in the country. (c) Adopt universally accepted fundamental human rights, multi-party competitive democratic system, ensure sovereign authority inherent in the people and supremacy of the people, constitutional check and balance, rule of law, equality and social justice, independent judiciary, periodical election, monitoring by the civil society, fully independent press, right to information of the people, transparency and accountability in the activities of political parties, people's participation, and a political system that fulfills the concept of an impartial, competent and clean administration, end corruption and lawlessness and maintain good governance. (d) End discriminations relating to class, race, language, sex, culture, religion, region, and the present centralized and unitary model, to address the problems of women, dalits, indigenous and ethnic groups, Madhesis, the disadvantaged and minority groups. Restructure the State to make it inclusive, democratic and forward-looking. (e) Fix and implement minimum common program for socio-economic transformation and end all forms of capitalism. (f) Pursue the policy of adopting scientific land reform programs by gradually ending capitalistic land ownership practices. (g) Follow the policy of protecting and maintaining national industries and resources of the country. (h) Pursue the policy of establishing the rights of all citizens to education, health, housing, employment, and adequate food. (i) Adopt a policy of providing economic and social security to the class that are socio-economically backward such as the landless, bonded labourers, tillers and shepherds. (j) Adopt the policy of taking strict action and punishing individuals who illegally amass property while holding government posts of profit making. (k) Build a common development strategy for socio-economic transformation, social justice, and rapid economic progress and prosperity of the country. (l) Follow a policy that ensures the professional rights of labourers, increases investment to promote industry, trade and import, and creates opportunity for employment and income generation. (m) Effectively implement international treaties and agreements of which the Nepali State is a party. (n) Terminate all discriminatory laws. (o) Use existing Hydro-electricity potentials and other natural resources in the interest of the nation. (p) Make arrangements for appropriate relief, recognition and rehabilitation for the families of those killed

or disabled or made unable during the course of the conflict. (q) Provide relief to affected families of victims on the basis of the report of Investigation Commission constituted to investigate the cases of those who went missing during the course of the conflict. (r) Conduct special program to rehabilitate the displaced, provide relief for damaged private and pubic property, and rebuild infrastructures destroyed during the course of the conflict. (s) Constitute high-level fact-finding and reconciliation commission to investigate the facts regarding serous violation of human rights and crimes against humanity during the course of conflict, and create an atmosphere of reconciliation in the society.

34. Directive Principles of the State: (1) The main objective of the state shall be to protect the lives, property and independence of people, maintain equality, establish a just system in social, economic and political spheres including all aspects of national life, and promote a democratic system based on an open society. (2) The objective of the State shall be to protect and maintain human rights, promote the welfare of the general public by establishing peace and order in the society, create opportunities through the medium of self governance for maximum involvement of the people in governance, and maintain a system wherein they can tilize the benefits of democracy. (3) The political objective of the State shall be to institutionalize democracy achieved through the struggle of Nepali people, create an atmosphere wherein its benefits could be used, and build a progressing and prosperous Nepal. (4) The fundamental objective of the State shall be to transform the national economy into an independent, self-reliant and growing economic system by not allowing economic resources of the country from being concentrated only in a limited section of the society, and making arrangements for equitable distribution of economic gains based in social justice, remove economic inequality by making provisions to prevent economic exploitation of any class, caste, sex, race or individuals, and by prioritizing and promoting national, private and public enterprises. (5) The social objective of the State shall be to establish and develop a healthy social life based on the foundation of justice and morality, by eliminating all types of economic and social inequality and establishing harmony amongst the diverse castes ethnic groups, religions, languages,

races, communities and groups. (6) The international relations of the State shall be directed towards enhancing the dignity of the nation in the international arena by maintaining the sovereignty, integrity and independence of the country.

35. State Policies: (1) The State shall pursue a policy of raising the standards of life of the general public by developing basic infrastructure for education, health, transportation, and housing, and provide opportunities of livelihoods for the people of all the regions through equitable distribution of economic investment for balanced development of the country. (2) The State shall pursue a policy of economic development through government and private sectors, including cooperatives. (3) The State shall pursue a policy of strengthening national unity by maintaining the cultural diversity of the people through equal development of languages, literatures, scripts, arts and cultural heritage for healthy and harmonious social relationships based on equality and coexistence among people belonging to different religions, cultures, castes, communities, race, groups and language groups. (4) The State, while mobilizing the country's natural resources andheritage for the interest, utilization and benefit of the nation, shall pursue a policy of giving priority to local people. (5) The State shall make necessary provisions to keep the natural environment clean. The State shall also prioritize special arrangements for the protection of environment and endangered wildlife species by not allowing physical development activities to exert negative impact on environment, and generating awareness on environmental cleanliness. The State shall make provisions for equitable distribution of benefits from conservation and sustainable use of forests, plants and biodiversity. (6)The State shall develop agriculture as an industry by encouraging farmers and increasing agricultural productivity, and create a favourable atmosphere to improve economic conditions of majorityof the people dependent on agriculture. (7) The State shall pursue the policy of increasing participation of the Labour force, the chief socio-economic force in the country, in the management of enterprises by providing employment, ensuring their right to work, and prioritizing their right and interest. (8) The State shall pursue the policy of encouraging maximum participation of women in national development by providing special provisions for their education, health and employment. (9) The

state shall pursue the policy of making special social provision for the protection and progress of single women, orphans, children, the helpless, elderly, disabled, incapacitated persons, and the minority groups. (10) The State shall pursue a policy of uplifting economically and socially backward indigenous ethnic groups, Madhesis, Dalits, including marginalized communities, labourers and farmers living below poverty line by making provisions for reservations on education, health, housing, adequate food and livelihoods for a fixed period of time. (11) The State shall pursue a policy of prioritizing the development of Science and technology including local technology for progress in the country. (12) The State shall give priority to national investment, and pursue the policy of attracting foreign investment and technology for the development of the nation. (13) The State shall pursue the policy of gradually speeding the pace of rural development taking into consideration the interest of the vast rural population.(14) The State shall pursue a policy of making a special provision based on positive discrimination for women, Dalits, indigenous ethnic roups, Madhesis, Muslims, including minority groups, labourers, squatters, bonded labourers, physically impaired, backward communities and regions, and the victims of conflict. (15) The State shall pursue a policy of making a provision of providing adequate piece of land and livelihoods to the freed bonded labourers for their sustenance by determining their number. (16) The State shall pursue a policy of making basic infrastructure to impart technical education, training and orientation to farmers, labourers, and the class dependent on manual work, and seek their participation in the development process of the country. (17) A policy shall be pursued to make legal provision to provide allowance to the elderly, incapacitated women, and the unemployed. (18) The State shall pursue the policy of identifying and modernizing traditional knowledge, skill and practices existing in the country. (19) The State shall adopt a special policy to regulate the implementation and management of public and non-governmental organizations established in the country. (20) The State shall adopt a special policy to mobilize youth power for the development of the country. (21) Nepal's foreign policy shall be guided by the principles of the United Nations Charter, non-alignment, principles of

Panchsheel, ternational laws and the norms and values of world peace. (22) The State shall adopt the policy of gradually institutionalizing peace in Nepal through international recognition and by maintaining cooperation and good relations with friendly neighbouring nations and all other countries of the world in economic, social and other spheres on the basis of equality.

36. Questions not to be raised in Courts: (1) No questions shall be raised in any Court regarding implementation or failure to implement the subjects stated in this Part. (2) The State shall mobilize required resources for the implementation of the principles and policies contained in this part.

PART 5: Executive

37. Executive Power: (1) The executive power of Nepal shall, as provisioned in this Constitution and other laws, be vested in the Council of Ministers. (2) The Council of Ministers shall, remaining within the control of this Constitution and other laws, have the responsibility of issuing general directives, control and regulation. (3) The executive work of Nepal shall be in the name of the Nepal Government. (4) Any decision, order or certification issued in the name of the Nepal Government as provisioned in Clause (3) shall be as provisioned in the law.

38. Constitution of Council of Ministers: (1) The Prime Minister shall be selected by political consent and the Council of Ministers shall be constituted under his chairmanship. **Explanation:** For the purpose of this constitution "political consent" means the political consent reached between the seven parties, Nepali Congress, NCP (UML), Nepali Congress (Democratic), Janamorcha Nepal, Nepal Sadbhawana Party (Anandadevi), Nepal Majdur Kisan Party, Samyukta Bam Morcha Nepal and NCP (Maoist) on 22 Kartik, 2063 (8th November, 2006). (2) If an understanding cannot be reached pursuant to Clause (1), the Prime Minister shall be elected by a majority of two-thirds of the members of Legislative-Parliament. (3) The structure and work division of the Interim Council of Ministers shall be determined by mutual consent. (4) The Council of Ministers shall include the Deputy Prime Minister and other Ministers as required. **Explanation:**

For the purpose of this Article the word Minister also includes the Minister of State who takes separate responsibility of a Ministry. (5) The Prime Minister while appointing Ministers from among the members of the Legislative-Parliament should do so on the recommendation of the concerned political party. (6) The Prime Minister and other Ministers shall be collectively responsible to the Legislative-Parliament, and the Ministers shall be individually responsible to the Prime Minister and the Legislative-Parliament for the work of their respective Ministries. (7) The Prime Minister shall be relieved from his position in the following circumstances:- (a) If he tenders written resignation to the Chairperson of the Legislative-Parliament, (b) If he no longer remains a member of the Legislative-Parliament, or (c) If he dies. (8) The Deputy Prime Minister, Minister, State Minister and Assistant Minister shall be relieved from their respective offices in the following circumstances:- (a) If he tenders written resignation to the Prime Minister, (b) If the Prime Minister is relieved from his position pursuant to Clause 7, (c) If the Prime Minister relieves him from his position on the recommendation or in consultation with the concerned party, or (d) If he dies. (9) Even if the Prime Minister is relieved from his position pursuant to Clause 7, the existing Council of Ministers shall continue to function until a new Council of Ministers is constituted. (10) In the case of the death of the Prime Minister, Deputy Prime Minister or the senior most Minister shall function as the Prime Minister until the selection of a new Prime Minister is held.

39. State Ministers and Assistant Ministers: (1) The Prime Minister can, on the recommendation of the concerned political party, appoint the Minister of State from amongst the members of Legislative-Parliament. (2) The Prime Minister can, on the recommendation of the concerned political party, appoint Assistant Ministers from amongst the members of Legislative-Parliament to assist any Minister in executing his duty.

40. Appointment of a Non-Member of Legislature-Parliament as Minister: Notwithstanding anything contained in Articles 37 and 38, any person who is not a member of Legislative-Parliament may be appointed Deputy Prime Minister, Minister, State Minister or Assistant-Minister by the Prime Minister.

41. Remuneration and Other Privileges: The remuneration and other privileges of the Prime Minister, Deputy Prime Minister,

Ministers, State Ministers and Assistant Ministers shall be as determined by law. Until so determined, it shall be as specified by the Nepal Government.

42. Oath: The Prime Minister shall take his oath of office and secrecy before the Legislative-Parliament and Deputy Prime Minister, Ministers, State Ministers and Assistant Ministers shall take their oath of office and secrecy before the Prime Minister.

43. Conduct of Government Business: (1) The work execution of the Nepal Government shall be inconsistent with the spirit of the joint People's Movement, political consent and the culture of mutual activity. (2) The work division and work execution of the Nepal Government shall be as per the approved regulation of the Nepal Government. (3) No question shall be raised in any court as to whether or not rules pursuant to Clause (2) above have been observed.

44. The Council of Ministers after the formation of the Constituent Assembly: The use of the Executive Power after the formation of the Constituent Assembly, the formation of the Council of Ministers and other necessary points shall be as provisioned in this part after necessary adjustments.

PART 6: Legislature-Parliament

45. Constitution of Legislature-Parliament: (1) There shall be one House of Legislative-Parliament in Nepal which shall consist of the following 330 members as set out in schedule 2 : (a) From the elected members of the seven political parties and other parties in the House of Representatives and National Assembly existing immediately before the commencement of this Constitution – 209 members. **Explanation**: The phrase seven political parties means Nepali Congress, NCP(UML), Janamorcha Nepal, Nepal Sadbhawana (Anadadevi), Nepal Majdur Kisan Party and Samyukta Bam Morcha, which maintained political understanding on 22nd Kartik, 2063 (8th November, 2006). (b) From NCP (Maoist) – 73 members. (c) Samyukta Bam Morcha (Joint Left Front), people based professional organization, suppressed tribe, backward region, indigenous people, Janajati, women and various political personalities nominated on the basis of consensus – 48 members. (2) Notwithstanding anything contained in Clause

(1), those who were against the people's movement shall not be in the Legislative-Parliament. (3) Legislative-Parliament shall regulate on the basis of the political consensus. (4) The tenure of the Legislative-Parliament shall end after the first meeting of the Constituent Assembly. (5) If any member's position becomes vacant by whatever reasons, such vacant position for the remaining tenure shall be filled through appointment from the same political party or group which he had represented.

46. Qualifications for Membership: In order to become a member of the Legislative-Parliament, any person: (a) Must be a citizen of Nepal, (b) Must have attained at least twenty five years of age, (c) Should be committed towards the spirit of the peoples' movement, (d) Should not hold an office of profit. **Explanation**: For the purpose of this Sub-Clause (d) of this Article, "office of profit" means any position, other than a political position, to be filled by election or nomination for which a remuneration or economic benefit is paid out of a Government Fund.

47. Decision as to Disqualifications of Members: If a question arises as to whether a Legislative-Parliament member is disqualified or has ceased to possess any of the qualifications set forth in Article 46 the final decision regarding it shall be made by the Legislative-Parliament.

48. Vacation of seat: The seat of a legislative member shall become vacant in the following circumstances: (a) If he resigns in writing, (b) If he does not possess the qualifications referred to in Article 46, (c) If the party of which he was a member when elected provides notification that he has abandoned the party, (d) If the tenure of the Legislative-Parliament completes, or (e) If he dies.

49. Oath: The Legislative-Parliament members shall, before taking part for the first time in the Legislative-Parliament meeting, take an oath in the specified manner.

50. Speaker and Deputy Speaker of the Legislature-Parliament: (1) The Legislative-Parliament shall elect one Speaker and one Deputy Speaker from among its members on political consent. If an understanding cannot be reached, a majority of two-thirds of its total members shall elect them. If the office of the Speaker and Deputy Speaker become vacant, the Legislative-Parliament shall fill the vacancy through election from among its members. (2) The Speaker and Deputy Speakerof the Legislative-

Parliament cannot be members of the same political party. (3) In the absence of the Speaker of the Legislative-Parliament, the Deputy Speakershall chair the meeting of the Legislative-Parliament. (4) If the election of the Speaker and Deputy Speaker has not taken place, or if both the positions become vacant, the member who is by age the seniormost, in the Legislative-Parliament shall preside over the meeting of the Legislative-Parliament. (5) The Speaker and Deputy Speaker positions of the Legislative-Parliament shall become vacant in the following circumstances: (a) if he ceases to be a member of the Legislative-Parliament, (b) if he submits a written resignation, (c) if a resolution is passed by a majority of two thirds of the total members in the Legislative-Parliament to the effect that his conduct is not compatible with his position, (6) The Deputy Speaker shall preside over the meeting at which deliberations are to be held on a resolution that the conduct of the Speaker is not compatible with his position. The Speaker shall be entitled to take part and vote in the deliberations on such resolution.

51. Summoning and Prorogation of Sessions: (1) The Prime Minister shall summon the first session and after this, the Legislative-Parliament shall summon the session from time to time. (2) The Prime Minister shall end the session of the Parliament in consultation with the Speaker of the Legislative-Parliament.

52. Address from the Prime Minister: The Prime Minister shall address the Legislative-Parliament session by presenting the Annual Policy and Program.

53. Quorum: Except as otherwise stated in this Constitution, no question or proposal shall be tabled for decision in any Legislative-Parliament meeting unless one fourth of the total number of legislative members are present.

54. Transaction of Business in the case of Vacancy of Members: (1) The parliament can execute its work notwithstanding any vacancies in the seats of its members and no proceedings shall become invalid even if it is subsequently found out that a person, not entitled to take part in the proceedings of the House, had participated. (2) Any Minister, Minister of State or Assistant Minister who is not the member of Legislative-Parliament can attend the meeting of the Legislative-

Parliament or any of its Committee meetings. *Provided that* – he shall not have the voting power.

55. Voting: Except as otherwise provided in this Constitution, all questions submitted for decision in the House shall be decided by a majority vote of the members present. Generally, the member presiding shall not have the right to vote. *Provided that* –he may exercise his decisive vote in the case of tie.

56. Privileges: (1) There shall be full freedom of speech in the parliament and no member shall be arrested, detained or prosecuted in any court for anything said or for any vote cast in the House. (2) Every meeting of the Parliament shall have full power to regulate its internal work, and the concerned meeting shall have the exclusive right to decide whether or not any proceeding of the House is regular. No question shall be raised in any court in this regard. (3) No comment shall be made on good faith regarding any proceedings of the parliament and no publication of any kind shall be made about anything said by any member which intentionally distorts or misinterprets the meaning of the speech. (4) No proceedings shall be initiated in any court against any person for publication of any document, report, vote or proceeding which is made under authority given by the Parliament. **Explanation**: For the purposes of Sub-clauses (1), (2), (3) and (4), the word "parliament meeting" shall mean any meeting of the parliament or any of its committee meetings. (5) No member of Parliament shall be arrested during the session of the parliament.However, nothing in this clause shall be deemed to prevent the arrest under any law of any member on a criminal charge. If any member is so arrested, the official making such arrest shall have to immediately inform the person chairing the parliament. (6) Any breach of privilege stated in this Article shall contempt the privilege of the Parliament and the breach of privilege of parliament shall be considered as the contempt of parliament. The parliament shall have the exclusive right to decide whether or not any breach of privilege has taken place. (7) If a person is in contempt of the Parliament, the Chairperson of the concerned House may, after a decision by the House to that effect, admonish, warn or impose a sentence of imprisonment not exceeding three months or impose a fine of up to ten thousand rupees on such person. If

he does not pay the fine, then it shall be recovered as government dues. *Provided that* –if the person so accused submits an apology to the satisfaction of the House, it may pardon him or reduce or not implement the already prescribed punishment. (8) Other matters relating to privileges not mentioned in this Constitution shall be as determined by law.

57. Procedures relating to the Conduct of Business: The Legislative-Parliament remaining within the framework of this Constitution shall execute its work on political consent; formulate regulations to properly manage its meetings, formulate committees and regulate proceedings and other issues. Until the time such regulation is framed, the House shall itself regulate its operational procedure.

58. Committees: There shall be required numbers of committees and sub-committees in the Legislative-Parliament as provisioned by the law.

59. Constituent Assembly to Exercise the Power of the Legislature-Parliament: After the termination of tenure of the Legislative-Parliament pursuant to Article 44 Clause (4), the power of the Legislative-Parliament as per this Constitution shall be exercised by the Constituent Assembly.

60. Restriction on discussion: (1) No discussion shall be held in the House about anything done by a Judge in course of performance of his duties regarding a case which is under consideration in any court of Nepal. *Provided that* –nothing in this Article shall be deemed to bar the expression of opinion about the conduct of a Judge during deliberations on an impeachment proposal. (2) This provision made pursuant to Clause (1) shall be applicable even to Constituent Assembly.

61. Secretariat of the House: (1) There shall be one secretariat to manage the work of the Legislative-Parliament. The formation of such a secretariat or other related issues shall be as determined by the law. The Nepal Government shall make available the necessary employees required to execute the work of the House.

62. Remuneration: The remuneration and privileges of the Speaker, Deputy Speaker, member and Committees' Chairperson of the Legislative-Parliament shall be as provisioned by the law and until the time it is not so determined, it shall be as determined by the Nepal Government.

PART 7: Constituent Assembly

63. Formation of the Constituent Assembly: (1) There shall be the formation of one Constituent Assembly to formulate a new Constitution by the Nepalese people themselves remaining within the framework of this Constitution. (2) The Election of the constitution shall be held on the date specified by the Government of Nepal after this constitution comes into effect. (3) As per the provision made by the law the Constituent Assembly shall be composed of a total of 425 members – 409 elected and 16 nominated on the basis of Mixed Electoral System. (a) 205 elected members from among the candidates elected on the basis of First Past the Post from each of the Election Constituents determined by the existing law prior to the implementation of this constitution. (b) 204 members elected on the basis of Proportional Electoral System for the political parties considering the whole country as one single constituent. (c) 16 members nominated by the Interim Council of Ministers from among the prominent national figures on the basis of consensus. (4) The principle of inclusiveness shall have to be kept in mind while choosing the candidates by the political parties according to part (a) of Sub-clause (3) and while listing the candidates by the political parties pursuant to part (b), they should make sure that various people like women, Dalit (suppressed group), underprivileged tribes, aborigines, backward region, Madhesi including other class are proportionally represented according to the law. *Notwithstanding* anything contained in this Sub-clause, in case of women there should be at least one third of total representation obtained by adding candidature pursuant to part (a) of Sub- clause (3) to the proportional representation pursuant to part (b) of Sub- clause (3). (5) The election of the members of the Constituent Assembly, as provisioned by the law, shall be conducted through secret ballot. (6) For the purpose of the election of the Constituent Assembly the Nepalese Citizens who have attained the age of 18 by the end of Mangsir 2063 (15th December 2006) shall be entitled to vote.(7) The election of the Constituent Assembly shall be carried out on the basis of the points outlined in this Article and other points related to it shall be according to the provisions made by the law.

64. **Tenure of the Constituent Assembly:** Except in the case of Constituent Assembly passing a resolution for its dissolution, the tenure of the Constituent Assembly shall be of two years from the date of its first meeting. *Provided that* – if the task of Constitution formulation cannot be completed due to the declaration of an emergency situation in the country, the Constituent Assembly can extend the tenure by another six months by passing a proposal.
65. **Qualifications of the Members:** Any person should possess the following qualifications to qualify as a member of the Constituent Assembly: (a) Nepalese Citizen, (b) Having completed at least twenty five years of age, (c) Not punished by the law on criminal charges, (d) Should not hold an office of profit. **Explanation:** For the purpose of part (f), "office of profit" means any position, other than a political position to be filled by election or nomination for which remuneration or any other economic benefit is paid out of a Government Fund.
66. **Decision as to the Disqualification of Members:** If a question arises as to whether any member of the Constituent Assembly is disqualified or has ceased to possess any of the qualifications set forth in Article 65, the final decision shall be made by the Constituent Assembly Court.
67. **Vacation of the Seat of Members:** The seat of a member of the Constituent Assembly shall be considered vacant in the following circumstances: (a) If he resigns in writing, (b) If he does not or has ceased to possess the qualifications referred to in Article 65. (c) If he remains absent for ten consecutive meetings without pre-notification to the Assembly, (d) If the party of which he was a member when elected provides notification in the manner set forth by law that he has abandoned the party or notifies that he no longer holds the membership of the party, (e) If he dies, **Explanation:** The provision in part (d) shall not be applied in the case of Constituent Assembly Chairperson or Vice Chairperson.
68. **Oath of Members:** Every member of the Constituent Assembly shall, before taking part for the first time in a meeting of that Assembly or any of its committees, take an oath as provided by law.
69. **Sessions of the Constituent Assembly:** (1) The first meeting of the Constituent Assembly will sit on the twenty first day

after the final results of the election of members of the Constituent Assembly is made public by the election commission and the meeting thereafter as summoned by the Prime Minister will sit on the prescribed date and place by the person chairing the Constituent Assembly. (2) Notwithstanding anything contained in Sub- clause (1), if one-fourth of the members appeal before the chairperson of the Constituent Assembly citing reasons that calling Constituent Assembly meeting is necessary, then the chairperson shall have to call such meeting within fifteen days of such application.

70. Procedure for Passage of Constitution Bills: (1) The Constituent Assembly, while passing the Bill of the Constitution, shall do so by carrying out voting in the Preamble and each Article of such a Bill tabled in the Constituent Assembly. (2) While carrying out voting as per Sub- clause (1) with at least two thirds of the Constituent Assembly members attending should pass the Bill unanimously. (3) If there can not be a unanimous decision in the Preamble or any Articles of the Constitution Bill as prescribed in Sub- clause (2), the political leaders representing the parliamentary (legislature) parties shall carry out mutual consultations to develop a consensus in the said subject matter. (4) The consultation work as prescribed in Sub- clause (3) should be completed within a maximum period of fifteen days from the date that such a unanimous decision could not be reached. (5) If consultations are carried as prescribed in Sub- clause (4), then there shall be re-voting for the Preamble or any Article of such a Bill within seven days from the date of such consultations end. (6) While carrying out voting as prescribed in Sub- clause (5) and also if an unanimous decision cannot be reached as prescribed in Sub- clause (2), then there shall be re-voting for such a Preamble or Article for which a unanimous decision could not be reached and in such voting, with at least two thirds of the Constituent Assembly members attending, it should be passed with at least a two thirds majority after which such a Preamble or Section shall be considered to have passed. (7) For the purpose of this Article, while carrying out voting for such a Preamble or Article of the Constitution Bill tabled in the Constituent Assembly, if any member does not vote against the Preamble or any Article then it is considered to have a unanimous decision.

71. **Chairperson and Vice Chairperson of the Constituent Assembly:** (1) The Constituent Assembly before initiating its work on the Constitution drafting shall carry out the election of one Chairperson and one Vice Chairperson from among its members. (2) While carrying out the election as prescribed in Sub- clause (1), the Chairperson and Vice Chairperson should be from the different political parties represented in the Constituent Assembly, (3) Until the time the election is not completed for Chairperson and Vice Chairperson as prescribed in Sub- clause (1), the Constituent Assembly member who is by age the senior-most person in the Constituent Assembly shall preside over the meeting of the Constituent Assembly. (4) The Chairperson and Vice Chairperson, while executing work as per this Constitution, should be for or against any political party and should act independently.

72. **Vacation of Seats of Chairperson and Vice Chairperson:** (1) The Chairperson and Vice Chairperson post shall be vacant in the following conditions: (a) If he submits written resignation, (b) If his membership in the Constituent Assembly no longer remains, (c) If at least two thirds majority members of the Constituent Assembly pass a proposal against his conduct, or (d) If he dies. (2) While carrying out discussions as regards to the conduct of the Chairperson of the Constituent Assembly not being compatible to his position, the Vice Chair person or any other member shall chair the meeting and the Chairperson can participate or vote in such discussion.

73. **Quorum:** Except in the case otherwise is written in this part, the quorum for the Constituent Assembly is not considered to be met if at least one fourth of the total members are not present in the Constituent Assembly meeting and no question or proposal shall be tabled for decision.

74. **Transaction of Business of the Constituent Assembly in case of vacancy of Members:** The Constituent Assembly can execute its work even if there is any vacation of the Seat of a member and if later it is found that any unqualified person had taken part in any work of the Constituent Assembly then such completed task shall not be invalid.

75. **Voting:** Except as otherwise provided in this part, all questions submitted for decision in the Constituent Assembly shall be decided by a majority vote of the members present and voting.

Normally the member presiding shall not have the right to vote. *Provided that* -he shall exercise his right to cast a vote in the case of a tie.

76. Penalty for Unauthorized Presence or Voting: If a person sits or votes in a meeting of the Constituent Assembly or any of its committee meetings as a member without taking an oath pursuant to Article 67 or knowing that he is not qualified for membership in the Constituent Assembly, he shall, on the order of the person chairing the House, be liable to a fine of Rs. Five Thousand rupees for every such presence or voting. If he does not pay such fine, then it shall be recovered as government dues.

77. Privileges: (1) There shall be complete freedom of speech in the Constituent Assembly and no member shall be arrested, detained or prosecuted in any court for anything said or any vote cast in the Constituent Assembly. (2) Each meeting of the Constituent Assembly shall have full power to regulate its internal business and only the concerned meeting shall have the exclusive right to decide whether or not any proceeding is regular. No question shall be raised in any court in this regard. (3) No comment shall be made about the good faith concerning any proceeding of the Constituent Assembly and no publication and broadcasting of any kind shall be made about anything said by any member which intentionally misinterprets or distorts the meaning of the speech. (4) No proceedings shall be initiated in any court against any person for publication of any document, report, vote or proceeding which is made under the authority provided by this Constituent Assembly. **Explanation**: For the purposes of sub-clauses (1), (2), (3) and (4), the word "Constituent Assembly Meeting" means the meeting of the Constituent Assembly or meeting of any of its committees. (5) No member of the Constituent Assembly shall be arrested during the period of Constitution drafting.*Provided that*-this sub-clause shall not prevent the arrest of any member on a criminal charge under the law. If any member is so arrested, the official making such arrest shall forthwith inform the person chairing the Constituent Assembly. (6) If any point prescribed in this Article is violated, it shall be a breach of privilege of the Constituent Assembly and this breach of privilege of the Constituent Assembly shall be considered as

contempt of the Constituent Assembly. The Assembly shall have the exclusive right to decide whether or not any breach of privilege has taken place. (7) If a person is in contempt of the Constituent Assembly, the Chairperson of the concerned meeting may, after a decision from the meeting to that effect warn, admonish, or impose a sentence of imprisonment not exceeding three months or penalize up to Rs ten thousand. If he does not pay the fine, then it shall be recovered as government dues. *Provided that* –if the person so accused submits an apology to the satisfaction of the Constituent Assembly, it may pardon him or decline, reduce or not implement the already prescribed punishment. (8) Other matters relating to privileges not mentioned in this Constitution shall be as determined by law.

78. Procedures relating to the Conduct of Business: The Constituent Assembly remaining, within the framework of this Constitution, will formulate Regulations to execute its work, to properly mange its meetings, to formulate the committees and to regulate the proceedings and other issues. Until the time such Regulations are framed, the Constituent Assembly shall itself regulate its operational procedure.

79. Committee: There shall be required numbers of Committees and Sub-Committees in the Constituent Assembly as provisioned by the law. Specialists may be consulted for help as needed.

80. Secretariat of the Constituent Assembly: (1) There shall be one Secretariat to manage the work of the Constituent Assembly. The formation of such a Secretariat or other related issues shall be as determined by the law. (2) The Nepal Government shall make available the necessary employees required to execute the work of the Constituent Assembly.

81. Remuneration: The remuneration and benefits of the Chairperson, Vice Chairperson, member and Committees' Chairperson of the Constituent Assembly shall be as provisioned by the law and until the time it is not so determined, it shall be as determined by the Nepal Government.

82. Dissolution of the Constituent Assembly: The Constituent Assembly shall be dissolved that very day the Constitution promulgation by the Constituent Assembly comes into effect.

Provided that –Until the Legislative Parliament Election in line with the Constitution passed by the Constituent Assembly takes place, the functions and activities of the Legislative Parliament shall be in accordance with whatever has been mentioned in the Constitution passed by that Assembly.

83. Performing as Legislature-Parliament: (1) Notwithstanding anything contained elsewhere in this part, the Constituent Assembly shall also act as legislature parliament until the period the Constituent Assembly remains and for the regulation of its regular parliamentary activities the Constituent Assembly can formulate a separate committee. (2) The chairperson and vice chairperson of the Constituent Assembly shall respectively be the chairperson and vice chairperson of the legislative. (3) The Secretariat of the Constituent Assembly and its employees shall also be the Secretariat and employees of the legislatives. (4) The Constitution while executing work as legislative with necessary adjustments in provisions of part 9 shall implement the Constituent Assembly.

PART 8: Legislative Procedure

84. Procedure to introduce a bill: (1) A bill may be introduced in the House by any member of the Legislative-Parliament. **Explanation:** For provision of this part "House" means Legislative-Parliament House and "member" means member of the Legislative-Parliament.(2) A Finance Bill or a Bill concerning the Nepal Army, the Armed Police, Police or related to security shall be introduced only as a Government Bill. (3) "Finance Bill" means a Bill concerning any or all of the following subjects: (a) Imposition, collection, abolition, alteration, remission or regulation of the taxation system; (b) Preservation of the Consolidated Fund or any other Government Fund, the deposit of amounts into and the appropriation or the withdrawal of amounts from such Funds, or the reduction, increment or cancellation of appropriations or of proposed expenditures from such Funds;(c) Regulation of matters relating to the raising of loans or the issuing of guarantees by the Nepal Government or any matter pertaining to the amendment of the laws concerning the financial liabilities undertaken or to be undertaken by the Nepal Government; (d) Custody and investment of all revenues

received by any Government Fund, the amount acquired through the repayment of loans, and the grant amount; or audit of the accounts of the Nepal Government; or (e) Matters directly related to Sub-clause (a) to (d). *Provided that* –fees such as any license fee, application fee, renewal fee or any penalty or provision of imprisonment or tax or fees imposed by a local authority only does not mean the finance bill. (4) If any question arises whether a Bill is a Finance Bill or not, the decision of the Speaker of the Legislative-Parliament shall be final.

85. Procedure for Passage of Bills: (1) The member wishing to table a bill in the house should give information one week prior to the Secretary General or Secretary of the legislature. *Provided that* –for the Government bill five day prior information is sufficient. (2) The copies of the bill shall be given to the members of legislature two days prior to the tabling of the Bill, (3) The member introducing the bill can table any proposal regarding the consideration of the bill in the House. (4) If the proposal prescribed in Clause (3) is accepted, then the bill shall be discussed sectionwise in the House or concerned committee. (5) If the detailed sectionwise discussion in the House is completed and after the sectionwise discussion in the committee and discussion on the report completes, then the member introducing the bill shall present a proposal to be passed by the legislature. (6) If the proposal tabled according to Clause (5) is approved by the simple majority, then the Bill is considered to be passed.

86. Withdrawal of Bills: A Bill may be withdrawn by the member introducing it with the approval of the House.

87. Assent on Bills: A bill approved by the House shall be the Act after its approval by the Speaker of Legislative-Parliament.

88. Ordinance: (1) If at any time, except when the Legislative House is in session, the Nepal Government is satisfied that such circumstances exist which render it necessary to take immediate action, without prejudicing the provisions set forth in this Constitution, then it may promulgate any Ordinance as deemed necessary. (2) An Ordinance promulgated under Clause (1) shall have the same force and effect as an Act. *Provided that* –every such Ordinance:- (a) shall be tabled at the next session of Legislative-Parliament, and if not passed by such

session, it shall *ipso facto* cease to be effective; (b) may be repealed at any time by the Nepal Government; and (c) Shall, unless rendered ineffective or repealed under Sub-clause (a) or (b), *ipso facto* cease to have effect at the expiration of sixty days from the commencement of a session of Legislative-Parliament.

Part 9: Financial Procedure

89. No Tax to be Levied or Loan to be Raised Except in Accordance with Law: (1) No tax shall be levied and raised except in accordance with law. (2) No loan shall be raised or guarantee be given by the Government of Nepal except in accordance with law.

90. Consolidated Fund: Except the revenues of Guthi (religious endowments), all revenues received by The Nepal Government, all loans raised with revenues as collateral, all assets received while recovering a loan that was issued under the provisions of the Act and all other amounts receivable by the government shall be deposited in one government fund known as the Consolidated Fund. *Provided that* –except in the case of private Guthi, the amount of other Guthis shall be regulated by formulating law.

91. Expenditures From the Consolidated Fund or the Government Fund: No expenditure shall be incurred from the Consolidated Fund or any other Government Fund except the following: (a) Amount charged on the Consolidated Fund, (b) Expenditure amount under Appropriation Act, (c) Expenditure amount under the Act in the form of Advance when an Appropriation Bill is under consideration, or (d) Expenditure amount incurred in extraordinary circumstances under a Vote of Credit Act. *Provided that* –in the case of Contingency Fund, it shall be as provisioned in Article 97.

92. Expenditure Chargeable on the Consolidated Fund:
Expenditures related to the following subjects shall be charged on the Consolidated Fund: (a) the amount provided as remuneration, privileges and pension payable to the Chief Justice of Nepal and other Judges of the Supreme Court, (b) the amount provided as remuneration and privileges payable to the following officials: (i) Speaker and Deputy Speaker of the Legislative-Parliament, (ii) Speaker and Deputy

Speaker of the Constituent Assembly, (iii) Chief Commissioner and other Commissioners of the Commission for the Investigation of the Abuse of Authority, (iv) Auditor General, (v) Chairperson and members of the Public Service Commission, (vi) Chief Election Commissioner and other Election Commissioners, and (vii) Chairperson and members of the National Human Rights Commission. (c) Administrative expenses of the Supreme Court, Commission for the Investigation of the Abuse of Authority, Office of the Auditor General, Election Commission and National Human Rights Commission, (d) All expenditures relating to debts for which The Nepal Government is liable, (e) Amount to be paid for any judgment or decree of a court against the Nepal Government, and (f) Any amount declared by the law to be chargeable on the Consolidated Fund.

93. Estimates of Revenues and Expenditures: (1) The Finance Minister with respect to every fiscal year shall present before the legislature the annual estimates outlining the following points: (a) Estimate of revenues, (b) Necessary amount to meet the charges on the Consolidated Fund, and (c) Necessary amount to meet the expenditure of an Appropriation Act. (2) While presenting annual estimates pursuant to Clause (1), the statement of expenses allocated to each Ministry in the previous financial year and particulars of whether the objectives of the expenses were achieved or not shall also be presented.

94. Appropriation Act: The expenditure amount as per the Appropriation Act shall be specified under appropriate heads and recorded in the Appropriation Bill.

95. Supplementary Estimates: (1) The Finance Minister shall present supplementary estimate if the following situation is found in any fiscal year: (a) If the amount authorized to be spent for a particular service by the Appropriation Act in the current fiscal year is insufficient, or if it becomes necessary to spend under a new service for which the fund has not been appropriated, or (b) If the expenditures in that fiscal year exceeds the amount authorized by the Appropriation Act, (2) The amount included in the supplementary estimates shall be categorized into specific heads and recorded in a Supplementary Appropriation Bill.

96. Expenditure as Advance: (1) Notwithstanding anything contained in this part, a portion of the expenditure estimated for the fiscal year may be incurred in advance by an Act when an Appropriation Bill is under consideration. (2) An Advance Expenditure Bill shall not be submitted until the estimates of revenues and expenditures have been presented in accordance with the provisions of Article 92 and the Advance Expenditure amount shall not exceed one third of the expenditure estimate of the fiscal year. (3) The expenditure incurred as per the Vote on Account Act shall be included in the Appropriation Bill.

97. Credit Expenditure: Notwithstanding anything contained elsewhere in this part, if a situation of local or national emergency arises due to natural cause, external aggression threat, internal disturbances or other reasons and the specified details as required under the Article 92 may be impractical or inexpedient in view of the security or interest of the State, then the Finance Minister can present a Credit Expenditure Bill that contains only expenditure details before the Legislative-Parliament.

98. Contingency Fund: An Act may create a Contingency Fund into which shall be paid from time to time such moneys as may be determined by law. Such Fund shall be under the control of the Government of Nepal and any unforeseen expenditures shall be met out of such Fund by the Government of Nepal. The amount of the expenditures so met shall be reimbursed as soon as possible through another Act.

99. Act Relating to Financial Procedure: Issues related to the transfer of an amount appropriated under one head to another and other points related to financial procedures shall be as provided by the Act.

PART 10: Judiciary

100. Courts to Exercise Powers Related to Justice: (1) Powers relating to justice in Nepal shall be exercised by courts and other judicial institutions in accordance with the provisions of this Constitution, with the laws and with the recognized principles of justice. (2) The judiciary of Nepal by following the concept and values of the free judiciary and by keeping democracy and the spirit of people's movement in mind shall be committed to this constitution.

101. Courts: (1) There shall be the following courts in Nepal:- (a) Supreme Court; (b) Appellate Court; and (c) District Court. (2) In addition to the courts referred to in Clause (1) above, special types of courts, judicial institutions or tribunals may also be established and formed in accordance with law for the purpose of proceeding with and hearing of special types of cases: *Provided that* –no special court, judicial institutions or tribunal shall be constituted for the purpose of hearing a particular case.

102. Supreme Court: (1) The Supreme Court shall be the highest court in the judicial hierarchy. (2) All other courts and judicial institutions of Nepal, other than the Constituent Assembly Court, shall be under the Supreme Court. The Supreme Court may inspect, supervise and give directives to its subordinate courts and other judicial institutions. (3) The Supreme Court shall be a Court of Record. It may initiate proceedings and impose penalties in accordance with law for contempt of itself and of its subordinate courts or judicial institutions. (4) Except on the matters which fall under the jurisdiction of the Constituent Assembly Court, the Supreme Court shall have the final power to interpret this Constitution and prevailing laws. (5) The Supreme Court shall, in addition to the Chief Justice of Nepal, consist of up to a maximum of fourteen other Judges. If at any time, the number of existing Judges becomes insufficient due to an increase in the number of cases in the Supreme Court, ad hoc Judges may be appointed for a fixed term.

103. Appointment and Qualifications of Judges of the Supreme Court: (1) The Prime Minister shall appoint the Chief Justice of the Supreme Court on the recommendation of the Constitutional Council, and the Chief Justice shall appoint other Judges of the Supreme Court on the recommendation of the Judicial Council. The tenure of office of the Chief Justice shall be six years from the date of appointment, pursuant to Sub-clause (b) of Clause (1) of Article 105. (2) Any person who is a sitting Judge of the Supreme Court for minimum 3 years shall be eligible for appointment as Chief Justice. (3) Any person who has worked as a Judge of an Appellate Court or similar post of the judicial service for at least seven years; or an officer of the judicial service including for the post of special class or above for at least twelve years; or has practised law for at least

fifteen years as a law graduate, Senior advocate or advocate; or who has worked for at least fifteen years in the judicial or legal field and is a distinguished jurist; shall be eligible for appointment as a Judge of the Supreme Court. (4) If the office of the Chief Justice becomes vacant, or the Chief Justice is unable to carry out the duties of his office due to any reason, or he cannot be present in office due to a leave of absence or his being outside of Nepal, the senior-most Judge shall act as the Acting Chief Justice. (5) The Chief Justice and other Judges of the Supreme Court shall remain in offices until they reach sixty five years of age.

104. Terms of Service and facilities of the Chief Justice and Justices: (1) The Chief Justice of the Supreme Court and permanent Judges of the Supreme Court who have worked minimum five years are entitled to pension after retirement from their service. (2) Unless otherwise provided in this Constitution, the remuneration, leave, allowances, pension and other conditions of service of the Chief Justice and other Justices of the Supreme Court shall be regulated by law. (3) Notwithstanding anything provided by Clause (1) and (2) the Chief justice or Justices of the Supreme Court who is removed from his office in an act of impeachment shall not be entitled gratuities and pensions. (4) The remuneration, privileges and other conditions of service of the Chief Justice and other Justices of the Supreme Court shall not be altered to their disadvantage.

105. Removal of the Chief Justice and Justices of the Supreme Court: (1) The Chief Justice or other Justices of the Supreme Court shall be removed from their office in the following situations: (a) If the Chief Justice submits his resignation before the Council of Minister and a Justice submits his resignation before the Chief Justice, (b) If he completes sixty five years of age, (c) If the Legislative-Parliament passes a resolution of impeachment for removal. (d) If he dies. (2) A proposal of impeachment may be tabled before the Legislative-Parliament for removal of the Chief Justice or any other Justice and if by a two-thirds majority of the total number of its members pass a resolution of impeachment for removal he shall *ipso facto* be relieved from his office. (3) The alleged Chief Justice or Justices of the Supreme Court shall not perform the duties of his office from the initiation of proceedings of impeachment pursuant to Clause (2) until finalization of the proceedings.

106. No other Assignment of the Chief Justice or Justices: (1) The Chief Justice or Justices of the Supreme Court shall not be engaged in or deputed to any assignment except of the Judge. This notwithstanding, the Nepal Government, in consultation with the Judicial Council, may designate the Chief Justice or the Justice of the Supreme Court to an assignment concerning a judicial inquiry or study and research in the field of justice or law or to a matter of national concern. (2) Any person who has once held the office of Chief Justice or Justices of the Supreme Court shall not be eligible for appointment in any Government Service except for the post as provided by Sub-clause (a) of Clause (1) of Article 131, nor shall he be entitled to practise law before any office or court.

107. Jurisdiction of the Supreme Court : (1) Any Nepali citizen may file a petition in the Supreme Court to have any law or any part thereof declared void on the ground of inconsistency with this Constitution because it imposes an unreasonable restriction on the enjoyment of the fundamental rights conferred by this Constitution or on any other ground, and extra-ordinary power shall rest with the Supreme Court to declare that law as void either *ab initio* or from the date of its decision if it appears that the law in question is inconsistent with the Constitution. (2) The Supreme Court shall, for the enforcement of the fundamental rights conferred by this Constitution, for the enforcement of any other legal right for which no other remedy has been provided or for which the remedy even though provided appears to be inadequate or ineffective, or for the settlement of any constitutional or legal question involved in any dispute of public interest or concern, have the extraordinary power to issue necessary and appropriate orders to enforce such rights or settle the dispute. For these purposes, the Supreme Court may, with a view to imparting full justice and providing the appropriate remedy, issue appropriate orders and writs including the writs of habeas corpus, mandamus, certiorari, prohibition and quo warranto. *Provided that* –except on the ground of absence of jurisdiction, the Supreme Court shall not interfere under this Clause with the proceedings initiated by the Legislative-Parliament regarding privileges of Legislature and penalties imposed thereto. (3) The Supreme Court shall have original and appellate jurisdiction, examining verdicts (*sadhak*), rehearings,

hearing petitions as defined by law. (4) The Supreme Court shall have power to review its own judgments or final orders subject to the conditions and in the circumstances prescribed by law. In reviewing a decision, the Supreme Court shall arrange a hearing comprised of judges who were not engaged on issuing such order or making such decision. (5) Other powers and procedures of the Supreme Court shall be as prescribed by law.

108. Establishment, Arrangement and Jurisdiction of the Appellate Courts and District Courts: The Appellate Courts, District Courts and other courts and judicial institutions subordinate to the Supreme Court shall be determined by law subject to this Constitution.

109. Appointment, Qualifications and Terms of Services and facilities of Judges of Appellate Courts and Districts Courts: (1) The Chief Judge and judges of Appellate Courts and the Judges of District Courts shall be appointed by the Chief Justice on the recommendation of the Judicial Council. (2) Any person who is a Nepali citizen shall be eligible for appointment as Chief Judge or other Judge of an Appellate Court if he, having a Bachelor's Degree in law, has worked as a District Judge or worked in any post of special class for a period of at least seven years; or has practised law for at least ten years as a law graduate advocate or senior advocate; or has taught law or done research thereon or has worked in any other field of law or justice for at least ten years. (3) A person who is a Nepali citizen, who has a Bachelor's Degree in law, and has worked for at least three years as a second class gazetted officer in the Judicial Service or has practised law for at least eight years as a law graduate advocate is eligible for appointment as a District Judge. (4) In appointing a law graduate advocate for the post of Judge in accordance with Clause (3), only the person who has passed the written and oral exam taken by the Judicial Council, shall be appointed for the post. Such exam system and other procedures shall be as prescribed by law. (5) The Judicial Council shall consider, *inter alia,* qualifications, capacity, experience, dedication and contribution to justice, reputation in public life, high moral standing, of a person and make recommendations accordingly for appointment to the post of judge of Appellate Court and District Court. (6) Unless the subject or context otherwise requires, the term "Judge" as

mentioned in this Article and ensuing Articles shall mean and include an additional Judge. (7) The remuneration, allowances, pension, leave, gratuity, other facilities and other conditions of service of the Chief Judge and other Judges of Appellate Court and judges of District Court shall be as regulated by law. (8) The remuneration, privileges and other conditions of service of the Chief Judge, Judges of Appellate Court and of the District Court shall not be altered to their disadvantage. (9) Notwithstanding anything provided by Clause (7) a judge of the Appellate Court and the District Court who is removed from his office in accordance with Sub-clause (c) of Clause 10, shall not be entitled gratuities and pension. (10) The Judges of Appellate Court and District Court shall be removed from their office in the following situations: (a) If he submits his written resignation before the Chief Justice, (b) If he completes sixty three years of age, (c) If he is removed by the Chief Justice in accordance with decision of the Judicial Council for his removal, for reasons of incompetence, misbehavior or failure to discharge the duties of his office in good faith, failure to discharge the duties due to physical or mental problems, or deviation to justice. The Judge of the Appellate Court and District Court charged pursuant to this Sub-clause shall be given a reasonable opportunity to defend himself, and for this purpose, the Judicial Council may constitute a Committee of Inquiry for the purposes of recording the statement of the Judge, collecting evidence and submitting its findings. The working procedure of the Committee shall be as regulated by law. (d) If he dies. (11) The alleged Judge of the Appellate Court and District Court shall not perform the duties of his office from the initiation of the proceedings pursuant to Sub-clause (c) of Clause (1) until the finalization of the proceedings.

110. Judges of the Appellate Court and District Court not to be Transferred to, or Engaged in any other Assignment: (1) No judges shall be transferred or engaged in or deputed in any other assignment except that of Judge. This notwithstanding, the Nepal Government, in consultation with the Judicial Council, may designate the Judges of the Appellate Court or District Court to an assignment concerning judicial inquiry or study and research in the field of justice or law or to a matter of national concern. With regard to the other Judges of the Appellate Court or District Court, the Chief Justice, in

consultation with the Judicial Council, may depute them to the above mentioned works, including election works. (2) The Chief Justice, in consultation with the Judicial Council, may transfer the Judges of the Appellate Court or District Court from one court to another. (3) The Chief Justice may send a judge of any Court on a deputation for a specified period to work as judge of another court of similar level taking into consideration the number of cases and subject matter of the cases to be resolved. (4) The Supreme Court may, taking into consideration the geographical situation, delegate the power of issuing preliminary or interim orders through electronic media or other mediums in accordance with law, to the judge who is designated, in the course of dealing with cases, to another nearest court of similar level.

111. Transfer of Cases: If the Supreme Court is satisfied with the reasons which state that the delivery of justice of a case registered in a court may be affected if heard by the same court, the Supreme Court may order another court of similar level to hear such case.

112. Responsibility of the Chief Justice: The Chief Justice shall have the final responsibility to make the judicial administration effective, and for this purpose he may, subject to this Constitution and other laws, give necessary instructions to the Supreme Court and subordinate courts.

113. Judicial Council : (1) There shall be a Judicial Council which shall make recommendations and give advice in accordance with this Constitution concerning the appointment of, transfer of, disciplinary action against, and dismissal of Judges, and dealing with other matters relating to judicial administration, which shall consist of the following as its Chairman and members:- (a) the Chief Justice, Chairperson; (b) the Minister of Justice, member; (c) a senior advocate or an advocate who has gained experience of at least twenty years appointed by the Chief Justice on recommendation of the Nepal Bar Association, member. (d) A person nominated by the Prime Minister from among the legal experts, membe (e) One seniormost Judge from the Supreme Court, member. **Explanation**: For the purpose of this part, the term 'Minister' shall mean and include a Minister of State with free responsibility. (2) The term of office of the member referred

to in Sub-clause (c) and (d) of Clause (1) shall be for four years and his remuneration and privileges shall be equal to that of the Justice of the Supreme Court. (3) The member prescribed under Sub-clause (c) and (d) of Clause (1) may be removed from his post on the same grounds and under the same procedures applicable to Justices of the Supreme Court. (4) The Chairperson and members of the Judicial Council may obtain and study the documents and files of the case relevant to the complaint lodged against a judge and may give information thereof to the Judicial Council. (5) If the preliminary investigation carried out with specialists finds that it is necessary to conduct detailed investigation on a complaint lodged against a judge, the Judicial Council may form a Committee of Inquiry. (6) The other functions, duties and powers of the Judicial Council shall be as regulated by law.

114. Judicial Service Commission: (1) In appointing, transferring or promoting gazetted officers of the judicial service or taking departmental action concerning such officers in accordance with law, the Nepal Government shall act on the recommendation of the Judicial Service Commission: *Provided that* –the Nepal Government shall consult the Public Service Commission for the purpose of permanent recruitment to gazetted posts of the Judicial Service from persons who are not already in the Government Service or from persons being promoted from non-gazetted to gazetted posts within the Judicial Service. (2) The Judicial Service Commission shall consist of the following as its Chairperson and members:- (a) the Chief Justice, Chairperson; (b) the Minister of Justice, member; (c) the Senior-most Judge of the Supreme Court, member; (d) the Chairman of the Public Service Commission, member; (e) the Attorney-General, member. (3) Other functions, duties, powers and procedures of the Judicial Service Commission shall be as regulated by law.

115. Duty to Extend Cooperation: It shall be the duty of the Nepal Government and the offices and officials subordinate to the Nepal Government to co-operate with the Supreme Court and other courts in carrying out the functions of dispensing justice.

116. Orders and Decisions of Courts to be Binding: (1) All shall abide by the orders and decisions made in the course of the hearing of a suit by courts. (2) Any interpretation given to a law or any

legal principle laid down by the Supreme Court in the course of the hearing of a suit shall be binding on the Nepal Government and all offices and courts.

117. Annual Report: (1) The Supreme Court shall submit its annual report before the Prime Minister every year and the Prime Minister shall cause such annual reports to be laid before the Legislative-Parliament. (2) The annual report to be submitted in accordance with Clause (1) shall contain *inter alia* the following descriptions: (a) The quantitative descriptions of the cases registered by the Supreme Court and subordinate courts, (b) Number of cases in accordance with Sub-clause (a) which are finalized and not finalized, and the cause of failure to finalize, (c) Details of new precedents formulated by the Supreme Court, (d) Number of cases reviewed by the Supreme Court, (e) Details of judicial comment, if made, on the maters of capacity in regards to judicial performance of a judge of a court subordinate to the Supreme Court, (f) Details of fines and penalties which are reimbursed, (g) Details of the implementation of a decision, (h) Details of the budget appropriated to the Supreme Court and subordinate courts, and details of expenditures. (3) While submitting the annual report in accordance with Clause (1), the Supreme Court shall include the details of actions and proceedings being taken by the Judicial Council and the Judicial Service Commission.

118. Constituent Assembly Court: (1) A Constituent Assembly Court shall be constituted to look into the complaints regarding election. (2) The establishment, jurisdiction and other matters pursuant to Clause (1) shall be as determined by law. (3) Notwithstanding anything contained elsewhere in this constitution, without filing a petition as prescribed by law pursuant to Clause (1) no question shall be raised in any court regarding any election for the member of Constituent Assembly. (4) Notwithstanding anything contained elsewhere in this constitution, once the process of election for the Constituent Assembly has commenced no question shall be raised in any court that should disrupt the election.

PART 11: Commission for the Investigation of Abuse of Authority

119. Commission for the Investigation of Abuse of Authority: (1) There shall be a commission to be called the Commission for the Investigation of Abuse of Authority of Nepal consisting of a Chief Commissioner and a necessary number of Commissioners. If apart from the Chief Commissioner, other Commissioners are appointed, the Chief Commissioner shall act as Chairman of the Commission for the Investigation of Abuse of Authority. (2) The Prime Minister shall, on the recommendation of the Constitutional Council, appoint the Chief Commissioner and other Commissioners. (3) The term of office of the Chief Commissioner and other Commissioners, remaining under the prohibitory sentence of Sub-clause (a) of Clause (7), shall be six years from the date of appointment. *Provided that* – (a) if before the expiry of his term, the Chief Commissioner or a Commissioner attains the age of sixty five, he shall retire. (b) the Chief Commissioner or a Commissioner may be removed from his office on the same grounds and in the same manner as has been set forth for the removal of a Judge of the Supreme Court. (4) The office of the Chief Commissioner or a Commissioner shall be deemed vacant under the following circumstances: - (a) if he submits a written resignation to the Prime Minister, (b) if pursuant to Clause (3) his term expires or he is removed from his office, (c) if he dies. (5) No person shall be eligible to be appointed as the Chief Commissioner or a Commissioner unless he possesses the following qualifications: - (a) holds a Bachelor's Degree from a university recognized by the Nepal Government, (b) is not a member of any political party immediately before appointment, (c) has at least twenty years experience and goodwill in the field such as Accounts, Revenue, Engineering, Law, Development or Research, (d) has attained the age of forty five, and (e) possesses high moral character. (6) The remuneration and other conditions of service of the Chief Commissioner and the Commissioners shall be as determined by law. The remuneration and other conditions of service of the Chief Commissioner and the Commissioners shall not, so long as they hold office, be altered to their disadvantage. (7) A person once appointed as the Chief Commissioner or

Commissioner shall not be eligible for appointment in other Government Service. *Provided that* – (a) Nothing in this Clause shall be deemed to bar the appointment of a Commissioner of the Commission for the Investigation of Abuse of Authority as its Chief Commissioner, and when a Commissioner is so appointed as the Chief Commissioner, his term of office shall be computed by including his tenure as Commissioner as well. (b) Nothing in this Clause shall be a bar to appointment to any position of a political nature, or to any position which has the responsibility of making investigations, inquiries or findings on any subject, or to any position which has the responsibility of submitting advice, opinions or recommendations after carrying out studies or research on any subject.

120. Functions, Duties and Powers of the Commission for the Investigation of Abuse of Authority: (1) The Commission for the Investigation of Abuse of Authority may, in accordance with law, conduct or cause to be conducted inquiries into, and investigations of, improper conduct or corruption by a person holding any public office. *Provided that* –this Clause shall not be applicable to any official in relation to whom this constitution itself provides separate provisions and to any official who is provided special provisions by other laws. (2) In the case of constitutional authorities who are impeached and removed from office upon passing a resolution on the ground of improper conduct, Judges removed by the Judicial Council on similar charges and people removed from office according to Army Act, after they are removed from offices an inquiry and investigation may be conducted or cause to be conducted against them as per the law. (3) If any inquiry or investigation carried-out pursuant to Clause (1) finds that any person holding any public office has misused his authority by improper conduct, then the Commission for the Investigation of Abuse of Authority can warn, take departmental action or recommend the concerned authority in writing for any other necessary action. (4) If the Commission for the Investigation of Abuse of Authority finds upon inquiry or investigation carried out pursuant to Clause (1) that a person holding any public office has committed an act which is defined by law as corrupt, then it can lodge a case against such person or any other person involved in the court of law. (5) If upon inquiry or investigation carried out pursuant to Clause (1) it is found that the work of a

person holding any public office falls under the jurisdiction of another officer or agency, then the Commission for the Investigation of Abuse of Authority can write to the concerned officer or agency for necessary action. (6) Subject to this Constitution, other functions, duties, powers and procedures of the Commission for the Investigation of Abuse of Authority shall be as determined by law. (7) The Commission for the Investigation of Abuse of Authority may delegate any of its powers, functions and duties relating to the inquiry, investigation or the lodging of a complaint to the Chief Commissioner, Commissioner or any employee of the Nepal Government to be exercised and complied with subject to specified conditions.

121. Annual report: (1) The Commission for the Investigation of Abuse of Authority in accordance with this Constitution shall submit an annual report to the Prime Minister regarding its work and the Prime Minister shall present such report to the parliament. (2) In addition to the other points, the report pursuant to Clause (1) should also contain details such as the total number of complaints lodged throughout the year at Commission for the Investigation of Abuse of Authority, investigations carried out and cases filed at the court of law, the number of ongoing cases, the number of cases warned, departmental action taken or recommendations for other action, achievements regarding corruption control and reforms required in this context in the future.

PART 12: Auditor - General

122. Auditor- General: (1) There shall be an Auditor General of Nepal. (2) The Auditor General shall be appointed by the Prime Minister on the recommendation of the Constitutional Council. (3) The term of office of the Auditor General shall, remaining within the framework of the law under prohibitory sentence Sub-clause (3) of Clause (7), be six years from the date of appointment. *Provided that*- (a) if before the expiry of his term, the Auditor General attains the age of sixty five, he shall not remain in his post, (b) he may be removed from his office on the same grounds and in the same manner as has been set forth for the removal of a Judge of the Supreme Court. (4) The office of the Auditor General shall be deemed vacant in the

following circumstances:- (a) if he tenders written resignation to the Prime Minister, (b) if his term completes pursuant to Clause (2) or if he does not remain in his position, (c) if he dies. (5) No person shall be eligible as the Auditor General unless he:- (a) holds at least a Bachelor's Degree in Management, Commerce or Accounts from a university recognized by the Nepal Government or has passed the Chartered Accountants' exam and has worked as a special class officer of the Nepal Government or has gained at least twenty years of experience in audit related work, (b) is not a member of any political party immediately before the appointment; (c) has attained forty five years of age, and (d) possesses high moral character. (6) The remuneration and other conditions of service of the Auditor General shall be as determined by law. The remuneration and other conditions of service of the Auditor General shall not be revised to his disadvantage as long as he holds office. (7) A person once appointed as the Auditor General shall not be eligible for appointment in other government services. *Provided that* - Nothing in this Clause shall bar the appointment to any position of a political nature, or carrying out research, inquiries or investigations on any subject matter, or appointment to any position which has the responsibility of submitting advice, opinions or recommendations after carrying out studies or research on any subject matter.

123. Functions, Duties and Powers of the Auditor General: (1) The accounts of the Supreme Court, Parliament, Constituent Assembly, Commission for the Investigation of Abuse of Authority, Auditor General, Public Service Commission, Election Commission, National Human Rights Commission, office of Attorney General and other offices of Constitutional Bodies and the Nepal Army and Armed Police or the Nepal Police and all other government offices and courts shall be audited by the Auditor General in the manner determined by law with due considerations regarding regularity, economy, efficiency, effectiveness and the propriety thereof. (2) The Auditor General shall be consulted in the matter of the appointment of auditors for carrying out the audit of any corporate body in which the Nepal Government owns more than fifty percent of the shares or the assets. The Auditor General may issue necessary directives regarding the principles to be considered for carrying out the audit of such corporate bodies. (3) The Auditor General

and his assistants shall at any time have access to documents concerning accounts for the purpose of executing work as prescribed in Clause (1). It shall be the duty of the concerned office chief to provide all such documents or information sought by the Auditor General or his assistants. (4) The accounts to be audited pursuant to Clause (1) subject to the relevant law shall be carried out in the format prescribed by the Auditor General. (5) In addition to the accounts of the offices referred to in Clause (1) above, it can be provisioned through law that the accounts of any other office or institution be audited by the Auditor General.

124. Annual Report: (1) The Auditor General shall submit an annual report regarding the work carried out to the Prime Minister, and the Prime Minister shall present such report to the parliament. (2) In addition to the other points, the report pursuant to Clause (1) should also contain details such as the audits carried out by the Auditor General throughout the year, the situation of unsettled accounts, the efforts made to settle such accounts and the achievements made so far in this regard, details about corrupt nature cases referred to Commission for Investigation of Abuse of Authority for investigation and the reforms to be made in the future regarding the Audit.

PART 13: Public Service Commission

125. Public Service Commission: (1) There shall be one Public Service Commission in Nepal consisting of a Chairperson and a required number of other members. (2) The Prime Minister on the recommendation of the Constitutional Council shall appoint the Chairman and the other members of the Public Service Commission. (3) At least fifty percent of the total number of members of the Public Service Commission shall be appointed from persons who have worked for twenty or more years in any government service and the remaining members shall be appointed from persons who have done research, investigation, teaching or any other significant work and earned recognition in areas such as science, technology, art, literature, law, public administration, social science or any other sphere of national life. (4) Remaining within the control of the prohibitory sentence of Sub-clause (a) of Clause (8), the term of office of the Chairperson and the members of the Public

Service Commission shall be six years from the date of appointment. (Provided that – (a) if before the expiry of his term, the Chairperson or the member of the Public Service Commission attains the age of sixty five, he shall not remain in the post. (b) the Chairperson and the members of the Public Service Commission may be removed from their offices on the same grounds and in the same manner as has been set forth for removal of a Judge of the Supreme Court. (5) The office of the Chairperson or a member of the Public Service Commission shall be deemed vacant in the following circumstances: (a) if he tenders written resignation to the Prime Minister, (b) if his term completes pursuant to Clause (4) or if he does not remain in his position, (c) if he dies. (6) No person shall be eligible as the Public Service Commission Chairperson or member unless he: (a) holds a Master's degree from a university recognized by the Nepal Government, (b) is not a member of any political party immediately before such appointment; (c) has attained forty five years of age, and (d) possesses high moral character. (7) The remuneration and other conditions of service of the Public Service Commission Chairperson or member shall be as determined by law. The remuneration and other conditions of service of the Chairperson and members shall not be revised to their disadvantage as long as they hold office. (8) A person once appointed as the Public Service Commission Chairperson or member shall not be eligible for appointment in other government services. *Provided that*– (a) Nothing in this Clause shall bar the appointment of a member of the Public Service Commission to be the Chairperson of the Commission, and when a member is so appointed as the Chairperson, his term of office shall be computed by including his tenure as member as well. (b) Nothing in this Clause shall bar the appointment to any position of a political nature, or carrying out research, inquiries or investigations on any subject matter, or appointment to any position which has the responsibility of submitting advice, opinions or recommendations after carrying out studies or research on any subject matter.

126. Functions, Duties and Powers of the Public Service Commission: (1) It shall be the duty of the Public Service Commission to conduct examinations for the selection of suitable candidates to be appointed to Civil Service posts. **Explanation**: For the purposes of this Article, all services and

positions in the Nepal Government except Army Officers or Soldiers and armed police or the police service and such other services and positions excluded by the Act from the Civil Service are included within the Civil Service. (2) There shall be no permanent appointment to any pension reaping position of the Civil Service without consultation with the Public Service Commission. (3) Consultation of the Public Service Commission should be taken on the following subjects: - (a) Matters concerning the law related to the Civil Service terms and conditions, (b) Principles to be followed regarding the appointment, promotion and departmental action in Civil Service or positions, (c) Appropriateness of any candidate for appointment to a Civil Service position for a period of more than six months, (d) Appropriateness of any candidate for transfer from one civil service to another or from any other government service to the civil service, (e) While carrying out permanent transfer or promotion of any employee working in any position which does not require consultation of the Public Service Commission to any position that requires consultation of the Public Service Commission, and (f) Matters regarding departmental actions against any civil service employees. (4) Notwithstanding anything contained in Clause (3), subject matters falling within the purview of the Judicial Service Commission pursuant to Article 144 shall be governed by that Article. (5) Consultation of the Public Service Commission should be taken for the application of general principles with regards to appointments and promotions in the army service, the armed police service or the police service or any other government service position. (6) The Public Service Commission may provide advice in response to a request from any Public Enterprise with regard to the application of general principles in relation to terms and conditions of service according to existing laws, and to appropriate action to be taken in regard to appointments and promotion. **Explanation**: For the purpose of this Article, "Public Enterprise" refers to organized institutions in which the Nepal Government has fifty percent or more shares or assets in its control. (7) The Public Service Commission may delegate any of its functions, duties and powers to any of its members, a committee of such members or any employee of the Nepal Government, to be exercised and complied with subject to specified conditions.

(8) Subject to this Constitution, other functions, duties and operational procedures of the Public Service Commission shall be as determined by law.

127. Annual Report: (1) Each year, the Public Service Commission shall submit an annual report of its work to the Prime Minister and the Prime Minister shall present the report before the Parliament. (2) In addition to other points, the report pursuant to Clause (1) should also contain information such as details of exams conducted by the Public Service Commission throughout the year for recruiting applicants, details about the successful applicants, details about advice provided to various agencies, consultation provided as regards to departmental action and punishment of civil service employees, details regarding whether work was executed as advised, details as regards to any consultancy provided for the application of the general principle on matters such as appointment, promotion and departmental action for any government service post and the details of the reform of the civil service in the future.

PART 14: Election Commission

128. Election Commission: (1) There shall be one Election Commission in Nepal that shall consist of a Chief Election Commissioner and up to four other Commissioners. If, apart from the Chief Election Commissioner, other Election Commissioners are appointed, the Chief Election Commissioner shall act as the Chairman of the Election Commission. (2) The Prime Minister, on the recommendation of the Constitutional Council, appoints the Chief Election Commissioner and other Election Commissioners. (3) As per the restrictive provisions of part (a) of Sub-clause (7) the term of office of the Chief Election Commissioner and other Election commissioners shall be six years from the date of appointment. *Provided that*– (a) If before the expiry of his term, the Chief Election Commissioner or an Election Commissioner attains the age of sixty five, he shall retire. (b) The Chief Election Commissioner and other Election Commissioners may be removed from their offices on the same grounds and in the same manner as has been set forth for removal of a Judge of the Supreme Court. (4) The office of the Chief Election Commissioner or an Election Commissioner shall be deemed vacant in the following

circumstances: - (a) if he submitted his resignation to the Prime Minister in writing, (b) if pursuant to Sub-clause (3) his term expires or he is removed from his office. (c) if he dies. (5) No person shall be eligible to be appointed as the Chief Election Commissioner or an Election Commissioner unless s/he: (a) holds a Bachelor's Degree from a university recognized by the Nepal Government, (b) is not a member of any political party immediately before appointment, (c) has attained the age of forty five, and (d) possesses high moral character. (6) The remuneration and other conditions of service of the Chief Election Commissioner and the Election Commissioners shall be as determined by law. The remuneration and other conditions of service of the Chief Election Commissioner and the Election Commissioners shall not, so long as they hold office, be altered to their disadvantage. (7) A person once appointed to the office of the Chief Election Commissioner or an Election Commissioner shall not be eligible for appointment in other Government Services. *Provided that*- (a) Nothing in this Sub-clause shall bar the appointment of an Election Commissioner as Chief Commissioner, and when a Commissioner is so appointed as the Chief Commissioner, his term of office shall be computed including his tenure as Commissioner. (b) Nothing in this Sub-clause shall be a bar to appointment to any position of a political nature, or to any position which has the responsibility of making investigations, inquiries or findings on any subject, or to any position which has the responsibility of submitting advice, opinions or recommendations after carrying out studies or research on any subject.

129. Functions, Duties and Powers of the Election Commission: (1) The Election Commission shall, subject to the provisions of this Constitution and other laws, conduct, supervise, direct and control the elections to Constituent Assembly and Local Authorities and the referendum to be held pursuant to Article 157 of this constitution. For these purposes, the Election Commission shall prepare the electoral rolls of voters. (2) If, after nominations for election of the members of Constituent Assembly have been filed but before the election is completed, a question arises as to whether a candidate is disqualified or has ceased to possess the qualifications set forth in Article 65, a final decision thereon shall be made by the Election

Commission. (3) The Election Commission may delegate any of its functions, duties and powers to the Chief Election Commissioner, a Commissioner or any employee of the Nepal Government to be exercised and complied with subject to specified conditions. (4) Subject to this Constitution, other functions, duties and working procedures of the Election Commission shall be as regulated by law.

130. The Nepal Government to Provide Necessary Employees to the Election Commission: The Nepal Government shall provide such necessary employees and other things as may be required to carry out the functions of the Election Commission in accordance with this Constitution.

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PART 15: National Human Rights Commission

131. National Human Rights Commission: (1) There shall be a National Human Rights Commission in Nepal, and there shall be the Chairperson and the Members as follows: (a) One person from amongst the retired Chief Justices or Justices of the Supreme Court or the reputed persons who have provided outstanding contribution in the field of protection and promotion of human rights or social work – Chairperson, (b) Four persons from amongst the reputed persons who have provided outstanding contribution in the field of protection and promotion of human rights or social work - Members. (2) The appointment of Chairperson and Members in the National Human Rights Commission shall ensure representation from all fields including the woman. (3) The Prime Minister shall, on the recommendation of the Constitutional Council appoint the Chairperson and the Members of the National Human Rights Commission. (4) The term of the office of the Chairperson and the Members of the Commission shall be six years from the date of appointment. However, the Chairperson and the Members of the Commission shall be removed from his/her office on similar basis and way as provided to the Justice of the Supreme Court. (5) The position of the Chairperson and the Members shall be considered vacant under the following circumstances: (a) in case of acceptance of written resignation by the Prime Minister, (b) in case of completion of the term or not in the office under clause 4, (c) in case of death. (6) No person shall be appointed

for term of the Chairperson or the Members without having the following qualifications: (a) received the Master's Degree from the university recognized by the Government of Nepal, (b) maintained high moral character. (7) The remuneration, facilities and other conditions of service of the Chairperson and Members of the National Human Rights Commission shall be as prescribed by the law. Such conditions of the remuneration and services shall not be changed inappropriately during their term. (8) The person once appointed as the Chairperson or the Members of National Human Rights Commission shall not be eligible for appointment in any other government service. *However*, this clause shall not be considered as an obstacle to perform any work for any political position or in any position in order to carry out investigation, inquires and examination on any matter or for appointment in any position to provide recommendation, suggestion and idea following study and research of such matter.

132. Functions, Duties and Jurisdiction of the National Human Rights Commission: (1) The primary duty of the National Human Rights Commission shall be to guarantee the respect, protection and promotion of the human rights and their effective implementation. (2) In order to perform the responsibility mentioned in clause 1, the Commission may carry out the following functions: (a) Conduct inquiries and investigations, and recommend for action against the perpetrator on the matters of violations of human rights of a person or a group of persons, upon a petition or complaint presented to the Commission by the victim himself /herself or any person on his /her behalf or upon information received from any source, or on its own initiative; (b) Recommend to the concerned authority for the departmental action against the authority who does not perform his/her duty or responsibility to prevent the violations of the human rights or show carelessness or negligence in performing such responsibility; (c) Recommend to file the petition in the court in accordance with the law against the person violated the human rights, in case of necessity; (d) Communicate and coordinate with the civil society to raise human rights awareness; (e) Recommend to the concerned authority giving clear reason and basis for the departmental action punishment against the violator/s of human rights; (f) Review the provisions

of the human rights provided at the prevailing law and submit necessary recommendations to the Government of Nepal for revision and modification on such provisions; (g) Recommend with reasons to the Government of Nepal to sign the international treaties and instruments on human rights and in case of the provided treaties and instrument, monitor their implementation and if found not being implemented, submit the necessary and appropriate recommendations to the Government of Nepal for effective implementation of such provisions, (h) Publicize the names of official, person or agency not following or implementing the recommendations and directions of the National Human Rights Commission regarding the violations of human rights and recorded them as the human rights violators in accordance with law. (3) The National Human Rights Commission in performing its functions and duties shall use the following powers: (a) Shall use the powers as a court may have, in respect to requiring any person to appear before the Commission for recording his/her statement and information within his knowledge, receiving and examining evidence, ordering for the production of any document; (b) Enter without prior notice, to any person or his/her residence or office, search and seize any evidence related to human rights violations, upon receiving the information of incidents or anticipated incidents of human rights violations at the Commission by any source; (c) Enter any government premises or other places without prior notice and rescue, requiring for the immediate action upon receiving the information on violation of human rights of a person; (d) Order for the compensation as accordance to the law, to the victims of human rights violations; (e) Shall use or order to use of other powers and perform the duties as provided in the law. (4) Provided that nothing in this article, any matter within the jurisdiction of the Military Act, the National Human Rights Commission shall not have jurisdiction. *However*, provided that nothing will bar the Commission from carrying out the functions with respect to violations of human rights and humanitarian laws.

133. Yearly Report: (1) Under this Constitution, National Human Rights Commission shall submit the yearly report of its activities to the Prime Minister and the Prime Minister shall arrange such report to be laid before the Parliament. (2) The report

submitted as under clause 1 shall constitute besides other details, the description of complaints registered at the Commission throughout the year, description of examinations and investigations of such complaints, recommendations made to the Government of Nepal for various matters, numbers of the cases if filed in the court against the person violated human rights, description of areas to improve in future regarding the protection and promotion of human rights.

Part 16: Attorney - General

134. Appointment of the Attorney - General: (1) There shall be one Attorney General in Nepal who shall be appointed by the Prime Minister. The tenure of the Attorney General shall be at the discretion of the Prime Minister. (2) No person without the qualifications of a Supreme Court Judge shall be eligible to be appointed the Attorney General. (3) The post will be considered vacant under the following circumstances: (a) If the incumbent Attorney General submits a letter of resignation to the Prime Minister. (b) If the Prime Minister releases Attorney General from the office. (c) In case of death of the Attorney General. (4) The remuneration and other facilities and perks of the Attorney General will be at par with that of a judge of the Supreme Court. The other terms and conditions of the post shall be determined by the law.

135. Functions, Duties and Rights of the Attorney - General: (1) The Attorney General shall be the Chief Legal Advisor for the Government of Nepal. To provide legal advice to the Government of Nepal and or the person designated by the Government shall be the duty of the Attorney General. (2) In litigations pertaining to matters of rights, welfare and other matters that concern the government, the Attorney General or the officers under his purview shall represent the Nepal Government. *Unless* this constitution otherwise requires the final decision, to initiate legal action in the court of law or before a notary on behalf of the Nepal Government shall rest with the Attorney General. (3) While discharging duties in accordance to Clause (2) the Attorney General shall enjoy the following rights: (a) To defend on behalf of Nepal Government either as plaintiff or defendant in litigation. (b) To monitor/ review the interpretation of law or implementation the legal

principles propounded by the Supreme Court in the light of the litigations. (c) The Attorney General shall investigate and give necessary directions to the concerned authorities to prevent cases of inhuman treatment in custody, and or when the person in custody is not allowed to meet relatives or meet through legal professional. (4) In addition to the function, duties and rights as expressed in this article the Attorney General's functions, duties and rights shall be determined by this constitution and other laws. (5) In the discharge of his duties the Attorney General enjoys the right to have access to all the Courts of law, Offices and officers of Nepal. (6) Acting in accordance to and within the purview of the functions, duties and rights prescribed in this article the Attorney General can delegate his authority to an officer under his jurisdiction.

136. Annual Report: (1) The Attorney General shall prepare a report of the execution of his duty in accordance to this constitution and other laws and submit the report to the Prime Minister, who in turn will make arrangements to present the same to the Management Council. (2) In the report as per clause (1) in addition to other things the report shall enumerate the number of constitutional and legal advises given in the year by the Attorney General, a summary of the litigations with the government as plaintiff, summary of the cases both with government as the plaintiff and the defendant, a summary of crime and improvements to be made in the future in cases where the government is the defendant.

137. Right to access to the Legislature-Parliament: The Attorney - General enjoys the right to be present in the Legislature-Parliament and attend any of its committees' meetings and express opinions on legal issues. But the Attorney General does not enjoy the right to vote.

PART 17: State Structure & Local Autonomous Bodies

138. Progressive Restructuring of the State: (1) To bring about an end to the discrimination based on class, caste, language, culture, religion and region by discarding the centralized and unitary form of government and to make the state more inclusive, democratic and progressive restructuring will be done. (2) To restructure the state in accordance to clause (1) a High Level Committee will be instituted. The composition,

function, duty, rights and conditions of service will be determined by the Government of Nepal. (3) The Constitution Assembly will have the final say in the restructuring of the State.

139. Provision for Regional Autonomy: (1) Arrangements will be made to set up offices for Regional Autonomous Governments to ensure the people's exercise of their sovereignty by creating congenial atmosphere and thereby ensuring maximum peoples' participation in the country's governance, and also by providing services to the people at the local level and for the institutional development of democracy, based on the principle of decentralization and by guaranteeing the rights. (2) All the consenting parties to the agreement reached on the 22nd day of Kartik 2063 BS; Nepali Congress, Nepal Communist Party (UML), Nepali Congress (Democratic), Jana Morcha, Nepal Sadhbhavana party (Anandidevi), Nepal Majdur Kishan party and United Left Front and Nepal Communist Party (Maoist) have all agreed to the forming of interim local self governments at the District, City and Village level. (3) The organizational structure and regional area and the formation process of the local self governments will be in accordance to the law.

140. Mobilization and Management of Revenue: (1) For local development the strengthening of agencies for autonomous governance through mobilization of resources, identification formulation and execution of local programmes, by maintaining a balanced and judicious distribution of the fruits of exploitation of resources and development making the local governance bodies answerable as prescribed by law there shall be distribution of responsibilities and resources between the Nepal government and the Local Autonomous governance agency. (2) Distribution and mobilization of the revenue should be aimed at a balanced and equitable development of the nation and overall development of the socially and economically backward classes and communities should be kept in mind in accordance to Clause 1.

Part 18: Political Parties

141. Prohibition on the Imposition of Restrictions on Political Parties: (1) Persons who are committed to common political

ideology, philosophy and programme shall, remaining within the framework of the law under prohibitory sentence (3) of sub-clause (3) of Article 12 of this Constitution, be entitled to form and operate political parties of their choice. To garner public support and assistance for their ideology, philosophy and programme, they can carry out or cause to carry out publicity and any other activities for that purpose. Any law, arrangement or decision which restricts any such activities shall be considered inconsistent with this Constitution and shall *ipso facto* be void. (2) Any law, arrangement or decision which allows for participation or involvement of only a single political party or persons having a single political ideology, philosophy or program in the elections, political system of the country or conduct of State Affairs shall be considered inconsistent with this Constitution and shall *ipso facto* be void. (3) Political Parties with the objectives contrary to the spirit and main sentiment of the preamble of this constitution shall not be considered fit for the party registration.

142. Registration required for securing recognition for the purpose of contesting elections as a political party: (1) Any political party wishing to secure recognition from the Election Commission for the purposes of elections shall be required to register its name with the Election Commission as per the procedure determined by the Commission. Political parties failing to do so, their names shall be removed from the list of the Election Commission. (2) While applying for the registration pursuant to Sub-clause (1), a political party shall, along with its constitution, manifesto and the rules, have to clarify the following details: - (a) The name of the political party and its central office address, (b) The names and addresses of the members of its Executive Committee or any such other committee, (c) The income source of the proposed political party and the details of such sources. (3) Political parties shall have to fulfill the following conditions while filing an application pursuant to Sub-clause (1): - (a) The constitution and the rules of the political party must be democratic, (b) The constitution or the rules of the political party must have provision for election of office bearers in all levels at least once every five years, (c) In the executive committee of all levels, an inclusive system should be followed with the provision for the inclusion of women, Dalit including the members from neglected and

suppressed regions, (d) In the constitution of the party there should be an effective system of making the members of the party disciplined. (4) The Election Commission shall not register any political party if any Nepali citizen is discriminated against becoming a member of the political party on the basis of religion, caste, tribe, language or sex or if the name, objectives, insignia or flag of such political parties is of a nature that would disturb the religious or communal harmony or of the nature to divide the country or such party constitution or rules are for purposes of protecting and promoting a party-less or single party system of governance. (5) For the purpose of the registration of a party for election, an application with a signature of at least 10,000 voting supporters shall be necessary. *Provided that* – in the case of the parties representing in the Interim Legislature-Parliament, this provision shall not be applicable. (6) The establishment, registration, recognition and other points except those stated in this part shall be as provisioned in the law.

PART 19: Emergency Power

143.Emergency Power: (1) If a grave crisis arises in regard to the sovereignty, integrity, or the security of Nepal or any part thereof, whether by war, external invasion, armed rebellion or extreme economic disarray, the Council of Minister of the Government of Nepal may, by Proclamation, declare or Order a state of emergency to be enforced in any specified part or the whole of Nepal. (2) The Proclamation or the Order pursuant to clause (1) shall be presented to the meeting of the Legislature for approval within a month of the issuance of the order. (3) If the two-thirds members present in the meeting of the Legislature-Parliament Proclamation or Order pursuant to clause (2), the proclamation or the decree will come into force for three months from the date of its issuance. (4) If the Proclamation or the Order presented before the meeting of the Legislature-Parliament is not approved pursuant to clause (3), the Proclamation or the Order shall be immediately deemed null and void. (5) The two-thirds majority of the members of the Legislature-Parliament present in the meeting may extend the Proclamation or Order for the state of emergency through a resolution for one other period not

exceeding three months as stated in the proposal presented to the Parliament prior to the expiry of the period pursuant to clause (3), stating that the circumstances pursuant to clause (1) continue to exist. (6) The Council of Minister of the Government of Nepal may issue an Order to revoke the state of emergency pursuant to clause (1) after the Proclamation or the issuance of the Order. The Orders issued in this manner shall be operative with the same force and effect as law so long as the state of emergency lasts. (7) During the time of the Proclamation or issuance of Order of the state of emergency pursuant to clause (1) or so long as the Proclamation or Order is in operation, the provision of fundamental rights in Part 3 may be suspended. *However*, Articles 13, 14, 16, 17, 18, 20, 21, 22, 23, 26, 29, 30 and 31, and the rights to constitutional remedy and habeas corpus relating to such Articles shall not be suspended. (8) If, any Article of this constitution is suspended pursuant to clause (7), no questions shall be raised or an appeal be made in any law court regarding the use of the fundamental rights provided by this Article. (9) If, during the continuance of a Proclamation or Order pursuant to clause (1), any damage is inflicted upon any person by an act of any official done in contravention of law or in bad faith, the affected person may, within three months from the date of termination of the Proclamation or Order, file a petition for compensation for the said damage and if the court finds the claim valid, it shall cause the compensation to be delivered. (10) The Council of Minister of the Government of Nepal may, at any time, revoke the Proclamation or Order relating to the state of emergency pursuant to clause (1), while it is still operative.

PART 20: Provisions Regarding Army

144. Formation of Nepali Army: (1) The Nepal shall have an organized Army. (2) The Council of Ministers shall appoint the commander-in-chief of the Nepali Army. (3) The Council of Ministers shall control, mobilize and manage the Nepali Army in accordance with the law. The Council of Ministers, with the consensus of the political parties and by seeking the advice of the concerned committee of the Legislature-Parliament, shall formulate an extensive work plan for the democratization of the Nepali Army and implement it. (4) While formulating and

implementing the action plan pursuant to Article (3) the appropriate number, democratic mechanism and inclusive character for the army shall be developed, and training imparted in accordance with the norms and values of human rights and democracy. (5) The other matters pertaining to the Nepali Army shall be in accordance with the provision of the law.

145. National Security Council: (1) In order to recommend the Council of Ministers for mobilization, activation and the use of the Nepali Army, a National Security Council shall be formed with the following chairman and members: (a) Prime Minister, Chairman (b) Defense Minister, Member (c) Home Minister, Member (d) Three ministers nominated by the Prime Minister, Members. (2) In case the same person happens to be the Prime Minister and the Defense Minister, the senior most member of the Council of Ministers shall be the member of the National Security Council. (3) If, the National Security Council deems it necessary, it may invite other persons to the Council's meeting. (4) The secretary of the Ministry of Defense shall work as the secretary of the National Security Council, and, in his absence, the officer designated by the Prime Minister shall perform the work of the secretary. (5) Except for the events of natural calamities, the decision made by the Council of Ministers of the Government of Nepal for the mobilization of the Nepali Army will have to be presented to the special committee prescribed by the Legislature-Parliament and approved within a month of the decision. (6) The National Security Council shall systematize its own working procedures.

146. Interim management of combatants: The Council of Minister shall form a special committee for the monitoring, adaptation and rehabilitation of the combatants of the Maoist Army, and the functions, duties and powers of the committee shall be as determined by the Council of Ministers.

147. Arms management and monitoring: The other arrangements pertaining to the management and monitoring of the army and its arsenal shall be done in accordance with the 'Broad Peace Deal' reached between the Government of Nepal and Nepal Communist Party (Maoist) on 5 Mangsir 2063 (21 November 2006) and the agreement regarding the 'Management and Monitoring of the Army and its Arsenal' reached on 22 Mangsir 2006 (8 December 2006).

PART 21: Amendment of the Constitution

148. Amendment of the Constitution: (1) The ordinance regarding the amendment or abolition of any Article of the Constitution may be presented at the Legislature-Parliament. (2) The ordinance shall be deemed approved if the ordinance so presented at the Legislature-Parliament is ratified by at least two-thirds majority of the total number of members immediately present there.

PART 22: Miscellaneous

149. Constitutional Council: (1) There shall be a Constitutional Council to recommend the appointment of officials to the Constitutional Bodies formed under this Constitution. The Council shall consist of the following chairman and members: a) Prime Minister, Chairman (b) Chief Justice, Member (c) Speaker of the legislature-Parliament, Member (d) Three ministers designated by the Prime Minister, Members. (2) When the position of the Chief Justice falls vacant and a recommendation has to be made for the same, the Minister for Justice shall be in the Constitutional Council as a member. (3) The procedures regarding the appointment of the officials of the Constitutional Bodies, and the functions, duties and powers, and working procedures of the Council shall be as determined by the law. (4) The chief secretary of the Government of Nepal shall work as the secretary of the Constitutional Council.

150. Nepalese Ambassador and special emissary: The Council of Minister may appoint the Nepalese Ambassador and other special emissaries for specified purposes.

151. Provision regarding Pardon: The Council of Ministers may grant pardon, suspend, commute or remit any sentence passed by any law court, special court, military court or any other judicial or quasi-judicial, or administrative authority or institution.

152. Titles, Honors, and Decorations: (1) The titles, honours or decorations to be conferred on behalf of the State shall be conferred by the Prime Minister. (2) No citizen of Nepal shall, without the approval of the Government of Nepal, accept titles, honours and decorations from any foreign country.

153. Constitution of Civil Service: The Government of Nepal may, in order to run the administration of the country, constitute civil services and other necessary government services. The constitution, operation, and terms and conditions for such services shall be as determined by an Act.

154. Formation of Commissions: The Government of Nepal may form necessary commissions to safeguard and promote the rights and interests of women, Dalits, indigenous communities, ethnic groups, Madhesi, physically impaired, labourers and farmers including various regions of the country. The provisions for the formation, functions, duties and powers of such commissions shall be as determined by the law.

155. Parliamentary Hearing of Public Authorities of Constitutional Bodies and Provisions regarding Citizenship: (1) There shall be a parliamentary hearing pursuant to provisions of law prior to the appointment of authorities to the Constitutional Bodies under this Constitution. (2) In order to be eligible for appointment to constitutional positions under this Constitution, a person must either be a citizen of Nepal by descent or birth or be a naturalized citizen who has lived in Nepal for ten years.

156. Ratification of, accession to, acceptance of or approval of treaty or agreements: (1) The ratification, accession to, acceptance of or approval of treaties or agreements to which the State of Nepal or the Government of Nepal is a party, shall be as determined by the law. (2) The laws to be made pursuant to clause (1) shall, inter alia, require that the ratification of , accession to, acceptance of or approval of treaty or agreements on the following subject be done only after securing two-thirds majority of the total number of members of the Legislature-Parliament present in the House. (a) Peace and friendship, (b) Security and strategic alliance (c) The boundary of Nepal, and (d) Natural resources and the distribution of their uses. *Provided that* out of the treaties and agreements referred in the sub-clauses (a) and (d), if any treaty or agreement is of ordinary nature and, which does not affect the nation extensively, seriously, or in the long-term, the ratification of, accession to, acceptance of or approval of such treaty or agreement may be done at a meeting by the simple majority of the members of the Legislature-Parliament present in the House.(3) After the

commencement of the Constitution, unless a treaty or agreement is ratified, acceded to, accepted or approved in accordance with this Article, it shall not be binding to the Government of Nepal or the State of Nepal.(4) Notwithstanding anything written in clauses (1) and (2), no treaty or agreement shall be concluded that may have detrimental effect on the territorial integrity of Nepal.

157. Decision to be made through referendum: (1) If, the Constituent Assembly maintains that it is necessary to make a decision on a matter of national importance other than the provisions made elsewhere in the constitution, and is decided by a majority of a two-thirds of the total number of the members present, decision may be reached on such matter through a referendum. (2) The procedures pertaining to making decision pursuant to clause (1) shall be as determined by the law.

158. Power to remove difficulties: If any difficulty arises in connection with the implementation of this Constitution, the Council of Ministers may issue necessary Orders to remove such difficulties, and such Orders shall have to be endorsed by the Legislature-Parliament or the constituent assembly within a month.

PART 23: Transitional Provisions

159. Provisions regarding the king: (1) No power regarding the governance of the country shall be vested in the king. (2) The Prime Minister shall perform all works pertaining to the governance and operation of the country. (3) Notwithstanding whatever is written elsewhere in this Constitution about whether or not to give continuance to monarchy, the simple majority in the first meeting of the constitutional assembly shall decide on it. (4) The property of late King Birendra, Queen Aisharwa and other members of the family shall be brought under the control of the Government of Nepal, and a Trust shall be established to use the property for the benefit of the nation. (5) All the property acquired by King Gyanendra in the capacity of a king (for instance: the palaces in different parts of the country, forests and national parks, heritage sites of historical and anthropological importance etc) shall be nationalized.

160. Provisions regarding Council of Ministers: (1) The Council of Minister subsisting at the time of the commencement of this Constitution shall be deemed as constituted under this Constitution. (2) The Council of Ministers constituted pursuant to clause (1) shall continue to work until the Council of Minister is constituted pursuant to Article 38.

161. Provisions regarding Legislature-Parliament: (1) Immediately after the commencement of this Constitution, the Legislature-Parliament shall be constituted under this Constitution. (2) After the commencement of this Constitution, the subsisting House of Representatives and the National Assembly shall automatically cease to subsist, and the first meeting of the Legislature-Parliament under this Constitution shall convene. (3) The ordinances that were under consideration in the House of Representatives at the time of the commencement of this Constitution shall be transferred to the Legislature-Parliament under this Constitution. (4) The Parliamentary Secretariat and officials and the staff working in the Secretariat at the time of the commencement of this Constitution shall be deemed as the Secretariat of the Legislature-Parliament and appointed officials and staff of the Secretariat to be maintained under this Constitution.

162. Provisions regarding Judiciary: (1) The Supreme Court, Appellate Court and District Courts subsisting at the time of the commencement of this Constitution shall be deemed as constituted under this Constitution, and the Constitution shall not be deemed as hindering the decisions of concerned courts on the cases filed prior to the commencement of this Constitution. (2) The judges working in the Supreme Court, Appellate Court and District Courts after the commencement of this constitution shall take the oath of commitment to this Constitution as determined by the Government of Nepal. The judges who decline to take oath shall automatically be considered exempt from the position. (3) Necessary legal arrangements shall be made on the basis of democratic norms and values to bring about gradual reform in the judicial sector to make it independent, clean, impartial and strong.

163. Provisions regarding Constitutional Bodies and Authorities: (1) The Constitutional Bodies and officials thereof subsisting at the time of the commencement of this Constitution, but

which are not reestablished under this Constitution, shall cease to subsist after the commencement of this Constitution. (2) The Constitutional Bodies subsisting at the time of the commencement of this Constitution shall be deemed as constituted under this Constitution, and this Constitution shall not be deemed a hindrance in the continuance of pending cases in the Bodies according to the existing laws. Necessary legal arrangements shall be made to bring about gradual reform in the Constitutional Bodies and the officials thereof according to democratic norms and values. (3) The subsisting National Human Rights Commission constituted according to existing laws shall continue to subsist until the constitution of a National Human Rights Commission as provisioned in this Constitution, and the pending petitions and complaints shall be transferred to the National Human Rights Commission constituted under this Constitution. The Commission shall take up the procedures of such petitions and complaints in accordance with the Constitution and the laws made under this Constitution.

164. Existing laws to Remain in Operation: (1) The decisions made and works performed by the reinstated House of Representatives that are not inconsistent with this Constitution shall be deemed as made and performed in accordance with this Constitution. (2) All the laws in force at the time of the commencement of this Constitution shall remain in operation until repealed or amended. *Provided that* laws inconsistent with this Constitution shall, to the extent of inconsistency, *ipso-facto* cease to operate three months after the commencement of this Constitution.

PART 24: Definition

165. Definition: (1) unless the context otherwise requires, in this constitution; (a) "article" means to article of this constitution. (b) "Nepal" means the state. (c) "citizen" means the citizen of Nepal. (d) "bill" means a proposed law presented in the Constituent Assembly or the Management Council. (e) "remuneration" means salary, fiscal allowance, fiscal compensation and any other kind of remuneration or facilities. (2) Unless the subject and context otherwise requires, the prevailing Laws of Nepal relating to interpretation shall, subject

to the provisions of this Constitution, apply to the interpretation of this Constitution in the same manner as that law applies to the interpretation of the Laws of Nepal.

PART 25: Short Title, Commencement and Abrogation

166. Short title and commencement: (1) this Constitution shall be called "Interim Constitution of Nepal, 2063. (2) This constitution shall be promulgated by the House of Representatives and approved by interim Legislature-Parliament. The detailed procedures regarding the implementation of this Constitution shall as described in Schedule II. (3) The 'Comprehensive Peace Accord" between the Government of Nepal and the Communist Party of Nepal (Maoist) on Mangsir 5, 2063, and an agreement relating to "Monitoring of arms and army management" reached on Mangsir 22, 2063 shall be in Schedule III (4) This Constitution shall come into force from Monday, Magh one of year two thousand sixty three (15 January, 2007).

167. Repeal: The Constitution of the Kingdom of Nepal 2047 has now been repealed.

Schedule-1: (Relating to Article 5)

NATIONAL FLAG

(A) Method of Making the Shape inside the Border

(1) On the lower portion of a crimson cloth draw a line AB of the required length from left to right. (2) From A draw a line AC perpendicular to AB making AC equal to AB plus one third AB. From AC mark off D making line AD equal to line AB. Join BD. (3) From BD mark off E making BE equal to AB. (4) Touching E draw a line FG, starting from the point F on line AC, parallel to AB to the right hand-side. Mark off FG equal to AB. (5) Join CG.

(B) Method of Making the Moon

(6) From AB mark off AH making AH equal to one-fourth of line AB and starting from H draw a line HI parallel to line AC touching line CG at point I. (7) Bisect CF at J and draw a line JK parallel to AB touching CG at point K. (8) Let L be the point where lines JK and HI cut one another. (9) Join JG. (10) Let M

be the point where line JG and HI cut one another. (11) With centre M and with a distance shortest from M to BD mark off N on the lower portion of line HI. (12) Touching M and starting from O, a point on AC, draw a line from left to right parallel to AB. (13) With centre L and radius LN draw a semi-circle on the lower portion and let P and Q be the points where it touches the line OM respectively. (14) With centre M and radius MQ draw a semi-circle on the lower portion touching P and Q. (15) With centre N and radius NM draw an arc touching PNQ at R and S. Join RS. Let T be the point where RS and HI cut one another. (16) With centre T and radius TS draw a semi-circle on the upper portion of PNQ touching it at two points. (17) With centre T and radius TM draw an arc on the upper portion of PNQ touching at two points. (18) Eight equal and similar triangles of the moon are to be made in the space lying inside the semi-circle of No. (17) and outside the arc of No. (17) of this Schedule.

(C) Method of Making the Sun

(19) Bisect line AF at U, and draw a line UV parallel to AB line touching line BE at V. (20) With centre W, the point where HI and UV cut one another and radius MN draw a circle. (21) With centre W and radius LN draw a circle. (22) Twelve equal and similar triangles of the sun are to be made in the space enclosed by the circles of No. (20) and No. (21) with the two apexes of two triangles touching line HI.

(D) Method of Making the Border

(23) The width of the border will be equal to the width TN. This will be of deep blue colour and will be provided on all the sides of the flag. However, on the five angles of the flag the external angles will be equal to the internal angles. (24) The above mentioned border will be provided if the flag is to be used with a rope. On the other hand, if it is to be hoisted on a pole, the hole on the border on the side AC can be extended according to requirements. **Explanation**: - The lines HI, RS, FE, ED, JG, OQ, JK and UV are imaginary. Similarly, the external and internal circles of the sun and the other arcs except the crescent moon are also imaginary. These are not shown on the flag.

Schedule-2:
Relating to Clause (1) of Article 45

(A) Members according to Clause (1) of Article 45

Members of the House of Representatives
1. Mr. Ajaya Kumar Chaurasia Barai, Parsa-2
2. Mr. Ajaya Pratap Shah, Kapilbastu-4
3. Mr. Arjun Jung Bahadur Singh, Bajhang-1
4. Mr. Arjun Prasad Joshi, Parbat-1
5. Astha Laxmi Shakya (Bohora), Kathmandu-6
6. Mr. Ananda Prasad Dhungana, Dhanusha-3
7. Mr. Ananda Prasad Pokhrel, Dolakha-2
8. Mr. Aamod Prasad Upadhyaya, Morang-1
9. Mr. Ishwar Pokhrel, Kathmandu-3
10. Mr. Umakanta Chaudhari, Bara-1
11. Ms. Urmila Aryal, Parsa-4
12. Mr. Hrishikesh Gautam, Bara-3
13. Mr. Eknath Ranabhat, Chitwan-2
14. Mr. Om Prasad Ojha, Taplejung-2
15. Mr. Kamal Prakash Sunuwar, Ramechhap-1
16. Ms. Kamala Panta (Acharya), Gorkha-2
17. Mrs. Kashi Paudel, Bardiya-1
18. Ms. Kunta Sharma, Sunsari-1
19. Mr. K.P. Sharma Oli, Jhapa-2
20. Mr. Keshar Man Roka, Rukum-1
21. Mr. Keshav Thapa, Ilam-3
22. Mr. Kailash Nath Kashaudhan, Banke-3
23. Mr. Krishna Kishore Ghimire, Dang-3
24. Mr. Krishna Pratap Malla, Dhanusha-4
25. Mr. Krishna Prasad Dahal, Makwanpur-1
26. Mr. Krishna Prasad Bhattarai, Parsa-1
27. Mr. Krishna Prasad Sitaula, Jhapa-1
28. Mr. Krishna Lal Maharjan, Lalitpur-2
29. Mr. Khum Bahadur Khadka, Dang-1
30. Mr. Khem Raj Bhatta Mayalu, Bardiya-3
31. Mr. Girija Prasad Koirala, Sunsari-5
32. Mr. Gehendra Giri, Dang-4
33. Mr. Gokarna Raj Bista, Gulmi-3
34. Mr. Gopal Prasad Koirala, Jhapa-6
35. Mr. Gopal Man Shrestha, Shyanja-2
36. Mr. Gorakh Bahadur Bogati, Humla
37. Mr. Govinda Bahadur Shah, Achham-1
38. Mr. Govinda Raj Joshi, Tanahu-1
39. Mr. Govinda Bikram Shah, Jajarkot-1
40. Dr. Gangadhar Lamsal, Chitwan-3
41. Mr. Ganga Prasad Nepal, Sindhuli-1
42. Mr. Ghanendra Basnet, Bhojpur-1
43. Mr. Chakra Prasad Bastola, Jhapa-4
44. Mr. Chandra Bahadur Shahi, Mugu
45. Mr. Chandra Mani Kharal, Nawalparasi-2

46. Mr. Chirinjibi Wagle, Gorkha-1
47. Mr. Chitra Bahadur K.C., Baglung-2
48. Mrs. Chitra Lekha Yadav, Siraha-2
49. Mr. Jagadish Prasad Shah, Saptari-4
50. Mr. Jagannath Khatiwada, Uadyapur-2
51. Mr. Janak Raj Giri, Bajura
52. Mr. Jaya Prakash Prasad Gupta, Saptari-1
53. Mr. Tuka Raj Sigdel, Tanahu-3
54. Mr. Tek Bahadur Chokhal, Kailali-4
55. Mr. Tanka Prasad Rai, Shankhuwasabha-1
56. Mr. Tanka Prasad Sharma Kandel, Baglung-1
57. Mr. Dambar Singh Sambahamphe, Panchthar-2
58. Mr. Dila Ram Acharya, Arghakhanchi-1
59. Mr. Dilli Raj Khanal, Arghakhanchi-2
60. Mr. Dilli Raj Sharma, Parbat-2
61. Mr. Tara Nath Ranabhat, Kaski-1
62. Mr. Tara Sam Yangya, Jhapa-5
63. Mr. Tarini Dutta Chataut, Kanchanpur-2
64. Mr. Tirtha Ram Dangol, Kathmandu-7
65. Ms. Tirtha Gautam, Rukum-2
66. Mr. Til Kumar Meyangbo (Limbu), Taplejung-1
67. Mr. Dan Bahadur Chaudhari, Kapilbastu-1
68. Mr. Damodar Bastakoti, Nawalparasi-1
69. Mr. Dil Bahadur Lama, Rasuwa
70. Mr. Dilendra Prasad badu, Darchula
71. Mr. Durga Linkha, Dhankuta-1
72. Mr. Duryodhan Singh, Rupandehi-1
73. Mr. Devi Lal Thapa, Jumla
74. Mr. Devendra Raj Kandel, Nawalparasi-4
75. Mr. Dharma Nath Prasad Shah, Siraha-5
76. Mr. Nara Bahadur Hamal, Dailekh-1
77. Mr. Narendra Bahadur Bam, Baitadi-1
78. Mr. Narendra Vikram Nemwang, Jhapa-3
79. Mr. Nawa Raj Subedi, Pyuthan-2
80. Mr. Nagendra Kumar Raya, Sarlahi-4
81. Mr. Narayan Prakash Saund, Kanchanpur-1
82. Mr. Narayan Man Bijukchhe, Bhaktapur-1
83. Mr. Narayan Sharma Paudel, Chitwan-4
84. Mr. Netra Lal Shrestha, Salyan-2 (Removed
as MP after informing Legislature-Parliament on 18 July 2007)
85. Mr. Parashu Ram Meghi Gurung, Shankhuwasabha-2
86. Mr. Pari Thapa, Baglung-3
87. Mr. Pashupati Chaulagain, Dolakha-1
88. Mr. Pashupati S.J.B. Rana, Sindhupalchok-3
89. Mr. Palten Gurung, Manang
90. Mr. Puskar Nath Ojha, Kailali-3
91. Mr. Purna Bahadur Khadka, Surkhet-1
92. Mr. Prakash Jwala, Salyan-1
93. Mr. Prakash Bahadur Gurung, Kaski-3
94. Mr. Pradeep Kumar Gyawali, Gulmi-2
95. Mr. Pradeep Nepal, Kathmandu-1

96. Mr. Prem Lal Singh, Kathmandu-4
97. Mr. Phatik Bahadur Thapa, Gulmi-1
98. Mr. Pharmulaha Mansur, Bara-4
99. Mr. Bala Dev Sharma Majgaiya, Dang-2
100. Mr. Bal Bahadur K.C. (Khatri), Solukhumbu-1
101. Mr. Birodh Khatiwada, Makwanpur-2
102. Mr. Benup Raj Prasain, Ilam-1
103. Dr. Banshi Dhar Mishra, Rautahat-3
104. Mr. Bhakta Bahadur Balayar, Doti-1
105. Mr. Bhadra Bahadur Thapa, Palpa-1
106. Mr. Bharat Kumar Shah, Rupandehi-4
107. Mr. Bharat Mohan Adhikari, Morang-2
108. Mr. Mahantha Thakur, Sarlahi-5
109. Mr. Mahadev Gurung, Kaski-2
110. Mr. Mahendra Kumar Raya, Mahottari-4
111. Mr. Mahendra Prasad Yadav, Sarlahi-1
112. Mr. Mahendra Bahadur Pandey, Nuwakot-3
113. Mr. Mahendra Yadav, Mahottari-1
114. Mr. Mahesh Acharya, Morang-5
115. Mr. Madhav Kumar Nepal, Rautahat-1
116. Mr. Mo. Aaftab Aalam, Raurahat-2
117. Mr. Mohan Bahadur Basnet, Sindhupalchok-1
118. Mr. Mangal Prasad Tharu, Bardiya-2
119. Mr. Mangal Siddhi Manandhar, Kathmandu-5
120. Mr. Yagya Jit Shah, Rupandehi-5
121. Mr. Yadav Bahadur Rayamajhi, Palpa-3
122. Mr. Yog Narayan Yadav, Dhanusha-2
123. Mr. Raghuji Panta, Lalitpur-3
124. Mr. Ratna Prasad Sharma Neupane, Jajarkot-2
125. Mr. Ramesh Lekhak, Kanchanpur-3
126. Mr. Rajendra Kharel, Kavrepalanchok-3
127. Mr. Rajendra Prakash Lohani, Nuwakot-1
128. Mr. Rajendra Prasad Pandey, Dhading-3
129. Mr. Rajendra Mahato, Sarlahi-2
130. Mr. Ram Kumar Chaudhari, Saptari-2
131. Mr. Ramkrishna Tamrakar, Rupandehi-2
132. Mr. Ram Chandra Tiwari, Mahottari-2
133. Mr. Ram Chandra Paudel, Tanahu-2
134. Mr. Ram Chandra Yadav, Siraha-1
135. Mr. Ram Chandra Raya, Siraha-1
136. Mr. Ram Janam Chaudhari, Kailali-2
137. Mr. Ram Nath Adhikari, Dhading-2
138. Mr. Ram Bahadur Gurung, Lamjung-1
139. Mr. Ram Bahadur Bista, Achham-2
140. Dr. Ram Varan Yadav, Dhanusha-5
141. Dr. Ram Sharan Mahat, Nuwakot-2
142. Mr. Ram Hari Dhungel, Ramechhap-2
143. Mrs. Renu Kumari Yadav, Saptari-3
144. Mr. Romi Gauchan Thakali, Mustang
145. Mr. Laxman Prasad Mehata, Sunsari-3
146. Mr. Lal Babu Pandit, Morang-3

147. Mr. Lila Mani Pokhrel, Sindhuli-3
148. Mr. Lekh Nath Acharya, Rolpa-1
149. Mr. Lekh Nath Neupane, Bhaktapur-2
150. Mr. Basanta Kumar Nemwang, Panchthar-1
151. Mr. Vijaya Kumar Gachhadar, Sunsari-2
152. Mr. Vijaya Subba, Terathum
153. Mrs. Vidya Devi Bhandari, Kathmandu-2
154. Mr. Binaya Dhwaja Chand, Baitadi-2
155. Mr. Bir Bahadur Lama, Makwanpur-3
156. Mr. Birendra Kumar Kanaudiya, Kapilbastu-3
157. Mr. Sharat Singh Bhandari, Mahottari-3
158. Mr. Shiva Kumar Basnet, Khotang-2
159. Mr. Shiva Prasad Humagai, Kavrepalanchok-2
160. Mr. Shiva B. Deuja, Kavrepalanchok-1
161. Mr. Shiva Raj Joshi, Dailekh-2
162. Mr. Shiva raj Joshi, Surkheth-3
163. Mr. Shuvash Karmacharya, Sindhupalchok-2
164. Mr. Sher Dhan Rai, Bhojpur-2
165. Mr. Sher Bahadur Deuba, Dadeldhura
166. Mr. Shankar Nath Sharma Adhikari, Sindhuli-2
167. Mr. Shankar Prasad Pandey, Syanja-3
168. Mr. Sarba Dhan Rai, Khotang-1
169. Mrs. Sabitri Bogati (Pathak), Chitwan-1
170. Mr. Siddha Raj Ojha, Doti-2
171. Mr. Subhash Nemwang, Ilam-2
172. Mr. Surendra Prasad Chaudhari, Parsa-3
173. Mr. Surendra Hamal, Rolpa-2
174. Mr. Suresh Kumar Karki, Udayapur-1
175. Mr. Suresh Malla, Bajhang-2
176. Mr. Sushil Koirala, Banke-2
177. Ms. Sushila Nepal, Lalitpur-1
178. Miss. Shushila Swanr, Kailali-1
179. Mr. Surya Prasad Pradhan, Rupendehi-3
180. Mr. Surya Bahadur Thapa, Dhankuta-2
181. Mr. Som Prasad Pandey, Palpa-2
182. Mr. Sohan Prasad Chaudhari, Bara-2
183. Mr. Smriti Narayan Chaudhari, Dhanusha-1
184. Mr. Harka Man Tamang, Morang-4
185. Mr. Hari Acharya, Pyautah-1
186. Mr. Hari Narayan Chaudhari, Morang-6
187. Mr. Hari Prasad Sapkota, Sunsari-4
188. Mr. Hari Bhakta Adhikari, Lamjung-2
189. Mr. Hari Lal Joshi, Gorkha-3
190. Mr. Hit Kaji Gurung, Syanja-1
191. Mr. Hom Nath Dahal, Okhaldhunga-1
192. Mr. Hridaya Ram Thani, Surkhet-2
193. Mr. Hridayesh Tripathi, Nawalparasi-3
194. Mr. Gyanu K.C., Banke-1

Members of the National Assembly

1. Mr. Akkal Bahadur Bista, Achham
2. Mr. Ashok Koirala, Morang
3. Mr. Urba Dutta Panta, Kanchanpur
4. Mr. Deepak Bahadur Gurung, Kaski
5. Mr. Bal Bahadur Rai, Okhaldhunga
6. Mr. Bedu Ram Bhusal, Kapilbastu
7. Miss. Maiya Devi Shrestha, Chitwan
8. Mr. Radheshyam Adhikari, Kathmandu
9. Mr. Ram Jeevan Singh, Mahottari
10. Mr. Ram Preet Paswan, Saptari
11. Mr. Ranga Nath Joshi, Bardiya
12. Mr. Laxmi Das Manandhar, Kathmandu
13. Mr. Lalit Kumar Basnet, Makawanpur
14. Ms. Shree Maya Thakali, Mustang

(B) Members according to Clause (1) of Article 45

Nominated by CPN (Maoist)
1. Mr. Krishna Bahadur Mahara, Rolpa
2. Mr. Dev Gurung, Manang
3. Mr. Deena Nath Sharma, Baglung
4. Mr. Matrika Yadav, Dhanusha
5. Mr. Lokendra Bista, Rukum
6. Ms. Hisila Yami, Kathmandu
7. Mr. Janardan Sharma, Rukum
8. Mr. Lekh Raj Bhatta, Kailali
9. Mr. Khadga Bahadur B.K., Kalikot
10. Ms. Jayapuri Gharti Magar, Rolpa
11. Mr. Suresh Kumar Ale Magar, Tanahu
12. Mr. Tilak Pariyar, Banke
13. Mr. Mahendra Paswan, Siraha
14. Mr. Prabhu Shah, Rautahat
15. Mr. Krishna Dev Singh Danuwar, Siraha
16. Ms. Kamala Rokka, Rukum
17. Mr. Padam Bahadur Rai, Bhojpur
18. Mr. Ganga Narayan Shrestha, Sindhuli
19. Mr. Santosh Budha Magar, Rolpa
20. Mr. Bhakta Bahadur Shah, Jajarkot
21. Mr. Hit Bahadur Tamang, Nuwakot
22. Mr. Ram Charan Chaudhari Tharu, Bardia
23. Mr. Dilip Maharjan, Kathmandu
24. Mr. Narayan Prasad Dahal, Chitwan
25. Mr. Bam Dev Kshetri, Rupandehi
26. Ms. Purna Kumari Subedi, Banke
27. Ms. Uma Bhujel, Gorkha
28. Ms. Amrita Thapa, Syanja
29. Mr. Tanka Angbohang Limbu, Taplejung
30. Ms. Dharma Sheela Chapagai, Jhapa
31. Ms. Narayani Devi Shrestha, Lalitpur/Bhaktapur

32. Ms. Saraswati Chaudhari, Saptari
33. Ms. Ram Kumari Yadav, Dhanusa
34. Ms. Mani Limbu, Udayapur
35. Ms. Satya Pahadi, Dolpa
36. Ms. Shova Kattel, Chitawan
37. Ms. Dama Sharma, Dang
38. Ms. Uma B.K., Kapilbastu
39. Ms. Manju Bam, Baitadi
40. Ms. Rupa Chaudhari, Kailali
41. Ms. Bhagawati Pradhan, Sindhupalchok
42. Ms. Devi Khadka, Dolakha
43. Ms. Kumari Moktan, Makwanpur
44. Ms. Sabitri Gurung, Tanahu
45. Ms. Balawati Sharma, Baglung
46. Ms. Rupa B.K., Palpa
47. Ms. Sita B.K., Pyuthan
48. Ms. Sarala Regmi, Bardiya
49. Ms. Saraswati Mohara, Dailekh
50. Mr. Ram Ashraya Ram, Parsa
51. Ms. Tika Budhathoki, Salyan
52. Mr. Nanda Singh Sarki, Dadeldhura
53. Mr. Mangal Biswakarma, Surkhet
54. Mr. Parashuram Ramtel, Gorkha
55. Mr. Bharat Prasad Shah, Mahottari
56. Mr. Surya Nath Prasad Yadav, Saptari
57. Mr. Shalikram Jamkattel, Dhading
58. Mr. Paramananda Barma Kurmi, Banke
59. Mr. Binod Kumar Upadhyaya, Rupandehi
60. Mr. Shiva Kumar Mandal, Morang
61. Mr. Chinak Kurmi, Nawalparasi
62. Mr. Ram Laut Tiwari, Kapilwastu
63. Mr. Satya Narayan Bhagat Bin, Rautahat
64. Mr. Indra Jit Tharu, Dang
65. Mr. Puran Rana Tharu, Kanchanpur
66. Mr. Purna Singh Rajbanshi, Jhapa
67. Mr. Gama Bahadur Shrisha Magar, Myagdi
68. Mr. Sudarshan Baral Magar, Gulmi
69. Mr. Surya Man Dong Tamang,Kavrepalanchok
70. Mr. Khim Lal Devkota, Kaski
71. Ms. Furbi Sherpa, Terhathum
72. Ms. Sheela Yadav, Bara
73. Ms. Buddhi Man Majhi, Sindhuli

(C) Members according to Clause (1) of Article 45

Nominated by Nepali Congress
1. Mr. Kul Bahadur Gurung, Ilam
2. Mr. Bhim Bahadur Tamang, Dolakha
3. Mrs. Sujata Koirala, Sunsari
4. Mr. Deenbandhu Shrestha, Jumla
5. Mr. Yagya Raj Pathak, Doti

6. Ms. Sita Devi Yadav, Siraha
7. Mrs. Krishna Kumari Shrestha, Chitawan
8. Mr. Harihar Dahal, Kathmandu
9. Mr. Mitha Ram Biswakarma, Parbat
10. Mr. Amresh Kumar Singh, Sarhali

(C) Members according to Clause (1) of Article 45

Nominated by the Communist Party of Nepal (UML)
1. Ms. Parbati Chaudhari, Kailali
2. Ms. Reema Nepali, Rolpa
3. Ms. Shanti Pakhrin, Dolakha
4. Ms. Paro Devi Yadav, Siraha
5. Ms. Jayanti Rai, Bhojpur
6. Mr. Rijwan Ansari, Sarlahi
7. Mr. Chooda Mani Jangali (Biswakarma), Kaski
8. Mr. Bam Dev Gautam, Bardiya
9. Mr. Jhala Nath Khanal, Ilam
10. Mr. Amrit Kumar Bohara, Sindhupalchok

(C) Members according to Clause (1) of Article 45

Nominated by CPN (Maoist)
1. Ms. Shanta Shrestha, Kathmandu
2. Mr. Padam Lal Biswakarma, Ilam
3. Mr. Hari Roka, Khotang
4. Mr. Malla K. Sundar, Kathmandu
5. Mr. Kumar Phudung, Terathum
6. Mr. Krishna Acharya, Kaski
7. Mr. Narayan Prasad Regmi, Dang
8. Mr. Bhikshu Ananda, Kathmandu
9. Mr. Iliyas Musalman, Kapilbastu
10. Ms. Moti Devi Chaudhari, Bardiya

(C) Members pursuant to Clause (1) of Article 45

Nominated by Nepali Congress (Democratic)
1. Mr. Prakash Man Singh, Kathmandu
2. Mr. Bimalendra Nidhi, Dhanusa
3. Mr. Pradeep Giri, Siraha
4. Dr. Minendra Rijal, Morang
5. Dr. Prakash Sharan Mahat, Nuwakot
6. Ms. Uma Adhikari Regmi, Chitawan

(C) Members pursuant to Clause (1) of Article 45

Nominated by Jana Morcha Nepal
1. Mr. Kaman Singh Lama, Kavrepalanchok
2. Mr. Anjana Bishankhe, Kathmandu
3. Mr. Asarfi Sada, Saptari

(C) Members pursuant to Clause (1) of Article 45

Nominated by Nepal Workers and Peasants Party
1. Mr. Sunil Prajapati, Bhaktapur
2. Mr. Jagya Bahadur Shahi, Dailekh
3. Ms. Lila Nyaichyai

(C) Members pursuant to Clause (1) of Article 45

Nominated by Nepal Sadbhawana Party (Anandi Devi)
1. Ms. Anandi Devi Singh, Saptari
2. Mr. Bharat Bimal Yadav, Mahottari
3. Mr. Govinda Tharu, Bardiya

(C) Members pursuant to Clause (1) of Article 45

Nominated by United Left Front
1. Mr. Chandra Prakash C.P. Mainali, Jhapa
2. Mr. Nanda Kumar Prasai, Jhapa
3. Mr. Ganesh Shah, Dhanusa

Schedule- 3:
(Relating to Clause (2) of Article 166)

After the commencement of the management of Arms and monitoring as per the 'Comprehensive Peace Agreement' reached between the Nepal Government and NCP(Maoist) on Mangsir 5,2063 (21st November, 2006) and the 'Agreement on Monitoring of the Management of Arms and Armies' on Mangsir 22 (8th December, 2006) the House of Representatives shall promulgate this constitution and the Interim Legislative-Parliament shall ratify it.

Schedule- 4:
(Relating Article 166. (3)

The Comprehensive Peace Agreement 2006

Preamble:

Respecting people's mandate for democracy, peace and progress expressed through repeated historic people's movement and struggles since 1951,

Reaffirming commitments to the 12-point and 8-point agreements, and 25-point code of conduct between the seven parties and the

Maoists; decisions taken during the meeting of the top leaders of the seven parties and the Maoist on November 8 along with other agreements, understandings, code of conducts and letter sent to the United Nations stating identical viewpoints by the Maoists and the Nepal government,

Pledging for progressive restructuring of the state by resolving prevailing problems related with class, ethnicity, regional and gender differences,

Reiterating commitments to competitive multiparty democratic system, civil liberties, fundamental rights, human rights, complete press freedom, rule of law and all other norms and values of democratic system,

Pledging commitments to Universal Declaration of Human Rights 1948 and other international humanitarian laws and values and principles of the human rights,

Guaranteeing the fundamental rights of the Nepalese people to cast their votes in the constituent assembly polls without any kind of fear,

By putting democracy, peace, prosperity, progressive social and economic transformation, independence, integrity, sovereignty and prestige of the state in the centre-stage, implement the commitments made by both the sides to hold the election to constituent assembly by mid June 2007 in a free and fair manner,

Declaring the end of armed conflict prevailing in the country since 1996 and beginning the new era of peace and co-operation as per the understanding reached between both the sides for guaranteeing the sovereignty of the Nepalese people, progressive political solution, democratic restructuring of the state and social, economic and cultural transformation of Nepalese society through the constituent assembly,

Committing to transforming the ceasefire between the Nepal government and the Maoists into permanent peace, the following comprehensive peace agreement has been reached between the Nepal government and the Communist Party of Nepal (Maoist).

1. Preliminary

(1.1)This agreement shall be called 'Comprehensive Peace Agreement, 2006'. In short this shall be called peace agreement. (1.2) This agreement shall come into effect through public

announcement by both the government and the Maoists. (1.3) Both the sides shall issue directives to all the agencies under them to follow and implement this agreement immediately and shall implement it. (1.4) All agreements, understandings, code of conduct and decision taken by the government, the Maoists and the seven parties enlisted in the appendix shall be inseparable part of this agreement. (1.5) The agreements and understanding to be signed later to implement this agreement shall also be regarded as part of this agreement

2. Unless the Subject or Context Otherwise Requires, in this Agreement:

(a) Ceasefire shall mean restriction of all kinds of attacks, abduction, disappearance, imprisonment, mobilisation and strengthening of the armed force, attacking or armed actions targeted against each other between the Nepal government and the Maoists and any form of destructive, provoking or inciting activities in the society. (b) 'Interim constitution' shall mean the 'Interim Constitution of Nepal 2006' to be promulgated and exercised until a new constitution is written through Constituent Assembly. (c) 'Interim cabinet' shall mean the council of minister formed as per the interim constitution.(d) 'Both Parties' shall mean Nepal government and the Communist Party of Nepal (Maoist). (e) 'Prevailing laws' shall mean the interim constitution and other existing Nepalese laws that are not inconsistent with this constitution. However, this definition shall not affect the existing legal system in the country before the announcement of the interim constitution. (f) 'Verification' would mean the preparation of the detailed situation of the army, combatants and arms by the United Nations after verification.

3. Political, Social, Economic Transformation and Conflict Management

Both parties have agreed to formulate following programmes and policies for political, social and economic transformation and management of the existing conflict through positive means:

(3.1) Based on the decision taken by the meeting of the top leaders of the seven parties and the Maoists (schedule 6) on November 8, guarantee progressive political, economic and social transformation. (3.2) Form the interim legislative – parliament, as per the interim constitution, the interim government shall hold election to constituent assembly elections by mid-June 2007 in free and fair

manner and make the Nepalese people feel their inherent sovereign right. (3.3) No rights of state administration shall remain with the King. Bring the properties of late King Birendra, late Queen Aishwarya and their family members under the control of the Nepal government and use it for the welfare purposes through a trust. All properties acquired by King Gyanendra by the virtue of him being the King (like palaces of various places, forests and conservation areas, heritage having historical and archaeological importance) shall be nationalised. Determine the fate of the institution of monarchy by the first meeting of the Constituent Assembly through simple majority vote. (3.4) Promulgate the political system that fully comprehends with the concepts of universally adopted principles of fundamental human rights, multiparty competitive democratic system, sovereign rights inherent in the people and supremacy of the citizens, constitutional balance and control, rule of law, social justice and equality, independent judiciary, periodic elections, monitoring by the civil society, complete press freedom, right to information of the citizens, transparency and accountability of the activities of the political parties, people's participation, fair, able and uncorrupted administrative mechanism. (3.5) End the existing centralised and unitary state system and restructure it into an inclusive, democratic progressive system to address various problems including that of women, Dalits, indigenous community, Madhesis, oppressed, ignored and minority communities, backward regions by ending prevailing class, ethnic, linguistic, gender, cultural, religious and regional discrimination. (3.6) End all forms of feudalism and prepare and implement a minimum common programme of socio-economic transformation on mutual understanding. (3.7) End feudal land ownership and formulate the policies for scientific land reforms. (3.8) Adopt policies for protection and promotion of national industries and resources. (3.9) Adopt policies for establishment of civil rights in education, health, shelter, employment and food security. (3.10) Adopt policies to provide land and socio-economic security to backward groups like landless, bonded labourers, tillers, Haruwa-charuwa and other such groups, which are socio-economically backward. (3.11) Adopt policies to take strict actions against the people who have worked in government positions and have amassed huge amount of properties through corruption. (3.12) Prepare a common development concept that will help in socio-economic transformation of the country and will also assist in ensuring the country's economic prosperity in a

short period of time. (3.13) Follow policies ascertaining the professional rights of workers and increase investment on sectors like promoting industries, trade and export and increase employment and income generating opportunities.

4. Management of Armies and Arms

To hold the election of constituent assembly in free, fair and peaceful environment and democratisation and restructuring of the army, the following works shall be done as per the 12-point and 8-point agreements, and 25-point code of conduct, 5-point letter sent to the United Nations and decisions taken during the meeting of the top leaders on November 8:

Relating to Maoist Army

(4.1) As per the commitments expressed in the joint letter sent to the United Nations by the Nepal government and the Maoists on August 9, the combatants of the Maoists would remain in the following temporary camps. United Nations would do their verification and monitoring.1. Kailali, 2. Surkhet, 3. Rolpa, 4. Nawalparasi, 5. Chitwan, 6. Sindhuli 7. Ilam. There would be three smaller camps located in the periphery of each of these main camps. (4.2) All the arms and ammunitions would be securely stored in the camps except those needed for providing security of the camp after the Maoist combatants are sent to the cantonments. They will be put under a single lock system and the concerned side would keep the key of this lock. For the UN to monitor it, a device with siren as well as recording facility will be installed. When there is need to examine the stored arms, the UN would do so in the presence of the concerned side. Prepare the details of technology including camera for monitoring as per the agreement among the Nepal government, the Maoists and the United Nations. (4.3) On completion of cantonment of the Maoist combatants, Nepal government would take up the responsibility for providing ration and other facilities to them. (4.4) The interim cabinet shall form a special committee to carry out monitoring, integration and rehabilitation of the Maoist combatants. (4.5) Make arrangement for the security of the Maoist leaders as per the agreement with the Nepal government.

Relating to the Nepali Army

(4.6) The Nepali Army would be confined to the barracks as per the commitments expressed in the letter sent to the United Nations.

Guarantee that its arms would not be used for or against any side. Keep similar quantity of arms of the Nepali Army in the store, seal it with single-lock system and give the key to the concerned side. For the UN to monitor it, a device with siren as well as recording facility will be installed. When there is need to examine the stored arms, the UN would do so in the presence of the concerned side. Prepare the details of technological arrangement including camera for monitoring as per the agreement among the Nepal government, the Maoists and the United Nations. (4.7) The cabinet would control, mobilise and manage the Nepali Army as per the new Military Act. The interim cabinet would prepare and implement the detailed action plan of democratisation of the Nepali Army by taking suggestions from the concerned committee of the interim parliament. This includes works like determination of the right number of the Nepali Army, prepare the democratic structure reflecting the national and inclusive character, and train them on democratic principles and human rights values. (4.8) Continue the works of the Nepali Army such as border security, security of the conservation areas, protected areas, banks, airport, power house, telephone tower, central secretariat and security of VIPs.

5. Ceasefire

(5.1) End of armed rebellion and mobilisation of armed forces:-

(5.1.1) Both parties commit not to carry out the following activities:- (a) Acts of attacking or using arms directly or indirectly against each other. (b) Seizing or raiding places where the arms of other side has been stored as per the mutual understanding, with or without arms. (c) Acts that would cause mental pressure or loss to any individual person. (d) Acts to place ambush targeting each other. (e) Actions involving killing or violence. (f) Acts of abduction, arrest, imprisonment, disappearance. (g) Destruction of public, private, governmental or military properties. (h) Aerial attacks or bombarding. (i) Mining or sabotaging. (j) Acts of spying each other's military activities. (5.1.2) Both parties shall not carry on further recruitments, shall not transport the arms and ammunition or pose difficulties militarily against each other.*But* the interim cabinet shall mobilise the security forces for search and patrol to stop the acts like illegal transportation of arms, explosives or their parts or raw material in borders or customs points. (5.1.3) No individuals or groups shall travel with arms, ammunition or explosives. (5.1.4) Both parties shall inform each other about the demarcation and storage

of ambush or mines planted during the war period within 30 days and help each other to diffuse or dispose them off within 60 days. (5.1.5) Armies of both parties shall not appear with arms or combat dresses in any civil meeting, political gathering or public programmes. (5.1.6) Nepal Police and Armed Police force shall continue to work for maintaining peace and investigation into the criminal activities as per the spirit and content of the peace agreement and prevailing laws. (5.1.7) Both parties shall instruct their armed forces directing them to stop telling or behaving with the other side's armed personnel as 'enemy'. (5.1.8) Both parties agree to prepare the details of the governmental, public, private building, land or other properties captured, locked or restricted from being used during the period of armed conflict and return these things immediately

5.2. Ways of normalising the situation:

(5.2.1) There won't be cash or kind collection or tax collection against anyone's will or existing laws. (5.2.2) Both parties agree to publicise and release all the person kept under detention within 15 days. (5.2.3) Prepare the details of the disappeared persons or those killed in the conflict with their real name, surname and residential address and publicise it within 60 days from the day of signing this agreement and inform the family members of concerned persons. (5.2.4) Both parties agree to form a national peace and rehabilitation commission to initiate process of rehabilitation and providing relief support to the persons victimised by the conflict and normalise the difficult situation created due to the armed conflict. (5.2.5) Both parties agree to form a high level Truth and Reconciliation Commission on mutual understanding to conduct investigation about those who were involved in gross violation of human rights at the time of the conflict and those who committed crime against humanity and to create the situation of reconciliation in the society. (5.2.6) Both parties vow to renounce all forms of war, attacks, counter-attacks, violence and counter violence existing in the country and commit to guarantee the democracy, peace and progressive changes in the Nepali society. It has been agreed that both parties shall help each other for maintaining peaceful situation. (5.2.7) Both parties guarantee to withdraw accusations, claims, complaints and under-consideration cases levelled against various individuals due to political reasons and immediately publicise the status of those imprisoned and immediately release them. (5.2.8) Both parties express the commitment to allow without any political prejudice

the people displaced due to the armed conflict to return back voluntarily to their respective ancestral or former residence, reconstruct the infrastructure destroyed during the conflict and rehabilitate and socialise the displaced people into the society. (5.2.9) Both parties agree to take individual and collective responsibility of resolving, with the support of all the political parties, civil society and local institutions, any problems arising in the aforementioned context on the basis of mutual consensus and creating an atmosphere conducive for normalisation of mutual relations and for reconciliation. (5.2.10) Both parties express the commitment not to discriminate against or exert any kind of pressure on any member of the family of either side on the basis of them being related to one or the other side. (5.2.11) Both parties agree not to create any kind of obstacle and allow any kind of obstruction to be created in the independent travelling, assuming of duties and executing of work by the Government of Nepal and public bodies' employees and assist them in their work. (5.2.12) Both parties agree to allow unrestricted travelling as per the law within the state of Nepal to the personnel of the United Nations, international donors agencies and diplomatic missions working in Nepal, national and international non-government organisations, press, human rights activists, election observers and foreign visitors. (5.2.13) Both parties commit to operate publicity campaigns in a decent and respectable manner.

6. The End of War

(6.1) On the basis of the historic agreement between the seven political parties and the Maoists on November 8th, giving permanency to the ongoing ceasefire between the government and the Maoists, we declare the end of the war that has been going on since 1996. (6.2) The decisions made by the meeting of the senior leaders of the seven political parties and the Maoists on November 8 will be the principal basis for the establishment of permanent peace. (6.3) After the Nepali Army is placed in the barracks and the Maoists' combatants are is contained in the cantonments, possession of arms, display of arms, creating terror, use of weapons or such acts against the agreement or law will be punishable by the law. (6.4) The army on both sides shall not be allowed to campaign in favour of any group or shall not be allowed to express their support towards any of the sides but they shall not be deprived from their rights to vote.

7. Human Rights, Fundamental Rights and Following Humanitarian Laws

Both parties express their commitment towards universal declaration of human rights 1948 and international humanitarian law and basic principle and values of human rights.

7.1 Human Rights

(7.1.1) Both parties reaffirm their commitment to respect and protect human rights and international humanitarian law and accept that no individual shall be discriminated on the basis of caste, gender, language, religion, age, ethnic groups, national or social origin, property, disability, birth or any other status, thoughts or conscience. (7.1.2) Both parties have agreed to create an environment where the Nepali people can utilize their civic, political, economical, social and cultural rights and are committed to create an environment in which these rights will not be violated in the future under any circumstances. (7.1.3) Both parties express their commitment and state that necessary investigation will be undertaken against any individual involved in violating the rights mentioned in the agreement and action will be taken against ones that are found guilty. Both parties also ascertain that they will not protect impunity and along with it, the rights of the people affected by the conflict and torture and the families of the people who have been disappeared will be safeguarded. (7.1.4) Both parties shall not be involved in activities like torturing civilians, abducting, forcing them to work and shall take necessary action to discourage such activities. (7.1.5) On the basis of secularism, both the sides shall respect social, cultural and religious sensitivity, and shall respect the religious conscience of a religious place or an individual.

7.2 Right to live:

(7.2.1) Both parties shall respect and protect the right of an individual to live. No one shall be deprived of this basic right and no law including capital punishment shall be formulated.

7.3 Individual prestige, freedom and freedom of movement

(7.3.1) Both parties shall respect the right of individual prestige and freedom. In this context, even the people who have been legally deprived from enjoying their freedom shall also not be subjected to torture or punished with inhumane behaviour or disrespectful behaviour. The right of privacy of an individual shall be protected

legally. (7.3.2) Both parties, respecting the individual's freedom and right to security shall not place anyone under whimsical or illegal detention and shall not abduct or imprison any individual. Both parties shall release the details of the condition of the people who have been disappeared or have been kept captives and an agreement has also been reached to inform about their status to their family members, legal consultant or any other authorised person. (7.3.3) Both parties shall respect and protect the individual's freedom to move freely and right to choose a place to reside within the legal periphery and also expresses commitment to respect the right of the people who have been displaced to return home or to live in any other place they choose.

7.4 Civil and Political Rights

(7.4.1) Both parties express their commitment to respect and protect an individual's freedom of opinion and expression, freedom to form unions and associations, freedom to assemble peacefully and shall work against exploitation. (7.4.2) Both parties shall respect the right of every individual to participate in public matters directly or through representatives, right to vote and be elected and the right of equality to enter public service. (7.4.3) Both parties are committed to respect the right of the people to be informed.

7.5 Socio-economic Rights

(7.5.1) Both parties are committed to respect and protect an individual's freedom to practice any profession. (7.5.2) Both parties are committed to respect and guarantee the people's right to food security. It also ascertains that the issues like food, food production, utilisation of food, its transportation and distribution shall not be interfered with. (7.5.3) Both parties accept the need to respect and protect the health rights of the people. Both parties shall not disrupt the supply of medicines, assistance and health campaigns and also express its commitment towards treatment of the people who have been injured due to the conflict and shall also initiate rehabilitation process. (7.5.4) Both parties accept the need to respect and guarantee the right of education to all and express commitment to maintain adequate educational environment in educational institution. Both parties have agreed to ascertain that the right to education is not violated. An agreement has been reached whereby, incidents like capturing educational institution, using these institutions, abducting, detaining or disappearing teachers and

students shall be stopped immediately and military barracks shall not be constructed near schools and hospitals. (7.5.5) Both parties have agreed not to illegally seize or capture anyone's private property. (7.5.6) Both parties believe in not disrupting the industrial environment of the country and to continue production, protect the right of group bargaining in industrial institution and respecting social security intends to encourage resolving the disputes between the labour and the industrial institution peacefully and respects the right to work determined by the International Labour Organisation (ILO).

7.6 Rights of Women and Children

(7.6.1) Both parties completely agree on the need to specially protect the rights of women and children and the need to stop all forms of sexual exploitation and other forms of misbehaviour on women and child labour and other violent act against children and not to include children below the age of 18 in any form of military force. The children who have already been affected shall be rescued immediately and adequate provisions shall be made for their rehabilitation.

7.7 Right of Individual Liberty

(7.7.1) Both parties agree to the freedom of opinion and expression; freedom to assemble peaceably and without arms; freedom of movement; freedom to practice any profession, or to carry on any occupation, industry or trade; press and publication rights; the freedom to take part in peaceful political activities; the right of equality before the law; and to implement and have a tolerable system of justice implemented.

8. Dispute Settlement and Implementation Mechanism

(8.1) Both parties agree to become responsible and accountable in an individual and collective manner and not repeat in future mistakes committed in the past and also correct these mistakes on a gradual basis. (8.2) The National Peace and Rehabilitation Commission shall be set up as per the need for making the campaign for peace successful. The composition and working procedures of the Commission shall be as determined by the interim Council of Ministers. (8.3) Both parties are committed to settle all kinds of present or possible future mutual differences or problems through mutual talks, understanding, consensus and dialogue. (8.4) Both

parties express commitment that the interim Council of Ministers shall constitute and determine the working procedures of the National Peace and Rehabilitation Commission, the Truth and Reconciliation Commission, the High-level State Restructuring Recommendation Commission and other mechanisms as per the need to implement this agreement, the Interim Constitution and all the decisions, agreements and understandings reached between the Seven-party Alliance, the Government of Nepal and the CPN (Maoist).

9. Implementation and Follow-up

Both parties have agreed to make the following arrangements for the implementation of the understandings mentioned in this agreement and for their follow-up – (9.1) Both parties agree to give continuity to the task of monitoring of the human rights provisions mentioned in this agreement by the United Nations Office of the High Commissioner for Human Rights, Nepal. (9.2) Both parties agree for the monitoring of the management of arms and the armies by the United Nations Mission in Nepal as mentioned in the five-point letter send to the UN earlier and in the present agreement. (9.3) Both parties agree to get the United Nations supervise the election to the Constituent Assembly. (9.4) The National Human Rights Commission shall also carry out works related to the monitoring of human rights as mentioned in this agreement together with the responsibility assigned to it as per the laws. In connection with carrying out its works, the Commission can take the help of national and international human rights organisations after maintaining necessary coordination with them. (9.5) Both parties agree to accept the reports submitted by the above-mentioned bodies, to provide the information requested by them, and to implement the suggestions and recommendations given by them on the basis of consensus and dialogue.

10. Miscellaneous

(10.1) Both parties agree not to operate parallel or any form of structure in any areas of the state or government structure as per the letter of the decisions of November 8 and the spirit of the peace agreement. (10.2) Both parties accept to sign any complementary agreements, as necessitated, for the implementation of the present agreement. (10.3) This agreement can be revised any time with the consent of both parties. Both parties agree to provide to each other

prior written information if they wish to make any change. The amendments could be made to the agreement with the consent of both parties after receiving the information. The provisions to be made by such an amendment would not be below the minimum standards of the accepted international human rights and humanitarian laws. (10.4) If any disputes arise in any interpretation of this agreement, a joint mechanism comprising both parties shall make the interpretation on the basis of the preamble and the documents included in the schedule of this agreement, and this interpretation would be final. (10.5) The concept of 'two parties' as mentioned in this agreement would automatically cease to exist after the constitution of the Interim Legislature -Parliament. Thereafter, all the responsibility of implementing the obligations stated in this agreement shall be as per the arrangements made by the Interim Council of Ministers. It would be the duty and responsibility of all the political parties to extend cooperation in the compliance and implementation of the agreement. (10.6) We heartily appeal to one and all to extend cooperation for resolving their problems and demands through talks and dialogue and for holding the election to the constituent assembly and maintaining the law and order, at a time when the entire country is focused on the main campaign of the election of the Constituent Assembly. (10.7) We heartily appeal to the civilsociety, the professionalgroups, the class organisations, the media, the intellectual community and all the Nepali people to actively participate in this historic campaign of building a new Nepal and establishing lasting peacethrough the election of the Constituent Assembly by ending the armed conflict. (10.8) We heartily urge all the friendly countries and the United Nations, as well as the International Community to extend support to Nepal in this campaign of establishing full democracy and lasting peace. *Cognizant* of the responsibility of the future of the country and the people, and becoming fully committed to this comprehensive peace agreement, we, on behalf of the Government of Nepal and the Communist Party of Nepal (Maoist), hereby make public this comprehensive peace agreement after signing it.

S/d	S/d
Prachanda	Girija Prasad Koirala
Chairman	Prime Minister
Communist Party of	Government of Nepal
Nepal (Maoist)	Signed on November 21, 2006

The Constitution of the Kingdom of Nepal, 2047

PREAMBLE:

WHEREAS, We are convinced that the source of sovereign authority of the independent and sovereign Nepal is inherent in the people, and, therefore, We have, from time to time, made known our desire to conduct the government of the counl ry in consonance with the popular will;

AND WHEREAS, ill keeping with the desire of the Nepalese people expressed through the recent people's movement to bring about constitutional changes, we are further inspired by the objective of securing to the Nepalese people social political and economic justice long into the future:

AND WHEREAS, it is expedient to promulgate and enforce this Constitution, made with the widest possible participation of the Nepalese people, to guarantee basic human rights to every citizen of Nepal; and also to consolidate Adult Franchise, the Parliamentary System of Government, Constitutional Monarchy and the System of Multi Party Democracy by promoting amongst the people of Nepal the spirit of fraternity and the bond of unity on the basis of liberty and equality; and also to establish an independent and competent system of justice wilh a view to transforming the concept of the Rule of Law into a living reality:

NOW, THEREFORE, keeping in view the desire of the people that the State authority and sovereign powers shall, after the commencement of this Constitution, be exercised in accordance with the provisions of this Constitution, KING BIRENDRA BIR BIKRAM SHAH DEVA, by virtue of the State authority as exercised by Us, do hereby promulgate and enforce this CONSTITUTION OF THE KINGDOM OF NEPAL on the recommendation and advice and with the consent of the Council of Ministers.

PART 1 : PRELIMINARY

1. **Constitution as the Fundamental Law:** (1) This Constitution is the fundamental law of Nepal and all laws inconsistent with it shall. to the extent of such inconsistency, be void. (2) It shall be the duty of every person to uphold the provisions of this Consititution.
2. **The Nation:** Having common aspirations and united by a bond of allegiance to national independence and integrity of Nepal, the Nepalese people irrespetive of religion, race, caste or tribe, collectively constitute the nation.
3. **The Sovereignty:** The sovereignty of Nepal is vested in the Nepalese people and shall be exercised in accordance with the provisions of this Constitution.
4. **The kingdom:** (1) Nepal is a multiethnic, multilingual. democratic. Independent,indivisible, sovereign,Hindu and Constitutional Monarchical Kingdom. (2) the territory of Nepal shall comprise:- (a) the territory existing at the commencement of this constitution; and (b) such other territory as may be acquired after the commencement of this Constitution.
5. **National Flag:** The national flag of Nepal, as handed down by tradition, consists of two juxtaoposed triangular figures with a crimson-coloured base and deep blue borders, there being a white emblem of the crescent moon with eight rays visible out of sixteen in the upper part and a white emblem of a twelve rayed sun in the lower part. The method of drawing out the flag and other particulars relating there to shall be as set forth in Schedule 1.
6. **Language of the Nation:** (1) The Nepali language in the Devnagari script is the language of the nation of Nepal. The Nepali language shall be the official language. (2) All the language spoken as the mother tongue in the various parts of Nepal are the national languages of Nepal.
7. **National Anthem etc:** (1) The national anthem of Nepal shall be as provide in Schedule 2. (2) The Rhododendron Arborcum shall be the national flower. Crimson Colour shall be the national colour, the Cow shall be the natioanl animal and the Lophophorus shall be the national bird of Nepal. (3) The coat-of-arms of Nepal shall be enlarged or reduced as required and such colour shall be used there in as specified by His Majesty's Government.

PART 2: CITIZENSHIP

8. **Citizenship at the Commencement of the Constitution:** At the commencent of this Constitution, the following persons who have their domicile in Nepal shall be deemed to be citizens of Nepal:- (a) any person who is a citizen of Nepal by virtue of Article 7 of the Constitution of Nepal (1962) or section 3 of the Nepal Citizenship Act. 1964, (b) any person who has acquired naturalised citizenship of Nepal by virtue of section 6 of the Nepal Citizenship Act. 1964.

9. **Acquisition and Termination of Citizenship after the Commencement of the Constitution:** (1) A person who is born after the commencement of this constitution and whose father is a citizen of Nepal at the birth of the child shall be a citizen of Nepal by descent. (2) Every child who is found within the Kingdom of Nepal and the whereabouts of whose parents are not known shall, until the father of the child is traced, be deemed to be a citizen of Nepal by descent. (3) Whenever any territory is acquired by way of incorporation into the Kingdom of Nepal, every person having his domicile within such territory shall become a citizen of Nepal, subject to the provisions of existing laws. (4) After the commencement of constitution, the acquisition of citizenship of Nepal by a foreigner may be regulated by law which may, inter alia, require the fulfillment of the following conditions: (a) that he can speak and write the language of the nation of Nepal; (b) that he is engaged in any occupation in Nepal; (c) that he has renounced his citizenship of another country: and (d) that he has resided in Nepal for at least fifteen years. (5) Notwithstanding anything contained in clause (4), a woman of foreign nationality who has a matrimonial relationship with a Nepalese citizen and who has initiated proceedings for renunciation of her foreign citizneship, and any other person, who has renounced the citizenship of Nepal and has gone to a foreign country but who has renounced his foreign citizenship, may acquire the citizenship of Nepal. (6) Notwithstanding anything contained in sub-clause (b) and (d) of clause (4), the son or daughter or descendant of a citizen of Nepal and who has resided in Nepal for a period of at least two years may acquire the citizenship of Nepal on such terms and conditions as may be prescribed by law: *Provided that* this clause shall not be applicable in the

case of descendants of naturalised citizens. (7) The termination of the citizenship of Nepal shall be as determined by law.

10. **Conferment of Honorary Citizenship:** Notwithstanding anything contained in Article 9. Honorary citizenship may be granted to an internationally renowned person.

PART 3: FUNDAMENTAL RIGHTS

11. **Right to Equality:** (1) All citizens shall be equal before the law. No person shall be denied the equal protection of the laws. (2) No discrimination shall be made against any citizen in the application of general laws on grounds of religion, race, sex, caste, tribe or ideological conviction or any of these. (3) The State shall not discriminate citizens among citizens on grounds of religion, race, sex, caste, tribe or ideological conviction or any of these: *Provided that* special provisions may be made by law for the protection and advancement of the interests of women, children, the aged or those who are physically or mentally incapacitated or those who belong to a class which is economically, socially or educationally backward. (4) No person shall, on the basis of caste, be discriminated against as untouchable, be denied access to any public place, or be deprived of the use of public utilities. Any contravention of this provision shall be punishable by law. (5) No discrimination in regard to remuneration shall be made between men and woemen for the same work.

12. **Right to Freedom:** (1) No person shall be deprived of his personal liberty save in accordance with law, and no law shall be made which provides for capital punishment. (2) All citizens shall have the following freedom: (a) freedom of opinion and expression; (b) freedom to assemble peaceably and without arms; (c) freedom to form unions and associations; (d, freedom to move throughout the Kingdom and reside in any part thereof; and (e) freedom to practise any profession, or to carry on any occupation, industry or trade: *Provided that*- (1) nothing in sub-clause (a) shall be deemed to prevent the making of laws to impose reasonable restrictions on any act which may undermine the sovereignty and integrity of the Kingdom of Nepal, or which may jeopardize the harmonious relations subsisting among the peoples of various castes, tribes or

communities, or on any act of sedition, defamation, contempt of court or incitement to an offence; or on any act which may be contrary to decent public behviour or morality; (2) nothing in sub-claused (b) shall be deemed to prevent the making of laws to impose reasonable restrictions on any act which may undermine the sovereignty, intergrity or law and order situation of the Kingdom of Nepal; (3) nothing in sub-clause (c) shall be deemed to prevent the making of laws to impose reasonable restrictions on any act which may undermine the sovereignty and intergrity of the Kingdom of Nepal, which may jeopardize the harmonious relations subsisting among the peoples of various caste tribes or communities, which may instigate violence, or which may be contrary to public moralitv; (4) nothing in sub-clause (d) shall be deemed to prevent the making of laws which are in the interest of the general public, or which are made impose reasonable restrictions on any act which may jeopardize the harmounious relations subsisting among the people of various castes, tribes communities; (5) nothing in sub-clause (e) shall be deemed to prevent the making of laws to impose restrictions on any act which may be contrary to public health or morality, to confer on the state the exclusive right to undertake specified industries, businesses or services; or to impose any condition or qualification for carrying on any industry, trade, profession or occupation.

13. **Press and Publication Right**: (1) No news item, article or other reading material shall be censored; *Provided that* nothing shall prevent the making of laws to impose reasonable restrictions on any act which may undermine the sovereignty and intergrity of the Kingdom of Nepal, or which may jeopardize the harmonious relatons subsisting among the peoples of various castes, tribes or communities: or on any act of sedition, defamation, contempt of court or incitement to an offence; or on any act which may be contrary to decent public behaviour or morality. (2) No press shall be closed or seized for printing any news item, article or other reading material. (3) The registration of a newspaper or periodical shall not be cancelled merely for publishing any news item, article or other reading material.

14. **Right Regading Criminal Justice:** (1) No person shall be punished for an act which was not punishable by law when

the act was committed, nor shall any person be subjected to a punishment greater than that prescribed by the law in force at the time of the commission of the offence. (2) No person shall be prosecuted or punished for the same offence in a court of law more than once. (3) No person accused of any offence shall be compelled to be a withness against himself (4) No person who is detained during investigation or for trial or for any other reason shall be subjected to physical or mental torture, nor shall be given any cruel, inhuman or degrading treatment. Any person so treated shall be compensated in a manner as determined by law. (5) No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest- nor shall be denied the right to consult and be defended by a legal practitioner or his choice. ***Explanation:***- For the purpose of this clause the words 'legal practitioner" shall mean any person who is authorised by law to represent any person in any court. (6) Every person who is arrested and detained in custody shall be produced before judicial authority within a period of twenty-four hours after such arrest, excluding the time necessary for the journey from the place of arrest to such authority, and no much person shall be detained in costody beyound the said period except on the order of such authority. (7) Nothing in clauses (5) and (6) shall apply to a citizen of an enemy state, and nothing in clause (6) shall apply to *any* person who is arrested of detained under any law providing for preventive detention.

15. **Right against Preventive Detention:** (1) No person shall be held under preventive detention unless there is a sufficent ground of existence of an immediate treat to the sovereignty, integrity or law and order situation of the Kingdom of Nepal. (2) Any person held under preventive detentionshall, if his detention was contrary to law or in bad faith, have the right to be compensated in a manner as prescribed by law.
16. **Right to Information:** Every citizen shall have the right to demand and receive information on any matter of public importance: *Provided that* nothing in this Article shall compel any person to provide information on any matter about which secrecy is to be maintained by law.
17. **Right to Property:** (1) All citizens shall, subject to the existing laws, have the right to acquire, own, sell and otherwise dispose

of, property. (2) The State shall not, except in the public interest, requisition, acquire or create any encumberance on, the propery of any person. (3) The basis of compensation and procedure for giving compension for any property requistioned, acquired or encumbered by the State in the public interest, shall be as prescribed by law.

18. **Cultural and Educational Right:** (1) Each community residing within the Kingdom of Nepal shall have the right to preserve and promote its language, script and culture. (2) Each community shall have the right to operate schools up to the primary level in its own mother tongue for imparting education to its children.
19. **Right to Religion:** (1) Every person shall have the freedom to profess and practise his own religion as handed down to him from ancient times having due regard to traditional practices: *Provided that* no person shall be entitled to convert another person from one religion to another. (2) Every religious denomination shall have the right to maintain its independent existence and for this purpose to manage and protect its religious places and trusts.
20. **Right against Exploitation**: (1) Traffic in human beings, slavery, serfdom or forced labour in any form is prohibited. Any contravention of this provistion shall be punishable by law: *Provided that* nothing herein shall be a bar to providing by law for compulsory service for public purposes. (2) No minor shall be employed to work in any factory or mine, or be engaged in any other hazardous work.
21. **Right aginst Exile:** No citizen shall be exiled.
22. **Right to Privacy:** Except as provided by law, the privacy of the person, house, porperty, document, correspondence or information of anyone is inviolable.
23. **Right to Constitutional Remedy:** The right to proceed in the manner set forth in Article 88 for the enforcement of the rights conferred by this Part is guaranteed.

PART 4: DIRECTIVE PRINCIPLES AND POLICIES OF THE STATE

24. **Application of Directive Principles and Policies:** (1) The principles and policies contained in this part shall not be

enforceable in any court. (2) The principles and policies contained in this part shall be fundamental to the activities and governance of the State and shall be implemented in stages through laws within the limits of the resources and the means available in the country.

25. Directive Principles of the State: (1) It shall be the chief objective of the State to promote conditions of welfare on the basis of the principles of an open society, by establishing a just system in all aspects of national life, including social, economic and political life, while at the same time protecting the lives property and liberty of the people. (2) The fundamental economic objective of the State shall be to transform the national economy into an independent and self-reliant system by preventing the available resources and means *of* the country from being concentrated within a limited section of society, by making arrangements for the equitable distribution of economic gains on the basis of social justice, by making such provisions as will prevent economic exploitation of any class or individual, and by giving preferential treatment and encouragement to national enterprises, both private and public. (3) The social objective of the State shall be to establish and develop, on the foundation of justice and morality, a healthy social life, by eliminating all types of economic and social inequalities and by establishing harmony amongst the various castes, tribes, religions, languages, races and communities. (4) It shall be the chief responsibility of the State to maintain conditions suitable to the enjoyment of the fruits of democracy through wider participation of the people in the governance of the country and by way of decentralisation, and to promote general welfare by making provisions for the protection and promotion of human rights, by maintaining tranquility and order in the society. (5) The State, in its international relations, shall be guided by the objective of enhancing the dignity of the nation in the international arena by maintaining the sovereignty, intergrity and independence of the country.

26. State Policies: (1) The State shall pursue a policy of raising the standard of living of the general public through the development of infrastures such as education, health, housing and empolyement of the people of all regions, by equitably

distributing investment of economic resources for balanced development in the various geographical regions of the country. (2) The State shall, while maintaining the cultural diversity of the country, pursue a policy of strengthening the national unity by promoting healthy and cordial social relations amongst the various religions, castes, tribes, communities and linguistic groups, and by helping in the promotion of their languages, literatures, scripts, arts and cultures. (3) The State shall pursue a policy of mobilizing the natural resources and heritage of the country in a manner which might be useful and beneficial to the interest of the nation. (4) The State shall give priority to the protection of the environment and also to the prevention of its further damage due to physical development activities by increasing the awareness of the general public about environmental cleanliness, and the State shall also make arrangements for the special protection of the rare wildlife, the forests and the vegetation. (5) The State shall create conditions for economic progress of the majority of the people, who are dependent on agriculture, by introducing measures which will help in Wnsing Productivity in the agriculture sector and develop the agricultural sector on the principles of industrial growth by launching land reform programmes. (6) TheState shall pursue a policy of increasing the participation of the labour force, the chief socio-economic force of the country, in the management of enterprises by gradually securing employment opportunities to it, ensuring the right to work, and thus protecting its rights and interests. (7) The State shall pursue a policy of making the female population participate, to a greater extent- in the task of national development by making special provisions for their education, health and employment. (8) The State shall make necessary arrangements to safeguard the rights and interests of children and shall ensure that they are not exploited, and shall make gradual arrangements for free education. (9) The State shall pursue such policies in matters of education, health and social security of orphans, helpless women, the aged, the disabled and incapacitated persons as will ensure their protection and welfare. (10) The State shall pursue a policy which will help promote the interests of the economically and socially backward groups and communities by making special provisions with regard to their education, health and

employment. (11) The State shall, with a view to bringing about prosperity in the country, pursue a policy of giving priority to the development of science and technology and shall also give due consideration to the development of local technology. (12) The State shall, for the purposes of national development, pursue a policy of taking measures necessary for the attraction of foreign capital and technology, while at the same time promoting indigenous investment. (13) The State shall pursue a policy of creating conditions for the acceleration of the speed of rural development, keeping in view the welfare of the majority of the rural population. (14) The State shall, in order to secure justice for all, pursue a policy of providing free legal aid to indigent persons for their legal representation in keeping with the principle of the Rule of Law. (15) The foreign policy of Nepal shall be guided by the principles of the United Nations Charter, nonalignment, the Panchsheel, international law and the value of world peace. (16) The State shall pursue a policy of making continuous efforts to institutionalise peace for Nepal through international recognition, by promoting co-operative and good relations in the economic, social and other spheres on the basis of equality with neighbouring and all other countries of the world.

PART 5: HIS MAJESTY

27. His Majesty: (1) In this Constitution, the words "His Majesty" mean His Majesty the King for the time being reigning, being a descendant of the Great King Prithvi Narayan Shah and an adherent of Aryan culture and the Hindu religion. (2) His Majesty is the symbol of Nepalese nationality and the unity of the Nepalese people. (3) His Majesty is to preserve and protect this Constitution by keeping in view the best interests and welfare of the people of Nepal.

28. Provision Relating to Succession to the Throne: (1) Nothing in this Constitution shall affect the custom, usage and tradition relating to the order of succession to the Throne by the descendants of His Majesty. (2) His Majesty shall have the exculsive power of enacting, amending and repealing the law relating to succession to the Throne by His descendants.

29. Expenditures and Privileges Relating to His Majesty and the Royal Family: Expenditures and privileges relating to His

Majesty and the Royal Family shall be as determined by law. *Provided that* no law shall be made having the effect of reducing the expenditures and privileges being provided by the existing law.

30. **Income and Property of His Majesty to be Exempt from Tax Inviolable:** (1) The income and personal property of His Majesty shall be exempt from all kinds of tax, fee or other similar charge. (2) The property of His Majesty shall be inviolable.

31. **Question not to be Raised in Courts:** No question shall be raised in any court about any act performed by His Majesty: *Provided that* nothing in this Article shall be deemed to restrict any right under law to initiate proceeding against His Majesty Government or any employee of His Majesty.

32. **Royal Representative, Council of Royal Representatives, Regency and Council of Regency:** (1) In this Constitution, any reference to His Majesty shall, unless the subject or context otherwise requires, include reference to a Royal Representative or Council of Royal Representatives exercising powers pursuant to clause (2), and to a Regent or Council of Regency empowered pursuant to Article 34. (2) His Majesty may, by warrant under His Royal Seal, appoint any person or council as His Royal Representative to exercise, subject to such conditions as may be specified in the warrant, such functions as His Majesty is to perform pursuant to this Constitution or the existing law during His Majesty's absence from Nepal or during any specified period. The functions exercised by such Royal Representative within the terms and limits specified in the warrant shall, for the purpose of this Constitution and the existing laws, be deemed to have been exercised by His Majesty.

33. **Royal Standard and Salute:** (1) Square in shape and crimsion in colour having borders in white, the royal standard is traditionally comprised of a crescent moon, in the upper corner near the flagstaff with eight out of sixteen rays shown in white colour, and a white sun with twelve white rays in the upper corner opposite to the flagstaff, and a white flag showing a six-angled figure and a sword in the middle of the standard with an upright white lion facing the flag with both its paws holding, and the right hind leg supporting, the flagstaff. (2) The national anthem of Nepal is the Royal salute.

PART 6:RAJ PARISHAD

34. Raj Parishad: (1) His Majesty shall constitute a Raj Parishad, the functions of which shall be as set forth in this Constitution. (2) The Raj Parishad shall consist of the following members:- (a) Members of the Royal Family as designated by Majesty; (b) Prime Minister, *Ex-officio* Member; (c) Chief Justice, *Ex-officio* Member; (d) Speakers of the House of Representatives,*Ex-officio* Member; (3) Chairman of the National Assembly,*Ex-officio* Member: (f) Chairman of the Standing Committee of the Raj Parishad *Ex-Officio* Member: (g) Deputy Prime Minster, *Ex-officio* Member (h) Ministers, *Ex-officio* Member- (i) Leader of the opposition in the House of Representatives, *Ex-officio* Member; (j) Field Marshall, *Ex-officio* Member: (k) Bada Gurujyu, *Ex-Officio* Member, (l) Commander-in chief, *Ex-officio* Member; (m) Mukhya Shahebjyu, *Ex-officio* Member, (n) Chief Commissioner of the Comminission for the Investigation of Abuse of Authority, *Ex-officio* Member (o) Auditor-General, *Ex-officio* Member: (p) Chairman of the public Service Comission, *Ex-officio* Member: (q) Cheif Election Commissioner, *Ex-officio* Member; (r) Attorney-General, *Ex--officio* Member. (s) Mukhya Chautariya, *Ex-Officio* Member, (t) Principal Secretary or Secretary of His Majesty, *Ex-officio* Member: (u) Chief Secretary ofhis Majesty's Govemmet, *Ex-officio* Member; (v) Inspector-General of Police, *Ex-officio* Member; and (w) Such other members as His Majesty may designate from among persons who being renowned in diffrent fields of national life, or who, having rendered distinguished service, are considered fit to be members of the Raj Parishad. (3) Persons designated by his Majesty pursuant to sub-clauses (a) and (w) of clause (2) shall remain members during the pleasure of His Majesty. (4) A meeting of the Raj Parishad shall be summoned by the command of His Majesty, and shall be presided over by Him if present at the meeting. If His Mjesty is not present at the meeting, and if the Crown Prince has attained the age of eighteen years, the meeting shall be presided over by the Crown Prince, and if the Crown Prince has not attained the age of eighteen years, or if He is not present, the meeting shall be presided over by such person as is designated, by His Majesty, and if no such person has been designated, by the Chairman of the Standing Committee of the Raj Parishad.

(5) The Chairman of the Standing Committee of the Raj Parishad shall summon a meeting of the the Parishad in the following circumstances and such meeting shall be conducted under his Chairmanship: (a) on the demise of His Majesty or if His Majesty proclaims His abdication, (b) If at least one-fourth of the total number of members of the Raj Parishad sign a requisition declaring that His Majesty is unable, by reason of mental or physical infirmity, to perform his functions. (6) A meeting summoned under the circumstances mentioned in sub-clause (a) of clause (5) shall proclaim the accession to the Throne of the heir apparent to His Majesty in accordance with the law, custom and usage relating to the succession to the Throne. It shall also proclaim the appointement of a Regent or Council of Regency, subject to rules made by His Majesty, in case His Majesty is below the age of eighteen year. *Provided that* the Regency or Council of Regency proclaimed under this clause shall dissolve on His Majesty attaining the of eighteen years. (7) If a meeting of the Raj Parishad, summoned under sub-clause (b) of Clause (5) with the objective of deciding whether His Majesty is mentally or physically incapacitated, passes a resolution confirming such incapacity, by a majority of two thirds of its total membership, the meeting of the Raj Parishad shall proclaim the Crown Prince to be the Regent if He has attained the age of eighteen years, and in other circumstance, it shall, subject to rules made by His Majesty, Proclaim a Regent or Council of Regency: *Provided that* the Regency or Council of Regency proclaimed under this clause shall, subject to rules made by His Majesty, dissolve on the dimise of or abdication by His Majesty, or on His Majesty informing the Raj Parishad that He is fit to resume the Royal functions. (8) A Regent or Council of Regency proclaimed under clauses (6) and (7) shall not have any power to dedcide or to give approval to anything which shall be prejudicial to the interest of His Majesty or His successor. (9) Nothing in clauses (6) and (7) shall prevent the heir apparent to His Majesty from exercising the powers of the Throne pending a proclamation to that effect. (10) The Raj Parishad shall transact its business notwithstanding the absence of any of its members at any meeting if:- (a) notice of such meeting has been sent to all persons who were members on the date of issuance of the notice: and (b) at least one-third of the total number of members are present. (11) The Raj

Parishad may make necessary rules to rgulate its businesss. Until such rules are made, its business shall be regulated by rules madeby His Majesty. (12) Members of the Raj Parishad shall take an oath in themanner as specified by His Majesty. (13) His Majesty shall appoint the secretary of the Raj Parishad. (14) His Majesty may, from amonst the members of the Raj Parishad, constitute a Standing Committee of the Raj Parishad, consisting of maximum offifteen members including a Chairman and the following ex-officio members:- (a) Prime Minister, (b) Cheif Justice: (c) Speaker of the House of Representatives; (d) Chairman of the National Assembly: (e) Bada Gurujyu; and (f) Commander- in-Cheif. (15) The tenure of office of the Chairman and the members of the standing Committee of the Raj Parishad other than the ex-officio members shall be four year from the date of appointment. Such members shall be eligible for reappointment. (16) The office of the Chairman or a member of the Standing Committee of the Raj Parishad shall be deemed vacant under the following circumstances:- (a) if he dies; (b) if he is relieved of office by His Majesty: (c) if his resignation submitted to His Majesty in writing is accepted by Him: (d) if his term of office expires pursuant to clause (15). (17) In order to be eligible for appointment as the Chairman or a member of the Standing Committee of the Raj Parishad, a person must meet the following requirements:- (a) he has reached the age of fifty years; (b) he is not disqualified under any law. (18) The functions. duties and powers of the standing Committee of the Raj Parishad shall be as follows:- (a) to submit recommendations on matters referred to it by His Majesty: and (b) to carry out the functions rlating to the Royal Family as specified by His Majesty. (19) The standing Committee of the Raj Parishad may, subject to the provisons of this Article, frame necessary rules to regulate its business. Until such time as these rules are approved by His Majesty, this business shall be regulated by rules made by His Majesty. (20) The remuneration of the Chairman and the members of the standing Committee of the Raj Parishad shall be as fixed by His Majesty. (21) The meetings of the Standing Committee of the Raj Parishad shall be summoned by its Chairman- During discussions on any issue at such meetings, any other member of the Raj Parishad may also be invited. (22) The Secretary of the Raj Parishad shall

also act as the Secretary of its Standing Committee. (23) The members of the standing committee of the Raj Parishad shall take an oath in the manner as specified by His Majesty.

PART 7: EXECUTIVE

35. Executive Power: (1) The executive power of the Kingdom of Nepal shall, pursuant to this constitution and other laws, be vested in His Majesty and the council of Ministers. (2) Except as otherwise expressly provided as to be exercised exclusively by His Majesty or at His discretion or on the recomendation of any institution or official, the powers of His Majesty under this Constitution shall be excercised upon the recommendation and advice, and with the consent of the Council of Ministers. Such recommendaton, advice and consent shall be submitted through the Prime Minister. (3) The responsibility of issuing general directives, controlling and regulating the administration of the Kingdom of Nepal shall subject to this Constitution and other laws, lie in the Council of Ministers. (4) Except in so for as any action is to be taken in the name of His Majesty pursuant to this Constitution and other laws, all other executive actions shall be expressed to be taken in the name of His Majesty's Government. (5) Any decision, order or implementation warrant to be issued in the name of His Majesty pursuant to this Constitutionand other laws shall be authenticated insuch manner as may be set forth in rules made by His Majesty at His discretion. All other decisions, orders and implementation warrants to be issued in the name of the Council of Ministers pursuant to clause (4) above shall be authenticated in such manner as may be set forth in rules approved by His Majesty. (6) No question shall be raised in any court as to whether or not any recommendation or advice has been given to His Majesty pursuant to this Constitution by the Council of Minister or any other institution of official, nor shall any question be raised in any court about what recommendation or advice has been given.

36. Constitution of Council of Ministers: (1) His Majesty shall appoint the leader of the party which commands a majority in the House of Representatives as the Prime Minister, and shall constitute the Council of Ministers under his chairmanship. (2) The Council of Ministers, in addition to the Prime Minister, shall

consist of a Deputy Prime Minister if required and such other Ministers as may be required. (3) His Majesty shall, upon the recommendation of the Prime Minister, appoint from amongst the members of Parliament, a Deputy Prime Minister if required and such other Ministers as may be required. (4) The Prime Minister and other Ministers shall be collectively responsible to the House, of Representatives, and the Ministers shall be individually responsible for the work of their respective Ministries to the Prime Minister and the House of representatives. (5) The Prime Minister shall be relieved of' office in the following circumstances: (a) if his resignation submitted to His Majesty in writing is accepted by Him; or (b) if His Majesty relieves him of office in accordance with a no-confidence resolution passed by a majority of the total number of members of the House of Representatives pursuant to Article 59, or (c) if he ceases to be a member of the House of Representatives: or (d) if he dies (6) The Deputy Prime Minister or a Minister shall be relieved of his office in the following circcumstances: (a) if his resignation submitted to His Majesty in writing through the Prime Minister is accepted by Him; or (b) if the Prime Minister is relieved of his office pursuant to the provisions of clause (5) above; or (c) if he ceases to be a member of Parliament: or (d) if he is relieved of his office by His Majesty upon the recommendation of the Prime Pinister; or (e) if he dies. (7) If The Prime Minister is relieved of his office pursuant to clause (5), the existing Council of Ministers shall continue to function untill a new council of Ministers is constituted: *Provided that* His Majesty shall, upon the death of the Prime Minister, designate either the Deputy Prime Minister or the seniormost Minister to act as the Prime Minister until a new Prime Minister is appointed.

37. State Ministers and Assistant Ministers: (1) His Majesty shall, on the recommendation of the Prime Minister, appoint State Ministers from amongst the members of Parliament. (2) His Majesty shall, upon the recommendation of the Prime Minister, appoint Assistant Ministers from amongst the members of Parliament to assist any Minister in carrying out his reponsibilities. (3) The provisions of clause (6) of Article 36 relating to Ministers shall also be applicable to State Ministers and Assistant Ministers.

38. **Appointment of Non-Member of Parliament as Minister:** Notwithstanding anything contained in Articles 36 and 37, any person who is not a member of either House of Parliament may be appointed Deputy Prime Minister, Minister, State Minister or Assistant Minister. *Provided that* such deputy Prime Minister, Minister, State Minister or Assistant Minister shall be required to become a member of Parliament within six months from the date of his appointment.
39. **Remuneration and Other Privileges:** The remuneration and other privileges of the Prime Minister, Deputy Prime Minister, Ministers, State Ministers and Assistant Ministers shall be as determined by an Act, and until so determined, shall be as specified in rules made by His Majesty.
40. **Oath:** The Prime Minister, Deputy Prime Minister and other Ministers shall take their oath of office and secrecy before His Majesty, and the State Ministers and Assistant Ministers before the Prime Minister.
41. **Conduct of Government Business:** (1) The allocation and transaction of business of His Majesty's Government shall be carried out as set forth in rules approved by His Majesty. (2) No question shall be raised in any court as to whether or not rules made prusuant to clause (1) above have been observed.
42. **Special Provisions Concerning the Council of Ministers:** (1) If no one party has a clear majority in the House of Representatives, His Majesty shall appoint as Prime Minister a member who is able to command a majority with the support of two or more parties represented in the House. (2) If no member is able to command a majority in the House of Representatives even pursuant to clause (1) above, His Majesty shall appoint as Prime Minister the leader of the Parliamentary party that holds the largest number of seats in the House of Representatives. (3) A Prime Minister appointed pursuant to clause (1) or (2) above shall be required to obtain a vote of confidence from the House of Representatives within thirty days. (4) If a Council of Ministers constituted pursuant to the provisions of culase (2) above fails to obtain a vote of confidence from the House of Representatives. His Majesty shall dissolve the House of Representatives and issue an order for holding elections within six months.

43. Information to be submitted to and Reconmmendations to be made by His Majesty: (1) It shall be the duty of the Prime Minister to inform His Majesty of the folliwing matters: (a) decisions of the Council of Ministers regarding the administration of the Kingdom of Nepal, (b) Bills to be introduced in Parliament, (c) such other information as commanded by His Majesty on matters mentioned in sub-clauses (a) and (b), and (d) the current general state of affairs of the country, matters concerning peace and security in the country, matters of political, social and administrative concerns, and matters concerning international relations. (2) His Majesty may make recommendations to, or appreciations of, or admonitions to, the Council of Ministers on matters of national importance.

PART 8: LEGISLATURE

44. Constitution of Legislature: There shall be a Legislature, to be called Parliament, which shall consist of His Majesty and two Houses, namely the House of Representatives and the National Assembly.

45. Constitutions of the House of Representives: (1) The House of Representatives shall consist of two hundred and five members. (2) for the purpose of election of members to the House of Representatives, administrative districts shall be treated as election districts and the ratio of the number of seats allocated to any district shall be, so far as practicable, equal to the ratio of the population of that district to the national pupulation, as determined by the last census preceding the concerned election: and the number of election constituencies shall be equal to the number of seats so allocated; and one member shall be elected from each election constituency: *Provided that* the number of members to be elected from the districts shall be so determined and election constituency so delimitated as to be elected at least one member from each district irrespective of its population. (3) Unless dissolved earlier pursuant to the provisions of this Constitution, the term of the House of Representatives shall be five years: *Provided that* the term of the House of Representatives may be extended by an Act for a period not excending one year during the operation of a proclamation of a State of Emergency. (4) The term of the

House of Representatives as extended in pursuance of the proviso clause of clause (3) shall *ipso facto* stand terminated after the the expiry of six months from the date on which the proclamation of the State of date on which the proclamation of the State of Emergency is withdrawn. (5) Subject to the provisions of this Constitution, election to membership in the House of Representatives shall be held on the basis of one person-one vote through secret ballots in accordance with the provisions of law. (6) Every Nepali citizen who has attained the age off eighteen shall be entitled to vote in one of the election consitituencies i1i accordance with the provisions of law. (7) Every person who is entitled to vote in the elections for the House of Representatives may, subject to the provisions of Article 47 and other existing laws, be a candidate from any of the election constituencies. (8) Any vacancy in a seat occuring in the House of Representatives, while a portion of its term still remains, shall be filled through a by-election. (9) Subject to the provisions of this Article, elections for the House of Representatives and other matters pertaining thereto shall be regulated in accordance with law.

46. Constitution of the National Assembly and the Tenure of Office of Members: (1) The National Assembly shall consist of sixty members as follows:-(a) ten members to be nominated by His Majesty from amongst persons of high reputation who have rendered prominent service in various fields of national life. (b) Thirty five members, including at least three women members, to be elected by the House of Representatives in accordance with the provisions of law, on the basis of the system of proportional representation by means of single transferable vote, and (c) fifteen members, three from each of the Development Regions, to be elected in accordance with law on the basis of the system of single transferable vote by an electoral college consisting of the Chief and the Deputy Chief of the Village and Town level Local Authorities and the Chief, Deputy Chief and the members of the Dirstrict level Local Authorities: *Provided that* until elections are held for the Local Authorities, such electoral college shall, for the first time, consist of the members of the House of Representatives elected from the concerned Development Region. (2) The National Assembly shall be a permanent House. The tenure of office of one-third of its members shall expire every two years. (3) The

tenure of office of the members of the National Assembly shall be six years: *Provided that*, for the first time, after the commencement of this Constitution, arrangements shall be made by drawing lots to retire one-third of the member on the expiry of two years, anothcr one third on the expiry of four years, and the final one third on the expiry of six years. (4) The term of office ofthe members, including any unfilled seats, shall be deemed to have started on the date on which the National Assembly commesces its first session. (5) Vacancies of seats in the National Assembly shall be filled in the same manner of election or nomination through which the seat of the vacating member was filled. (6) If any seat of a member of the National Assembly falls vacant during his tenure of office, the vacancy shall be filled in accordance with clause (5), by election or nomination, as the case may be, for the remainder of the term.

47. Qualifications for Membership: (1) In order to become a member of Parliamament any person- (a) must be a citizen of Nepal; (b) must have attained twenty five years of age for the House of Representatives and thirty five years of age for the National assembly; (c) Should not be disqualified under any law; and (d) should not hold an office of profit. **Explanation:** For the purpose of this sub-clause. "office of Profit" means any position, other than a political position, to be filled by election or nomination for which a remuneration or economic benefit is paid out of a Government Fund. (2) No person shall be a member of both Houses simultaneously.

48. Decision as to Disqualifications of Members: If a question arises as to whether a member of Parliament is disqualified or has ceased to possess any of the qualifications set forth in Article 47, the final decision shall be made by the chief Justice of Nepal or any other Judge of the Supreme Court designated by him.

49. Vacation of seat: (1) The seat of a member of Parliment shall become vacant in the following circumstances: (a) if he dies; or (b) if he resigns in writing ; or (c) if he does not or has ceased to possess the the qualifications referred to in Article 47; or (d) if his term of office expires, or if the term of the House expires in accordance with this Constitution; or (e) if he, without the leave of the concerned House, absents himself from thirty consercutive meetings of the House; or (f) if the party of which

he was a member when elected provides notification in the manner set forth by law that he has abandoned the party.

50. Oath: The members of each House of Parliament shall, before taking part for the first time in a meeting of that House or any of its committees, take an oath in the specified form.

51. Speaker and Deputy Speaker of the House of Representatives: (1) The House of Representatives shall, as soon as possible, elect a Speaker and a Deputy Speaker from among its members. If the office of the Deputy Speaker falls vacant, the House of Representatives shall fill the vacancy through election from among its members. (2) The Deputy Speaker shall, in the absence of the Speaker of the House of Representatives, chair the House of Representatives. (3) If the election of the Speaker and Deputy Speaker has not taken place, or if both the positions have become vacant, the member of the House of Representatives who is by age the seniormost shall preside over the meeting of the House of Representatives. (4) The office of the Speaker or the Deputy Speaker shall become vacant in the following circumstances: (a) If he ceases to be a member of the House of Representatives: *Provided that*, after the dissolution of the House of Representatives, the Speaker and Deputy Speaker shall continue in office until the date of the filing of nominations for election to the House of Representives; or (b) if he submits a written resignation; or (c) if a resolution is passed by a majority of two-thirds of the total number of members in the House of Representatives to the effect that hisconduct is not compatible with his position. (5) The Deputy Speaker shall preside over a meeting at which deliberations are to be held on a resolution that the conduct of the Speaker of the House of Representatives is not compatible with his position. The Speaker shall be entitled to take part and vote in the deliberations on such resolution.

52. Chairman and Vice Chairman of the National Assembly: (1) After the commencement of its first session, the National Assembly shall, as soon as possible, elect a Chairman and Vice Chairman from among its members. If the office of the Chairman or the Vice-Chairman falls vacant, the National Assembly shall fill the vacancy through election from among its members. (2) The Vice-Chairman shall, in the absence of the Chairman of the National Assembly, chair the National

Assembly. (3) If the election of the Chairman and Vice-Chairman has not taken place, or if both the positions have become vacant, the member of the National Assembly who is by age the seniormost shall preside over the meenting of the National Assembly. (4) The office of the Chairman or the Vice-Chairman shall become vacant in the following circumstances: (a) if he ceases to be a member of the National Assembly; or (b) if he submits a written resignation: or (c) if a resolution is passed by a majority of two-thirds of the total number of members of the National Assembly to the effect that his conduct is not compatible with his position. (5) The Vice-Chairman shall preside over a meeting at which deliberations are to be held on a resolution that the conduct of the Chairman of the Natioal Assembly is not compatible with his position. The Chairman shall be entitled to take part and vote in the deliberations on such resolution.

53. Summoning and Prorogation of Sessions and Dissolution of the House of Representatives: (1) His Majesty shall summon a session of parliament within one month after the elections to the House of Representatives are held. Thereafter, His Majesty shall summon other sessions from time to time in accordance with this Constitution: *Provide that* the interval between two consecutive sessions shall not be more than six months. (2) His Majesty may prorogue the session of both or either of the Houses of Parliament. (3) If, during the prorogation or recess of the House of Representatives, one-fourth of its members make a representation that it is appropriate to convene a session or meeting, His Majesty shall specify the date and time for such session or meeting, and the House of Representatives shall meet or commence its session on the date and time thus fixed. (4) His Majesty may dissolve the House of Representatives on the recommendation of the Prime Minister. His Majesty shall, when so dissolving the House of Representatives,specify a date, to be within six months, for new elections to the House of Representatives.

54. Address and Message by His Majesty: (1) His Majesty may address either House or a joint sitting of both the Houses of Parliament, and lie may summon the members for that purpose. (2) His Majesty shall address the first session after an election to the House of Representatives and a joint sitting of

both the Housesof Parliament after the commencement of the first session of each year. (3) His Majesty may send messages to either or both the Houses of Parliament. The House receiving such message shall, as early as possiblc.consider the matter mentioned in the message and submit its opionion to His Majesty.

55. Quorm: Except as otherwise provided in this Constitution, no resolution shall be presented for decision in either House of Parliament unless one-fourth of the total number of members of the concerned House are present.

56. Restriction of discussion: (1) No discussion shall be held in either House of Parliament on the conduct of His Majesty, Her Majesty the Queen and the heir apparent to His Majesty. *Provided that* nothing in this Article shall be deemed to bar criticism of his Majesty's Government. (2) No discussion shall be held in either House of Parliament on a matter which is under consideration in any court of Nepal. (3) No disenssion shall be held in either House of Parliament, about anything done by a judge in course of performance of his duties: *Provided that* nothing in this clause shall be deemed to bar the expression of opinion about the conduct of a Judge during deliberations on a resolution held pursuant to clause (7) of Article 87.

57. Transaction of Business in case of vacancy of Members: Either House of Parliament shall have the power to transact its business notwithstanding any vacancies in the seats of its members; and no proceedings shall become invalid even if it is subsequently discovered that a person not entitled to take part in the proceedings of either House had participated there in.

58. Voting: Except as otherwise provided in this Constitution, all questions submitted for decision in either House of Parliament shall be decided by a majority vote of the members present and voting. Normally, the member presiding shall not have the right to vote, but he may exercise the casting vote in case of tie.

59. Vote of Confidence: (1) The Prime Minister, while he holds office, may, whenever he is of the opinion that it is necessary or appropriate to obtain a vote of condidence from the members of the House of Representatives, table a resolution to that effect in the House of Representatives. (2) One-fourth

of the total number of members of the House of Representatives may table in writing a no-condidence motion against the Prime Minister: *Provided that* a no-confidence motion shall not be presented more than once in the same session. (3) A decision on a resolution tabled pursuant to clause (1) and (2) shall be made by a majority of the total numbers of members of the House of Representatives.

60. Minister Entitled to Take Part in Both Houses: A Misister shall be entitled to attend and take part in the proceedings and deliberations of either House of Parliament and its committees: *Provided that* he shall nnt he entitled to vote in a House or committee of which lie is not a member.

61. Penalty for Unauthorized Presence or Voting: If a person sits or votes in a meeting of either House of Parliament as a member without taking an oath pursuant to Article 50, or knowing that he is not qualified for membership in the House, he shall, on order of the person chairing the House, be liable to a fine of one thousand rupees for each day of such presence or voting. The fine shall recovered as government dues.

62. Privileges: (1) Subject to the provisions of this Constitution there shall be full freedom of speech in both Houses of Parliament and no member shall be arrested, detained or procecuted in any court for anything said or any vote cast in the House. (2) Subject to the provisions of this Constitution, each House of Parliament shall have full power to regulate its internal business, and it shall be the exclusive right of the House concerned to decide whether or not any proceeding of the House is regular. No question shall be raised in any court in this behalf. (3) Subject to the provisions of this Constitution no comment shall be made about the good faith concerning any proceeding of either House of Parliament and no publication of any kind shall be made about anything said by any member which intentionally distorts or misinterprets the meaning to the speech. (4) Subject to the provisions of this constitution, the provisions of clauses (1) and (3) shall also apply to any person, other than a member, who is entitled to take part in a meeting of the House. (5) No proceedings shall be initiated in any court against any person for publication of any document, report, vote or proceeding which is made under anthority given, subject to the provisions of theis Constitution, by a House

of Parliament. ***Expalanation:*** For the purpose of this clause and clauses (1), (2), (3) and (4), the word "House" shall mean and include the committees of a House and shall also mean a joint sitting of Parliament or a meeting of the joint Committee. (6) No member of parliament shall be arrested between the date of issuance of the summons for a session and the date on which that session closes: *Provided that* nothing in this clause shall be deemed to prevent the arrest under any law of any member on a criminal charge. If any member is so arrested, the official making such arrest shall forthwith inform the person chairing the concerned House. (7) Any breach of privilege of either House of Parliament shall be deemed to constitute contempt of parliament and the concerned House shall have the exclusive right to decide whether or not any breach of Privilege has taken place. (8) If a person is in contempt of either House of Parliament, the Chairperson of the concerned House may, *after* a decision by the House to that effect, admonish, warn or impose, a sentence of imprisonment not exceeding three months, to remain effective only during the current session of the House, or impose a fine up to five thousand rupees on such person. The fine shall be recovered as government dues: *Provided that* if ther person so accused submits an apology to the satisfaction of the House, it may either pardon him or remit or commute the sentence imposed on him. (9) Other matters relating to provileges not mentioned in this Constitution shall be as dtermined by law.

63. Procedures relating to the Conduct of Business: (1) Each House of Parliament shall, subject to the provisions of this Constitution, frame rules for conducting its business, maintaining order during its meetings and regulating the constitution, functions and procedures of the committees or any other matter of the House or the committees. Such rules shall come into effect upon approval by His Majesty. (2) Matters relating to the conduct of business of a joint sitting of Parliament and the constitution of its Joint Committee, and the functions and procedures thereof shall be in accordance with rules made by His Majesty on the recommendation of the Speaker of the House of Representatives and the Chairman of the National Assembly. (3) Until such time as rules mentioned in clauses (1) and (2) are made, matters mentioned in those clauses shall be governed by rules made by His Majesty.

64. Committees: The House of Representatives may, by rules, rugulate the constitution and management of Committees on Finance. Public Account, Human Right, Foreign Relations, Natural Resources, Protection of the Environment, Population and such committees on other subjects as required.

65. Joint Committee: (1) If a resolution is passed by either House demanding that a Joint Committee of both the Houses be constituted for the purpose of mananging the working procedure between the two Houses, resolving disagreements on any Bill, or for any other specified function, a Joint Committee thereon shall be constituted. (2) The Joint Committee shall consist of up to a maximum of fifteen members in the ratio of two members from the House of Representatives to one member from the National Assembly.

66. Secretariat of Parliament: (1) His Majesty shall appoint the Secretary of the House of Representatives on the recommendation of its Speaker, and the Secretary of the National Assembly on the recommendation of its Chairman and the Secretary General of Parliament in consultation with both the Speaker and the Chairman. (2) The establishment of a Secretariat for the purpose of conducting the businesss of Parliament and other matters related thereto shall be as determined by law.

67. Remuneration: The remuneration and Privileges of the Speaker and Deputy Speaker of the House of Representatives, the Chairman and Vice-Chairman of the National Assembly and members of Parliament shall be determined by law, and until so determined, shall be as specified by His Majesty.

PART 9: LEGISLATIVE PROCEDURE

68. Proceddure for Introducing a Bill: (1) A Bill may be interoduced in either House of Parliament: *Provided that* a Finance bill shall be introduced only in the House of Representatives. (2) A Finance Bill or a Bill concerning the Royal Nepal Army or the Armed Police Force shall be introduced only as a Government Bill. Any amendment to such Bill may be introduced only upon the prior approval of His Majesty. Such Approval shall be obtained through the person chairing the House. (3) "Finace Bill" means a Bill concerning any or all of the following subjects:-

(a) the imposition, collection, abolition, remission, alteration or regulation or taxes; (b) the preservation of the Consolidated Fund or any other Government Fund, the Deposit of moneys into and the appropriation or the withdrawal of moneys from such Funds, or the reduction, increment or cancellation of appropriations or of proposed expenditures from such Funds; (c) the regulation of matters relating to the raising of loans or the giving of guarantees by His Majesty's Government, or any matter pertaining to amendment of the laws conccrning the financial liabilities undertaken or to be undertaken by His Majesty'e Government: (d) the custody and investment of all revenues received by any Government Fund, moneys acquired through the repayment of loans, and grant moneys; or audits of the accounts of His Majesty's Government; or (e) matters directly related to the above subject. (4) If any question arises whether a bill is Finance Bill or not the decision of the Speaker shall be final.

69. Procedure for Passage of Bills: (1) A Bill passed by one House of Parliament shall be transmitted to the other House as soon as possible and such Bill, if passed by the receiving House, shall be presented to His Majesty fot assent. (2) A Finance Bill passed by the House of Representatives shall be transmitted to the National Assembly. The National Assembly shall, after deliberations on such a Bill, send back the Bill to the House of Representative, within fifteen days from the date of receipt of the Bill with recommendations, if any. (3) The House of Representatives shall, upon deliberations on a Bill returned with recommendations pursuant to clause (2), Present it to His Majesty for assent along with such recommendations as it may deem appropriate. (4) If the National Assembly does not return a Bill received pursuant to clause (2) for more than fifteen days, the House of Representatives may present the Bill to His Majesty for assent. (5) Any *Bill,* except for a Finance *Bill,* passed by the House of Representatives and transmitted to the National Assembly shall be sent back with approval or recommendations within two months from the date of receipt. It the National Assembly does not return the *Bill* within that period, the House of Representatives may, by a resolution passed by a majority of more than fifty percent of the sitting members, present the *Bill* to His majesty for assent. (6) If any Bill passed by one House is rejected or is passed with

amendments by the other House, the Bill shall be transmitted back to the House where it originated. (7) If the House of Representatives, in considering a *Bill* which has been rejected or amended by the National Assembly pursuant to clause (6) passes it again as it was or with amendments, by a majority of more than fifty percent of its sitting members, the *Bill* shall be presented to His Majesty for assent. (8) A *Bill* for which amendments have been recommeded and which has been transmitted to the National Assembly by the House of Representatives pursuaant to clause (6) shall be presented to His Majesty for assent if the National Assembly also passes a resolution to adopt the Bill with such amendments. (9) The following Bills shall be referred to a joint sitting of the two Houses and if the joint sitting passes the *Bill* as it was or with amendments, the House in which the Bill originated shall present it to His Majesty for assent:- (a) Bills which, though passed by the National Assembly, have been rejected by the House of Representatives; or (b) *Bills* which have been returned to the National Assembly with amendments by the House of Representatives, but which the National Assembly fails to pass with such amendments. (10) If a session of a House terminates while a Bill is under consideration, deliberations on the Bill may continue at the succeding session: *Provide that* if any Bill introduced in the House of Representatives is under consideration, or if a Bill, having been passed by that House and transmitted to the National Assembly, is under considertation in the National Assembly, when the House of Representatives is dissoloved or its term expires, such Bill shall be deemed to have lapsed.

70. Withdrawl of Bills: A Bill may be withdrawn by the member introducing it with the approval of the House.

71. Assent on Bills: (1) A Bill which is to be presented to His Majesty for assent pursuant to Article 69 shall be so presented by the Speaker or the Chairman of the House in which the Bill originated after it has been duly certified by him under his hand: *Provided that* in the case of a Finance Bill, the Speaker shall so certify. (2) Upon His Majesty's assent to any Bill that has been presented to Him pursuant to this Article, both Houses shall be informed as soon as possible. (3) Except for a Finance Bill, if His Majesty is of the opinion that any *Bill* needs further

deliberations, He may send back the *Bill* with His message to the House of orgin of the *Bill* within one month from the date of presentation of the *Bill* to Him. (4) If any Bill is sent back with a message from His Majesty, it shall be reconsidered by a joint sitting of the two Houses and if the *Bill so* reconsidered is again passedas it was or with amendments, and is again presented to Him, His Majesty shall give assent to that Bill within thirty days of such presentation. (5) A Bill shall become an Act after His Majesty grants His assent to it in accordance with this article, and such assent shall be deemed to have been granted after the Royal seal has been affixed thereon.

72. Oridnace: (1) If at any time, except when both Houses of Parliament are in session, His Majesty is satisfied that circumstances exist which render it necessary for Him to take immediate action, He may, without prejudicing the provisions set forth in this Constitution, promulgate any Ordinance as He may deem necessary. (2) An Ordinance promulgated under clause (1) shall have the same force and effect as an Act: *Provided that* every such Ordinance - (a) shall be tabled at the next session of both Houses of Parliament, and if not passed by both Houses, it shall *ipso facto* cease to be effective: (b) may be repealed at any time by His Majesty; and (c) shall, unless rendered ineffective or repealed under sub-clause (a) or (b), *ipso facto* cease to have effect at the expiration of six months from its promulgation or sixty days from the commencement of a session of both the Houses. **Explanation:** If the two Houses of Parliament meet on different dates, the later date on which a House commences its session shall be deemed to be the date of commencement of session for the purpose of computation of time under thisclause.

PART 10: FINANCIAL PROCEDURE

73. No Tax to be Levied or Loan to be Raised Except in Accordance with Law: (1) No tax shall be levied and collected except in accordance with law. (2) No loan shall be raised or guarantee be given by His Majesty's Government except in accordance with law.

74. Consolidated Fund: Except for the revenues of religious endowments, all revenues received by His Majesty's

Government; all loans raised on the security of revenues and all moneys received in repayment of any loan made under the authority of any Act shall, unless otherwise provided by an Act, be credited to a Government fund to be known as the Consolidated Fund.

75. Expenditures From the consolidated Fund or a Government Fund: No expenditure shall be incurred out of the consolidated fund or any other Government Fund except the following:- (a) moneys charged on the Consolidated Fund; (b) moneys required to meet the expenditure under an appropriation Act; (c) advance moneys authorised by an Act required to meet expenditures, when an Appropriation Bill is under consideration; or (d) expenditures to be incurred in extraordinary circumstances under a Vote of Credit Act which contains only a discription of expenditures; *Provided that* matters relating to the Contingency Fund shall be governed in accordance with the provisions of Article 82.

76. Expenditures Chargeable on the Consolidated Fund: The expenditures relating to the following matters shall be charged on the Consolidated Fund and yearly approval of parliament for these expenditures shall not be required:- (a) the amount provided by the Act relating to expenditures on the Royal Family; (b) the amount required as remuneration, privileges and pension payable to the Chief Justice of Nepal and other Judges of the Supreme Court; (c) the amount required as remuneration and privileges payable to thefollowing officials:- (1) the Speaker and Deputy Speaker of the House of Representatives; (2) the Chairman and Vice-Chairman of the National Assembly; (3) the Chairman and members of the Standing Committee of the Raj Parishad; (4) the Chief Commissioner and other Commissioners of the Commission for the Investigation of Abuse of Authority; (5) the Auditor-General; (6) the Chairman and members of the Public Service commission; and (7) the Chief Election Commissioner and other Election Commissioners. (d) the administrative expenses of the Supreme Court, the Raj Parishad, the Commission for the Investigation of Abuse of Authority, the Department of the Auditor-General, the Public Service Commission and the Selection Commission: (e) all charges relating to debts for which His Majesty's Government is liable; (f) any sum required to

satisfy any judgment or decree of a court against His Majesty's Government; and (g) any other sum declared by law to be chargeable on the Consolidated Fund.

77. Estimates of Revenues and Expenditures: (1) His Majesty shall, in respect of every financial year, cause to be laid before a joint sitting of Parliament an annual estimate including the following matters:- (a) an estimate of revenues; (b) the moneys required to meet the charges on the Consolidated Fund; and (c) the moneys required to meet the expenditures to be provided for by an Appropriation Act. (2) The annual estimate to be presented pursuant to clause (1) above should accompany by a statement of the expenses allocated to each Ministry in the previous financial year and particulars of whether the objectives of the expenses have been achieved.

78. Appropriation Act: The moneys required to meet the expenditure to be provided for by any Appropriation Act shall be specified under appropriate heads in an Appropriation Bill.

79. Supplementary Estimates: (1) His Majesty shall, in respect of any financial year, cause to be laid before the House of Representatives a supplementary estimate if it is found- (a) that the sum authorised to be spent for a particular service by the Appropriation Act for the current financial year is insufficent, or that a need has arisen for expenditures upon new services not provided for by the Appropriation Act for that year; or (b) that the expenditures made during that financial year are in excess of the amount authorised by the appropriation Act. (2) The sums included in the supplementary estimates shall be specified under separate heads in a Supplementary appropriation Bill.

80. Votes on Account: (1) Notwithstanding anything contained in this Part, a portion of the expenditure estimated for the financial year may, when an Appropriation Bill is under consideration, be incurred in advance by an Act. (2) A Vote on Account Bill shall not be submitted until the estimates of revenues and expenditures have been presented in Accordance with the provisions of Article 77 and the sums involved in the Vote on Account shall not exceed one-third of the estimate of expenditures for the financial year. (3) The expenditures incurred in accourdance with the Vote on Account Act shall be included in the Appropriation bill.

81. Votes of Credit: Notwithstanding anything contained in this part, if owing to a local or national emergency due to either natural causes, a threat of external aggression or internal disturbances, or other reasons, His Majesty is of the opinion that it is impractical or inexpedient in view of the security or interest of the State to specify the details required under Article 77, He may cause to bebefore the House of Representatives a Vote of Creadit Bill giving only a description of the proposed expenditures.

82. Contingency Fund: An Act may create a Contingency Fund into which shall be paid from time to time such moneys as may be determined by law. Such fund shall be under the control of His Majesty's Government, and any unforeseen expenditures shall be met out of such Fund by His Majesty's Government. The amount of the expenditures so met shall be reimbursed as soon as possible by an Act.

83. Act Relating to Financial Procedure: Matters relating to the transfer of moneys appropriated from one head to another and other financial procedures shall be regulated by an Act.

PART 11: JUDICIARY

84. Courts to Exercise Powers Related to Justice: Powers relating to justice in the Kingdom of Nepal shall be exercised by courts and other judical institutions in accordance with the provisions of this Constitution, the laws and the recognized principles of justice.

85. Courts of Kingdom of Nepal: (1) Courts in the Kingdom of Nepal shall consist of the following three tiers: (a) Supreme Court; (b) Appellate Court; and (c) District Court. (2) In addition to the courts referred to in clause (1) above. the law may also establish special types of courts or tribunals for the purpose of hearing special types of cases: *Provided that* no special court or tribunal shall be constituted for the purpose of hearing a particular case.

86. Supreme Court: (1) The Supreme Court shall be the highest court in the judicial hierarchy. All other courts and judicial institutions of Nepal, other than the military Court, shall be under the Supreme Court. The Supreme Court may inspect, supervise and give directives to its subordinate courts and other

judicial institutions. (2) The Supreme Court shall be a Court of Record. It may initiate prceedings and impose punishment in accordance with law for contempt of itself and of its subordinate courts or judical institutions. (3) The Supreme Court shall, in addition to the Chief justice of Nepal, consist of up to a maximum of fourteen other Judges. If at any time, the number of existing judges becomes insufficient due to an increase in the number of cases in the supreme Court, *ad hoc* judges may be appointed for a fixed term.

87. Appointment, Qualifications and conditions of Service of Judges of the Supreme Court: (1) His Majesty shall appoint the Chief Justice of Nepal on the recommendation of the Constitutional Council, and other Judges of the Supreme Court on the recommendation of the Judicial Council. The tenure of office of the Chief Justice shall be seven years from the date of appointment. (2) Any person who has worked as a Judge of the Supreme Court for at least five years is eligible for appointment as Chief Justice. (3) Any person who has worked as a Judge of an appellate Court or in any equivalent post of the judicial Service for at least ten years; or has practised law for at least fifteen years as a law graduate advocate or senior advocate; or who is a distinguished jurist who has worked for at least fifteen years in the judicial or legal field is eligible for appointment as a Judge of the Supreme Court. **Explanation:** For the purpose of this clause, services rendered prior to the commencement of this constitution as a Judge of a Regional Court or Zonal Court shall be deemed as service rendered in an Applellate Court. (4) If the office of the Chief Justice becomes vacant, or the Chief Justice is unable to carry out the duties of his office due to illness or any other reason, or he cannot be present in office due ot a leave of absence or his being outside of Nepal, His Majesty may designate the seniormost Judge to act as the Acting Chief Justice. (5) The Chief Justice or any other Judge of the Supreme Court shall hold office until he attains the age of sixty five years. (6) The Cheif Justice or any other Judge of the Supreme Court may, by submitting to His Majesty his resignation in writting, resign his office at any time. (7) The Chief Justice or any other Judge of the Supreme Court shall be removed from his office if, for reasons of incompetence, misbehaviour or failure to discharge the duties of his office in good faith, the House of Representatives, by a two-thirds

majority of the total number of its members, passes a resolutiion for his removal and the resolution is approved by His Majesty. (8) The Chief Justice or any other Judge of the Supreme Court Charged pursuant to clause (7) shall be given a reasonable opportuntiy to defend himself, and for this purpose, the House of Representatives may constitute a Committee of Inquiry consisting of its members and legal experts for the purposes of recording the statement of the judge, collecting evidence and submitting its findings. The working procedure of the Committee shall be determined by law. (9) The Chief Justice or the Judge of the Supreme court against whom inmpeachment proceedings are being initiated pursuant to clause (7) shall not perform his duties until the proceedings are final. (10) Except as otherwise provided for in this tonstitution, the remuneration, allowances, leave, pension, gratuities and other conditions of service of the Chief Justice and other judges of the Supreme Court shall be regulated by law. (11) The remuneration, privileges and other conditions of service of the Chief justice and other Judges of the Supreme Court shall not be altered to their disadvantage. (12) Any person who has once held the office of Chief Justice or Judge of the Supreme Court shall not be eligible for appointment in any Government Service, nor shall he be entitled to practise law before any office or Court: *Provided that* nothing in this clause shall be deemed to be a bar to his appointment to a political position, to a position concerning judicial inquiry or to a position in which his responsibility extends to giving his advice, opinions and recommendations on the basis of study, research and investigation in the field of justice or law. (13) The chief Justice may, on the recommedation of the Judicial Council, appoint a retired Judge of the Supreme Court or any person who is qualified to be appointed Judge of the Supreme Court pursuant to this Article, as an ad hoc Judge for a fixed term. The ad hoc Judge thus appointed shall, in carrying out his duties in the capacity of Judge, be entitled to remunerauon; allowances, leave and transportation facilities similar to that of a Judge of the Supreme Court: *Provided that* the Chief Justice shall obtain approval from His Majesty before making an appointment under this clause.

88. Jurisdiction of the Supreme Court: (1) Any Nepali citizen may file a petition in the Supreme Court to have any law or any part thereof declared void on the ground of inconsistency with this Constitution because it imposes an unreasonable restriction on the enjoyment of the fundamental rights conferred by this Constitution or on any other ground, and extra-ordianary power shall rest with the Supreme Court to declare that law as void either ab initio or from the date of its decision if it appears that the law in question is inconsistent with Constitution. (2) The Supreme Court shall, for the enforcement of the fundamental rights conferred by this Constitution, for the enforcement of any other legal right for which no other remedy has been provided or for which the remedy even though provided appears to be inadequate or ineffective, or for the settlement of any constitutional or legal question involved in any dispute of public interest or concern, have the extraordinary power to issue necessary and appropriate orders to enforce such rights or settle the dispute. For these purposes, the Supreme Court may, with a view to imparting full justice and providing the appropriate remedy, issue appropriate orders and writs including the writs of habeas corpus, mandamus, certiorari, prohibition and quo wanartto: *Provided that*- (a) the Supreme Court shall not be deemed to have power under this clause to interfere with the proceedings and decisions of the Military Court except on the ground of absence of jurisdiction or on the ground that a proceeding has been initiated against, or punishment given to, a non-military person for an act other than an offence relating to the Army. (b) except on the ground of absence of jurisdiction, the Supreme Court shall not interfere under this clause with the proceeedings and decisions of Parliament concerning penalties imposed by virtue of its Privileges. (3) The Supreme Court shall have original and appellate jurisdiction as defined by law. (4) The Supreme Court may review its own judgements or final orders subject to the conditions and in the circumstances prescribed by law. (5) If His Majesty wishes to have an opinion of the Supreme Court on any complicated legal question of interpretation of this Constitution or of any other law, it shall, upon consideration on the question, report to His Majesty its opinion thereon. (6) Other powers and procedures of the Supreme Court shall be as prescribed by law.

89. **Establishment and Management of Appellate Courts and District Courts:** The establishment, management and jurisdiction of the Appellate courts, District courts and other courts subordinate to the Supreme Court shall be determined by law subject to this Constitution.

90. **Qualifications for Judges of Applellate Courts and Districts Courts:** (1) Any person who is a Nepali citizen shall be eligible for appointment as Chief Judge or other Judge of an Appellate Court if he, having a Bachelor's Degree in law, has worked as a District Judge or worked in any other equivalent post for a period of at least seven years; or has practised law for at least ten years as a law graduate advocate or senior advocate; or has taught law or done research thereon or has worked in any other field of law or justice for at least ten years. (2) A person who is a Nepali Citizen. who has a Bachelors Deeree in law and has worked for at least four years as a second class gazetted officer in the Judicial Service is eligible for appointment as a District Judge: *Provided that* nothing herein shall prevent the continuance or reappointment of the Judges who at the commencement of this Constitution are working as Judges. (3) Unless the subject or context otherwise requires, the word "Judge" as mentioned in this Articles and ensuing articles shall mean and include an Additional Judge.

91. **Appointment and Conditions of Service of the judges of Appellate Courts and District Courts:** (1) His Majesty shall, on the recommendation of the the Judicial council, appoint any Chief Judges of the Appellate Courts and any Judges of the District Courts: *Provided that* His Majesty may delegate His authority to the Chief Justice for the appointment of the District Judges to be made on the recommendation of the Judicial council. (2) The Chief Justice may transfer a Judge of an Appellate or District Court from one Court to another on the recommendation of the Judicial council. (3) If the Judicial Council recommends that a Chief Judge or any other Judge of an Appellate Court or any Judge or a District Court be removed from his office for reasons of incompetence, misbehaviour or failure to carry out the duties of his office in good faith, or if it recommends that it is necessary and expedient to initiate proceedings against such Judge in accordance with law for reasons of misbehaviour, and if such recommendation is

accepted by His Majesty, such Chief Judge or Judge shall be so removed from his office or proceedings will be initiated against him in accordance with law: *Provided that* the Chief Judge or any other Judge who is facing such charge shall be given a reasonable opportunity to defend himself before the said recommendation is made and for this purpose, the Judicial Council shall cause and investigation to be made by a Committee of Inquiry under the chairmanship of a judge of the supreme court for the purposes of recording the statement of the Judge, collecting evidence and submitting its findings. (4) A Chief Judge or a Judge of an appealate court or judge of a Distric Court may, by submitting to His Majesty his resignation in writing, resign his office. (5) A Chief Judge and other Judges of an Appellate or District Court shall continue to hold office until the age of sixty three. (6) The remuneration, allowances, leave, pension, gratuities or other privileges and other judges of service of a Chief Judge and the other conditions of an Appellate or District Court Shall be as determined by law. (7) The remuneration, privileges and conditions of service of a Chief Judge and other Judges of an Appellate Court or District court shall not be altered to their, disadvantage.

92. Judges not to be Transferred to, or Engaged in any other Assignment: A Judge shall not be transferred to, engaged in, or deputed to, any work except that of a Judge: *Provided that* His Majesty may, in consultation with the Judicial Council, depute for a specified period a judge of the Supreme Court or a Chief Judge of any appellate Court to work concerning Judicial inquiry, to legal or judicial investigation or research, or to any other work of national conccrn. With regard to other Judges of the Applellate Courts and District Courts, the chief Justice may, in consultation with the Judicial Council, depute them to the above works, including election works.

93. Judicial Council: (1) There shall be a Judicaial Council to make recommendations and give advice in accordance with this constitution concerning the appointment of, transfer of, disciplinary action against, and dismissal of Judges, and other matters relating to judicial administration, which shall consist of the following as its Chairman and members:- (a) the Chief Justice, *ex-officio* Chairman, (b) the minister of Justice, *ex-officio* member; (c) the two seniormost Judges of the Supreme

Court, ex- officio members; (d) one distinguished jurist to be nominated by His Majesty. (2) Notwithstanding anything contained in clause (1) above, if it becomes necessary for the Judicial Council to consider any matter to a Judge who is a member of the Council or to make a recommendation to His Majesty about such Judge, the Judge next in seniority shall take part as a member. (3) The term of office and privileges of the member referred to in sub-clause (d) of clause (1) shall be as prescribed by His Majesty. (4) The powers and duties of the Judicial Council other than those referred to in clause (1) shall be as prescribed by law. (5) The Judicial Council may frame rules to regulate its business. Such rules shall become effective upon approval by His Majesty.

94. Judicial Service Commission: (1) In appointing, transferring or promoting Gazetted Officers of the Judicial Service or taking departmental action concerning such officer in accordance with law, His Majesty's Government shall act on the recommendation of the Judicial Service Commission: *Provided that* His Majesty's Government shall consult the Public Service Commission for the purpose of permanent recruitment to gazetted posts of the Judicial Service from persons who are not already in the Government Service or from persons being promoted from non-gazetted to gazetted posts within the Judicial Service. (2) The Judicial Service Commission shall consist of the following as its Chairman and members:- (a) the Chief Justice, *ex-officio* Chairman; (b) the Minister of Justice, *ex-officio* member; (c) the Seniormost Judge of the Supreme Court, *ex-officio* member; (d) the Chairman of the Public Service Commission, *ex-officio* member; (e) the Attorney-General, *ex-officio* member, (3) Other Powers, duties and procedures of the Judicial Service Commission shall be as determined by law.

95. Duty to Extend Cooperation: It shall be the duty of His Majestys Government and the offices and officials subordinate to His Majesty's Government to act in aid of the Supreme Court and other courts in carrying out the functions of dispensing justice.

96. Orders and Decisions of Courts to be Binding: (1) All shall abide by the orders and decisions made in the course of hearing of a suit by courts. (2) Any interpretation given to a law or any legal principle laid down by the Supreme Court in the course of hearing of a suit shall be binding on His Majesty's Government and all offices and courts.

PART 12: COMMISSION FOR THE INVESTIGATION OF ABUSE OF AUTHORITY

97. Commission for the Investigation of Abuse of Authority: (1) There shall be a commission to be called the Commission for the Investigation of Abuse of Authority of the Kingdom of Nepal consisting of a Chief Commissioner and such number of other Commissioners as may be required. If apart from the Chief Commissioner other Commissioners are appointed, the Chief Commissioner shall act as Chairman of the Commission for the Investigation of Abuse of Authority. (2) His Majesty shall, on the recommendation of the Constitutional Council, appoint the Chief Commissioner and other Commissioners. (3) The term of office of the Chief Commissioner and other Commissioners shall be six *years* from the date of appointment. They shall be eligible for reappointment; *Provided that*- (a) if before the expiry of his term, the Chief Commissioner or a Commissioner attains the age of sixty five, he shall retire. (b) the Chief Comminssioner or a Commissioner may be removed from his office on the same grounds and in the same manner as has been set forth the removal of a Judge of the Supreme Court. (4) The office of the Chief Commissioner or a Commissioner shall be deemed vacant under the following circumstances:- (a) if he dies; or (b) if his resignation submitted to His Majesty in writing is accepted by Him; or (c) if pursuant ot clause (3) his term expires or he is removed from his office. (5) No person shall eligible to be appointed as the Chief Commissioner or a Commissioner unless he: (a) holds a Bachelor's Degree from a university recognised by His Majesty's Government; (b) is not a member of any political party immediately before appointment; (c) has at least ten years experience in the field of either law, accounting, revenue, construction, development or research, and is a distinguished person; and (d) has attained the age of forty five. (6) The remuneration and other conditions of service of the Chief Commissioner and the Commissioners shall be as determined by law. The remuneration and other conditions of service of the Chief Commissioner and the Commissioners shall not, so long as they hold office, be altered to their disadvantage. (7) A person once appointed as the Cheif Commisioner or Commissior shall not be eligible for appointment in other Government Service: *Provided that*-

(a) nothing in this clause shall be deemed to be a bar to appointment of a Commissioner of the Commission for the Investigation of Abuse of Authority as its Chief Commissioner, and when a Commissioner is so appointed as the Chief commissioner, his term of office shall be computed as to include his term as Commissioner. (b) nothing in this clause shall be a bar to appointment to any position of a political nature, or to any position which has the responsibility of making investigations, inquiries or findings on any suhject, or to any position which has the responsibility of submiting advice, opinions or recommendations after carrying out studies or research on any subject.

98. Functions, Duties and Powers of the commission for the Investigation of Abuse of Authority: (1) The Commission for the Investigation of Abuse of Authority may, in accordance with law, conduct or cause to be conducted inquiries into, and investigations of, improper conduct or corruption by a person holding any public office: *Provided that* the Commission for the Investigation of Abuse of Authority shall not have jurisdiction over the follwing officials:- (a) any official in relation to whom this Constitution itself separately provides for such action: and (b) any official to be prosecuted under the Army Act. (2) If the Commission for the Investigation of Abuse of Authority finds, upon inquiry or investigation carried out pursuant ot clause (1), that any person holding any public office has misused his authority by improper conduct, it may admonish such person, or forward a recommendation to the concerned authority in writing for taking departmental or any other necessary action. (3) If the Commission for the Investigation of Abuse of Authority finds, upon inquiry or investigation carried out pursuant to clause (1), that a person holding any public office has committed an act which is defined by law as corrupt, it may bring or cause to be brought an action against such person or any other person involved therein in a court with jurisdiction in accordance with law. (4) Subject to this Constitution, other functions, duties, powers and procedures of the Commission for the Investigation of Abuse of Authority shall be as determined by law. (5) The Commission for the Investigation of Abuse of Authority may delegate any of its powers, functions and duties relating to the inquiry, investigation or bringing actions, to the Cheif Commissioner, a

Commissiner or any employee of His Majesty's Government to be excercised and complied with subject to the specified conditions. (6) The Commission for the Investigation of Abuse of Authority shall submit an annual report to His Majesty on the works it has perforemed in accordance with this Constitution. His Majesty shall cause such reprot to be laid before Parliament.

PART 13: AUDITOR-GENERAL

99. Auditor-General: (1) There shall be an Auditor-General of the Kingdom of Nepal who shall be appointed by His Majesty on the recommedation of the Constitutional Council. (2) The term of office of the Auditor-Gerneral shall he six years from the date of appointment. He shall be eligible for reappointment: *Provided that* (a) if before the expiry of his term, the Auditor-General attains the age of sixty five, he shall retire. (b) he may be removed from his office on the same grounds and in the same manner as has been set forth for the removal of a Judge of the Supreme Court. (3) The office of the Auditor-General shall be deemed vacant in the following circumstances:- (a) if he dies; or (b) if his resignation submitted to His Majesty in writing is accepted by Him; or (c) if pursuant to clause (2) his term expires or he is removed from his office. (4) No person shall be eligible to be appointed as the Auditor-General unless he:- (a) holds a Bachelor's Degree from a university recognized by His Majesty's Government: (b) has worked for at least five years as a special class officer of 1 lis Majesty's Government or has experience in the field of accounting of not less than fifteen years; (c) is not a member of any political party immediately before appointment: and (d) has attained the age of forty five. (5) The remuneration and other conditions of service of the Auditor-General shall be as determined by law. The remuneration and other conditions of service of the Auditor-Gerneral shall not, so long as he holds office, be altered to his disadvantage. (6) A person once appointed to the office of the Auditor-General shall not be eligible for appointment in other Government Service: *Provided that* nothing in this Clause shall be a bar to appointment to any position of a political nature, or to any position which has the responsibility of making investigations, inquiries or findings on any subject, or to any position which has the responsibility of submitting advice,

opinions or recommendations after carrying out studies or research on any subject.

100. Functions, Duties and Powers of the Auditor-General: (1) The accounts of the Supreme Court, the Parliament, the Raj Parishad, the Commission for the Investigation of Abuse of Authority, the Office of the Auditor-General, the Public Service Commission, the Election Commission, other offices of the Constitutional Bodies, the Rayal Nepal Army and the Nepal Police, and all other government offices and courts shall be audited by the Auditor-General in the manner as determined by law, with due consideration given to the regularity, economy, efficiency, effectiveness and the propriety thereof. (2) The Auditor-General shall be consulted in the matter of appointment of auditors for carrying out the audit of any corparate body of which His Majesty's Government owns more than fifty percent of the shares or the assets. The Auditor-General may also issue necessary directives setting forth the principles for carrying out the audit of such corporate bodies. (3) The Auditor-General and his assistants shall, at all times, have access to documents concerning the accounts for the purpose of carrying out the functions stipulated in clause (1) above. It shall be the duty of the concerned office to provided all such documents or informantion which may be demanded by the Anditor-General or his assistants. (4) The accounts to be audited pursuant to clause (1) above shall, subject to the relevant law, be maintained in such form as prescribed by the Auditor-General, (5) In addition to the accounts of the offices referred to in clause (1) above, the law may also require that the accounts of any other office or institution be audited by theAuditor-General. (6) The Auditor-General shall submit an annual report to His Majesty on the works he has performed. His Majesty shall cause such report to be laid before Parliament.

PART 14: PUBLIC SERVICE COMMISSION

101. Public Service Commission: (1) There shall be a Public Service Commission of the Kingdom of Nepal consisting of a Chairman and such number of other members as may be required. (2) His Majesty shall, on the recommendation of the Constitutional council, appoint the Chairman and other members of the Public

Service Commission. (3) At least fifty percent of the total number of the members of the public Service Commission shall be appointed from persons who have worked for ten or more than ten years in any goverment office, and the rest of the members shall be appointed from persons, who have done research, investigation, teaching or any other significant work in fields such as science, art, literature, law or any other sphere of national life and who hold a high reputation. (4) The term of office of the Chairman and the members of the Public Service Commission shall be six years from the date of appointment. They shall be eligible for reappointement: *Provided that*- (a) if before the expiry of his term, the Chairman or a member of the Public Service Commission attains the age of sixty five, he shall retire. (b) the Chairman and the members of the public Service Commission may be removed from their offices on the same grounds and in the same manner as has been set forth for removal of a Judge of the Supreme Court. (5) The office of the Chairman or a member of the Public Service Commission shall be deemed vacant in the following circumstances:- (a) if he dies; or (b) if his resignation submitted to His Majesty in writing is accepted by Him; or (c) if pursuant to clause (4) his term expires or he is removed from his office. (6) No person shall be eligible to be appointed as the Chairman or a member of the public Service unless he: (a) holds a Post Graduate Degree from a university recognised by His Majesty's Government. (b) is not a member of any political party immediately before appointment; and (c) has attained the age of forty five. (7) The remuneration and other conditions of service of the Chairman and the members of the Public Service Commission shall be as determined by law. The remuneration and other conditions of service of the Chairman and the members of the Public Service Commission shall not, so long as they hold office, be altered to their disadvantage. (8) A person once appointed to the office of the Chairman or a member of the Public Service Commission shall not be eligible for appointment in other Government Service: *Provided that*- (a) nothing in this clause shall be a bar to appointment of a member of the Public Service Commission as Chairman thereof, and when a member is so appointed as the Chairman, his term of office shall be computed as to include his term as member; and (b) nothing in this clause shall be a bar to appointment to any position of a political nature, or to

any position which has the responsiblility of making investigations, inquiries or findings on any subject, or to any position which has the responsibility of submitting advice, opinions or recommendations after carrying out studies or research on any subject.

102. Functions, Duties and Powers of the Public Service Commission: (1) It shall be the duty of the Public Service Commission to conduct examinations for the selection of suitalbe candidates to be appointed to Civil Service posts. **Explanation:** For the purpose of this Article, all services and positions in His Majesty's Government shall be deemed included within the Civil Service, except Army Officers and Soldiers, the services and positions of Police Personnel, and such other services and positions as are exclude from the Civil Service or positions by any law. (2) Permanent appointment to any position in the Civil Service which carries the benefit of pension shall not be made except in consultation with the Public Service Commission. (3) The Public Service Commission shall be consulted on the following subjects:- (a) matters concerning the law relating to the conditions of service of the Civil Service; (b) the general principles to be followed in the course of appointment to, promotion to, and departmental action concerning the Civil Service or positions: (c) matters concerning the suitability of any candidate for appointment to a Civil Service position for a period of more than six months; (d) matters concerning the suitability of any candidate for transfer of promotion from one service to another within the Civil Service or from any other Government Service to the Civil Service; (e) matters concerning the permanent transfer or promotion of any employee, working in any position of an organisation which is not required to consult with the Public Service Commission on matters of appointment, to any Position for which consultation with the Public Service Commission is required: and (f) matters relating to departmental actions proposed against any Civil Servant. (4) Notwithstanding anything contained in clause (3), matters falling within the purview of the Judicial Service Commission pursuant to Article 94 of this Constitution shall be governed by that Article. (5) The Public Service Commission may delegate any of its functions, duties and powers to any of its members, a committee of such members or any employee of His Majesty's

Government, to be exercised and complied with subject to the specified conditons. (6) Suject to this Constitution, other functions, duties and working procedures of the Public Service commission shall be as regulated by law. (7) Each year, the Public Service Commission shall submit to His Majesty an annual report on the works it has performed. His Majesty shall cause such report to be laid before Parliament.

PART 15: ELECTION COMMISSION

103. Election Commission: (1) There shall be an Election Commission of the Kingdom of Nepal consisting of a Chief Election Commissioner and such number of other Commissioners as may be required. If apart from the Chief Election commissioner other Election Commissioners are appointed, the Chief Election Commissioner shall act as Chairman of the Election Commission. (2) His Majesty shall, on the recommendation of the Constitutional Council, appoint the Chief Election Commissioner and other Election commissioners. (3) The term of office of the Chief Election Commissioner and other Election commissioners shall be six years from the date of appointment. They shall be eligible for reapointment; *Provided that*- (a) if before the expiry of his term, the Chief Election Commissioner or an Election Commissioner attains the age of sixty five, he shall retire. (b) the Chief Election Commissioner and other Election commissioners may be removed from their offices on the same grounds and in the same manner as has been set forth removal of a Judge of the Supreme Court. (4) The office of the Chief Election Commissioner or an Election Commissioner shall be deemed vacant in the following circustanccs:- (a) if he dies; or (b) if his resignation submitted to His Majesty in writing is accepted by Him: or (c) if pursuant to clause (3) his term expires or he is removed from his office. (5) No person shall be eligible to be appointed as the Chief Election Commissioner or an Election Commissioner unless he: (a) holds a Bachelor's Degree from a university recognised by His Majesty's Government; (b) is not a member of any political party immediately before appointment: and (c) has attained the age of forty five. (6) The remuneration and other conditions of service of the Chief Election Commissioner and the Election Commissioners shall

be as determined by law. The remuneration and other conditions of service of the Chief election commissioner and the Election commissioners shall not, so long as they hold office, be altered to their disadbvantage. (7) A person once apponted to the office of the Chief Election Commissioner or an Eleection Commissioner shall not be eligible for appointment in other Government Service: *Provided that*- (a) nothing in this clause shall be a bar to appointment of an Election Commissioner as Chief Commissioner, and when a Commissioner is so appointed as the Chief commissioner, his term of office shall be computed as to include his term as Commissioner. (b) nothing in this clause shall be a bar to appointment to any position of a political nature, or to any position which has the responsibility of making investingations, inquiries or findings on any subject, or to any position which has the responsibility of submitting advice, opinions or recommendatons after carrying out studies or research on any subject.

104. Functions, duties and Powers of the Election Commission: (1) The Election Commission shall, subject to the provisions of this Constitution and other laws, conduct, supervise, direct and control the elections to Parliament and Local Authorities at the village, town district levels. For these purposes, the Election commission shall prepare the electoral rolls of voters. (2) If, after nominations for election to Parliament have been filed but before the election is completed, a question arises whether a candidate is disqualified or has ceased to possess the qualifications set forth in Article 47, final decision thereon shall be made by the Election Commission. (3) The Election Commission may delegate any of its functions, duties and powers to the Chief Election Commissioner a Commissioner or any employee of His Majesty's Government, to be exercised and complied with subject to the specified conditions. (4) Subject to this Constitution, other functions, duties and working procedures of the Election commission shall be as regulated by law.

105. Election constituency delimitation Commission: (1) His Majesty shall, on the recommendation of the Constitutional Council, constitute an Election Constituency Delimitation commission. The tenure of the Commission shall be as specified

by His Majesty. (2) After determining the number of seats in the House of Representatives for each district pursuant to Article 45, the Election Consituency Delimitation Commission shall delimitate the constituencies in districts having more than one seat; and in so delimitating the constituencies, the Commission shall give due consideration to the boundaries, the geographical conditions, the density of population, the transportation facilities, and the communal homogenity or hetrogeniety of the local residents in the administrative districts. (3) No question shall be raised in any court on matters of allocation of seats to a district and the delimitation of constituencies made by the Election Constituency Delimitation Commission pursuant to clause (2). (4) The remuneration and privileges of the Chairman and the members of the Election Constituency Delimitation Commission shall be similar to those of the Chief Election Commissioner and the Election Commissioners respectively. (5) Subject to this Constitution, other functions, duties and working procedures of the Election Constituency Delimitation Commission shall be as regulated by law.

106. Election Court: Petitions concerning elections shall be entertained by a court prescribed by law.

107. Restriction on Court Interference in Matters Relating to Elections: Notwithstanding anything contained in other Articles of this constitution, unless a petition is filed in the manner presscribed by law in the court prescribed under Article 106, no question shall be raised in any court regarding any election to the membership of Parliament.

108. His Majesty's Government to Provide Necessary Employees to the Election Commission: His Majesty's government shall provide such necessary employees and other things as may be required to carry out the functions of the Election Commission in accordance with this Constitution.

PART 16: ATTORNEY-GENERAL

109. Appointment of Attorney-General: (1) There shall be an Attorney-General of the the Kingdom of Nepal to be appointed by His Majesty on the recommendation of the Prime Minister. The attornry-General shall hold office during the pleasure of His Majesty. (2) No person shall be eligible to appointment as

Attotnry-General unless he is qualified to be appointed as a Judge of the Supreme court. (3) The office of the Attorney-General shall be deemed vacant under the following circumstances: (a) if he dies; or (b) if his resignation submitted to His Majesty in writting is accepted by Him; or (c) if he is relieved of his office by His Majesty on the recommedation of the Prime Minister. (4) The remuneration and other conditions of service of the Attotney-General shall be as determined by law.

110. Functions, Duties and Powers of the Attorney-General: (1) The Attorney-General shall be the Chief Legal Advisor to His Majesty's Government. It shall be the duty of the Attorney-General to give opinions and advice on constitutional and legal matters to His Majesty's Government and such other authorities as His Majesty's Government may specify. (2) The Attotney-General or officers subordianate to him shall represent His Majesty's Government in suits wherein the rights, interests or concerns of His Majesty's Government are involved. The Attorney-General shall have the right to make the final decision as to whether or not to initiate proceedings in any case on behalf of His Majesty's Government in any court or judicial authority. (3) In addition to the functions, duties and powers referred to in clauses (1) and (2), other functions, duties and powers of the Attorney-General shall be as specified in this Constitution or other laws. (4) In the course of discharging his official duties, the Attorney-General shall have the right to appear in any court, office or authority of the Kingdom of Nepal. (5) The Attorney-General may delegate his functions, duties and powers under this Article to his subordinates, to be exercised and complied with subject to the specified conditions. (6) Each year, the Attorney-General shall submit an annual rport to His Majesty's Government on the works performed by him in accordance with this Constitution and other laws, including a statement about crimes committed in the Kingdom of Nepal and His Majesty's Government shall cause the report to be laid before Parliament.

111. Right to Appear in Parliament: The Attorney-General shall have the right to appear and express his opinion on any legal question in either House, any of their committees or the Joint Session of Parliament: *Provided that* he shall not have the right to vote.

PART 17: POLITICAL ORGANISATION

112. Prohibiton on the Imposition of Restrictions on Politiccal Organisations or Parties: (1) Persons who are committed to common political objectives and programmes shall, subject to laws made under provison (3) of clause (2) of Article 12 of this Constitution, be entitled to form and operate political organisations or parties of their choice and to generate or cause to be generated publicity in order to secure support and cooperation from the general public for their objective and programmes, and to carry out any other activity for this purpose. Any law, arrangement or decision which restricts any of such activities shall be inconsistent with this Constitution and shall be void. (2) Any law, arrangement or decision which allows for participation or involvement of only a single political organization or party or persons having a single political organization or party or persons having a single political ideology in the elections or in the political system of the country shall- be inconsistent with this Constitution and shall be void. (3) The Election Commission shall withhold recognition from any political organisation or any party which has been formed either with the objectives mentioned in clause (2) above or on the basis of religion, community, caste, tribe or region.

113. Registration Required for Securing Recognition for the purpose of Contesting Elections as a Political Organisation or Party: (1) Any political organisation or party wishing to secure recognition from the Election Commission for the purposes of elections, shall be required to register its name with the office of the Election Commission in accordance with the Procedure as determined by the Commission. A Petition so submitted for registration shall contain clear information about the name of the concerned political organisation or party, the names and addresses of the members of its executive committee or any such other committee and such petition shall be accompanied by the rules and manifesto of the organisation or the party. (2) Political organisations and parties shall be required to fulfill, in addition to the matters contained in this Part, the following conditions in order to qualify for registration purusant to clause (1) above: (a) the constitution and the rules of the political organisation or party must be democratic; (b) the constitution or the rules of the organisation or party must provide for

election of office bearers of the organiation or party at least once every five years; (c) must have complied with the provisions of Article 144: and (d) must have secured a minimum of three percent of the total votes cast in the election to the House of Representatives: *Provided that* the terms and conditions mentioned in this sub-clause shall not apply to the contesting of the first election to the House of Representatives held pursuant to this Constitution. **Explanation:** If any candidate belonging to a party which has secured less than three percent of the total votes cast is elected to the House of Representatives, such person shall be deemed to be an independent not belongingto an organisation or party. (3) The Election Commission shall not register any political organisation or party if any Nepali citizen is discriminated against in becoming a member on the basis of religion, caste, tribe, language or sex or if the name, objectives. insignia or flag is of such a nature that it is religious or communal or tends to fragment the country.

114. Women Candidates: For the purposes of elections to the House of Representatives, at least five percent of the total number of candidates contesting an election from any orgainsation or party must be women candidates.

PART 18: EMERGENCY POWER

115. Emergency Power: (1) If a grave emergency arises in regard to the sovereignty or integrity of the Kingdom of Nepal or the security of any part thereof, whether by war, external aggression, armed rebellion or extreme economic disarray, His Majesty may, by Proclamation, declare or order a State of Emergency in respect of the whole of the Kingdom of Nepal or of any specified part thereof. (2) Every Proclamation or Order issued under clause (1) above shall be laid before a meeting of the House of Representatives for approval with three months from the date of issuance. (3) If a Proclamation or Order laid for approval pursuant to clause (2) is approved by a two-thirds majority of the House of Representatives present at the meeting, such Proclamation or Order shall continue in force for a period of six months from the date of issuance. (4) If a Proclamation or Order laid before a meeting of the House of Representatives pursuant to clause (2) is not approved pursuant

to clause (3), such Proclamation or Order shall be deemed *ipso facto* to cease to operate. (5) Before the expiration of the period referred to in clause (3), if a meeting of the house of Representatives, by a majority of two-thirds of the members present, passes a resolution to the effect that circumstances referred to in clause (1) above continue to exist, it may extend the period of the Proclamation or Order of the State of Emergency for one other period, not exceeding six months as specified in such resolution, and the Speaker shall inform His Majesty of such extension. (6) During a dissolution of the House of Representatives, the National Assembly shall exercise the powers of the House of Representatives for the purposes of clauses (2), (3), (4) and (5) above. (7) After the State of Emergency has been declared pursuant to clause (a), His Majesty may issue such Orders as are necessary to meet the exigencies. Orders so issued shall be operative with the same force and effect as law so long as the State of Emergency is in operation. (8) His Majesty may, at the time of making a Proclamation or Order of a State of Emergency pursuant to clause (1), suspend sub-clausees (a), (b), (d) and (e) of clause (2) of Article 12, clause (1) of Article 13 and Articles 15. 16, 17, 22 and 23 of this Constitution for as long as the Proclamation is in operation: *Provided that* the right to the remedy of habeas corpus under Article 23 shall not be suspended. (9) In circumstances where His Majesty has suspended any Article of this Constitution pursuant to clause (8), no petition may lie, nor question be raised in any court for the enforecement of the fundamental right conferred by such Article. (10) If, during the continuance of a Proclamation or Order undr clause (1), any damage is inflicted upon any person by an act of any official which was done in contravention of law or in bad faith, the affected person may, within three months from the date of termination of the Proclamation or Order, file petition for compensation for the said damage and if the court finds the claim valid, it shall cause compensation to be delivered. (11) A Proclamation or Order of a State of emergency issued pursuant to clause (1) may be revoked by His Majesty at any time during its continuance.

PART 19: AMENDMENT OF THE CONSTITUTION

116. Amendment of the Constitution: (1) A Bill to amend or repeal any Article of this constitution, without prejudicing the spirit of the Preamble of this Constitution, may be introduced in either House of Parliament: *Provided that* this Article shall not be subject to amendment. (2) If each House, with two-thirds of its total membership attending, passes a bill introduced pursuant to clause (1) by a majority of at least two-thirds of the members present, the Bill shall be submitted to His Majesty for assent and His Majesty may, within thirty days from the date of submission, either grant assent to such Bill or send the Bill back for reconsideration with His massage to the House where the Bill orgininated. (3) A Bill sent back by His Majesty pursuant to clause (2) above shall be reconsidered by both Houses of Parliament; and if both the Houses, upon following the procedures referred to in clause (2), resubmit the Bill in its original or an amended form to His Majesty for assent, His Majesty shall grant assent to such Bill within thirty days of such submission.

PART 20: MISCELLANEOUS

117. Constitutional Council: (1) There shall be a Constitutional Council, for makingrecommendations in accordance with this Constitution for appointment of officials to Constitutional Bodies, which shall consist of the following as chairman and members:- (a) the Prime Minister, Chairman; (b) the Chief Justice, Member: (c) the Speaker of the House of Representatives, member; (d) the Chairman of the National Assembly, Member; and (e) the Leader of the Opposition in the House of Representatives, Member. (2) For the Purpuose of recommendation of an appointment of the Chief Justice, the Constitutional Council shall include among its members the minister of Justice and a Judge of the Supreme Court. (3) The functions, duties and powers of the Constitutional Council shall be as determined by this Constitution and other laws. (4) the Constitutional Council constituted pursuant to clause (1) shall have the power to regulate its working procedures on its own.

118. Provisions Regarding the Royal Nepal Army: (1) There shall be a National Defence Council of Nepal consisting of the following as Chairman and members:- (a) the Prime Minster, Chairman; (b) the Defence Minister, Member; and (c) the Commander-in-Chief, Member. (2) His Majesty shall operate and use the Royal Army on the recommendation of the National Defence Council. (3) The Establishment and management of the Royal Nepal Army, and other matters relating thereto shall be as determined by law. (4) The National Defence Council shall have the Power to regulate its working procedures on its own.

119. Supreme command of the Royal Nepal Army and Appointment of the Commander-in-Chief: (1) His Majesty is the Supreme Commander of the Royal Nepal Army. (2) His Majesty shall appoint the Commander-in-Chief of the Royal Nepal Army on the Recommendation of the Prime Minister.

120. Royal Nepalese Ambassadors and Emissaries: (1) His Majesty shall appoint the Royal Nepalese Ambassadors. (2) His Majesty may designate a Royal Representative for representing Him on special Occassion, and may appoint a Special Emissary for a specified purpose.

121. Provisions Regarding Employees of the Royal Palace: Matters relating to the conditions of service of the employees of the Royal Palace including those of appointment, dismissal, salary, allowances, leave and pension shall be as determined by rules made by His Majesty at His discretion.

122. Pardons: His Majesty shall have the power to grant pardons and to suspend, commute or remit any sentence passed by any court, special court, military court or by any other Judicial, quasi judicial or administrative authority or institution.

123. Titles, Honours and Decorations: (1) The titles, honours or decorations to be conferred on behalf of the State shall be conferred by His Majesty. (2) No citizen of Nepal shall, without the approval of His Majesty, accept any title, honour or decoration from the government of any country.

124. Constitution of the Civil Service: His Majesty's Government may, in order to run the administration of the country, constitute services as may be required. The constitution, operation and conditions of service thereof shall be as determined by an Act.

125. Provisions Regarding Citizenship of Officials of the Constitutional Bodies: In order to be eligible for appointment to constitutional positions under this Constitution, a person must either be a citizen of Nepal by birth or descent, or be a person who, as a naturalised citizen, has resided in Nepal for at least ten years.

126. Ratification of, Accession to Acceptance of or Approval of Treaty or Agreement: (1) The ratification of, accession to, acceptance of or approval of treaties or agreements to which the Kingdom of Nepal or His Majesty's Government is to become a party shall be as determined by law. (2) The laws to be made pursuant to clause (1) shall, inter alia, require that the ratification of, accession to, acceptance of or approval of treaties or agreements on the following subjects be done by a majority of two-thirds of the members present at a joint sitting of both Houses of Parliament:- (a) peace and friendship; (b) defence and strategic alliance; (c) boundaries of the Kingdom of Nepal; and (d) natural resources, and the distribution of their uses: *Provided that* out of the treaties and agreements referred to in sub-clauses (a) and (d), if any treaty or agreement is of an ordianary nature, which does not affect the nation extensively, seriously or in the long term, the ratification of, accession to, acceptance of or approval of such treaty or agreement may be done at a meeting of the House of Representatives by a simple majority of the members present. (3) After the commencement of this Constitution, unless a treaty or agreement is ratified, acceded to, accepted or approved in accordance with this Article, it shall not be binding on His Majesty's Government or the Kingdom of Nepal. (4) Notwithstanding anything contained in clauses (1) and (2), no treaty or agreement shall be concluded in detrimental to the territorial integrity of the Kingdom of Nepal.

127. Power to Remove Difficulties: If any difficulty arises in connection with the implementation of this Constitution, His Majesty may issue necessary Orders to remove such difficulty and such Orders shall be laid before Parliament.

PART 21: TRANSITIONAL PROVISIONS

128. Provisions Regarding the Council of Ministers: (1) The Council of Ministers existing at the commencement of this Constitution shall be deemed to have been constituted under this

Constitution. (2) If, for any reason the Council of Ministers referred to in clause (1) is dissolved, His Majesty shall contitute a new Council of Ministers consisting of representatives from the main political parties. (3) A Council of Ministers constitued under clause (2) above shall consist of a Prime Minister and, on his recommendation, other Ministers, State Ministers and Assistant Ministers as may be required.

129. Making of Laws until the first Session of Parliament: After the commencement of this Constitution, His Majesty shall have the Power to enact laws as required on the recommendation and advice, and with the consent of the Council of Ministers until the commencement of the first session of Parliament.

130. Provisions Regarding the Constitutional Bodies and Officials thereof Appointed Pursuant to the Constitution of Nepal (1962): (1) The Constitutional Bodies and officials thereof subsisting at the commencement of this Constitution, but which are not reestablished under this Constitution, shall cease to subsist after the commencement of this constitutional bodies which continue to subsist in accordance with this Constitution shall, stand relieved of their offices if not reappointed within nine months of the commencement of this Constitution: *Provided that* his Majesty may, if necessary relieve any constitutional official before the expiry of the said period. (2) The Council of Ministers shall exercise the functions, duties and powers of the Constitutional council until the commencement of the first session of Parliament after the elections held in accordance with this Constitution. (3) Pending the making of arrangements as to the Appellate Courts pursuant to Article 89, the Zonal courts and Regional courts constituted under the judicial Administration Reforms Act, 1975, shall remain in operation as they were, and the Judges working in those Courts shall continue to hold their positions. (4) The District Courts existing at the commencement of this constitution shall, until otherwise provided by law, continue to subsist, and the Judges working in those Courts shall continue to hold their positions until a different arrangetment is made. (5) Petitions and complaints pending in the Prevention of Abuse of Authority Commission shall be transferred to the Commission for the Investigation of Abuse of Authority. (6) Cases which are pending in the Prevention of Abuse of Authority Commission shall be transferred to the Central Regional Court existing under clause (3), and the Regional Court

shall decide those cases in accordance with the existing law. (7) Appeals, and petitions relating thereto pending in the Prevention of Abuse of Authority Appelate Court shall be transferred to the Supreme Court and the Supreme court shall decide those appeals and petitions in accordance with the existing law. (8) Petitions registered with the Judicial Committee in accordance with law and pending therein shall be transferred to the Sumpre Court after the commencement of this constitution, and if the Supreme court deems appropriate, it shall, in exercising its power of review, decide those petitions.

131. Existing Laws to Remain in Operation: All laws in force at the commencement of this Constitution shall remain in operation until repealed or amended: *Provided that* laws inconsistent with this Constitution shall, to the extent of inconsistency, *ipso facto* cease to operate one year after the commencement of this Constitution.

PART 22: DEFINITIONS AND INTERPRETATION

132. Definitions and Interpretation: (1) Unless the subject or context otherwise requires, in this Constitution:- (a) "Article" means an Article of this consititution; (b) "Nepal" means the Kingdom of Nepal; (c) "Citizen" means a citizen of Nepal; (d) "Bill" means a draft of an Act which has been introduced in Parliament; (e) "Petition" means a document bearing the signature of the petitioner, (f) "Remuneration" means and includes salary, allowances, pension and any other forms of emoluments. (2) Unless the subject or context otherwise requires, the Nepal Law interpretation Act, 1953 shall, subject to the provisions of this Constitution apply to the interpretation of this constitution in the same manner as that law applies to the interpretation of the laws of Nepal.

PART 23: SHORT TITLE AND COMMENCEMENT

133. Short Title and Commencement: (1) This Constitution may be called "The constitution of The Kingdom of Nepal, 2047 (1990)". (2) This Costitution shall come into force on friday the twenty-Third day of the month of Kartik of the year 2047 Birkram Sambat (November 9, 1990).

SCHEDULE 1
NATIONAL FLAG
(as per the constitution of Nepal, 2019 B.S.)

SCHEDULE 2
(Relating to clause (1) of Article 7)

SHRIMAN GABHIR NEPALI PRACHANDA PRATAPI BHUPATI

SHREE PAANCH SARKAR MAHARAJADHIRAJAKO SADA RAHOS UNNATI RAKHUN CHIRAYU EESHALE, PRAJA FAILIYOS PUKARAUN JAYA PREMALE HAMI NEPALI SARALE.

BAIRI SARA HARAUN SHANT HOUN SABAI BIGHNA VYATHA,

GAUN SARA DEUNIYALE SAHARSHA NATHKO SUKIRTI KATHA,

RAKHAUN SHASANA, BHARI BEERTALE, NEPAL MATHI SANDHAI NATHKO SHRI HOS THULO HAMI NEPALIKO.

SCHEDULE 3
(Relating to clause (3) of Article 7)
THE COAT OF ARMS OF NEPAL

The Constitution of Nepal 2019 B.S.

PREAMBLE:

WHEREAS it is desirable in the best interest and for all-round progress of the Kingdom of Nepal and of the Nepalese people to conduct the government of the country in consonance with the popular will;

AND WHEREAS we are firmly convinced that such arrangement is possible only through the partyless democratic Panchayat System rooted in the life of the people in general, and in keeping with the national genius and tradition and as originating from the very base with the active cooperation of people and embodying the principles of decentralisation:

AND WHEREAS the happiness and prosperity of our beloved subjects' have always been our only objective for the accomplishment of which we are solemnly resolved;

AND WHEREAS it is desirable for the said purpose to enact and promulgate a Constitution for the Kingdom of Nepal;

Now THEREFORE, I, King Mahendra Bir Bikram Shah Deva, in exercise of the sovereign powers and prerogatives inherent in Us according to the constitutional law, custom and usage of Our country as handed down to Us by Our August and Revered Forefathers, do hereby enact and promulgate this Constitution.

PART 1: PRELIMINARY

1. **Constitution as the Fundamental Law-** This Constitution is the fundamental law of Nepal and all laws inconsistent with it shall, to the extent of such inconsistency, and subject to the provisions of this Constitution, be void.
2. **The Nation**- (1) Having common aspirations and united by the common bond of allegiance to the Crown, the Nepalese people

irrespective of religion, race, caste or tribe collectively constitute the nation. (2) It is the indefeasible and inalienable right of the Nation to develop its political, economic and cultural life and to determine its relations with other nations, in accordance with its own genius and traditions.

3. **The State**- (1) Nepal is an independent, indivisible and sovereign monarchical Hindu State. (2) The territory of Nepal shall comprise of- (a) the territory at the commencement of this Constitution; and (b) such other territory as may be acquired after the commencement of this Constitution.
4. **National Language-** The national language of Nepal is the Nepali language in the Devenagari script.
5. **National Flag-** The national flag of Nepal, as handed down by tradition, consists of two juxta-posed triangular figures with crimson-coloured base and deep blue borders, there being a white emblem of the crescent moon with eight rays visible out of sixteen in the upper part and a white emblem of twelve rayed sun in the lower part. The method to draw out the flag and ether particulars relating to it are laid down in Schedule 1.
6. **National Anthem, -etc.** (1) The Royal salute as given in Schedule 2 is the national anthem of Nepal. *(2) Rhododendron Arboreum* is the national flower, crimson colour is the national colour, the cow is the national animal and the lophophorus is the national bird of Nepal. (3) The coat-of-arms of Nepal shall be as laid down in Schedule 3. Provided that the size of the coat-of-arms may be enlarged or reduced as required and that such colour may be used therein as may be prescribed by His Majesty's Government.

PART 2: CITIZENSHIP

7. **Citizenship at the Commencement of the Constitution-** Every person who has his domicile in Nepal and- (a) Who was born in Nepal; or (b) either of whose parents was born in Nepal; or (c) who, as a woman, has any kind or relation with a citizen of Nepal constituting matrimony in accordance with the laws and customs of Nepal; or (d) who has already obtained a certificate of citizenship in accordance with the laws of Nepal; shall be a citizen of Nepal at the commencement of this constitution.

8. **Acquisition and Termination of Citizenship to be Regulated by Law-** (1) After the commencement of this Constitution, the acquisition and termination of citizenship of Nepal and other matters related thereto shall be regulated by law. (2) Laws to be made in pursuance of clause (1) shall, inter alia, stipulate that a foreigner may qualify for the acquisition of citizenship if- (a) he can read and write the national language of Nepal; (b) he, engaged in an occupation, resides in Nepal; (c) he has taken steps to renounce the citizenship of the country of which he is a citizen: and (d) such person as defined by law, has resided in Nepal for a period of not less than two years in the case of a person of Nepalese origin, for a period of not less than five years in the case of female married to a Nepalese citizen and for a period of not less than fifteen years in the case of other persons. (3) Laws to be made in pursuance of clause (1) shall, inter alia, stipulate that the citizenship of a person may be terminated if- (a) he has raised arms or has made an attempt to raise arms against Nepal or has committed any other offence against the State; or (b) he has not served or avoids serving the State, during war or any other emergency, in the manner prescribed by law.

PART 3: FUNDAMENTAL DUTIES AND RIGHTS

9. **Fundamental Duties of the Citizen**- (1) Devotion to the Nation and loyalty to the State are the fundamental duties of every citizen. (2) To exercise one's rights with due regard to the law and without infringing upon the rights of others is also fundamental duty of every citizen.

10. **Right to Equality-** (1) All citizens shall have the right to equal protection of the laws. (2) No discrimination shall be made against any citizen in the application of general laws on grounds of religion, race, sex, caste, tribe or any of them. (3) There shall be no discrimination against any citizen in respect of appointment to the government service or any other public service only on grounds or religion, race, sex, caste, tribe or any of them.

11. **Right to Freedom-** (1) No person shall be deprived of his life or personal liberty save in accordance with the law. (2) Subject to the other provisions of this part ali citizens shall have the right

to the following freedoms:- (a) freedom to speech and expression: (b) freedom to assemble peaceably andwithout arms: (c) freedom to form unions and associations; (d) freedom to move to or reside in any part of Nepal; and (e) freedom to acquire and enjoy property or to dispose it of by sale or otherwise. (2a) Notwithstanding anything contained in clause (2), no political party or any other organisation, union or association motivated by party politics shall be formed or caused to be formed or run. (3) No person shall be punished for an act which was not punishable by law when the act was done, nor shall any person be subjected to a punishment greater than that prescribed by law for an offence when the offence was committed. (4) No person shall be prosecuted and punished more than once for the same offence in any court. (5) No person accused of any offence shall be compelled to be a witness against himself. (6) No person who is arrested shall be detained in custody without being informed, as soon as practicable, of the grounds of such arrest, nor shall he be denied the right to consult and be defended by a legal practitioner of his choice. **Explanation-** For the purpose of this clause, "legal practitioner" includes any person who, under the law for the time being in force, is authorised to represent any other person in any court. (7) Every person who is arrested and detained in custody shall be produced before a judicial authority within a period of twenty four hours of such arrest, excluding the period of journey from the place of arrest to such authority, and so such person shall be detained in custody beyond the said period except on the order of such authority. (8) Nothing in clauses (6) and (7) shall apply to person who- (a) is a citizen of an enemy state; or (b) is arrested or detained under a law providing for preventive detention.

12. **Right against Exile-** No citizen shall be exiled.
13. **Right against Exploitation-** Traffic in human beings. slavery and forced labour are prohibited. *Provided that* the prohibition on forced labour shall not be a bar to provide for compulsory service by law for public purposes.
14. **Right to Religion-** Every person may profess his own religion as handed down from ancient times and may practise it having regard to the traditions. *Provided that* no person shall be entitled to convert another person from one religion to another.

15. **Right to Property-** No person shall be deprived of his property save in accordance with the law.
16. **Right to Constitutional Remedies-** Right to proceed in accordance with Article 71, for the enforcement of the rights conferred by this Part, is guaranteed.
17. **Restrictions on the Exercise of fundamental Rights for Public Good-** (1) Laws may be made for the sake of public good to regulate or control the exercise of fundamental rights specified in this Part. (2) If it is stated in the preamble of any Act that it has been made for any or all of the followings purposes, such Act, as well as any rule, order or byelaws made under such Act and having the force of law, shall be deemed to be a law made for the public good:- (a) for the preservation of the security of Nepal; (b) for the maintenance of law and order. (c) for the maintenance of friendly relations with foreign states. (d) for the maintenance of good relations among the people of different classes or professions or between the people of different areas: (e) for the maintenance of good conduct, health, comfort, economic interest, decency or morality of the people in general; (f) for the protection of the interest of minors or women: (g) for the prevention of internal disturbance of external invasion; (h) for the prevention of contempt of court or contempt of the National Panchayat; and (i) for the prevention of any attempt to subvert this constitution or any other law for the time being in force or for the prevention of any other attempt of like nature.

PART 4: DIRECTIVE PRINCIPLES OF PANCHAYAT SYSTEM

18. **Application of the Principles-** The principles laid down in this part are for general guidance and they shall not be enforceable by any court.
19. **Aims and Objectives**- (1) The aim of the Panchayat System shall be to promote the welfare of the people by setting up a society which is democratic, just, dynamic and free from exploitation by bringing about harmony in the interests of different classes and professions from a comprehensive national outlook. (2) The political objective of the Panchayat System shall be to mobilise, to the maximum possible extent and on a voluntary

basis, the national genius and resources for the setting up of a society as envisaged by clause (1) by associating, through gradual decentralisation, the maximum number of representatives of the people at all levels of the administration and by making the general public vigilant and conscious. (3) The social objectives of the Panchayat System shall be to remove the obstacles in the way to mobilise people in creating a society mentioned in Clause (1) and to establish a social life based on uniform morality and to maintain the national unity recognizing the mutual harmonious tolerance towards the culture and traditional value adopted by the Nepalese citizens as prosperity, affluence and national character. (4) The economic objective of the Panchayat System shall be to establish a system that will provide maximum participation of the general public in the economic uplift of the country as well as to encourage co-operative and private enterprise, and wherein no individual or class is able to exercise undue economic pressure upon another individual or class. (5) The development goal of Panchayat System shall be to mobilize Nepal's natural resources and heritage in beneficial and advantageous way and in just manner for balanced development among the various regions of Nepal on equal basis of opportunity; initiate for providing appropriate facilities to bring people of all regions in equal status and to make effort for economic development to fulfill the basic necessity of people of remote areas. (6) The goal of foreign policy of Nepal shall be to strive for making Nepal a peace zone by adopting basic principles of United Nations and principles of non-alliance.

PART 5: HIS MAJESTY

20. His Majesty-the Source of Power- (1) In this Constitution the words 'His Majesty' mean His Majesty the King for the time being reigning, being a descendant of Great King Prithivi Narayan Shah and adherent of Aryan culture and Hindu religion. (2) The sovereignty of Nepal is vested in His Majesty and all powers executive, legislative and judicial emanate from Him. These powers are exercised by His Majesty through the organs established by or under this Constitution and other laws for the time being in force keeping in view the interest and wishes of His Majesty's subjects according to the highest traditions of the Shah dynasty.

20(a). Coordination Commission: (1) His Majesty the King may constitute a coordination commission to coordinate among the executive, legislature, judiciary and other organs to protect national independence, sovereignty and indivisibility and to maintain national security, law and order, peace and justice by uniting all the Nepalese in one bond through Partyless Democratic Panchayat System. (2) Formation, functions, duties, procedure and other necessary matters relating to Coordination Committee shall be in accordance with the regulation approved by the His Majesty and no question shall be raised in any court regarding the implementation of this regulation.

21. Law relating to Succession to the throne- (1) Nothing in this Constitution shall affect the law, custom and usage relating to the succession to the Throne by the descendants of His Majesty. (2) His Majesty shall have exclusive power of enacting, amending and repealing the law relating to the succession to the Throne by the descendants of His Majesty.

22. Regent, Council of Regency, Royal Representative and Council of Royal Representatives- In this Constitution any reference His Majesty shall, unless the subject or context otherwise requires, include reference to Regent or Council oi Regency, if empowered in relation to the matter in question, and to the Royal Representative or the Council or Royal Representatives exercising powers under Article 22 A.

22 A. Royal Representative and Council of Royal Representatives: His Majesty may, by warrant under His Royal Seal, appoint a Royal Representative or a Council of Royal Representatives to exercise, subject to such conditions as may be prescribed in the warrant the day to day functions of His Majesty during His Majesty's absence from Nepal or for any specified period. The functions exercised within the terms and limits prescribed in the warrant by such Royal Representative or the Council of Royal Representatives shall be deemed, for the purposes of this Constitution, to have been exercised by His Majesty.

22B. Royal Standard- Square in shape and crimson in colour having borders in white, the Royal Standard traditionally compromises of a crescent moon, in the upper corner near the flag-staff, with eight out of sixteen rays, shown in white colour, a white sun with twelve white rays in the upper corner, opposite to

the flag-staff, a white flag drawn to represent the *five elements* in the middle of the standard, and as upright white lion facing the flag with both its paws holding, and the right hind leg supporting the flag-staff.

PART 6: RAJ SABHA

23. Raj Sabha- (1) There shall be a Raj Sabha in Nepal, the functions of which shall be as laid down in this Constitution. (2) The Raj Sabha shall consist of the following persons-(a) The Prime Minister, ex-officio member, (b) The Chief Justice, ex-officio member; (c) The Chairman of the National Panchayat, ex-officio member; (d) The Chairman of the Central Committee of Back-to-Village National Campaign, ex-officio member, (e) The Deputy Prime Minister, ex-officio member; (f) Ministers of the Crown, ex-officio member; (g) The Bada Gurujyu, ex-officio member; (h) Deputy Bada Gurujyu, ex-officio member; (i) The commander-in-Chief, ex-officio member, (j) Main Saheb Jyu, ex-officio member; (k) The Chief Commissioner of the Prevention of Abuse of Authority Commission, ex-officio member; (l) The Auditor-general, Ex-officio member, (m) The Chairman of Public Service Commission, ex-officio member, (n) The Chief Election Commissioner, ex-officio member, (o) The Attorney General, ex-officio member; (p) The Mool Purohit, ex-officio member, (q) Main Chautariya; ex-officio member; (r) Staffs of His Majesty as prescribed by him, (s) State Secretary or Secretary of His majesty's Government as prescribed by the His Majesty, (t) such other members as His Majesty may appoint from among persons who are renowned in different fields of national life or who have rendered distinguished service to the country or who are otherwise considered fit to be members of the Raj Sabha. (3) A person appointed under sub-clause (a), (r), (s), (t) of clause (2) shall remain a member during the pleasure of His Majesty. (4) A meeting of the Raj Sabha shall be summoned by the command of His Majesty and shall be presided over by Him if present at the meeting, and if His Majesty is not present at the meeting, shall be presided over by the crown prince, if He has attained the age of eighteen years, by a Vice-Chairman generally or specifically designated by His Majesty and in case no Vice-Chairman is so designated, the meeting shall be presided over by such member as the Raj

Sabha by a resolution may decide at that meeting. (5) Notwithstanding anything contained in clause (4), a meeting of the Raj Sabha shall be summoned, under the following circumstances, by the Secretary of the Raj Sabha and such meeting shall be presided over by such person as may be decided by a resolution in that meeting; (a) on the demise of His Majesty or if His Majesty proclaims His abdication; or (b) if at least one-fourth of the total number of member of the Raj Sabha (of whom at least four shall be Ministers of the Crown) sign a requisition declaring that His Majesty is unable by reason of mental or bodily infirmity to command the summoning of a meeting. (6) The meeting summoned under the circumstances mentioned in sub-clause (a) of clause (5) shall proclaim- (a) the accession to the Throne of the heir-apparent to His Majesty, in accordance with the law, custom and usage relating to the succession to the Throne; and (b) The appointment of a Regent or a Council of Regency, subject to the rules made by His Majesty, in case His Majesty is below the age of eighteen years. *Provided that* the Regency or the Council of Regency proclaimed under this sub-clause shall terminate when His Majesty attains the age of eighteen years. (7) (a) the meeting summoned under the circumstances of sub-clause (b) of clause (5) shall decide whether His Majesty is unable, by reason of metal or bodily infirmity, to command the summoning of a meeting, and (b) If the Raj Sabha decides in the affirmative by a majority of at least two-thirds of its total membership, it shall proclaim the Crown Prince to be the Regent if He has attained the age of eighteen years and, if he has not, shall subject to the rules made by His Majesty. Proclaim a Regent or a Council of Regency. *Provided that* the Regency or the Council of Regency proclaimed under this sub-clause shall, subject to the rules made by His Majesty, terminate on the demise of or abdication by His Majesty or on His Majesty informing the Raj Sabha that He is fit to resume the Royal functions. (8) The Regent or the Council of Regency proclaimed under clause (6) or (7) shall have no power to decide or to give approval to anything which shall be prejudicial to the interest of His Majesty or of His successor. (9) Nothing in sub-clause (a) of clause (6) shall prevent the heir-apparent to His Majesty from exercising the powers of Crown pending a Proclamation under that sub-clause. (10) (a) A Standing consisting of seven to fifteen

members of the Raj Sabha designated by His Majesty may perform all functions of the Raj Sabha under this Constitution in the name of the Raj Sabha except those mentioned in clause (5), (6) and (7). *Provided that* the above provision shall not prevent His Majesty, if he so desires, from causing any decision taken by the Standing Committee in the name of the Raj Sabha to be placed at the meeting of the Raj Sabha for its consideration. (b) His Majesty shall preside over the Standing Committee mentioned in sub-clause (a), or He shall designate any member of Standing Committee as its Chairman. The Secretary of the Raj Sabha shall be the secretary of the Standing Committee. (c) The term of office of the members of the Standing Committee of the Raj Sabha shall be for four years and they shall be paid such remuneration as His Majesty may prescribe. *Provided that* any member of the Standing Committee may submit his resignation in writing to His Majesty or that His Majesty, at His Pleasure, may remove any person from the membership of the Standing Committee. (d) The Standing Committee mentioned in sub-clause (a) may, if it so desires, associate other members of the Raj Sabha, during its deliberations on any subject. (11) The Raj Sabha or its Standing Committee shall transact its business notwithstanding the absence of any of its members at any meeting if- (a) notice of such meeting has been sent to all who were members on the date of the issue of the notice or that such notice has been published in the Nepal Gazette; and (b) at least one-third of the total number of members are present. (12) His Majesty may, in addition to the matters on which he has to consult the Raj Sabha according to this Constitution, also seek its advice in connection with performance of any of His other functions. (13) Unless otherwise provided for, the decision of the Raj Sabha or of its Standing Committee shall be taken by a majority of the members present and voting. (14) Subject to this Article, the Raj Sabha or its Standing Committee may make rules for the conduct of its business, and until such rules are made, its business shall be conducted by rules made by His Majesty. (15) The Secretary of the Raj Sabha shall be appointed by His Majesty. (16) Members of the Raj Sabha shall take oath in the manner and form prescribed by His Majesty.

PART 7: COUNCIL OF MINISTERS

24. Exercise of the Executive Power- (1) The executive power of Nepal shall be exercised in accordance with this Constitution and other laws for the time being in force by His Majesty either directly or through Ministers or other officers subordinate to Him. (2) The question whether His Majesty has consulted any person or authority under the provisions of this Constitution and whether any person or authority has submitted any advice or recommendation and, if so, what advice or recommendation has been submitted, shall not be inquired into by any court. (3) All executive acts done by His Majesty under this Constitution except where, by the rules made pursuant to clause (4), it is provided that any such act shall be expressed in the name of His Majesty, shall be expressed to have been done in the name of His Majesty's Government. (4) Orders, decisions and other instruments made and executed in the name of His Majesty or His Majesty's Government shall be authenticated in such manner as may be specified in rules to be made by His Majesty, and the validity of an order, decision or instruments which is so authenticated shall not be called in question on the ground that it is not an order, decision, or instrument made or executed by His Majesty or by His Majesty's Government as the case may be.

25. Formation of the Council of Ministers and its Functions- (1) There shall be a Council of Minister's to aid and advise His Majesty in the exercise of His functions. It shall be the duty of the Council of Ministers to give general directions to, and keep general control over, the administration of the country in accordance with the provisions of this Constitution, other laws for the time being in force and such directives as may from time to time be given by His Majesty in the interest of Nepal and the Nepalese people. (2) The Council of Ministers, as may be required, shall consist of the Prime Minister, Deputy Prime Minister and Ministers of the Crown. (3) His Majesty shall constitute the Council of Ministers under His own Chairmanship or under the Chairmanship of the Prime Minister. His Majesty may, if he deems it desirable, appoint the Prime Minister or the Deputy Prime Minister or both the Prime Minister and the Deputy Prime Ministers even when the Council of Ministers has been constituted under His own Chairmanship. (4) His

Majesty, if present at a meeting of Council of Ministers, shall preside over it.

26. Ministers of the Crown- (1) Any member of National Panchayat proposed and supported by 25 per cent of the total members of National Panchayat may stand for the post of Prime Minister. If there is single candidate and elected uncontested or if there is competition and elected with at least 60 per cent or more of the total members of National Panchayat, recommendation shall be made before the His Majesty for the post of Prime Minister. His Majesty shall appoint the person recommended in such manner in the post of Prime Minister. *Provided that* (a) in an election pursuant to this clause, if there is only two candidate and neither has been able to acquire necessary majority votes or if there is more than two candidate not able to acquire necessary majority votes; reelection shall have to be carried out between two candidates having more votes in first and second place or equal number of votes if that is the case, omitting names of other candidates other than those two from the list. (b) If no majority votes are acquired even in the reelection pursuant to sub-clause'a', National Panchayat shall recommend three names among the members of National Panchayat for the post of prime minister. Upon such recommendation, His Majesty may appoint one person in the post of prime minister. (c) Other necessary matters relating to election pursuant to this Sub-section shall be as provisioned in National Panchayat Regulation. (2) His Majesty may, at the recommendation of Prime Minister, may appoint Deputy Prime Minister and other ministers as per the necessity. (3) The Prime Minister, Deputy Prime Minister and Ministers shall be collectively responsible towards the National Panchayat and severally responsible for the functions of respective ministries. (4) The Prime Minister shall be relieved of his office, if-(a) his resignation in writing is accepted by His Majesty; (b) he ceases to be a member of the National Panchayat; (d) a resolution, passed by a majority of two-third members of the total membership of the National Panchayat, to the effect that he has not fulfilled the responsibilities of his office honesty is approved by His Majesty; or (e) His Majesty relieves him of his office. (5) The Deputy Prime Minister or a Minister shall be relieved of his office, if-(a) any of the things mentioned in clause 'b', 'c' and 'd' of Subsection (4) above takes place; or (b) his

resignation in writing submitted through Prime Minister is accepted by His Majesty; (c) the Prime Minister is relieved from his office.

26(A). Minister of State- (1) His Majesty may, as may be required, appoint Ministers of State from among the members of the national Panchayat on the recommendation of His Majesty. (2) Minister of State appointed pursuant to subsection 1 may be given responsibility of any ministry or function as in capacity of Minister of the Crown and for the purpose of this constitution or any other laws such Minister of State shall be presumed to perform duties as Minister of Crown. (3) Minister of State shall be relieved of his office, if- (a) any of the things mentioned in clause 'b' and 'd' of Subsection (4) of Section 26 above takes place; (b) any of the things mentioned in clause 'c' of Subsection (4) of Section 26 above is takes place for the Minister of State working as a Minister of the Crown pursuant to Subsection (2); (c) his resignation in writing submitted through Prime Minister is accepted by His Majesty; or (d) the Prime Minister is relieved from his office.

27. Assistant Ministers- (1) His Majesty may appoint Assistant Ministers from among the members of the National Panchayat to assist any Minister of the Crown in the discharge of his functions on the recommendation of the Prime Minister. (2) The Assistant Ministers shall be relieved of his office, if (a) any of the things mentioned in clause 'b' and 'd' of Subsection (4) of Section 26 above takes place; (b) his resignation in writing submitted through Prime Minister is accepted by His Majesty; or (c) the Prime Minister is relieved from his office.

28. Remuneration- The remuneration of the Ministers of the Crown, the Minister of State and the Assistant Ministers shall be determined by an Act and until so determined shall be as determined by the rules made by His Majesty.

29. Conduct of Government Business- (1) The allocation and transaction of business of His Majesty's Government shall be done in accordance with the rules approved by His Majesty. (2) The question whether the rules made under clause (1) have or have not been observed, shall not be inquired into any court.

PART 8: LOCAL PANCHAYATS AND NATIONAL PANCHAYAT

CHAPTER-1 : LOCAL PANCHAYATS

30. Village Assembly and Town Assembly- (1) There shall be a Village Assembly which shall consist of a village or a part of village or a group of villages as may be specified by law. In the same manner there shall be Town Assembly in the town area. (2) The constitution, functions, duties and power of Village Assembly and Town Assembly shall be defined by law.

31. Village Panchayat and Town Panchayat- (1) There shall be an executive committee called the Village Panchayat or the Town Panchayat for each village Assembly and Town Assembly respectively. (2) The constitution, functions, duties and powers of the Village panchayat and the Town Panchayat shall be defined by law.

32. District Panchayat- (1) There shall be a District Assembly for each District. (2) There shall be an executive committee called the District Panchayat for each District Assembly. (3) The constitution, functions, duties and powers of the District Assembly and the District Panchayat shall be defined by law

33. Zonal Assembly- A Zonal Assembly shall consist of the members of all the District Panchayat within that Zone.

CHAPTER-2: NATIONAL PANCHAYAT

34. Constitution of National Panchayat- (1) There shall be a National Panchayat in Nepal which shall be the apex of the Panchayat System and its constitution, functions, duties and powers shall be as specified in this Constitution. (2) The National Panchayat shall consist of the following members:- (a) Members elected in the manner specified in Schedule 4, and (b) Members nominated by His Majesty constituting twenty five percent of the total number of members elected under sub-clause (a). While appointing in this manner, His Majesty, if he desires, may appoint them from the group as follows: (i) Political Sector; (ii) Class organizations; (iii) Intelligentsia; (iv) Different communities of Nepalese society; and (v) any other individuals as deemed appropriate by His Majesty. (3) Election of the members provisioned in Clause 'a' of the

Subsection 2 shall be held, subject to provisions stated in other parts of the constitution, in every five years at once on the basis of adult franchise.(4) The tenure of the members of National Panchayat having existence at the time of commencement of this Article shall cease automatically upon the declaration of result of the election of members of National Panchayat pursuant to Subsection (3). (5) While determining the constituency for the election purpose in a district where more than one member to be elected, whole district shall be taken as one constituency notwithstanding the numbers of members to be elected. (6) Every Nepali citizen attained the age of 21 shall have the right to vote as prescribed in law. Such voter shall have right to vote in single constituency. (7) Any person having the right to vote in concerned district constituency may stand as a candidate for the member of National Assembly subject to Article 35 and other prevailing laws.

35. Qualification for Membership- In order to become a member of the National Panchayat, a person shall- (a) be a citizen of Nepal; (b) have attained the age of twenty-five years; (c) have to be a member of any one class organization provisioned under subsection (1) of Section 67A; (d) have taken an oath in the application prepared for the candidates of National Panchayat membership in the manner prescribed by the Election Commission; (e) not have been expelled in accordance with clause (2) of Article 38; (f) should not be holding government office; and (g) not have been disqualified under any law. *Provided that* the restrictions laid down in clause (e) may be waived in respect of any person by His Majesty at such time and in such circumstances.

36. Decision as to Disqualification of Members- If a question arises whether a member of the National Panchayat possesses or has ceased to possess any of the qualifications as laid down in Article 35, final decision in this respect shall be made by the chief justice of the supreme court after consultation with the Election Commission.

37. Term of Office of the Members- (1) The term of office of the members of the National Panchayat shall be four years. (2) For calculating the term of a member elected pursuant to the provisions of this Article, the term shall be deemed to end on

the last day of the month of Pousha of the year of election for the group concerned has been determined pursuant to clause (4) of Article 34. (3) If, for any reason, election in any group is held on a date other than the appointed date, the term of office of the member of such group shall be calculated as if the elections were held on the date first appointed. (4) The term of office of the elected or nominated members shall be deemed to commence from the date of election or nomination, as the case may be.

38. Vacation of Seat- (1) The seat of a member of the National Panchayat shall become vacant- (a) upon his death: or (b) if: by notice in writing to the Chairman of the National Panchayat, he resigns his Seat; or (c) if he ceases to have the qualification mentioned in Article 35; or (d) if, without the leave of the National Panchayat, he absents himself from meeting of the National Panchayat for a continuous period of one month; or (e) on the expiry of the term of office under Article 37, or (f) if recalled pursuant to the provisions of law. *Provided that* the member, while holding the office of the Prime Minister the Deputy Prime Minister, other Minister, the Minister of State or the Assistant Minister shall not be subject to recall. (2) In case the Central Committee of the Back-to-Village National Campaign submits a report with a finding that a member of the National Panchayat has not conducted himself in a manner befitting his office, and the accepted report is approved by His Majesty, such the member concerned shall be deemed to have been expelled and his seat shall automatically become vacant. *Provided that* a member of the National Panchayat who has been so charged shall not be denied a reasonable opportunity to defend himself. (3) When a seat in the National Panchayat falls vacant, it shall be filled as soon as possible. The vacancy shall be filled in the same manner as the member vacating the seat was elected or nominated. (4) When a seat of a member falls vacant before the expiry of his term of office, the election or nomination, as the case may be, for such seat shall be only for the remainder of the term.

39. Chairman- (1) His Majesty, on the recommendation of the National Panchayat shall appoint a member as Chairman of the National Panchayat if he has obtained a majority of two-third of the total membership of the National Panchayat. In

case none of the members of the National Panchayat is able to obtain the requisite majority, His Majesty, upon receipt of report thereof, shall, after consultation with the Central Committee of the Back-to-Village National Campaign, appoint a Chairman from among the members of the National Panchayat. (2) The term of office of the Chairman of the National Panchayat shall be four years. (3) The office of the Chairman of the National Panchayat shall become vacant- (a) If his resignation in writing is accepted by His Majesty; (b) If he ceases to be a member of the National Panchayat; (c) On the expiry of his term of office pursuant to clause (2); (d) If His Majesty, upon the recommendation of the Central Committee of the Back-to-Village National Campaign relieves him of his office, or (c) If a resolution, passed by a majority of two third members of the total membership of the National Panchayat, to the effect that he has not fulfilled the responsibility of his office honestly, is approved by His Majesty. (4) If the office of the Chairman of the National Panchayat falls vacant or if the Chairman of the National Panchayat is unable to perform the duties of his office on account of illness or any other reason, the Vice-Chairmanof the National Panchayat may be authorised by His Majesty to perform the duties of the Chairman. (5) When the office of the Chairman of the National Panchayat falls vacant- it shall be tilled as soon as possible in accordance with clause (1). (6) Pending the appointment of the Chairman of the National Panchayat, a person designated by His Majesty shall act as the Chairman of the National Panchayat.

40. The Vice-Chairman- (1) His Majesty, on the recommendation of the National Panchayat, shall appoint a member as Vice Chairman of the National Panchayat if he has obtained a majority of two-third of the total membership of the National Panchayat. In case none of the members of the National Panchayat is able to obtain the requisite majority, His Majesty, upon receipt of report thereof, shall after consultation with the Central Committee of the Back-to-Village National Campaign, appoint a Deputy Chairman from among the members of National Panchayat. (2) The Vice-Chairman of the National Panchayat shall, during the absence of the Chairman, act as Chairman in the meetings of the National Panchayat, and shall also if authorised under clause (4) of Article 39,

perform all the functions of the Chairman of the National Panchavat. (3) The term of office of the Vicc-Chairman of the National Panchayat shall be four years. (4) Notwithstanding anything contained in the foregoing clauses, the term of office of the vice-Chairman of the National Panchayat, holding office at the time of commencement of this clause shall be two years from the date of his election and shall continue subject to the provision of sub-clause (a), (b), (d), and (e) of clause (5). (5) The office of the Vice-Chairman of the National Panchayat shall become vacant- (a) if his resignation in writing is accepted by His Majesty; (b) if he ceases to be a member of the National Panchayat ; (c) on the expiry of his term of office pursuant to clause (3); (d) if His Majesty, upon the recommendation of the Central Committee of the Back-to-Village National Campaign, relieves him of his office, or (e) if a resolution, passed by a majority of two-third members of the total membership of the National Panchayat to the effect that he has not fulfilled the responsibilities of his office honestly, is approved by His Majesty. (6) If the office of the Vice-Chairman of the National Panchayat falls vacant, it shall be filled as soon as possible in accordance with clause 1.

41. Steering Committee- (1) There shall be a Steering Committee consisting of "fourteen members, in addition to the ex-officio members pursuant to clause (2)" to advise the Chairman of the National Panchayat with regard to proper conduct of business before the National Panchayat and also in other matters. Other functions of the Steering Committee shall be as laid down in the rules of the National Panchayat. (2) The Chairman and the Vice-Chairman of National Panchanyat shall be the ex-officio Chairman and Vice-Chaitinatt respectively of the Steering Committee, and the Prime Minister, Minister for Finance. Home Affairs, Panchayat and **Law and Justice shall be the ex-0fficio members thereof. Other members of the Steering Committee shall be elected by the members of the National Panchayat in the manner laid down in the rules of the National Panchayat. **Explanation-** for purposes of this clause the word 'minister shall mean the minister of State acting as minister when no minister has been appointed. (3) The term of office of the members of the Steering Committee, except that of the ex-officio members, shall be two years.

41 A. Other Committees- (1) There shall be committees of the National Panchayat on various matters formed with a view to associating to a greater extent the members of the National Panchayat in the administration of the country. (2) The constitution and functions of the committees formed pursuant to clause (1) and the provisions for other committees concerning the business of the National Panchayat shall be as provided in the rules of the National Panchayat.

41B. Panchayat Policy and Investigation Committee: (1) There shall be one Panchayat Policy and Investigation Committee in the chairmanship of the chairman of National Panchayat. (2) The constitution of the Committee and authority and procedures regarding the overall functioning necessary to promote partyless Democratic Panchayat System shall be as laid down in the rules approved by His Majesty. No question shall be raised in any court regarding the adherence to that rule. (3) Panchayat Policy and Investigation Committee shall have to implement the decisions made after discussion by the concerned committees of National Panchayat formed pursuant to Clause 1 of Article 41A on the yearly report of constitutional bodies sent by His Majesty in the manner prescribed by the rules pursuant to Clause 2.

42. Session- (1) After the commencement of this Constitution His Majesty shall, as early as possible, summon the members of the National Panchayat to its first session. (2) Thereafter subject to the provisions of this Constitution His Majesty from time to time summon the members of the National Panchayat to its other sessions. (3) His Majesty may prorogue the sessions of the National Panchayat. *Provided that* the period between the prorogation of the session and the beginning of next session shall not ordinarily exceed one year. (4) While the National Panchayat stands adjourned, His Majesty may, if He thinks necessary to summon a meeting of the National Panchayat at an earlier date, fix the date and time of such meeting, and meeting shall be held on the date and at the time so fixed. (5) Subject to the rules of the National Panchayat, the National Panchayat may adjourn in pursuance of a resolution passed thereof. (6) Subject to the rules of the National Panchayat the proceedings of the National Panchayat, shall ordinarily be held in open.

43. Address and Message by His Majesty- (1) His Majesty may address the National Panchayat and for that purpose may command the attendance of the members. (2) His Majesty may send messages to the national Panchayat and the National Pachayat after considering the contents of the message as soon as possible shall submit its opinion to His Majesty.

44. *(Repealed by the second amenment)*

45. Restriction on Debates- (1) No discussion shall take place in the National Panchayat with regard to the conduct of His Majesty, Her Majesty and other members of the Royal family. *Provided that* nothing in this clause shall be deemed to restrict criticism of His Majesty's Government. (2) No discussion shall take place in the National Panchayat against the principles underlying the partyless democratic Panchayat system. (3) No discussion shall take place in the National Panchayat with regard to the conduct of a Judge in the discharge of his duties. (4) No discussion shall take place in the National Panchayat with regard to any matter relating to a case pending in any court in Nepal.

46. Voting- Save as otherwise provided in this Constitution any question put before the National Panchayat shall be decided by a majority of the members present and voting. The person presiding shall not ordinarily have a right to vote, but in the event of an even division of votes he shall exercise a casting vote.

47. Power to Transact the Business of the National Panchayat in Case of Vacancy- The National Panchayat shall have power to transact its business notwithstanding any vacancy in the membership thereol; and any, proceeding therein shall be valid notwithstanding and vacancy, or if, on the other hand, it is subsequently discovered that some person not entitled to do so, took part in the proceeding.

48. Penalty for unauthorised presence or Voting- (1) If a person sits or votes as a member of the National Panchayat before he has complied with the requirements of Article 52 or when he knows that he is not qualified for membership thereof, he shall be liable in respect of every day in which he so sits or votes to a penalty of one hundred rupees and that penalty shall be realised as a sum due to the government. **(2) Nothing in clause (1) shall apply to a Minister of the Crown appointed

under the proviso to clause (1) of Article 26, who shall be entitled to sit and take part in the proceedings of the National Pachayat. *Provided that* he shall not be entitled to vote therein until he becomes a member of the National Panchayat.

49. Quorum- One fourth of the total number of membership of the National Panchayat shall make the Quorum of the National Panchayat. If, before or during any meeting attention is drawn that the quorum is not complete, the person presiding may, subject to the rules of the National Panchayat either suspend the proceeding of meeting until the quorum is complete or adjourn the meeting till such time or day as may be specified by him.

50. Procedure relating to the Conduct of Business- (1) The National Panchayat may, subject to the provisions of this Constitution, make rules in respect of itself or its committees for the conduct of business, for the maintenance of order at its meetings, for the constitution and functions of committees formed pursuant to article 41A, and for, regulating any other matter. Such rules of the National Panchayat shall become operative when approved by His Majesty. (2) Until the rules are made in accordance with clause (1) the matters referred to in that clause shall be regulated by rules made by His Majesty.

51. Privileges of the National Panchayat- (1) Subject to the Provisions of this Constitution and the rules of the National Panchayat, there shall be full freedom of speech in the National Panchayat and no member of the National Panchayat shall be arrested, taken into custody or be liable to proceedings in any court in respect of anything said or any vote cast by him in the National Panchayat or any of its committees. (2) The national Panchayat shall have full powers to regulate its internal matters and only the Natioanal Panchayat shall have authority to decide whether any proceedings of the National Panchayat is regular or otherwise and no question in respect thereof shall be raised in any court. (3) No proceedings of the National panchayat shall be interpreted in such a way as to question the bonafides of the National Panchayat and nothing shall be published which deliberately puts wrong or misleading construction on any thing spoken by any member. (4) No member or officer of the National Panchayat shall be arrested, (a) during the session of the National Panchayat; and (b) during the period between the issuance of the notice of the summoning of the session and prior to the commencement of the session. *Provided that*

nothing in this clause shall be deemed to prohibit the arrest of any member or officer in accordance with the law providing for preventive detention or in respect of any criminal proceeding, and in case of such arrest of any member or officer, the Chairman of the National Panchayat shall be immediately informed by the officer making such arrest. (5) No person shall be liable to any proceedings in any court in respect of the publication of any report or other papers or of votes or proceedings under the authority of the National Panchayat. (6) Any breach of the privileges of the National Panchayat shall be deemed to constitute contempt of the National Panchayat, and the National Panchayat shall have the power to decide whether or not there has been any breach of such privileges. (7) (a) If a person commits contempt of the National Panchayat, the officer presiding over a meeting of the national Panchayat may, upon a decision taken by the National Panchayat, issue and order sentencing such person to a term of imprisonment which may, at the most, extend to the end of the session. *Provided that* no person charged with such offence shall be punished without having been given an opportunity to show cause as to why he should not be punished. (b) The officer presiding over a meeting of the National Panchayat shall in respect of the offence punishable under this clause, have power to issue a warrant of arrest or a summons, to summon witnesses, to take evidence, to cause documents to be produced and to record statements. (c) The National Panchayat shall be entitled to cause the detention of any person whom it has power to punish under this clause, by placing him either in the charge of any of its officers or in any government jail.

52. Oath- A member of the National Panchayat, before taking part for the first time in the meeting of the National panchayat or any of its committees, shall take oath before the Chairman of the National Panchayat or, in his absence. before the vice-Chairman or the person appointed pursuant to clause (6) of Article 39, in the prescribed manner and form.

53. Remuneration- The remuneration of the Chairman, the Vice-Chairman and other members of the National Panchayat shall be determined by an Act and until so determined shall be as determined by rules made by His Majesty.

54. Secretary- The Secretary of the National Panchayat shall be appointed by His Majesty.

PART 9: LEGISLATIVE PROCEDURE

55. Introduction of Bills- (1) Subject to this Constitution and the rules made under Article 50, any member of the National Panchayat may introduce a bill in the concerned committee constituted pursuant to Article 41 A. *Provided that*- (a) before any bill or amendment in respect of any of the following matters is introduced by a member other than a Minister of the Crown or a Minister of State or an Assistant Minister, prior approval of His Majesty shall be obtained through a Minister of the Crown or a Minister of State or an Assistant Minister. His Majesty may, before giving such approval consult the Raj Sabha; (1) Imposition or collection of or increment in the rate of taxation: (2) Appropriation or expenditure of any amount or increment of the amount sought to be appropriated or expended out of the Consolidated Fund or any other Government fund; (3) Any matter relating to the Civil list of the Royal family; or (4) Any matter relating to the debt or guarantee for which His Majesty's Government is liable. (b) No bill or amendment, which declares in its preamble that it has been made for any or all of the purposes listed in clause (2) of Article(17) shall be introduced without the approval of His Majesty. Such approval shall be obtaine through the secretry of National Panchyat. His Majesty before giving such approval, may consult the Raj Sabha. (2) Notwithstanding any thing provided in clause (1) bills and ammendments pertaning to Royal Nepal Army and the Armed Police may be introduced in the concerned committee by the Minister of the Crown, Minister of State or Assistant Minister only. (3) Bills introduced in the committee persuant to clause (1) and (2) shall after being processed by the committee in accordance with the rules of the National Panchayat, be introduced in the National Panchayat.

56. Assent to a Bill- (1) When a bill is passed by the National Panchayat it shall be presented to His Majesty for His assent and if His Majesty is willing to give His assent, He shall notify His assent ordinarily within one month of the presentation of the bill and if He desires to withhold His assent subject to amendments, He shall proceed in accordance with clause 2. (2) If his Majesty desires to withhold His assent or desires to give assent with amendments to a bill passed by the National

Panchayat, He shall after consulting the Raj Sabha, return the bill to the National Panchayat with a message, and the National Panchayat shall after giving consideration to such message, submit its recommendations to His Majesty as soon as possible, and His Majesty, after having considered such recommendations, shall finally decide whether to give or to withhold His assent or to give His assent subject to amendments. (3) If His Majesty, after consultation with the Raj Sabha, deems it expedient that any bill discussed in the National Panchayat but not passed, be passed in the form in which it was introduced in the National Panchayat or with amendments, He may send a message accordingly. stating reasons thereof to the National Panchayat and the National Panchayat shall, after giving consideration to such message as soon as possible, submit its recommendations to His Majesty, and his Majesty may, after having considered such recommendations, give his assent to the Bill in the form in which it was introduced in the National Panchayat or with amendments. (4) When assent is given by His Majesty to a bill in accordance with this Ariicle, such bill shall become an Act and such assent shall be deemed to have been given as soon as the Royal Seal is affixed to the bill.

57. Ordinance- (1) If at any time, except when the National Panchavat is in session, His Majesty is satisfied that circumstances exist which render it necessary for Him to take immediate action, He may, after consulting the Raj sabha if He so desires, promulgate such ordinance as circumstances appear to Him to require and which is not inconsistent with the provisions of this constitution. (2) An ordinance promulgated under clause (1) shall have the same force and effect as an Act. *Provided that* every such ordinance- (a) shall be laid before the National Panchayat within fifteen days of its session subsequent to such promulgation; (b) may be withdrawn at any time by His Majesty; and (c) shall *ipso facto* cease to have effect after sixty days of the commencement of the session of the National Panchayat if it is not repealed pursuant to sub-clause (b).

PART 10: FINANCIAL PROCEDURE

58. No Tax to be levied or Loans to be Raised Except in Accordance with Law- (1) No tax shall be levied and collected except in accordance with law. (2) No loan shall be raised or guarantee given by His Majesty's Government except in accordance with law.

59. Consolidate Fund- Except His Majesty's private revenues, and the religious endowments, local taxes, all revenues received by His Majesty's Government, all loans raised on the security of these revenues, and all moneys received in repayment of any loan made under the authority of an Act shall, unless otherwise provided by an Act, be credited to a public fund to be known as the Consolidated Fund.

60. Expenditure from the Consolidated Fund- No expenditure shall be incurred out of the Consolidated Fund or any other public fund other than the Emergency Fund except in accordance with an Appropriation Act or an Act made under Article 64 or 65 and except such sums as are otherwise chargeable on the Consolidated Fund.

61. Expenditure Chargeable on the Consolidated Fund- The following expenditure shall be charged on the Consolidated Fund- (a) The civil list of the Royal Family as provided by an Act; (b) The remuneration payable to- (1) The Chief Justice and the other Judges of the Supreme Court; (2) The Chairman and the members of the Central Committee of Back-to-Village National Campaign; (3) The Chairman and the members of the Standing Committee of the Raj Sabha; (4) The Chief Commissioner and the Commissioners of the Prevention of Abuse of Authority Commission; (5) The Auditor-General; (6) The Chairman and the members of the Public Service Commission; and (7) The Chief Election Commissioner and other election Commissioners. (c) The administrative expenses of the Supreme Court, the Central Committee of Back-to-Village National Campaien, the Raj Sabha, the prevention of Abuse of Authority Commission, the Department of Auditor-General, the Public Service Commission and the Election Commission: (d) All charges relating to the debts for which His Majesty's government is liable; (e) Any sum required to satisfy any judgement or decree made by any court against his Majesty's Government; and (f) Any other sum declared by an Act to be charged on the consolidated fund.

62. Estimates of Revenue and Expenditure- (1) His Majesty shall, in respect of every financial year, cause to be laid before the National Panchayat, an annual estimate showing among others the following items- (a) the estimate of revenue; (b) the sums required to meet the charges on the Consolidated Fund; and (c) the sums required to meet the expenditure to be provided for by an Appropriation Act. (2) The sums required to meet the expenditure to be provided for by an Appropriation Act shall be specified under separate heads in an Appropriation Bill. *Provided that* (a) In the discussion on the annual estimate of revenue and expenditure in the National Panchayat, concerned minister or any other minister on his behalf must submit the particulars on financial responsibility assigned to every ministry and if the goals according to the expenditure is achieved or not. (b) The Council of Minister may accommodate the recommendations, deemed appropriate, submitted in course of discussion on annual estimate in the National Panchayat according to necessity in the Annual Estimate and Annual Appropriation Bill accordingly.

63. Supplementary Estimates- (1) His Majesty shall, in respect of any financial year, cause to be laid before the National Panchayat, a supplementary estimate if it is found- (a) that the sum authorised to be spent for a particular service by the Appropriation Act for the current financial year is insufficient or that a need has arisen for expenditure upon new service not provided for by the Appropriation Act for that year; or (b) that the expenditure made during that financial year is in excess of the amount authorised by the Appropriation Act. (2) The sums included in the supplementary estimates shall be specified under separate heads in a Supplementary Appropriation Bill.

64. Votes on Account- (1) Notwithstanding anything in the foregoing provisions of this part, any portion of the expenditure estimated for the financial year may, pending the enactment of Appropriation Bill, be incurred in advance by an Act duly passed. (2) A Vote on Account shall not be submitted until the Estimates of Revenue and Expenditure have been presented in accordance with the provisions of Article 62 and the sums involved in the Vote on Account shall not exceed one third of the Estimates of Expenditure for the financial year. (3) The

expenditure incurred in accordance with the Vote on Account Act shall be included in the Appropriation Bill.

65. Votes of Credit- (1) Notwithstanding anything in the foregoing provisions of this part, if owing to a local or national emergency, due to either natural cause or threat of external aggression or internal disturbance or otherwise, His Majesty is satisfied that it is impracticable or undesirable from the stand-point of the security or interest of the State to specify the details required under Article 62, He may cause to be laid before the National Panchayat a Vote of Credit bill giving only such particulars of the expenditure proposed which he may consider desirable. (2) The expenditure incurred under the Vote of Credit Act shall be included in a Supplementary Appropriation Bill as soon as possible.

66. Contingency Fund- An Act may create a Contingency Fund into which shall be paid from time to time such sums as may be determined by His Majesty after consultations with the Council of Ministers. Unforeseen expenditures shall be met out of this Fund as Approved by His Majesty. The amount of the expenditure so met shall be reimbursed as soon as possible by an Act.

67. Act relating to financial Procedure- Matters relating to the transfer of the sums appropriated for one head to another and other financial procedures may be regulated by an Act.

*PART 10A:

CLASS ORGANISATIONS OF PANCHAYATS

67A. Provisions regarding Class Organisations- (1) In keeping with the objectives of the Panchayat System to promote the welfare of the people by creating a democratic, just, dynamic and exploitation- free society, by bringing about harmony among the various classes keeping in view the greater interest of the nation, the following class organisations shall be formed and run with a view to integrate and utilize the united strength of the various classes for the development of the Nation and to help the local Panchayats to mobilise the general public- (1) The Nepal peasants organisation: (2) The Nepal Youth Organisation: (3) The Nepal Women's Organisation; (4) The Nepal Elder's Organisation: (5) The Nepal Labour Organisation; and (6) The Nepal Ex-Servicemen's Organisation. (2) Active

membership as may be prescribed by law, of any one of the class organisations mentioned in clause (1) shall be compulsory in order to be eligible for election to or for continuing as member in any office of any level of the Panchayat. (3) The constitution, functions, duties and powers of the class organisations specified in clause (1) shall be determined by law.

*PART 10B:

(Inserted by 1st Amendment and Repealed by 3rd Amendment)

BACK-TO-VILLAGE NATIONAL CAMPAIGN

67B. Back-to-Village National Campaign- (1) To perform the following functions, Back-to-Village National Campaign shall be launched subject to the provisions of this Constitution and the directives which, His Majesty, in the interest of Nepal and the Nepalese, may give from time to time; (a) to lay down, interpret and propagate the political principles of Partyless Democratic Panchayat System; (b) to impart training, organise, fix qualification and evaluate the Panchayat workers, (c) to formulate political programmes, political movements, organise meetings of Panchayat and bring about political rapport among the various organs of the Panchayat and (d) to perform such other functions as may be specified by law. (2) His Majesty may, whenever necessary, by order make amendment in matters specified in clause (1). Such an order shall be published in the Nepal Gazette. (3) There shall be a Central committee of the Back-to Village National Campaign. (4) The constitution, functions, duties, powers and procedures of the Central Committee of Back-to-Village National Campaign shall be as specified in the rules made by His Majesty. (5) The constitution, functions, duties, powers and procedures of committees of levels other than the Central Committee of the Back-to-Village National campaign shall be specified in the Rules made by the Central Committee of the Back-to-Village National Campaign, these Rules shall before coming into operation require the prior approval of His Majesty. (6) His Majesty may from time to time issue directive to the Central Committee of the Back-to-Village National Campaign. (7) Notwithstanding anything contained in the other Articles of this Constitution or in the existing laws, the provisions of the Rules made pursuant to this clause shall apply in matters provided therein.

**PART 10C.:
PREVENTION OF ABUSE OF AUTHORITY COMMISSION

67C. Prevention of Abuse of Authority Commission- (1) In order to prevent Abuse of Authority, there shall be a Commission on the Prevention of Abuse of Authority (hereinafter referred to as the Commission), consisting of a Chief Commissioner and, if required, such number of other Commissioners as may be specified by His Majesty. (2) The Chief Commissioner and other Commissioners shall be appointed by His Majesty and if desired by Him, after consultations with the Raj Sabha. (3) The term of office, remuneration and other conditions of service of the Chief Commissioner and other Commissioners, and the functions, duties, powers and procedure of the commission shall be as specified in the rules made by His Majesty. (4) Subject to the rules made pursuant to clause (3), the Commission may delegate all or any of its powers to any person or office. (5) The Commission shall submit an Annual Report regarding its activities to His Majesty.

67D. Hearing of Cases- (1) Cases involving abuse of authority shall be heard and decided either by the Commission or the Chief Commissioner or other commissioner of the commission or by such officer, holding Government office, may be designated by the Commission by a notification published in the Nepal Gazette. (2) Appeal against judgements under clause (1) shall lie in the court constituted by His Majesty after consultations with the chief Justice. (3) The procedure for the hearing of case under clause (1) and of appeals under clause (2) shall be prescribed in the Rules made by His Majesty.

67E. Saving- Notwithstanding anything provided in the other Articles of this Constitution or the existing laws, the provisions of the Rules made pursuant to Articles 67 C and 67 D shall apply in matters provided therein.

PART 11: SUPREME COURT

68. Supreme Court- (1) There shall be a Supreme Court of Nepal consisting of a Chief Justice and, unless a larger number is specified by law, not more than six other judges. (2) The

Supreme Court, subject to the provisions of this Constitution, shall be a court of record and shall have the power to impose punishment as prescribed by law for contempt of itself or of courts subordinate to it.

69. Judges of the Supreme Court- (1) His Majesty shall appoint the Chief Justice after consulting, if He so desires, such members of the Raj Sabha as He may deem appropriate and also after consultation with other Judges of the Supreme Court, and other judges of the Supreme court shall be appointed by Him after consultation with the Chief Justice. "(2) Subject to the provisions of clause (4), the term of office of the Chief Justice and other Judge of the Supreme Court shall be ten years. His Majesty may, if he deems it proper, re-appoint a person for such term as may be specified by him. **Explanation:** For the purpose of calculating the term of office of any Judge of the Supreme Court who has been appointed the Chief Justice, the term which he has already served as judge of the Supreme Court shall also be reckoned. **(2A) Subject to the provisions of clause (2) the Chief Justice and any other Judge of the Supreme Court shall hold office until he attains the age of sixty five years. Provided that he shall be relieved of his office on the date either of his attaining the maximum age under this clause or of the completion of his term specified in clause (2), whichever is earlier. ''(2B) Che provisions of clause (2) and (2A) shall apply also in the case of the Chief Justice and the other Judges of the Supreme Court holding office at the time of the commencement of this clause. *Provided that* for the purpose of calculating their term of office under clause (2), the term shall be deemed to commence from the date on which this clause comes into force. ''(3) A person shall not be qualified for appointment as a judge of the Supreme court unless he has attained the age of forty five and- (a) has been for at least five years the Judge of a Regional Court or an equivalent judicial post or: (b) has been for at least seven years a government or private advocate: or (c) is, in the opinion of His Majesty, a distinguished jurist. "(4) The Chief Justice and any other Judge of the Supreme Court- (a) shall be relieved of his office if his resignation in writing is accepted by His Majesty, or (b) may be relieved of his office by His Majesty if a Commission or the Judge, as the case may be, has not performed his duties due to incapacity or misbehaviour or mala fide acts. *Provided that* the

Chief Justice or any other Judge of the Supreme Court so charged shall not be denied a reasonable opportunity for defending himself before the commission. (5) The Commission appointed under sub-clause (b) of clause (4) shall have power similar to that of a court to summon witness, to take evidence and to punish for its contempt. (6) The remuneration and other conditions of service of the Chief Justice and the other Judges of the Supreme Court shall be determined by an Act and until so determined shall be as determined by Rules made by His majesty. The remuneration and the other conditions of service of the Chief Justice or any other Judge of the Supreme Court shall not be varied to his disadvantage during his term of office. (7) When the office of the Chief Justice is vacant or when the Chief Justice is, by reason of ill-health or otherwise, unable to perform the duties of his office, the duties of that office shall be performed by such one of the other Judges of the Supreme Court as may be appointed by His Majesty to be the Acting Chief Justice. (8) His Majesty may, after consulting the Chief Justice, appoint as many ad hoc or additional Judges as may be necessary for the Supreme Court for such period and with such remuneration and facilities as His Majesty may specify. *Provided that* such Judges shall be required to possess the same qualifications as laid down in clause (3). (9) No person who has held office as a permanent Judge of the Supreme Court shall plead or act in any Court or before any authority.

70. Ordinary Jurisdiction of the Supreme Court- The Supreme Court shall have jurisdiction as prescribed by law including the jurisdiction to try original cases, to hear appeals or references and to revise non-appeallable cases decided by lower courts.

71. Extra-ordinary jurisdiction of the Supreme Court: The Supreme Court shall have power to issue directions, orders or writs including writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari for the enforcement of rights conferred by Part 3 **Subject to the provisions of this Constitution or for the enforcement, in cases where no other remedy is provided, of rights conferred by any other law for the time being in force. *Provided that* nothing in this Article shall apply in relation to matters falling within the jurisdiction of a Court-Martial.

72. Supreme Court not overrule its own decision- The Supreme Court shall not itself overrule its final decision. *Provided that* the Supreme Court- (a) may review any decision made by it on such terms and conditions as may be prescribed by law; and (b) may revise its previous decision in a case and finally decide in accordance with law if His Majesty issues a command for the revision of that case (already decided by the Supreme Court) on the recommendation of a Judicial Committee on the application of the concerned party within the time fixed by law.

****72A. Judicial Committee-** The constitution, functions, duties, powers and producer of the judicial Committee shall be prescribed in the Rules made by His Majesty.

73. Law declared by the Supreme Court to be binding- The law declared by the Supreme Court in cases within its jurisdiction as conferred by this Constitution or other laws for the time being in force, shall be binding on all courts. *Provided that* the law declared by the Supreme Court before the commencement of this Constitution may not be binding on the Supreme Court as precedent after the commencement of this Constitution.

74. Judicial Service Commission: '(1) There shall be a Judicial Service Commission consisting of the Chief Justice, "the Minister for Law and Justice, or when the Minister for Law and Justice has not been appointed, the Minister of State for Law and Justice acting, as the minister and the Chairman of the Public Service Commission. His Majesty's Government may, on the recommendation of this Commission and in accordance with law, make permanent appointment, transfer and promotion to the gazetted posts of the Judicial Service, and give deparnneatal punishment to officials of such posts. *Provided that* His Majesty's Government shall consult the Public Service Commission before making permanent appointment for first time of any person, not in the government service, to a gazetted post of the Judicial Service or for promoting a person from a non-gazetted post in the Judicial Service to gazetted post in that Service. (2) Other powers, functions and procedures, of the Judicial Service Commission shall be as prescribed by law.

PART. 12: AUDITOR-GENERAL

75. Auditor-General- (1) There shall be an Auditor-General of Nepal who shall be appointed by His Majesty after consulting, if He so desires, the Raj Sabha. (2) the Auditor-General shall hold his office for 6 years from the date of his appointment. *Provided that* ''(a) he shall be relieved of his office if his resignation in writing is accepted by His Majesty; or (b) he may be removed from his office on the same grounds and in the same manner as a Judge of the Supreme Court. (3) The term of office, remuneration and other conditions of service of the Auditor-General shall be determined by an Act and until so determined shall be as determined by Rules made by His Majesty. The term of office, remuneration and other conditions of service of the Auditor General shall not be varied to his disadvantage during his term of office. (4) A person who has held office as an Auditor-General shall not be eligible for appointment in government service.

76. **Functions and Powers of the Auditor-General**-'''(1) The accounts of all department and offices of the government and of all the Courts as well as the offices of the Supreme Court, the National Panchayat, the Raj Sabha, and the offices of the Public Service Commission and the Election Commission and also the accounts of the government owned corporate bodies, shall be audited by the Auditor-General in the manner prescribed by law. The Auditor-General and his deputies shall at all time be entitled to have access to all documents relating to such accounts. (2) The accounts of all the departments and offices of the Government and of the courts shall be kept in such form as may be prescribed, subject to the Act relating to audit, by the Auditor-General and until so prescribed the existing form shall be maintained. (3) Other functions of the Auditor-General relating to audit shall be as determined by law, and in that respect he may exercise such powers as are conferred on him by the respective law. (4) The Auditor-General shall submit to His Majesty an annual reports on the work done by him under this Article, and His Majesty shall cause such report to be laid before the National Panchayat.

PART 13: PUBLIC SERVICE COMMISSION

77. Public Service Commission- (1) There shall be a Public Service Commission of Nepal Consisting of such number of members as His Majesty may prescribe, One of such members as may be designated by His Majesty, shall be the Chairman of the Commission. (2) At least one-third of the members of the Public Service Commission shall be such persons who have not, at any time during the period of five years immediately preceding, been in government service. (3) His Majesty shall appoint the members of the Public Service Commission after consultation, if he so desires, with the Raj Sabha. ''(4) A member of the Public Service Commission shall hold office for a term of six years from the date of his appointment.*Provided that* - (a) he shall be relieved of his office if his resignation in writing is accepted by His Majesty; or (b) he may be removed from his office on the same grounds and in the same manner as a Judge of the Supreme Court. (5) – *omitted by second amendment.* (6) The remuneration and other conditions of service of the members of the Public Service Commission shall be determined by an act and until so determined shall be as determined by Rules made by His Majesty. The remuneration and other conditions of service of a member of the Public Service Commission shall not be varied to his disadvantage during his term of office. (7) A person who has held office as a member of the Public Service commission shall not be eligible for appointment in government service ***except in the post to be appointed by his Majesty.

78. Functions of the Public Service Commission- (1) The Public Service Commission shall be consulted- (a) on legal matters relating to conditions of civil services; '''(b) on the general principles to be followed in matters of appointment, promotions and departmental actions in the civil services or in civil posts; '''(c) on the suitability of the candidates in making appointment in a civil post for a period exceeding six months; (d) on the suitability of candidates in making transfer or promotion from one category of civil service to another category of civil service or from any other government service to civil services; and (e) on matters relating to departmental punishments proposed against any gazetted civil servant. *Provided that* in cases where under the provisions of the

Constitution- (1) certain powers and functions are allotted to the Judicial Service Commission, those Provisions shall be observed; and (2) an employee, holding a post which does not require consultation with the Public Service Commission, is to be permanently transferred or promoted to a post for which the consultation with the Public Service Commission is required, such transfer or promotion shall be made only after previous consultation with the Public Service Commission. '(2) A person, who is henceforth appointed by recruitment to a civil post without consulting the Public Service Commission, shall not be entitled to pension. (3) His majesty may consult the Public Service Commission on any matter relating to any government service or post. ''(3A). The Public Service Commission shall be consulted in the making of the rules concerning the conditions of service of the employees of the government owned or controlled corporate bodies or of the organisations owned or controlled by such corporate bodies and in the matter of general principles to be applied in the appointment, promotion and departmental action within the service or posts of such corporation or organisation. The Public Service Commission shall exercise a supervisory control to ensure that these rules and the general principles have been complied with. (4) For the purposes of this Article all employees of His Majesty's Government except army officers and jawans, the officers and other ranks of the police force, and employees appointed to such posts as are declared not to be civil posts by an order of His Majesty, shall be deemed to be civil servants and the service or post of such employees as civil service or civil post. *(4A). The Public Service Commission may delegate any of its functions under this Articles to any of its members or to an officer of His Majesty's Government subject to such conditions as it may prescribe. (5) Subject to the Provisions of this Article the procedure of the Public Service Commission shall be as determined by law. (6) The Public Service Commission shall submit to His Majesty an annual report on the work done by it and His Majesty shall cause such report to be laid before the National Panchayat. His Majesty shall also, whenever the advice of the Public Service Commission has not been accepted, cause to be sent to the National Panchayat with the annual report a memorandum containing reasons for such non- acceptance of the advice of the public service commission.

* PART 13A: ELECTION COMMISSION

78A. Election Commission- (1) There shall be an Election Commission of Nepal consisting of the Chief Election Commissioner and, if required. such other number of Commissioner as His Majesty may prescribe. (2) The Chief Election Commissioner and other Election Commissioners shall be appointed by His Majesty after consulting, if He so desires, the Raj Sabha. (3) If, besides the Chief Election Commissioner, other Election Commissioners are also appointed, the Chief Election Commissioner shall act as the Chairman of the Election Commission. ''(4) The Chief Election Commissioner and other Election Commissioners shall hold their office till the completion of their term. *Provided that*- (a) he shall be relieved of his office if his resignation in writing is accepted by His Majesty; or (b) he may be removed from his office on the same grounds and in the same manner as a Judge of the Supreme Court. (5) – *Omitted by second amendment* (6) The term of office of the chief election commissioner and the election commissioners shall be six years (inserted by third ammendment), and their remunerations and other conditions of the service of the Chief Election Commissioner and the Election Commissioners shall be determined by an Act and until so determined shall be as determined by rules made by his Majesty. The term of office, remunerations and other conditions of service of the Chief Election Commissioner or any other Election Commissioner shall not be varied to his disadvantage during his term of office.

78B. Functions and Powers of the Election Commission- ''(1) The elections to the various level of Panchayats in accordance with the provisions of this Constitution and other laws for the time in force, shall be conducted, supervised, directed and regulated by the Election Commission. ''(2) Any election to the upper level of the Panchayats conducted in accordance with clause (1) shall not become invalid only by reason of the fact that election to the lower level of the Panchayat has not been held. (3) The constitution of the Election Tribunal, and the appointment or nomination of members therein shall be made on the recommendation of the Election Commission. (4) The Election Commission may delegate any of its powers and functions under this Article to the Chief Election Commissioner,

other Election Commissioners or to an officer of His Majesty's Government subject to such conditions as it may prescribe. (5) Powers, functions and procedures of the Election Commission, other than those mentioned in this Constitution, shall be as prescribed by law.

78C. Time for holding Elections- The Election Commission, when conducting elections in accordance with the laws, shall complete elections in all the levels of the Panchayat of the concerned group within the period beginning from Magh to Chaitra. *(Repealed by the third amendment.)*

PART 14: ATTORNEY-GENERAL

79. Attorney-General- (1) There shall be an Attorney-General for Nepal who shall be appointed by His Majesty. (2) No person shall be eligible for appointment as Attorney-General unless he is qualified to be appointed as a Judge of the Supreme Court. (3) The Attorney-General shall hold office during the pleasure of His Majesty. The remuneration and other conditions of service of the attorney-General shall be determined by an Act and until so determined shall be as determined by Rules made by His Majesty. The remuneration and other conditions of service of the Attonney-General shall not be varied to his disadvantage during his term of office.

80. 'Duties of the Attorney-General- It shall be the duty of the Attorney-General, if his advice is solicited on constitutional and legal matters, to give advice to His Majesty. His Majesty's Government and such other authorities as His Majesty may specify, and to perform such other duties as may be assigned to the Attorney-General by or under this Constitution and other laws for the time being in force.

PART 15: ***SPECIFICATION SITUATIONS AND EMERGENCY POWERS

81. Formation of Council of Minister in Specific Situation: (1) Notwithstanding anything contained in other Articles of the Constitution, in case of acceptance of resignation submitted by the Prime Minister or death of serving prime minister or if the post becomes vacant by any other reason and if there is

no National Panchayat at that time, His Majesty may, whatever he deems appropriate, take necessary measures for the functioning of the Council of Minister. *Provided that* such measures shall not continue for the period exceeding three months. (2) If in case His Majesty is satisfied that specific situation not mentioned in Clause (1) has arisen he may, if he desires, after consultation with the Steering Committee of National Panchayat, if that exists at that time, and Standing Committee of Raj Sabha, issue orders for following and such orders shall be published in the Gazette: (a) He may either just suspend Article (25), (26), (26A), (27), (28) and (29) or may suspend Article (25), (26), (26A), (27), (28) and (29) along with the dissolution of National Panchayat and may cause to hold another election. He may suspend any other Article or any part of any article of the constitution exceptthis Article for that cause. (b) His Majesty may assume all or any of the power inherent in any institution or authority suspended or dissoluted pursuant to Clause (1) or it may be as directed by him. (3) His Majesty may make following provisions till the orders pursuant to Clause (2) are in force: (a) *Provide that* His Majesty may, in consultation with the standing committee of Raj Sabha if he desires, make provision for the functioning of Council of Minister to be carried out according to his direction; (b) Provision of appointment of the Prime Minister, Deputy Prime Minister, Minister of the Crown, Minister of State, Assistant Minister as per the necessary if His Majesty desires; (4) Status of the individuals appointed pursuant to Clause (3) shall be as follows: (a) he shall be responsible towards His Majesty for the departmental duties or functions he is assigned; (b) he shall remain on the post during the pleasure of His Majesty. (c) may take part in National Panchayat and Committees thereof if in case National Panchayat is not dissoluted; *Provided that*, if he is member of National Panchayat he shall not right to vote; and (d) shall be entitled to the remuneration as prescribed by His Majesty. (5) If His Majesty is satisfied that there is no longer the situation pursuant to Clause (2), He may revoke the order issued pursuant to Clause (2) by subsequent order. *(Note:The third amendment of the constitution changed the original Article 81 to 81A and inserted this new Article 81. As this provision was*

stated to commence with the publication of notice in Gazette, it was commenced on 2038/1/29 B.S.)

(81A) Emergency Powers- (1) If His Majesty is of the opinion that a grave emergency exists whereby the security of the whole of Nepal or any part thereof is threatened by war, external aggression or internal disturbance. His Majesty may, by Proclamation- (a) suspend, except this Article, all or any of the Articles of this Constitution or any provision of such Articles; and (b) assume to Himself all or any of the powers vested in or exercisable by the National Panchayat or any other governmental body or authority. (2) Any Proclamation made under clause (1) may be altered or revoked by a subsequent Proclamation and such Proclamation shall continue to operate until His majesty is satisfied after consulting, if he so desires, the members of the Steering Committee of the National Panchayat and the members of the Standing Committee of the Raj Sabha, that grave emergency no longer exists. (3) Laws made by His Majesty after assuming powers under this Article shall, in so far as they are inconsistent with other Articles of this Constitution, *ipso facto* cease to operate at theexpiration of six months after the Proclamation ceases to operate under clause 2.

PART 16: AMENDMENT OF THE CONSTITUTION

82. Amendment of the Constitution- (1) His Majesty may, by Proclamation, amend this Constitution. ''(2) His Majesty shall exercise the Power specified in clause (1) only after consultation with the Special Committee. ***(3) The Special Committee specified in clause (2) shall consist of the following members: (a) Members of the Standing Committee of the Raj Sabha; and (b) Members of the Steering Committee of the National Panchayat. (4) A person, elected by the members of the Special Committee formed under clause (3) from among themselves, shall preside over meetings of that Committee. (5) Any amendment made by his Majesty by a Proclamation under this Article shall form an integral part of this Constitution.

PART 17: MISCELLANEOUS PROVISIONS

83. ''Supreme Command of the Royal Nepalese Armed Forces - The Supreme Command of the Royal Nepalese Armed Forces is vested in His Majesty.

***83A. Commander-in-Chief-** (1) The Commander-in- Chief "of Royal Nepalese Armed Forces shall be appointed by His Majesty. (2) The powers, functions and conditions of service of the Commander-in-Chief shall be as regulated by law.

84. Pardon- His Majesty shall have power to grant pardon and to suspend, commute or remit any sentence passed by any judicial authority or special court or any authority appointed in accordance with an Act. *Provided that* in the exercise or the power under this Article His Majesty, if he deems appropriate, may consult the Raj Sabha.

85. Titles, Honours and Decorations- (1) Titles, honours or decorations shall be conferred only by His Majesty. (2) No citizen of Nepal shall accept any title, honour or decoration from any foreign state except with the approval of His Majesty.

86. (The second Amendment of the Constitution placed the Article 86 at the place of Article 22A. **Note**: Article 86 was also amended by the First Amendment.)

86A. Zonal Commissoner- (1) There shall be a zonal commissioner in every zone of Nepal. (2) The zonal commissioner shall be appointed His Majesty. (3) The Powers and functions of the zonal commissioner shall be regulated by law.

86B *(Repealed by the Second Amendment)*

***86C. Royal Nepalese Ambassadors and Special Envoys-** Royal Nepalese Ambassadors and the Special Envoys shall be appointed by His Majesty.

87. Bar of Jurisdiction of Courts- His Majesty shall not be amenable to any court for the exercise of the'power or the performance of the duties of His office, or for any other act done by Him. *Provided that* nothing in this Article shall be construed as restricting any right conferred by law to bring appropriate proceedings against His Majesty's Government or any servant of his Majesty.

88. Tenure of Office of the Servants of His Majesty- Except as otherwise provided in this Constitution, the servants of His

Majesty shall hold office during the pleasure of His Majesty but the conditions of their service shall be determined by law.

89. Oath-The servants of His Majesty shall be required to take an oath of allegiance and loyalty to His Majesty in the manner and form prescribed by His Majesty.

90. Residuary Powers of his Majesty- All inherent powers relating to matters not provided for in this Constitution or in other laws for the time being in force, shall continue to vest in His Majesty.

****90A. Power to remove difficulties**- If any difficulty arises in bringing this Constitution into force His Majesty may issue such orders as He may deem necessary to remove that difficulty and such order shall be deemed to have been included in this Constitution.

PART 18: DEFINITIONS AND INTERPRETATION

91. Definitions and Interpretation- (1) In this Constitution, unless the subject or context otherwise requires- (a) "Article" means an Article of this Constitution; (b) "Bill" means a draft of an Act to be presented to His Majesty for His assent. (c) "Citizen" means a citizen of Nepal; (d) "Nepal" means the Kingdom of Nepal; (e) "Petition in Writing" means a petition in writing signed by the person making such petition: and (f) "Remuneration" means salary, allowances, pension and also includes any remuneration in kind. (2) Unless the subject or context otherwise requires and subject to the provisions of this Constitution the Nepal Laws (Interpretation) Act, 2010 shall apply in the interpretation of this Constitution as it applies in the interpretation of Nepal laws.

PART 19: TRANSITIONAL PROVISIONS

92. Existing Laws to remain in Operation- All laws in force immediately before the commencement of this Constitution shall remain in operation in the form in which they are in force until repealed or amended by an Act. *Provided that* the laws inconsistent with this constitution shall in so far as they are inconsistent, *ipso facto* cease to operate after one year from the commencement of this Constitution.

93. Making of Law prior to the First Session of the National Panchayat- After the commencement of this Constitution and prior to the sitting of the first session of the National Panchayat His Majesty, in exercise of full legislative powers under this Constitution, may make Acts as may be necessary and the authority specified in such acts may as required make rules, orders or bye-laws having the force of law, under such Acts.

94. Provisions relating to Supreme Court, Public Service Commission, etc- The existing Supreme Court and all the Judges appointed therein, the existing Public Service Commission and all the members appointed therein, the Auditor-General and the Attorney-General in office before the commencement of this Constitution shall be deemed to have been in existence or in office under this Constitution after its commencement. *Provided that* the term of office of all such officers shall be as determined before the commencement of this Constitution and notwithstanding any thing in this Constitution or any other law for the time being in force His Majesty, if he deems necessary, may transfer or remove any such officer before the constitution of the National Panchayat.

95. Provisions relating to council of Ministers, Ministers and Assistant Ministers- After the commencement of this Constitution and prior to the formation of another Council of Ministers as and when the National Panchayat is constituted, the Council of Ministers at the time of the commencement of this Constitution shall be deemed to be the Council of Ministers under this Constitution. *Provided that* His Majesty, if He deems necessary, may change the Ministers and Assistant Ministers during that period.

96. *(Repealed by the Second Amendment)*

PART 20: SHORT TITLE AND COMMENCEMENT

97. Short Title and Commencement- (1) This Constitution may be called "The Constitution of Nepal" (2) This Constitution shall come into force on Sunday the First of Poush, Two Thousand and Nineteen Year of the Bikram Sambat.

Articles Before Amendment

PREAMBLE:-

Second Paragraph- And Whereas We are firmly convinced that such arrangement is possible only through Panchayat system rooted in the life decentralisation. 11. (2) Subject to the other provisions of this Part all citizens shall have the right to following freedoms- (a) Freedom of speech and expression; (b) Freedom to assemble peaceably and without arms; (c) Freedom to move to or reside in any part of Nepal; and (d) Freedom to acquire or enjoy property, or to dispose it of by sale or otherwise.

PART 4: OBJECTIVES AND PRINCIPLES Of SOCIAL POLICY

18. Application of Principles: The principles laid down in this Part are for general guidance and they shall not be enforceable by any court.

19. Objectives and Principles: (1) The aim of the State shall be to promote the welfare of the people by securing and protecting a just social order which brings about harmony in the national life by integrating and consolidating the interests of different classes and professions from a comprehensive national outlook. (2) Towards the fulfillment of the objectives laid down in clause (1) such policy, in particular, shall be allowed as result of which- (a) All citizens may have equal opportunity and facility to develop their personality and to make economic progress; (b) citizens may have reasonable and adequate means of livelihood: (c) the ownership and control of the material resources of the community are so regulated as may bring about equitable distribution of wealth and as may best subserve the common good, and also afford reasonable

protection and encouragement to private enterprise in the allotted sectors of industry and trade: (d) the health and strength of workers, men and women, and the tender age of children may not be abused; (e) mental stability and economic security may be obtained during orphanage, infancy, old age and maternity; (f) social evils like polygamy, child marriage, untouchability, may be eradicated; and (g) free and compulsory primary education may be provided as early as possible.

22. Regent or Council or Regency: In this constitution any reference to His Majesty shall, unless the subject or context otherwise requires, include reference to Regent or Council or Regency if empowered in relation to the matter in question and, to person exercising powers under Article 86.

23. (2) The Raj Sabha shall consist of the following persons: (a) The Chief Justice, ex-officio member; (b) The Chairman of the Rashtriya Panchayat, ex-officio member; (c) Ministers of the Crown, ex-officio member. (d) The Bada Gurujyu, ex-officio member, (e) The Commander-in-Chief ex-officio member: (t) The Auditor General, ex-officio member, (g) The Chairman of the Public Service Commission, ex-officio member, (h) The Attorney General, ex-officio member; (i) The Mool Purohit, ex-officio member, and (j) Such other members as His Majesty may appoint from among persons which are renowned in different fields of national life or who have rendered distinguished service to the country or who are considered fit to be member of the Raj Sabha.

23. (3) A person appointed under sub-clause (j) of clause (2) shall remain a member during the pleasure of His Majesty.

23. Sub-clause (b) and (c) of clause 10: (b) The Standing Committee mentioned in clause (a) shall be presided over by His Majesty in person or by a person designated by Him, and the Secretary of the Raj Sabha shall be the Secretary of the Standing Committee. (c) The term of office of the members of the Standing Committee of the Raj Sabha shall be for three year.

25. Formation of the Council of Ministers: (1) There shall be a Council of Ministers under the Chairmanship of His Majesty, consisting of such Ministers as may be appointed by His Majesty, to aid and advise Him in the exercise of His functions. *Provided that* His Majesty may designate any Minister to be the Chairman or the Vice-Chairman of the Council of Ministers.

(2) If any Minister is designated by His Majesty to be the Chairman or the Vice-Chairman of the Council of Ministers, he shall preside over the meetings of the Council of Ministers. *Provided that* His Majesty, if present at a meeting of the Council of Ministers, shall preside over it.

26. Ministers of the Crown: (1) His Majesty shall appoint Ministers from among the members of the Rashtriya Panchayat. *Provided that* any person who is not a member of the Rashtriya Panchayat may also, if His Majesty deems fit, be appointed as a Minister for a period not exceeding six-months. (2) The Minister shall be responsible to His Majesty. (3) A Minister may be removed from his office if- (a) his resignation in writing is accepted by His Majesty; or (b) he ceases to be a member of the Rashtriya Panchayat; or (c) he was appointed in accordance with the proviso to clause (1) and has failed to become a member of the Rashtriya Panchayat within a period of six consecutive months; or (d) a resolution, passed by a majority of the total membership of the Rashtriya Panchayat and by a two-third majority of the members present and voting, to the effect that he does not have the support of the Rashtriya Panchayat, is approved by His Majesty; or (e) His Majesty desires to remove him.

27. (2) The provisions of clause (3) of Article 26 excepting those of sub-clause (c) and (d) shall apply also to Assistant Ministers.

28. Remuneration: Remuneration of the Ministers of the Crown and of the Assistant Ministers shall be determined by an Act and until so determined shall be as determined by the rules made by Majesty.

33. Anchal Panchayat: (1) In every zone there shall be an Anchal Panchayat which shall include all the members of Zilla Panchayat of the zone. (2) Every Anchal Panchayat shall elect an executive committee which shall be known as Anchal Panchayat. (3) The organisation, powers and functions of the Anchal Sabha and the Anchal Panchayat shall be defined by law.

35. Qualification for Membership: In order to become a member of the Rashtriya Panchayat a person- (a) should be a citizen of Nepal; (b) should have attained the age of twenty-five years; (c) should not be a servant of the Crown other than Minister or an Assistant Minister; (d) should not have been expelled in

accordance with clause (2) of Article 38; and (e) should not be disqualified under any Act. Provided that the restriction laid down in clause (d) may be waived in respect of any person by His Majesty at such time and in such circumstances as he may deem fit.

36. **Decision as to the Disqualification of the Members:** If a question arises whether any member of the Rashtriya Panchayat does not possess or has ceased to possess any of the qualifications as laid down in Article 35, the final decision in respect of it shall be made by His Majesty after consultation with the Raj Sabha.

37's **Proviso:** *Provided that* the term of office, for the first time, of the elected members specified in sub-clause (a) of clause (2) of Article 34 shall be two years for one-third of such members and four years for another one-third, which of such members shall have a term of two years and which of such members shall have a term of four years shall be determined by the chairman of the Rashtriya Panchayat by lot in the manner prescribed by him.

38. (2) If a commission consisting of the Chairman of the Rashtriya Panchayat, and a Judge of the Supreme Court and a member of the Raj Sabha (other than a member of the Rashtriya Panchayat), designated by His Majesty, submits a report with a finding that a member of the Rashtriya Panchayat has committed breach of secrecy by conduct not befitting his office, and if the report is approved by His Majesty, such a member of the Rashtriya panchayat shall be expelled and on such expulsion his seat shall be automatically vacant.

41. (2) The Chairman and the Vice-Chairman of the Rashtriya Panchayat shall be the ex-officio Chairman and the Vice-chairman of the Steering Committee respectively and Ministers of the Crown for Law, Finance, Home and Panchayat Affairs shall be ex-officio members. Other members of the "Steering Committee shall be elected by the members of the Rashtriya Panchayat in the manner laid down in the rules of the Rashtriya Panchayat.

42. (6) The proceeding of the Rashtriya Panchayat or any of its committee shall not be held open. *Provided that*- (a) any person may observe a meeting on the occasion of an address to the Rashtriya Panchayat by His Majesty or by any distinguished

invitee if the Chairman or the Secretary of the Rashtriya Panchayat gives permission; and (b) a summary record of the proceedings of every meeting of the Rashtriya Panchayat shall be published as soon as possible for the information of the general public in accordance with the rules of the Rashtriya Panchayat.

48. (2) Nothing in clause (1) shall apply to a Minister appointed under the proviso to clause (1) of Article 26, and he shall be entitled to sit and take part in the proceedings of the Rashtriya Panchayat. *Provided that* he shall not be entitled to vote therein until he becomes a member of the Rashtriya Panchayat.

55. **Proviso**(a) before introducing any bill or amendment in respect of any of the following matters by a member other than a Minister of the Crown or an Assistant Minister, prior sanction of His Majesty shall be necessary and such sanction may be obtained through a Minister of the Crown or an Assistant Minister: (i) Imposition or collection of or increment in taxation; (ii) Appropriation expenditure of any amount or increment in the amount sought to be appropriated or expended out of the consolidated fund or any other government fund; or (iii) Any matter relating to national debt; or (iv) Any matter relating to Royal Armed Forces.

58. Clause (2) No loan shall be raised by His Majesty's Government except in accordance with law.

61. Clause (b), (c) and (d):- (b) The remuneration payable to- (i) The Chairman and the Vice-Chairman of the Rashtriya Panchayat, (ii) The Chief Justice and other Judges of The Supreme Court, (iii) The Chairman and members of the Public Service Commission and (iv) The Auditor-General. (c) The administrative expenses of the Raj Sabha, the Rashtriya Panchayat, the Supreme Court, the Public Service commission and the Department of the Auditor-General; (d) All charges relating to debts;

69. Clause 3's Sub-clause (a) and (b): (a) he has, at least, held for five years the post of a district Judge or an equivalent judicial post; or (b) he has, at least, worked for seven years in the capacity of a government or private pleader;

74. **Judicial Service Commission:** (1) There shall be a Judicial Service commission consisting of the Chief Justice, the Minister of Justice and the Chairman of the Public Service Commission.

His Majesty's Government shall on the recommendation of that Commission and in accordance with law, make appointment, transfer and promotion in the gazetted posts of the Judicial Service, and take department action, against and give punishment to officials of such posts. *Provided that* His majesty's Government shall have to consult the Public Service Commission while appointing a person, not in the government service, to a post in the Judicial Service.

76. Functions and Powers of the auditor-General: (1) The accounts of all the departments and offices of the Government and of all the courts along with the offices of the Raj Sabha, the Rashtriya Panchayat, the Supreme Court and of the Public Service Commission and also the accounts of the Government owned Corporate bodies shall be audited by the Auditor-General in the manner prescribed by law. The Auditor-General and his deputies shall all times be entitled to have access to all documents relating to such accounts.

78. Clause (1)'s sub-clause (c) and clause (2):- 78. 1. (c) on the suitability of candidates in making permanent appointment by recruitment to a permanent civil post carrying an initial salary of more than twelve hundred rupees per annum or in making appointment to such post for a period exceeding six months:

78. (2) After the commencement of this Constitution no person who is appointed permanently by recruitment to a civil post with an initial salary of more than twelve hundred rupees per annum not accepting the advice given by the Public Service Commission, shall be entitled to pension.

86. Provision as to Royal Representative: His Maiesty by warrant under His Red Seal authorise any person or more than one person to exercisce, subject to such conditions as the warrant may prescribe, the day-to-day functions of His Majesty during His Majesty's absence from Nepal or for any specified period. The functions exercised by such person or persons with the terms and limits specified in the warrant shall be deemed, for the purpose of this Constitution, to have been exercised by His Majesty.

Schedule 2: - 7th Line:- HAMI NEPALI BHAI SARALE

Amended by the First Amendment of the Constitution, 2023.

Amended by the Second Amendment of the Constitution. 2032.

Inserted by the First Amendment of the Constitution, 2023.Inserted by the Second Amendment of the Constitution, 2032.

Repealed by the Second Amendment of the Constitution, 2032.

Deleted by the Second Amendment of the Constitution, 2032.

Meaning of Symbol:

'	=	Amended by Fisrt Amendment
"	=	Amended by Second Amendment
'''	=	Amended by Third Amendment
*	=	Inserted by First Amendment
**	=	Inserted by Second Amendment
***	=	Inserted by Third Amendment
-	=	Repealed by First Amendment
--	=	Repealed by Second Amendment
---	=	Repealed by Third Amendment

The Constitution of the Kingdom of Nepal 2015 (Effective on 2015-11-1 BS)

Proclamation announcing the First Constitution for the Kingdom of Nepal.

To all my beloved people, Greetings!

A commission had been appointed by US on March 16, 1958 to draft a Constitution suitable to the genius of our country. I am happy to proclaim hereby the granting of a Constitution drafted by the said Commission and approved by the Council of Ministers after a careful scrutiny, a Constitution designed to promote the welfare of this generation and also of those to come and deemed suitable for this ancient land of ours.

It is my great solicitation that this Constitution being granted by me shall have the capacity to bind together all my people in one firm thread of unity and to advance the glory, progress and prosperity of the entire Nepalese community.

With due thanks to those who have participated in this commission, I, now by these presents dissolve, as from today, the commission instituted on March 16, 1958.

May God grant strength and wisdom to all the people residing on the lap of the Himalayas and between Mahakali in the west and Mechi in the east! May Lord Pshupatinath bless you all.

JAYA NEPAL

Feb. 12, 1959

PREAMBLE:

Whereas His late Majesty King Tribhuwan Shah Dev, father of the nation and revered descendant of illustrias King Prithvi Narayan Shah, adherent of Aryan Culture and Hindu religion, having led a Great revolution for the rights and welfare of His subject, earned immortal fame in the history of the world and was firmly resolved to establish real democracy in Nepal by giving fundamental rights to the people;

And Whereas We also being firmly resolved to help our subjects to attain all-round progress and achieve the fullest development of their personality; to ensure to them political, social and economic justice; and cement the unity of the nation by bringing about political stability through the establishment of an efficient monarchical form of government responsive to the wishes of the people;

And Whereas for the said purpose it is desirable to enact and promulgate a Constitution for the Sovereign Kingdom of Nepal, I, King Mahendra Bir Bikram Shah Deva in the exercise of the Sovereign powers of the Kingdom of Nepal and prerogatives vesting in US in accordance with the traditions and custom of our country and which devolved on US from Our August and Respected forefathers, do hereby enact and promulgate this fundamental law entitled " The Constitutionof the Kingdom of Nepal".

PART1: PRELIMINARY

1. **The Constitution as the fundamental Law:** (1) This Constitution is the fundamental law for Nepal and all laws inconsistent with it, shall, to the extent of the inconsistency, and subject to the provisions of this Constitution, be void. (2) Nothing in this Constitution shall affect the law custom and usage relating to the succession to the throne by the decendants of His Majesty the King. (3) In this constitution, His Majesty means the king for the time being reigning, being a Shahi descendant of His Late Majesty King Prithvi Narayan Shah and adherent of Aryan culture and Hindu religion.

PART II: Appointed Day

2. **Appointed day:** Article 73 and Article 75 of this Constitution shall come into operation at once; and the other provisions of

this Constitution shall come into operation on a day to be fixed by His Majesty by Proclamation, and such day is hereinafter referred to as "the appointed day".

PART III:FUNDAMENTAL RIGHT

3. **Personal Liberty:** (1) No person shall be deprived of his life or personal liberty save in accordance with the law. (2) Traffic in human beings, slavery and forced labour are forbidden, but provision may be made by law compulsory service for public purposes. (3) No person shall be punished for an act which was not punishable by law when the act was done, nor shall any person be subjected to a punishment greater than that prescribed by law for an offence when the offence was committed. (4) No person shall be prosecuted and punished more than once for the same offence. (5) No person accused of any offence shall be compelled to be a witness against himself. (6) No person who is arrested shall be detained in custody without being informed, as soon as is practicable, of the grounds of such arrest, nor shall be denied the right to consult and be defended by a legal practitioner of his choice. **Explanation:** For the purposes of this clause, a legal practitioner includes any person, who, under the law for the time being in force, is authorised to represent any other person in court. (7) Every person who is arrested and detained in custody shall be produced before the nearest judicial authority, within a period of twenty-four hours from such arrest, excluding the time necessary for the journey from the place of arrest to the court of the judicial authority, and no such person shall be detained in custody beyond the said period except on the order of a judicial authority. (8) Nothing in clause (6) or clause (7) Shall apply to a person who- (a) is an enemy alien; or (b) is arrested or detained under any law providing for preventive detention. (9) No law providing for preventive detention shall authorise the detention of a person for a longer period than three months unless-(a) an Advisory Board consisting of persons who are or have been or are qualified to be appointed as judges of the Supreme Court has reported before the expiration of the said period of three months that there is in its opinion sufficient cause for such detention: or (b) such person is detained in accordance with provisions of any law made in accordance with

clause (12). *Provided that* nothing in sub-clause (a) shall authorise the detention of any person beyond the maximum period prescribed by law providing for preventive detention. (10) When a person is detained in pursuance of an order made under any law for preventive detention, the authority making the order shalL as soon as may be, communicate to such person the grounds on which the order has been made and shall afford the earliest opportunity of making representation againstthe order. (11) Nothing in clause (10) shall require the authority making any such order as is referred to in that clause to disclose facts which such authority considers to be against the public interest and security of the country to disclose. (12) The following matters may be prescribed by law: (a) the circumstances under which, and class or classes of cases in which, a person may be detained for a period longer than three months without obtaining the opinion of an Advisory Board: and (b) the maximum period for which any person may in any class or classes of cases be detained; and (c) the functions and the procedure to be followed by an Advisory Board constituted under sub-clause (a) of clause (9).

4. **Equality:** (1) All citizens are entitled to equal protection of the laws. (2) In the application of general laws there shall be no discrimination against any citizen on grounds of religion, sex, race, caste or tribe. (3) In respect of appointments to the service of the Crown there shall be no discrimination against any citizen on grounds only of religion, race, caste or tribe, and in respect of appointments to the service of the Crown which are open to both sexes, there shall be no discrimination on grounds of sex. (4) No person shall disseminate hatred, contempt or create enmity between people belonging to different areas, or between different classes of people, castes and tribes of the Kingdom of Nepal.

5. **Religion:** Every citizen, having regard to the current traditions, may practice and profess his own religion as handed down from ancient times. *Provided that* no person shall be entitled to convert another person to his religion.

6. **Property:** (1) No person shall be deprived of his property save in accordance with the law. (2) Every citizen is entitled to acquire, hold and dispose of property.

7. **Political liberties:** Every citizen is entitled to - (a) freedom of speech and expression; (b) freedom of assembly without arms; (c) freedom to form associations or unions; (d) freedom to move to or reside in any part of Nepal.
8. **Public Good:** (1) Nothing in this part shall affect the validity of - (a) any law made before the Appointed Day which, with or without modification or adoption, is certified by His Majesty to be necessary for any purpose specified in clause (2); or (b) any law made after the Appointed Day which is expressed to have been made for the public good. (2) A law shall be deemed to be made for the public good within the meaning of sub-clause (b) of clause (1) if it is expressed in the preamble thereto to be made for the maintenance of law and order within Nepal, maintenance of security of Nepal, good relations between Nepal and other countries, good relations among different classes or sections of the people, or between the people of different areas, or generally good manners, health, comfort or convenience or decency or morality and economic welfare of the citizens of Nepal, or to prevent internal disturbance or any attempt to subvert this Constitution or any law in force for the time being or any other like attempt or for the prevention of contempt of court or House of Parliament. (3) Nothing in this part shall apply to a person serving in any of the armed forces of the Crown, and any law may restrict or modify the application of any provision of this Part in so far as it applies to any person serving in any police force.
9. **Right to Constitutional Remedies:** (1) The right to file a petition in the Supreme Court for appropriate proceedings for the enforcement of the rights conferred by this part is guaranteed. (2) Where any petition is filed under clause (1) the Supreme Court shall have power to issue directions or Orders or writs including Writs in the nature of Habeas Corpus, Mandamus, Prohibition, Quo Wartanto and Certiorari, whichever may be appropriate for the enforcement of the rights. (3) Without prejudice to the power conferred on the Supreme Court by clause (1) and (2), law may empower any other court subordinate to the Supreme Court to exercise within the local limits of its jurisdiction all or any of the powers to issue such directions or Orders or Writs as is prescribed in Clause (2).

PART IV: THE EXECUTIVE GOVERNMENT

10. Executive power: (1) The executive power of the Kingdom of Nepal is vested in His Majesty, extends to the execution and maintenance of this Constitution, and the laws of Nepal, and shall be exercised by Him either directly or through Ministers or other officers subordinate to Him, in accordance with the provisions of this Constitution and of any other law for the time being in force. (2) Where under this constitution His Majesty is not specifically empowered to act in His discretion or on the recommendation of a specified person. He shall act on the recommendation of the Cabinet conveyed by the Prime Minister or on the recommendation of the Minister of the Crown authorised by the Prime Minister to deal with the matter in question. (3) Except on the ground of urgency, no recommendation in any matter specified by His Majesty shall be made to His Majesty untill His Majesty has been informally consulted, and His Majesty may refer any recommendation for consideration by the Cabinet, whether or not it has already been considered by the Cabinet. (4) the question whether any recommendation has been made to His Majesty and, if so, what recommendation, and the question whether His Majesty has consulted any person or authority in accordance with the terms of this Constitution, shall not be inquired into in any court. (5) If any question arises whether any matter is or is not a matter in respect of which His Majesty may act in His discretion, the decision of His Majesty in His discretion shall be final, and the validity of any things done by His Majesty shall not be called in question on the ground that he ought or ought not to have acted in His discretion. (6) All action to be done by His majesty in His discretion in accordance with the provisions of this Constitution shall be expressed to be taken in the name of His Majesty and other executive action taken in the exercise of the executive powers vested in His Majesty shall be taken in the name of his Majesty's Government. (7) Orders, decisions and other instruments made and executed in the name of His Majesty or His Majesty's Government shall be authenticated in such manner as may be specified in rules to be made by His Majesty in His discretion or as the case may be by His Majesty's Government and the validity of an order, decision or instrument which is so authenticated, shall not be called in question on

the ground that it is not an order, decision or instrument made or executed by His Majesty in His discretion, or as the case may be, by His majesty's Government.

11. The Council of State: (1) There shall be a Council of State (Rashtriya Parishad) consisting, subject to the provisions of this Article, of His Majesty and the following: (a) The President and Deputy President of the senate and the Speaker and Deputy Speaker of the -House of Representatives, ex-officio members: (b) the Ministers of the Crown for the time being, ex-officio members: (c) Persons who have held office as Ministers: and (d) Such other persons as His Majesty may in His discretion appoint. (2) A person who is a member of the Council of State in accordance with paragraph (c) of clause (1) shall cease to be a member if His Majesty, acting in His discretion, is satisfied, after consulting the Council of State, that such person can no longer be of service to the Council of State. (3) A person appointed in accordance with sub-clause (d) of clause (1) shall hold office during the pleasure of His Majesty. (4) A meeting of the council of State shall be summoned by His Majesty's command and shall be presided over by His Majesty, if present, or if His Majesty is not present, by such person as His Majesty may in His discretion designate either generally or specially as Deputy President or, failing any such designations by such person as the Council of State my by resolution at that meeting decide. (5) Notwithstanding anything in clause (4) a meeting of the Council of State shall be summoned by the Secretary of the said Council and shall be presided over by such person as the Council of State may by resolution at that meeting decide, if- (a) His Majesty has died or abdicated in which case the Council of State shall- (i) order proclamation of the accession of His Majesty's successor in accordance with the law, custom and usage of Nepal; and (ii) if His Majesty is under the age of eighteen years, make such arrangements for a Regency or a Council of Regency as the Council of State may, subject to any Act decide; or (b) Two members of the Council of State, one of whom shall be the Prime Minister, if there be any, have signed as requisition declaring that in their opinion, His Majesty is unable, by reason of mental or bodily infirmity, to command the summoning of a meeting, in which case the Council of State shall- (i) decide whether His Majesty is unable, by reason of mental or bodily infirmity, to command the summoning of a

meeting; and (ii) if the Council of State so decides, make such arrangements for a Regency or a Council of Regency as the Council or State may, subject to any Act decide; *Provided that*- (i) any Regency or Council of Regency established under sub-clause (a) of this clause shall terminate when His Majesty attains the age of eighteen years: and (ii) any Regency of Council of Regency established under sub-clause (b) of this clause shall subject to the provisions of any Act, terminate when His Majesty dies or abdicates or gives notice to the Council of State acting in His Majesty dies or abdicates or gives notice to the Council of State acting in His discretion that f Ie is able to reassume the Royal functions. (6) The Regent or the Regency Council formed according to clause (5) shall have no authority to decide or to approve of anything which shall be prejudicial to the interest of His Majesty or His successor. (7) The Council of State at any meeting thereof may act notwithstanding the absence of any of its members, *provided that*- (a) notice of the meeting has been sent to all persons who were members of the council of State on the date of the notice; and (b) at least one fourth of all the members of the Council of the State to whom notice has been sent in accordance with sub-clause (a) are present, whether or not they have voted. (8) Sub-clause (b) of clause (7) shall not apply where, in accordance with this Constitution or otherwise, His Majesty merely desires to consult the Council of State in respect of the exercise of any of His functions under this constitution. (9) A decision of the Council of State shall be taken by a majority of the members thereof present and voting. (10) Nothing in paragraph (i) of sub-clause (a) of clause (5) shall prevent His Majesty's successor from exercising any power of the Crown pending the proclamation contemplated by that paragraph, and all such actions shall, if otherwise not unlawful, be ratified by such proclamation. (11) Notwithstanding anything in this Article, His Majesty may by warrant under His Red Seal, in His discretion authorise any person or any two or move persons to exercise, during His Majesty's absence from Nepal or for any specified period any of the functions of His Majesty, but subject to such conditions as the warrant may prescribe, and in this constitution "His Majesty" includes such person or persons acting within the limits and subject to the conditions prescribed by such warrant. (12) The Secretary of the Council of State shall

be appointed by His Majesty acting in His discretion, after consultation with the Prime Minister, if there be any.

12. The Cabinet: (1) There shall be a Cabinet consisting of the Prime Minister, who shall be the head of the Cabinet, and such number, of other Ministers of the Crown, not exceeding fourteen, as His Majesty on the recommendation of the Prime Minister may decide. (2) The Cabinet shall, subject to the provisions of this constitution, be charged with the general direction and control of the Government of the Kingdom of Nepal and shall be collectively responsible to the House of Representatives.

13. The Ministers of the Crown: (1) The Prime Minister shall be appointed by His Majesty, acting in His discretion and shall be a person who will be able in the opinion of His Majesty, to command a majority in the House of Representatives, either immediately or at the meeting of Parliament after the next general election. (2) The Ministers of the Crown, other than the prime Minister shall be appointed by His Majesty on the recommendation of the Prime Minister, and not less than two of such Ministers shall be Senators. (3) The Prime Minister shall be appointed from among the members of the House of Representatives. *Provided that* if His Majesty in His discretion is satisfied that no such person will be able to command a majority in that House in accordance with clause (1), he may appoint as Prime Minister a person who is not a member of that house, but no person shall hold office as Prime Minister for more than four months unless he is a Senator or a member of the House of Representatives. (4) A Minister of the Crown Shall be in charge of such Departments of government as the Prime Minister may, after consultation with His Majesty, assign to him, and shall be responsible to His Majesty and the Cabinet for the administration of such Department. *Provided that* the Prime Minister may designate one or two of the Ministers, but not more, to be Ministers without Portfolio. (5) The Prime Minister shall cease to hold his office if- (a) his resignation in writing is accepted by His Majesty; or (b) he is for a period of four consecutive months not a member of the House of Representatives or if the appointment was made in accordance with the proviso to clause (3), of the Senate or of the House of Representatives; or (c) a resolution has been passed by a

majority of all the members of the House of Representatives that it has no confidence in His Majesty's Government; or (d) His Majesty, acting in his discretion, is satisfied, after consulting the Council of State, that His Majesty's Government has lost the confidence of the House of Representatives or that it has persisted in acting contrary to the provisions of this Constitution. *Provided that* nothing in this clause shall prevent His Majesty in His discretion from again appointing as Prime Minister a person who ceased to hold office in accordance with this clause. (6) A Minister of the Crown, other than the Prime Minister, shall cease to hold office if- (a) His Majesty accepts his resignation in writing submitted through the Prime Minister; or (b) He is for a period of four consecutive months not a member of the Senate or of the House of Representatives; or (c) the Prime Minister on whose recommendation he was appointed has ceased to hold his office; or (d) His Majesty on the recommendation of the Prime Minister dispenses with his service. *Provided that* any such Minister shall not be ineligible for re-appointment.

14. Assistant Ministers: (1) His Majesty on the recommendation of the Prime Minister may appoint an Assistant Minister to assist any Minister of the Crown in the exercise of his functions, but the number of Assistant Ministers shall not exceed ten and at least two of such Assistant Ministers shall be Senators. (2) Clause (6) of Article 13 shall apply to an Assistant Ministers as it applies to a Minister of the Crown. (3) Whenever a Minister of Crown or an Assistant Minister is unable to perform any of the functions of his office the Prime minister may temporarily assign any of those duties to another Minister of the Crown or Assistant Minister, but if he assigns any of the duties of a Minister of the Crown to an Assistant Minister such Assistant Minister shall not be a member of the Cabinet.

15. Remuneration of Ministers and Assistant Ministers: The remuneration of Ministers of the Crown, including the Prime Minister, and of Assistant Ministers shall be determined by Act, and until so determined shall be determined by His Majesty.

16. Conduct of Government Business: (1) It shall be the duty of the Prime Minister- (a) to communicate to His Majesty the Agenda, agenda papers, and decision of the Cabinet and proposal for legislation or the details of any important executive

action which have been approved without reference to the Cabinet. (b) to furnish such other information relating to the conduct of government business as His Majesty in His discretion may require. (2) The procedure for the transaction of the Government business, allocation of the said business and the relations which should subsist among His Majesty, the Cabinet, the Ministers of the Crown, Assistant Ministers and other servants of the Crown shall be in accordance with the regulations approved by His Majesty acting in this discreation and such regulations, in so far as consistent with this Constitution shall be binding on all servants of the Crown, including Prime Minister, Ministers and Assistant Ministers, but the question whether the regulations have or have not been observed shall not be inquired into any court.

17. Temporary suspension of Cabinet Government:

(1) Notwithstanding anything in the foregoing provisions of this Part, if His Majesty in His discretion is satisfied, after consulting the Council of State, that it is impossible to find a person who as Prime Minister would be able to command a Majority in the House of Representatives, it shall be lawful for His Majesty, in His discretion, by Proclamation to suspend the provisions of Articles 12 to 16, and so long as such Proclamation is in operation:- (a) the functions of the Cabinet shall be exercised by His Majesty, acting in His discretion but in consultation with the Council of State; (b) His Majesty may appoint persons, whether or not they are members of the Senate or the House of Representatives, to exercise the functions of Ministers of the Crown in charge of Departments, and such person:- (i) shall be a member of the Council of State; (ii) shall be responsible to His Majesty for the administration of the Departments assigned to him; (iii) shall hold office during the pleasure of His Majesty in His discretion; (iv) shall be entitled to be present at and act as a member of either House of Parliament or any Committee thereof, but shall not be entitled to vote therein unless he is a member thereof: and (v) shall be paid such remuneration as His Majesty in His discretion may decide. (2) A Proclamation issued under clause (1) may be revoked by a proclamation issued by His Majesty in his discretion, and shall be revoked if and when His Majesty is satisfied that it is possible to find a Prime Minister who can command a majority in the House of Representatives; but if not sooner revoked, a

Proclamation issued under clause (1) shall cease to have effect at the first meeting of Parliament after the next general election, or on the expiration of a period of twelve months from the Proclamation, whichever shall first occur.

PART V: PARLIAMENT

CHAPTER-1: CONSTITUTION OF PARLIAMENT

18. Constitution of Parliament: There shall be a Parliament which shall consist of His Majesty and two Houses, to be known respectively as the Senate (Maha Sabha) and the House of Representatives (Pratinidhi Sabha).

19. Composition of the Senate: (1) The Senate shall consist of thirty-six Senators (Maha Sabhasad) of whom eighteen (hereinafter referred to as " elected Senators") shall be elected by the House of Representatives and eighteen (hereinafter referred to as "nominated Senators") nominated by His Majesty according to Article 21. (2) Subject to Article 20 and 21 the term of the office of the Senator shall be six years and his seat shall not be vacated by the dissolution of the House of Representatives. (3) Notwithstanding anything in clause (2):- (a) A Senator who is elected or nominated to fill a casual vacancy shall serve only for the remainder of his predecessor's term of office; and (b) Except at the first election of Senators, the term of office of a senator shall date from the termination of his predecessors term of office. (4) A separate election shall be held for the filling of each casual vacancy among the elected senators. (5) A retiring senator shall, if otherwise not disqualified, be eligible for election or appointment from time to time. (6) In this Article, the expression "casual vacancy" means a vacancy occurring by reason of the death, resignation or disqualification of a senator.

20. Election of Senators: (1) After the first election of a Speaker (Sabhamukh) and a Deputy Speaker (Upa Sabhamukh) under Article 29, the House of Representatives shall, before proceeding to any other business, elect eighteen senators: and thereafter, as soon as may be after the occurrence of a vacancy among the elected senators, the House of Representatives shall elect a person to fill such vacancy. (2) The election of senators shall, whenever such election is contested, be held in

accordance with the system of proportional representation by means of the single transferable vote. (3) Subject to the provisions of this constitution, an election of senators shall be regulated by Act or until so regulated by rules made by His Majesty. (4) After the first election of a President (Adhyaksha) and Deputy President (Upa Adhyaksha) under Article 28 the President shall determine by lot out of elected senators, which six shall retire at the end of even years, which six at the end of five years, and which six at the end of three years: and their first term of office shall be as so determined.

21. Nomination of Senators: (1) As soon as may be after the first election of senators under Article 20. His Majesty shall in His discretion nominate eighteen senators and thereafter, as soon as may be after the occurrence of avacancy among the nominated senators, His Majesty, in His discretion, shall nominate a person to fill such vacancy. (2) The President of the Senate shall determine by lot from out of the first nominated senators, which six shall retire at the end of six years, which six at the end of the four years, and which six at the end of two years; and their first term of office shall be as so determined.

22. The House of Representatives: (1) The House of representatives shall consist of the members elected by the electors of the several electoral districts constituted in accordance with this Article. (2) Each electoral district shall elect one member by secret ballot: and, until Act otherwise provides, there shall be 109 electoral districts. (3) The electoral districts shall be delimited by a Delimitation Commission appointed by His Majesty in His discretion, in such manner that each shall contain as nearly as may be practicable an equal number of electors. account however being taken of boundaries of administrative districts, the density or sparsity of population, transport facilities, physical features and the community or diversity of the inhabitants. (4) Subject to the provisions of any law relating to the periods of residence qualifying dates, or other matters incidental to the preparation of electoral rolls, and disqualification on grounds of insanity, or crime or corrupt or illegal practice, every citizen of Nepal, who has attained the age of twenty-one years shall be entitled to one vote in one electoral district. (5) The Superintendence, direction and

control of the preparation of electoral rolls for, and the conduct of, elections to the House of Representatives shall be vested in an Election commission appointed by His Majesty in His discretion. (6) The remuneration of the members of Delimitation and Election Commissions shall be determined by His Majesty after consultation with the Prime Ministers; and such remuneration and the expenses of administration of the Delimitation and Election commissions shall be charged on the Consolidated Fund. (7) Disputes arising out of or in connection with elections to the House of Representatives shall be referred to and decided by Election Tribunals appointed by the Chief Justice of Nepal; and the decision of the Election Tribunal shall be final; but subject to an appeal to the Supreme Court on a point of law. (8) Subject to the provisions of this Article, elections to the House of Representatives, and all matters incidental thereto, shall be governed by law.

23. Qualifications for Member of both Houses: (1) A senator shall not be qualified for election to the House of Representatives or for sitting or voting as a member of that House. (2) A person shall not be qualified for appointment or election to or sitting or voting in either House of Parliament if he:- (a) is not a citizen of Nepal; or (b) is, in case of the Senate, less than thirty years of age and in the case of the House of Representatives less than twenty-five years of age; or (c) is a servant of the Crown other than a Minister of the Crown, an Assistant Minister, Speaker, Deputy Speaker, President, Deputy President of the Senate, or a person appointed by His Majesty for the purposes of clause (1) of Article 17; or (d) is a member of the Public Service Commission or the Election Commission; or (e) is disqualified by any provision of any Act.

24. Vacation of Seats: (1) The seat of a Senator or of a Member of the House of Representatives shall become vacant:- (a) upon his death; or (b) if, by a notice in writing to the Secretary to the House concerned he resigns his seat; or (c) if he ceases to be qualified under Article 23; or (d) if, without leave of the appropriate House first obtained, he absents himself from the meeting of that House for continuous period of three months; or (e) in the case of a senator upon the termination of his term of office, and in the case of a member of the House Representatives upon a dissolution of that House or upon his

appointment or election to the Senate. (2) When a seat in the House of Representatives falls vacant otherwise than by reason of dissolution of that House, notice of the vacancy shall be sent to the Election Commission by the Secretary to that house, and the Election Commission shall proceed with all due despatch hold a by-election to fill the vacant seat.

25. **Penalty for Wrongful sitting or Voting:** If a person sits or votes as a member of either House of Parliament before he has complied with the requirements of Article 31, or when he knows that he is not qualified for membership thereof; he shall be liable in respect of every day in which he so sits or votes to a penalty of five hundred rupees to be recovered as debt due to the Government.

CHAPTER II: MEETING OF PARLIAMENT

26. **Summoning and Duration of Parliament:** (1) A Parliament shall be summoned by His Majesty as soon as may be practicable after the promulgation of this Constitution and before the Appointed Day; and there after more than four months shall not lapse between the dissolution of one House of representatives and the meeting of the next House of Representatives. (2) After the Appointed Day Parliament may be summoned and dissolved by His Majesty. *Provided that*:- (a) His Majesty may in His discretion reject a recommendation from the Cabinet to dissolve House of Representatives if in His opinion such recommendation is an abuse of the power of dissolution; and (b) His Majesty may in His discretion summon Parliament, notwithstanding that there is no recommendation from the Cabinet; if owing to the failure of the Cabinet to submit a recommendation there will in His opinion be a breach of the provisions of this Constitution. (3) Unless sooner dissolved the House of Representatives shall continue for five years from the date appointed for its first meeting and the expiration of the said period of five years shall automatically operate as a dissolution of that House.

27. **Sessions and Meetings of Parliament:** (1) His majesty may from time to time terminate a session of Parliament by prorogation, but six months shall not lapse between the termination of one session and the beginning of the next. (2) Subject to the

provisions of Standing Orders, either House may by resolution adjourn from time to time within a session and in this Constitution the interval between the meeting of either House on a particular day and its next adjournment is referred to as a "meeting". (3) Notwithstanding anything in this Article, if while Parliament stands prorogued or either House stands adjourned His Majesty is of opinion that and earlier meeting of Parliament or of either House is desirable, He may by Proclamation fix a date for such meeting and Parliament or the House, as the case may be, shall meet accordingly.

CHAPTER III: PRESIDING OFFICERS

28. President and Deputy President of the Senate: (1) The Senate shall, as soon as may be, elect two Senators to be respectively the President and the Deputy President of the Senate, and Thereafter whenever the office of President or Deputy President falls vacant the Senate shall, as soon as may be after the occurrence of the vacancy, elect a senator to fill the vacancy. (2) The President or the Deputy President of the Senate:- (a) Shall vacate his office if he ceases to be a senator: or (b) may at anytime by notice to the Senate resign his office. (3) The President, or in his absence the Deputy President, or in their absence, subject to any provisions made in that behalf by Standing orders, a Senator elected by the Senate for that meeting shall preside at a meeting of the Senate.

29. Speaker and Deputy Speaker of the House of Representatives: (1) The House of Representatives shall, as soon as may be after a general election, elect two persons to be respectively the Speaker and the Deputy Speaker of the House of Representatives, and thereafter whenever the office of Speaker or Deputy Speaker falls vacant the House of Representatives shall as soon as may be after the occurrence of the vacancy, elect a person to fill the vacancy. (2) If the person elected as Speaker is member of the House of Representatives his seat as such member shall become vacant, but he shall not thereby cease to be Speaker. (3) The Speaker in the office immediately before the dissolution of the House of Representations shall not vacate his office, otherwise than by death or resignation, until immediately before the first meeting of the new Parliament and if the Speaker dies or resigns his office during

the dissolution, his functions as the speaker shall be exercised by the person who was the Deputy Speaker immediately before the dissolution or, if that person has died or resigned, by a person appointed by His Majesty. (4) the Deputy Speaker shall be elected from among the members of the House of Representatives and shall vacate his office if he ceases to be a member of that House. (5) The Speaker or the Deputy Speaker may resign his office by notice to the House of Representatives or, if the resignation occurs during a dissolution, by notice to His Majesty. (6) The Speaker, or in his absence the Deputy Speaker, or in their absence subject to any provision made in that behalf by Standing Orders, a member elected by the House of Representatives for that meeting, shall preside at the meeting of the House of Representatives.

30. Remuneration: There shall be paid to the President and the Deputy President and members of the Senate and to the Speaker and the Deputy Speaker and members of the House of Representatives such remuneration as may be respectively fixed by law or, until so fixed, by His Majesty.

CHAPTER IV: CONDUCT OF BUSINESS

31. Oath or Affirmation: Every member or either House of Parliament and every person entitled to take part in its proceedings shall, before taking his seat, make and subscribe before the President of the Senate or the Speaker of the House of Representatives, as the case may be, an oath of allegiance, in the form prescribed by His Majesty. *Provided that* before the election of the President or the Speaker, the oath may be made and subscribed before the Secretary to the Senate or the House of Representatives, as the case may be.

32. Royal Addresses and Messages: (1) His Majesty may in His discretion address either House of Parliament or both Houses assembled together, and for that purpose may command the attendance of members. (2) His Majesty may send messages to either House of Parliament, and the House to which any message is so sent shall with all convenient despatch consider any matter required by the message to be taken into consideration.

33. Ministers may Address Either House: A Minister of the Crown, or a person acting as Deputy to such a Minister in accordance with clause (3) of Article 14 may address or otherwise take part in the proceedings of either House, or in any committee thereof, but shall not vote therein, unless he is a member of that House.

34. Restriction on Debate: (1) No discussion shall take place in either House of Parliament with respect to the conduct of His Majesty and His successors. *Provided that* nothing in this clause shall limit criticism of His Majesty's government. (2) No discussion shall take place in either House of Parliament with respect to the conduct of the Chief Justice or any Judge of Supreme Court in the discharge of his duties.

35. Voting: Save as otherwise provided in this Constitution, any question proposed for decision in either House of Parliament shall be determined by a majority of the votes of senators or members, as the case may be, present and voting; the person presiding shall not have an original vote, but in the event of an equality of votes shall have and exercise a casting vote.

36. Power of either House to Act Notwithstanding Vacancies: Either House of Parliament shall have power to act notwithstanding any vacancy in the membership thereof, and any proceedings therein shall be valid notwithstanding that it is discovered subsequently that some person who was not entitled so to do sat or voted or otherwise took part in the proceedings.

37. Quorum: If at any time during a meeting of either House of Parliament the attention of the person presiding is drawn to the fact that there are, in the case of meeting of the Senate, fewer than ten senators present or in the case of a meeting of the House of Representatives, fewer than twenty-five members present, the person presiding shall, subject to any standing Orders of the senate or the House of Representatives, as the case may be, either suspend the meeting until there is a quorum or adjourn the meeting to the next sitting day, in either case without putting any question.

38. Privilege of Parliament: (1) The validity of any proceedings in either House of Parliament shall not be questioned in any court on the ground of any alleged irregularity of procedure. (2) No officer or senator or member of the House of Representatives

in whom powers are vested for the regulation of Procedure or the conduct of business or for maintaining order in either House shall, in respect of the exercise by him of those powers, be liable to any proceedings in any court. (3) No Senator or member of the House of Representatives shall be liable to any, proceedings in any court in respect of anything said or any vote given by him in the Senate or the House of Representatives or any Committee thereof. (4) No person shall be liable to any proceedings in any court in repeat of the publication by or under the authority of either House of Parliament of any report, paper, vote or proceedings. (5) Subject to this Article, the privileges of either House of Parliament, or the committees and the members thereof, shall be determined by law.

39. Standing Orders: (1) Each House of Parliament may make Standing orders or Sessional Orders for regulation, subject to the Provisions of this Constitution, its procedure, the conduct of its business, the procedure of and conduct of business, in its committees, the preservation of order at its meeting, and any other matter required for the proper exercise of its functions. (2) Until Standing Orders are made in accordance with clause (1) the matters referred to in that clause shall, subject to this constitution, be regulated by Standing Orders framed by His Majesty. (3) In this Article, "Standing Orders" mean orders which remain in operation, subject to necessary amendment, from session to session and from Parliament to Parliament, and "Sessional Orders" mean orders which remain in operation only during the session in which they are made.

CHAPTER V: LEGISLATIVE PROCEDURE

40. Introduction of Bills: (1) A Bill, other than a Money bill, may be introduced in either House of parliament, but a Money Bill shall be introduced only in the House of Representatives. (2) In this constitution the expression "Money Bill" means a public Bill which contains provisions dealing only with all or any of the following matters, that is to say, (a) the imposition, abolition, remission, alteration or regulation of taxation; (b) the imposition of charges on the Consolidated Fund or on any other public fund or an moneys provided by Parliament, or the variation or repeal of such charges; (c) The grant of money to His Majesty's Government or to any authority or person, or

the variation or revocation of any such grant; (d) the appropriation, receipt, custody, investment, or audit of accounts, of public money; (e) the raising or guarantee of any loan or the repayment thereof, or the establishment, alteration, administration or abolition of any sinking fund, provided in connection with any such loan; or (f) any matter incidental to any of the aforesaid matters. (3) No bill or amendment which makes provision for any of the matters specified in clause (2) or which, if enacted and brought into operation, would involve expenditure from the Consolidated Fund or other public fund or the public revenues, shall be introduced in either House of Parliament except upon the recommendation of His Majesty.

41. Passing of Bills: (1) A Bill which has been passed by one House of Parliament shall be forthwith transmitted to the other House and shall be submitted for the assent or His Majesty if it is passed by that other House. (2) If a Money bill has been passed by the House of Representatives and sent to the Senate at least one month before the end of the session, and if it is not passed by the Senate within one month, it may be submitted for the assent of His Majesty without being passed by the Senate. (3) If a Bill, other than a Money Bill or a bill to amend this constitution, is passed by the House of Representatives and sent to the Senate at least one month before the end of the Session; and (a) it is not passed by the Senate in that session; and (b) it is again passed by the House of Representatives in the next session and sent to the Senate at least one month before the end of the session; and (c) It is not passed by the Senate within one month; it may be submitted for the assent of His Majesty without being passed by the Senate, provided that a period of not less than five months has elapsed between the date on which it was passed by the House of Representatives in the first of the sessions and the date on which it passed that House in the next session. (4) For the purposes of this Article, a Bill which has been passed by the Senate with an amendment which is subsequently rejected by the House of Representatives shall be deemed not to have been passed by the Senate. (5) For the purpose of clause (3):- (a) the next session may be in the same Parliament or in the next Parliament; and (b) if the Bill which was passed by the House of Representatives in the second session contains no amendments other than:- (i) amendments approved by the

Senate in the first session; and (ii) consequential amendments and amendments due to lapse of time; it shall be deemed to be theBill which was passed by the House of Representatives in the first session.

42. Royal Assent: (1) When a bill is submitted for the assent of His Majesty in accordance with article 41 His Majesty shall declare either that He assents to the Bill or that He, withholds His assent therefrom. (2) His Majesty may consult the Council of State as to whether He should assent to a bill and if after such consultation He is satisfied that He ought to withhold His assent: or (b) return the Bill to the House of Parliament in which it originated for further consideration, and in such case His Majesty may in His discretion submit observation on the bill to that House. (3) A Bill which has received the assent by His Majesty in accordance with this Constitution shall become a law on the Red seal being affixed to it.

43. Speakers certificate: (1) A Bill shall not be submitted for the assent of His Majesty in accordance with clause (2) of Article 41 unless it has endorsed on it a certificate by the Speaker that it is a Money Bill. (2) A bill shall not be submitted for the assent by His Majesty in accordance with clause (3) of Article 41 unless it has been endorsed on it a certificate by the Speaker that the requirements of that clause have been complied with. (3) Every certificate by the Speaker under this Article shall be conclusive for all purposes and shall not be questioned in any court.

CHAPTER VI: FINANCIAL PROCEDURE

44. General Provisions: No tax shall be levied except by or under the authority of law. (2) No expenditure shall be incurred out of the Consolidated Fund or any other Public fund or out of moneys provided by Parliament except in accordance with this constitution or by or under the authority of an Act. (3) No loan shall be raised on the Security of the Consolidated fund or other public fund or of moneys provided by Parliament except by or under the authority of an Act. (4) Nothing in this Article shall apply to the private revenues of His Majesty or to expenditure out of such revenues.

45. The Consolidated Fund: (1) All revenues received by His Majesty's Government other than His Majesty's private

revenues, the produce of all taxation other than local taxation, all loans raised on the security of the public revenues, and all moneys received in repayment of any such loan made under authority of an Act, shall, unless Parliament otherwise provides, be credited to a public fund to be known as the Consolidated Fund. (2) The following expenditure shall be charged on the Consolidated Fund, and shall not require the annual sanction of parliament, in so far as it relates to:- (a) His Majesty's Civil List including the expenses of other members of the Royal Family; (b) The remuneration payable to:- (i) The Chief Justice and other Judges of the Supreme Court: (ii) The members of the Delimitation and Election Commissions: (iii) The members of the Public Service Commission: and (iv) The Auditor-General. (c) the administrative expenses, including the remuneration payable to officers and servants, of the Royal Household, the Supreme court, the Delimitation and Election Commissions, the public Service Commission, and the Department of Auditor-General; (d) all debt charges for which His Majesty's government is liable, including interest, sinking fund charges, the repayment or amortisation of capital, and other expenditure in connection with the raising of loans and the service and redemption of debt on the security of the Consolidated Fund. (e) any sums required to satisfy any judgement, decree or award against His Majesty's Government by any court or tribunal; and (f) any other sums declared by this constitution or by an Act to be so charged.

46. Estimates of Revenue and Expenditure: (1) His Majesty shall, in respect of every financial year, cause to be laid before the House of Representatives a financial statement showing: (a) the estimate of revenue from sources available in the previous financial year, (b) the effect of proposed changes in the law relating to taxation: (c) the sums required to meet charges on the Consolidated Fund; (d) the sums required to meet expenditure to be voted by Parliament; (e) the sums to be provided by way of loans. (2) The sums required to meet expenditure to be voted by Parliament shall be specified under heads and sub-heads, and the heads shall be included in an Appropriation bill, voting the said sums to His Majesty; and Appropriating them in accordance with the heads. The Appropriation Bill may, however, authorise transfers between heads under such conditions as may be specified in the Bill.

47. **Supplementary and Excess Votes:** If in respect of any financial year it is found: (a) that the amount authorised to be spent for a particular service for the current financial year is insufficient, or that a need has arisen for expenditure upon a new service not authorised by the Appropriation Act for that year; or (b) that any money has been spent on any service during a financial year in excess of the amount voted for that service in that year, His Majesty shall cause to be laid before the House of Representatives a Supplementary Estimate specifying heads and sub-heads, and the heads shall be included in a Supplementary Appropriation Bill.

48. **Votes on Account:** (1) Notwithstanding anything in the foregoing provisions of this Chapter, Parliament shall have power to vote money in advance as a vote on account in respect of the estimated expenditure for a part of the next ensuing financial year pending the enactment of the Appropriation Bill. (2) A vote on account shall not be submitted to the House of Representatives until Estimates of Revenues and Expenditure have been presented in accordance with the provisions of Article 46 and:- (a) the amount of the vote on account shall not exceed the estimated expenditure for the first four months of the next ensuing financial year; (b) the vote On Account shall be include in a vote on Account Bill and several sums shall be appropriated to the several heads in the appropriation Bill; and (c) no expenditure shall be incurred from the vote on Account until the vote on Account Bill has received the assent of His Majesty.

49. **Votes of Credit:** Notwithstanding anything in the foregoing provisions of this Chapter, when owing to a national or local emergency, whether due to natural causes, or the threat of hostile action or internal disturbance, or otherwise, His Majesty is satisfied that it is impracticable or undesirable in the interests of the security of the Kingdom to specify the details required under Article 46 His Majesty may cause to be laid before the House of Representatives a Vote of Credit Bill giving such particulars of the nature of the expenditure proposed as His Majesty may consider desirable in the circumstances.

50. **Contingency fund:** An Act may create a Contingency Fund into which shall be paid from time to time such sums as may be determined by the Act. This fund Shall be placed at the disposal

of His Majesty's Government and unforeseen expenditure may be met out of this fund as approved by His Majesty. As soon as possible after every such advance a Supplementary Estimate shall be presented to Parliament for the purpose of replacing the amount so advanced.

CHAPTER VII: LEGISLATIVE POWERS

51. General Power of Legislation: Subject to the provisions of this Constitution, Parliament shall have power to make laws for the peace, order and good government of Nepal.

52. Ordinance: (1) If at any time except when both Houses of Parliament are in session, His Majesty is satisfied that circumstances exist which render it necessary for Him to take immediate action, he may promulgate such ordinances as the circumstances appear to Him to require. (2) An ordinance promulgated under this Article shall have the same force and effect as an Act but every such ordinance- (a) shall be laid before both Houses of Parliament and if resolutions disapproving it are passed by both House it shall cease to operate; (b) may be withdrawn at any time by His Majesty: (c) shall cease to have effect after the lapse of forty-five days of the sitting of Parliament if it is not withdrawn according to sub-clause (a) and (b). **Explanation:** Where the Houses of Parliament are summoned to reassemble in different dates, the period of forty-five days, shall be reckoned from the latter of those dates for the purposes of this clause.

53. Constitutional Amendments: (1) Parliament may amend or repeal any of the provision of this constitution by a *Bill* passed by both House of Parliament and assented to by His Majesty and to which the Red seal is affixed provide that (a) a *Bill* to amend the Constitution shall be so described and shall contain no provisions other than those relating to the amendment of the Constitution; (b) tht bill shall be deemed not to have passed the House of Representatives and the Senate unless it was supported on its final reading in each House by not less than two-thirds of all the members thereof; (c) the Bill shall, when presented for the Royal Assent of His Majesty have endorsed on it a certificate by the Speaker of the House of Representatives and the President of the Senate that the

provisions of this clause have been complied with; and (d) in granting or withholding His assent, His Majesty shall act in His discretion. (2) A certificate of the Speaker and the President under clause (1) shall be conclusive for all purposes and shall not be questioned in any court.

54. Invalid Laws: Without prejudice to any other remedy, a person who alleges that any provision of an Act or any other law is void for inconsistency with this constitution, may move to Supreme Court to- (a) declare the said law to be invalid, to the extent of its inconsistency; and (b) grant such incidental and supplementary relief as the Supreme Court may deem appropriate.

55. Emergency Powers: (1) If His Majesty in His discretion is satisfied that a grave emergency exists where by the security or economic life of Nepal, or any part thereof, is threatened by war or external aggression, or by internal disturbance. He may by proclamation in His discretion:-(a) declare that His functions shall to such extend as may be specified in the proclamation, be exercise by Flim in His discretion; (b) assume to Himself all or any of the powers vested in or exercisable by Parliament or any other governmental body or authority; and any such Proclamation may contains such incidental and consequential provisions as may appear to Him to be necessary or desirable for giving effect to the objects of the Proclamation, including provisions for suspending in whole or in part the operation of any provision ot this Constitution: *Provided that* nothing in this clause shall authorise His Majesty to assume to Himself any of the powers vested in or exercisable by the Supreme Court or to suspend: either in whole or in part the provisions of part VI of this constitution. (2) Any such Proclamation may be revoked or varied by a subsequent Proclamation. (3) A Proclamation under this Article, other than a Proclamation revoking a previous Proclamation, shall cease to operate, at the expiration, or twelve months, but may be renewed by a further Proclamation, and so forth until His Majesty is satisfied that grave emergency no longer exists. (4) any law made by His majesty under powers assumed by Him under this Article shall, unless sooner repealed or reenacted by Act cease to operate at the expiration of six months after a Proclamation under this Article has ceased to operate. (5) In exercising His powers under

this Article, His majesty shall so far as may be practicable act after consultation with the Council of State.

56. Emergency Powers in Case of Failure of Constitutional Machinery: (1) If His Majesty in His discretion is satisfied, after consulting the council of State, that the System of Parliamentary government contemplated by this Constitution has broken down and that the powers conferred by Article 17 are in the circumstances inadequate, He may by Proclamation in His discretion suspend any provision of Part III, IV and V of this Constitution and make such temporary provision for the governance of the Kingdom of Nepal as in His discretion He may deem necessary:- *Provided that*:- (a) He shall not suspend either or both Houses of Parliament unless in His discretion He deems it necessary to do so; (b) if He deems it necessary to suspend one House of Parliament, laws shall thereafter be made, subject to the provisions of this Article, by a Parliament consisting of His Majesty and the other House; (c) nothing in this Article shall empower His Majesty permanently to amend this Constitution, except in the manner and form provided by Article 53. (2) A Proclamation made under clause (1) may be revoked or varied by a subsequent Proclamation. (3) A Proclamation made under this Article, other than a Proclamation revoking a previous proclamation, shall cease to operate at the expiration of a period of twelve months, but may be renewed by a further Proclamation and so fourth until His Majesty in His discretion is satisfied that the system of Parliamentary government contemplated by this Constitution can be fully restored. *Provided that* a reclamation under this Article shall not be renewed unless His Majesty in His discretion is satisfied that:- (a) the breakdown is of such a nature that it is impracticable to hold a general election; or (b) a general election has recently been held but the system of parliamentary government can not function in the manner contemplated by this Constitution. (4) Any law not being a law amending this constitution made in accordance with a Proclamation issued under this Article shall, unless sooner released or re-enacted by Act, cease to operate at the expiration of six months after a Proclamation under this Article has ceased to operate; and a law amending this constitution shall cease to operate when a Proclamation made under this Article has ceased to operate.

PART VI: THE JUDICIARY

57. The Judges of the Supreme Court: (1) The Chief Justice of Nepal shall be appointed by His Majesty in His discretion, after consulting the Prime Minster and some other judges of the Supreme court as He may deem necessary. (2) The other Judges of the supreme court shall be appointed by His Majesty in His discretion, after consulting the Chief Justice of Nepal and such other judges of the Supreme Court as He may deem necessary. (3) Subject of the Provisions of clause (4) the Chief Justice or other judges of the Supreme Court shall hold office until he completes the tenure of his office. (4) The Chief Justice or other Judgesof the Supreme Court:- (a) may resign his office by notice to His Majesty: (b) may be removed from office by His Majesty in his discretion if any Commission appointed by His Majesty on reference to it by His Majesty, report that the judge is unable to perform his duties due to misbehaviour or incapacity. But such Chief Justice or the Judge charged with misbehaviour or incapacity shall not be denied the right of defending himself before the Commission. (5) A Commission appointed under sub-clause (b) of clause (4) shall have the power to summon witnesses, take evidence and punish for contempt of itself. (6) The remuneration, tenure of office and other conditions of service of the Chief Justice or other judges shall be determined by Act, or until so determined by order of His Majesty, and such remuneration and tenure of office shall not be varied to his disadvantage during his period of office and the remuneration shall be charged to the Consolidated Fund. (7) Clause (1) and (6) shall apply to an Acting Chief Justice, and clause (2) and (6) to an Acting or Additional Judge of the Supreme Court.

58. Transfer of Certain Cases to Supreme Court: If the supreme court is satisfied that a case pending in a subordinate court involves a substantial question of law as to the interpretation of this Constitution the determination of which is necessary for the disposal of the case, it shall withdraw the case and may either: (a) dispose of the case itself; or (b) determine the said question of law and return the case to the court from which the case has been withdrawn, together with a copy of the judgement of the Supreme Court; and the subordinate court shall on receipt thereof proceed to dispose of the case in conformity with such judgement.

PART VII: THE PUBLIC SERVICE COMMISSION

59. The Public Service Commission: (1) There shall be a Public Service Commission consisting of such number of members as His Majesty may prescribe and one of them shall be designated by His Majesty to be Chairman. (2) At least one third of the members of the Public Service Commission shall be such as have not at any time during the period of five years immediately preceding been in Government Service. (3) His Majesty shall appoint the members of the Public Service Commission. (4) No person shall be appointed as a member of the Public Service Commission if he is a Senator or a member of the House of Representatives. (5) A member of the Public Service Commission shall hold office for a period of five years from the date of his appointment but- (a) may resign by notice in writing to His Majesty; (b) may be removed from his office on the like grounds and in the like manner as a judge of the Supreme Court. (6) Every person appointed as a member of the Public Service Commission, on ceasing to hold that office shall be ineligible for Government service but shall be eligible for reapointment in the Public Service Commission. (7) The remuneration and other conditions of service of the members of the Public Service Commission shall, until determined by law, be the same as those of the Judges of the Supreme Court. Such remuneration shall be charged on the Consolidated Fund and shall not be varied to his disadvantage during his period of office.

60. Functions of the Public Service Commission: (1) It shall be the duty of the Public Service Commission to conduct examinations, if any for appointments of services or posts under His Majesty's Government. (2) Thc Public Service Commission shall, be consulted- (a) on all matters relating to methods of recruitment to civil services and for civil posts: (b) on the principles to be followed in making appointments, transfers and promotions to civil service or posts and on the suitability of candidates for such appointments transfers and promotions: (c) on all disciplinary matters affecting a civil servant including memorials or petitions relating to such matters: (d) on any claim by, or in respect of, a civil servant or a person who has been a civil servant that any costs incurred by him in defending legal proceedings instituted against him in

respect of acts done or purported to be done in the execution of his duties should be paid out of the Consolidated Fund; (e) on any claim for award of a pension or gratuity in respect of injuries sustained by a civil servant in the performance of his duties and any question as to the amount of such award; and (f) on any other matter which His Majesty may refer to them in connection with any service or post under His Majesty's Government. (3) Notwithstanding anything in other clauses of this Article, His Majesty may make regulations specifying the matters in which either generally or in any particular circumstance it shall not be necessary for the Public Service Commission to be consulted. (4) It shall be the duty of the Public Service Commission to present annually to His Majesty a report on the work done by the Commission, and on receipt of such report, His Majesty shall cause a copy thereof, together with a memorandum explaining as respects cases, if any, where the advice of the Commission was not accepted and the reason for such non-acceptance, to be laid before the Parliament. (5) The Public Service Commission may by order delegate to any servant of the crown subject to such conditions as may be specified in the order, any of the function vested in the Commission by clause (1). Any person dissatisfied with any decision taken by any servant of the crown under any of the powers so delegated may appeal therefrom to the Commission, and the decision of the Commission on such appeal shall be final.

PART VIII: AUDIT OF ACCOUNTS

61. The Auditor-General: (1) There shall be an Auditor-General who shall be appointed by His Majesty. (2) The remuneration and conditions of service and the tenure of office of the Auditor-General shall be regulated by Act and, until so regulated, by rules made by His Majesty. (3) A person who has held office as Auditor-General shall not be eligible for appointment in government service. (4) The remuneration of the Auditor-General shall not be varied to his disadvantage during his period of office, and shall be charged on the Consolidated Fund. (5) The Auditor-General shall not be removed from office before the expiration of His term of office except on the like grounds and in the like manner as a Judge of the Supreme Court.

62. Accounts and Audit: (1) The accounts of all departments of the Government, including the office of the cabinet, the Secretary to the Senate, secretary to the House of Representatives, the office of the Supreme Court and the office of the Public Service Commission, shall be kept in such form as the Auditor-General, with the approval of His Majesty, may prescribe and shall be audited by the Auditor-General. He and his deputies, shall have right at all times to have access to all books, records, and returns relating to such account. (2) The Auditor-General shall perform such other duties and such other powers, in relation to the expenditure and accounts as may be Provided by act. (3) The Auditor-General shall report annually to His Majesty as to the work done under this Article, and His Majesty shall cause such reports to be laid before the Parliament.

PART IX: GENERAL PROVISIONS

CHAPTER 1: POWERS OF HIS MAJESTY

63. Legislative Power Relating to Succession to the Throne: Notwithstanding anything contained in Article 51, His Majesty shall continue to have exclusive power of enacting, amending and repealing the law relating to the succession to the Throne and this power shall be exercised by Him in His discretion.

64. Supreme Command of the Armed Forces: (1) The Supreme Command of His Majesty's armed forces is vested in His Majesty and the exercise thereof shall be regulated by Act, (2) Until an Act makes provisions in that be half; His Majesty shall have the powers- (a) to raise and maintain armed forces; (b) to grant commissions in such forces; (c) to appoint Commanders-in-Chief and to determine their powers, duties and remunerations. (3) No Bill or amendment relating to the armed forces shall be introduced in either House of Parliament without the recommendations of His Majesty.

65. Tenure of Office of Servants of the Crown: Except as provided in this constitution, or any law for the time being in force, servants of the Crown shall hold office at the pleasure of His Majesty.

66. Pardon, Reprieves etc.: His Majesty shall have the power to grant pardons, reprieves and respites, and to remit, suspend

or commute any sentence passed by any court, tribunal or authority established by law.

67. Titles and Honours: (1) Titles, honours, and decorations shall be conferred only by His Majesty. (2) No citizen of Nepal shall accept any title, honour or decoration from any foreign State except, with the Approval of His Majesty.

68. Residuary Powers of His Majesty: All inherent powers relating to matters not provided in this Constitution or any law for the time being in force shall continue to vest in His Majesty.

69. Bar of Jurisdiction of Courts: His Majesty shall not be amenable to any court for the exercise of the powers or the performance of the duties of His office, or for any other act done: *Provided that* nothing in this Article shall be construed as restricting any right conferred by law to bring appropriate proceeding against His Majesty's Government or any servant of the crown.

CHAPTER II: MISCELLANEOUS PROVISIONS

70. National Ianguage: The National Language of Nepal shall be NEPALI in the Devanagri script.

71. Oath of Allegiance: A person to be appointed to any office under the Government may be required to take an oath of allegiance to His Majesty in the manner and form prescribed by His Majesty.

CHAPTER III: INTERPRETATION, REPEALS, ETC.

72. Interpretation: (1) In this Constitution unless the subject or context otherwise requires:- (a) "Article" means an Article of this constitution (b) "Citizen" means a person who is a citizen of Nepal in accordance with the provisions of the law. (c) "General Election" means the general election of members of the House of Representatives and includes the election of suchmembers to be held on the dissolution of the Parliament. (d) "Elector" means a person to at an election for a member of Parliament (e) "Nepal" means the Kingdom of Nepal. (f) "Notice in writing" means a notice in writing signed by the person giving such notice. (g) "Parliament" means the Parliament constituted by Article 18 and it includes the Parliament as laid down in the Proviso (b) of clause (1) of Article 56 in the circumstances

therein specified. (h) "Remuneration" includes salary, allowances, pension and any remuneration in kind. (i) "Senator" means a person who is for the time being a member of the Senate. (2) Any reference to His Majesty unless the context otherwise requires, includes reference to the Regent or the Council of Regency if empowered in relation to the matter in question, and to any person exercising powers under clause (10) of Article 11. (3) Subject to the provisions of this constitution, the Nepal Laws (Interpretation) Act, 2010, shall, unless the context otherwise requires, apply for the interpretation of this Constitution as if the constitution were a Nepal Act.

73. Short Title and Publication: (1) This constitution may be called "The Constitution of the Kingdom of Nepal." (2) This Constitution may be reprinted from time to time with such amendments as may be enacted in accordance with Article 53 and any copy of this Constitution which is published under the orders of His Majesty's Government, shall be deemed to be a correct copy of the Constitution as at the date of the publication.

74. Repeal: The Interim Government of Nepal Act is here by repealed.

PART- X: TRANSITIONAL PROVISIONS

75. Power to bring this Constitution into Operation:
(1) Notwithstanding anything in this Constitution or any law, including the Interim Government of Nepal Act, His Majesty hereby reserves to Himself full power to take such action before the Appointed Day as He may deem requisite to bring this Constitution into operation on the Appointed Day, and any action taken by Him before that day, if consistent with the provisions of this Constitution shall be deemed to have been taken by the appropriate authority under this Constitution, without prejudice to the power of that authority to repeal, revoke, amend or change such action after the Appointed Day in accordance with the provisions of this Constitution. (2) Without prejudice to the generality of clause (1) any appointment made by His Majesty in contemplation of the coming into operation of this Constitution shall be deemed to have been made under this Constitution.

76. Continuance and Adaptation of Existing Laws: (1) All laws other than the Interim Government of Nepal Act in force in Nepal or any part thereof immediately before the Appointed Day or as modified or adapted according to clause (2) shall remain in operation until amended or repealed by Act. *Provided that* laws inconsistent with this constitution which are certified under sub-clause (a) of clause (1) of Article 8 shall, in so far as they are so inconsistent, cease to have effect after three years from the Appointed Day. (2) For the purpose of bringing the provisions of any law enforce in Nepal or any part thereof into accord with the provisions of this Constitution, His Majesty, within a period of three years after the Appointed Day, by Order, may make such adaptations and modifications, in such law, as He may deem necessary or expedient, and any order so issued shall have effect from such date. whether before or after the issue of the Order, but not earlier than the Appointed Day, as may be specified on the Order.

77. Power to Remove Difficulties: (1) If any difficulty arises in bringing this Constitution into force His Majesty may make such order as He deems necessary to remove that difficulty, and such order may direct that the provisions of this Constitution shall, during such period as may be specified in the Order, have effect subject to such adaptations whether by way of modifications additions or omissions as He may deem to be necessary or expedient. *Provided that* no order shall be made under this Article after the expiration of two years from the Appointed Day. (2) Every order made under this Article shall be laid before both Houses of Parliament, and may be amended or repealed by Act, but, until so repealed shall be read as part of this Constitution.

In the date of Sambat 2015 Falgun 1 day 5.

The Nepal Interim Government Act, 2007

Amendments in the Interim Government of Nepal Act, 2007

Do first Amendment	
Do Second Amendment, 2009	2009/3/10
Do Second Amendment, 2009	2009/3/17
Do Third Amendment, 2010	2011/11/3
Do Fourth Amendment, 2015	2015/2/2
Do Fifth Amendment, 2015	2015/2/27
Do Sixth Amendment, 2016	2016/3/15

PREAMBLE:

Whereas, it is necessary till such time, as the Constitution is not framed and promulgated, the administration of the country should function according to a Constitution and certain rules and principles:

Now, Therefore, His Majesty, the King of Nepal, on the advice of the Council of Ministers, is accordingly pleased to ordain and promulgate the following Act.

PART I

1. **Short title and Commencement:** (1) This Act shall be called the Nepal Interim Government Act, 2007. (2) It shall come into force immediately, (from 29th Chaitra, 2007)
2. **Interpretation:** The Nepal laws (Interpretation) Act shall apply in the interpretation of this Act.

PART II: DIRECTIVE PRINCIPLES OF STATE POLICY

3. **Application of the provisions of this Part:** (1) The provisions of this part shall not be enforceable by any Court in Nepal; and no Nepal law, whether enacted before or after the commencement of this Act, and no rule and order made under any such law, shall be deemed to be invalid by reason only that it is inconsistent with the provisions of this part. (2) Subject to the provisions of Sub-section (1), the principles laid down in the provisions of this part shall be treated by His Majesty's Government as being fundamental in the governance of the country, and it shall be the duty of the His Majesty's Government to apply the said principles in adapting the existing Nepal laws as early as possible, as well as in framing laws hereafter.
4. **Social Order:** His Majesty's Government shall strive to promote the welfare of the people by securing and protecting as effectively as it may, a social order in which justice, social, economic and political shall inform all the institution of the National life.
5. **Social Conditions for Citizen:** His Majesty's Government, shall in particular, direct its policy towards securing: (a) that the citizen men and women equally, have-the right to an adequate means of livelihood: (b) that the ownership and control of the material resources of the community are so distributed as best to subserve the common good; (c) that the operation of the economic system does not result in the concentration of wealth and means of production to common detriment; (d) that there is equal pay for equal work for both men and women: (e) that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength; (f) that childhood and youth are protected against exploitation and against moral and material abandonment.
6. **Village Panchayats:** His Majesty's Government shall take steps to orgainse village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-Government.

7. **Unemployment, old age, sickness, etc.:** His Majesty's Government shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want.
8. **Condition of work and maternity relief:** His Majesty's Government shall make provision for securing just and humane conditions of work and for maternity relief.
9. **Living wage, decent standard of life, etc.:** His Majesty's Government shall endeavour to secure, by suitable legislation or economic organization or in any other way, to all workers, agricultural, industrial or otherwise, work, a living wage, conditions of works ensuring a decent standard of live and full enjoyment of leisure and social and cultural opportunities, and, in particular, His Majesty's Government shall endeavour to promote cottage industries on any individual or co-operative basis in rural area.
10. **Civil Code:** His Majesty's Government shall endeavour to secure for the citizen a uniform civil code throughout Nepal.
11. **Weaker sections:** His Majesty's Government shall promote with special care the educational and economic interests of the weaker sections of the people, and shall protect them from social injustice and all forms of exploitation.
12. **Protection of Monuments:** It shall be the obligation of His Majesty's Government to protect every monuments or place or object of artistic or historic interest from spoliation, disfigurement, destruction, removal, disposal or export, as the case may be.
13. **International relations:** His Majesty's Government shall edeavour to:- (a) promote international peace and security; (b) maintain just and honorable relations between nation; (c) foster respect for international law and treaty obligations in the dealings of organized peoples with one another; and (d) encourage settlement of international dispute by arbitration.
14. **Equality before law:** His Majesty's Government shall not deny to any person, equality before law or the equal protection of the laws within the territory of Nepal.

15. **Discrimination on grounds of religion, race caste, sex, etc.:** (1) His Majesty's Government shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them. (2) Nothing in this section shall prevent His Majesty's Government from making any special provision for women and children.
16. **Equality of Opportunity:** (1) There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under His Majesty's Government. (2) Nothing in this section shall prevent His Majesty's Government from making any provision for the reservation of appointments or posts in favour of any backward class of citizens, which, in the opinion of His Majesty's Government, is not adequately represented in the service under His Majesty's Government. (3) Nothing in this section shall affect the operation of any law which provides that the incumbent of an office in connection with the affairs of any religious or denominational institution or any members of the governing body thereof shall be a person professing a particular religion or belonging to a particular denomination.
17. **Fundamental Principles of law:** Fundamental principles of law:- (1) No tax shall be levied or collected except under the authority of law. (2) Subject to the laws for the time being in force, all citizens shall have the right, (a) to freedom of speech and expression; (b) to assemble peaceably and without arms; (c) to form associations and unions; (d) to move freely throughout the territory of Nepal; (e) to reside and settle in any part of Nepal; (f) to acquire, hold, and dispose of property; (g) to practice any profession or to carry on any occupation, trade, or business.
18. **Rule of Law:** His Majesty's Government shall ensure that:- (1) No person is convicted of any offence except for violation of law in force at the time of the commission of the act charged as an offence, nor is subjected to a penalty greater than that which might have been inflicted under the law in force at the time of the commission of the offence. (2) No person is prosecuted and punished for the same offence more than once. (3) No person accused of any offence is compelled to be a witness against himself.
19. **Personal liberty:** No person shall be deprived of his life or personal liberty except according to procedure established by

law or rules made by His Majesty's Government for the public goods, or for the maintenance of public order or the security of the State.

20. **Traffic in human beings, beggary:** (1) Traffic in human beings and beggars and other similar forms of forced labour shall be prohibited and any contravention of this provision shall be an offence punishable in accordance with law. (2) Nothing in this section shall prevent His Majesty's government from imposing compulsory service of public purposes, and in imposing such service His Majesty's Government shall not make any discrimination on grounds only of religion, race, caste or class or any of them.

21. **Children:** No Children below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment.

PART III:

CHAPTER I: THE EXECUTIVE

22. **Executive Power exercisable by King, Ministers and others:**- (1) The executive power of the State vesting in the King shall be exercisable by Him either directly or through ministers of other officers subordinate to Him; *Provided that* nothing in this section shall be construed as affecting the validity and operation of any Nepal law conferring powers and functions upon authorities subordinate to the King. (2) Without prejudice to the generality of the foregoing provision, the Supreme Command of the Defence Forces of Nepal shall be vested in the King.

23. **Grant of Pardons, reprieves, etc.:-** (1) His Majesty's Government shall have power to grant pardons, reprieves, respites, or remissions of punishment, or to suspend remit or commute the sentence of any person convicted of any offence by any Court of Nepal or Court Martial. (2) Nothing in sub-section (1) shall affect the power conferred by law on any officer of the Armed Forces of Nepal to suspend, remit or commute a sentence passed by a Court Martial.

24. **Cabinet:** (1) There shall be a Cabinet with the Prime Minister or Minister nominated by the King at the head; to aid and advise the King in the exercise of His functions. (2) The question any,

and, if so, what, advice was tendered by Ministers to the King, shall not be inquired into any Court.

25. **Appointment and Tenure of Ministers:** (1) The Prime Minister shall be appointed by the King and the other ministers shall be appointed by the King, on the advice of the Prime Minister. *Provided that*, if the PrimeMinister is not appointed, all the Ministers shall be appointed by the King in His discretion. (2) The Ministers shall hold office during the pleasure of the King. (3) The Cabinet shall be collectively responsible for the advice tendered to the King.

26. **Executive action to be expressed to be taken in the name of His Majesty's Government:** (1) All executive action of Nepal State shall be expressed to be taken in the name of His Majesty's Government. (2) Orders and other instruments made and executed in the name of His Majesty's Government shall be authenticated in such manner as may be specified in rules to be made by His Majesty's Government, and the validity of an order or instrument, which is so authenticated, shall not be called in question on the ground that it is not an order or instrument made or executed by His Majesty's Government. (3) Rules making power: His Majesty's government shall make rules and instruction, for the more convenient transaction of the business of His Majesty's government of Nepal, and for the allocation among the ministers of the said business.

27. **Duty of Prime Minister:** It shall be the duty of Prime Minister, or, if the Prime Minister is not appointed, of the Minister, nominated by the King for that purpose. (a) to communicate to the King all decisions of the Cabinet relating to the administration of the affairs of Nepal; (b) to furnish such information relating to the administration of the affairs of Nepal as the King may call for; and (c) if the King so requires, to submit for the consideration of the Cabinet any matter on which a decision has been taken by a Minister but which has not been considered by the Cabinet.

PROCEDURE IN FINANCIAL MATTERS

28. **Annual financial Statement (Budget):** His Majesty's Government shall, in respect of every financial year, cause to be prepared a statement of the estimated receipts and expenditure of His Majesty' Government of Nepal for that year.

This statement shall be known as the Annual Financial Statement (Budget).

29. **Passing of the annual Financial Statement:** The annual financial statement shall be laid before the Advisory Assembly and the Assembly shall have power to discuss and vote upon any demand or grant or exceptional grant. *Provided that* nothing in this section shall be deemed to entitle the Advisory Assembly to consider the demand for His Majesty the King's Privy Purse or matters connected there with. *Provided* further that the provisions of sections 56, 57, 58 shall be applicable to all considerations under this section.

CHAPTER II: LEGISLATIVE POWERS

30. **Legislative power of the King:** For the avoidance of doubt, it is hereby declared and affirmed that, notwithstanding anything contained in any Nepal law or in any judgement of any Court, the King has and continues to have sovereign and plenary powers to make laws for the peace, order, and good Government of Nepal.

31. **Legislation inititated by the Cabinet:** (1) In enacting laws for the peace, order and good government of Nepal, the King may act on the advice of the Cabinet, in accordance with the provisions of this section. (2) It shall be lawful for the Cabinet to submit a Bill for the consideration of the King. (3) The King may assent to a Bill submitted to Him under sub-section (2), or he may withhold is absent thereto, or he may return the Bill with a message requesting that the Cabinet will reconsider the Bill or any specified provisions thereof, and in particular consider the desirability of introducing any such amendment as he may recommend, and the Cabinet shall reconsider the Bill accordingly. (4) If the King assents to any Bill so submitted, the Bill shall become law and have effect accordingly. (5) This section shall have effect subject to the provisions of Chapter IV. *Provided that* it shall be lawful for the Cabinet to submit, for the consideration of the King, a Bill which has not been considered and approved of by the Advisory Assembly- (i) if no Advisory Assembly has been constituted under the provisions of Chapter IV; or (ii) if the Advisory Assembly constituted under the Provisions of Chapter IV is not in session and the Cabinet

consider that it is necessary, in the public interest, immediately to enact a law as proposed in the Bill,

CHAPTER III: JUDICIARY

32. Pradhan Nyayalaya: (1) There shall be a Pradhan Nyayalaya. (2) The constitution, powers and functions of the Pradhan Nyayalaya shall be as determined by law.

CHAPTER IV: THE ADVISORY ASSEMBLY GENERAL

33. Constitution: (1) There shall be constituted an Advisory Assembly for Nepal consisting of so many members as His Majesty the King may determine, who will be selected by His Majesty the King from qualified citizens of Nepal, and of all the members of the Cabinet, Ministers of State and Deputy Ministers as its ex-officio members. (2) The Advisory Assembly shall cease to exist when the constitution will be ready and come into enforce.

34. Selection of members: The non-official members shall be selected, as far as possible, as representatives of various areas, classes and interests of Nepal.

35. Qualifications: A person shall not be qualified to be selected as a Member of the Advisory Assembly unless he- (a) is a citizen of Nepal; (b) is not less than 25 years of age; and (c) does not posses any disqualification as described in the next section.

36. Disqualifications: (1) A person shall be deemed to be disqualified for selection as a member of the Advisory Assembly, if he- (a) holds any office of profit under His Majesty's Government, (b) is convicted or found guilty of any offence involving moral turpitude or corrupt or illegal practice; and (c) is of unsound mind. For the purpose of this section a person shall not be deemed to hold an office of profit under His Majesty's Government of Nepal by reason only that he is a member of the Cabinet of Nepal or is a Minister of State or Deputy Minister. (2) No one shall be deemed to be a member of the Advisory Assembly till he has taken the oath of Office.

37. Vacation of Seat: (1) A member of the Advisory Assembly shall be deemed to have vacated his scat if- (a) he tenders his resignation in his own hand writing to the Speaker of the

Advisory Assembly; (b) he becomes subject to a disqualification mentioned in Sec. 36; (c) he absents himself from all the sittings of the Advisory Assembly for a period of 25 days without the permission of the Assembly. In computing this period of 25 days, no account shall be taken of any period during which the Assembly was prorogued or has adjourned for more than four consecutive days. (2) If any question arises as to whether a member of the Assembly has become subject to any of the disqualification mentioned in Sec. 36. the question shall be referred for the decision of His Majesty the King and His decision shall be final.

38. Salary and allowances of members: The salary and allowances of the members of the Assembly shall be as fixed by the King.

39. If a person sits or votes as a member of the Advisory Assembly before he has taken on oath or affirmation or when he knows that he is not qualified or that he is disqualified for membership thereof, he shall be liable in respect of each day on which he sits or votes, to a penalty or Rupees 100/- to be recovered from him as a dept due to His Majesty's Government.

40. The right of filling any vacancy in the Assembly shall vest in His Majesty the King.

OFFICERS OF THE ASSEMBLY

41. Election of Speaker and Deputy Speaker: Under the presidentship of a member or any other person to nominate by the King, the Advisory Assembly shall choose two members to be respectively Speaker and Deputy Speaker thereof and so often as the office of Speaker or Deputy Speaker becomes vacant, the Assembly shall choose another member to be the Speaker or Deputy Speaker as the case may be. The election of the Speaker and the Deputy Speaker shall be made by a majority vote and the ex-officio members shall not be entitled to seek election to these posts.

42. Vacation of office of Speaker and Deputy Speaker: The Speaker or Deputy Speaker of the Assembly- (a) shall vacate his office if he ceases to be a member of the Assembly; (b) may at any time, by writing under his hand addressed to His Majesty the King, resign his office; and (c) may be removed from his office

by a resolution of the Assembly passed by two-third majority vote.

43. **Absence of Speaker or Deputy Speaker:** (1) While the office of Speaker is vacant, the duties of the office shall be performed by the Deputy Speaker, or if the office of Deputy Speaker is also vacant, by such member of the Assembly as His Majesty the King may appoint for the purpose. (2) In any sitting of the Assembly, the Deputy Speaker shall in the absence of the Speaker is also absent then a person selected by the Assembly according to rules shall perform such functions of the Speaker.
44. **Speaker's, Deputy Speaker's right of vote:** The Speaker, or the Deputy Speaker, any other member when he is acting for the Speaker, shall have no right to vote in the first instance but may exercise a casting vote in the case of equality of votes.
45. **Speaker, Deputy Speaker not to sit when resolution about their removal is under consideration:** When a resolution to remove the Speaker is under consideration in the Assembly, then the Speaker and when a resolution to remove the Deputy Speaker is under consideration then the Deputy Speaker, shall not attend the meeting of the Assembly.
46. **Salary and allowances of Speaker, Deputy Speaker:** The salaries and allowances of Speaker and the Deputy Speaker shall be as fixed by the King.

SUMMONING OF THE ASSEMBLY AND ITS SESSION

47. **Summoning of the Assembly:** (1) The Advisory Assembly shall be summoned at least twice in every year, and six months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session. (2) Subject to the provisions of sub-section (1) above, His Majesty the King may from time to time- (a) summon the Advisory Assembly to meet at such time and place as he thinks fit, and (b) Prorogue the Assembly.
48. **King's address to Assembly:** At the commencement of every session of the Advisory Assembly, His Majesty the King shall address it and inform it of the causes of its summons.
49. **King's Message to Assembly:** (1) His Majesty the King may address the Advisory Assembly and for that purpose require the attendance of members; (2) His Majesty the King may send

messages to the Advisory Assembly, whether with respect to a matter pending before the Assembly or otherwise and the Advisory Assembly shall by all convenient despatch consider any matter required by the message to be taken into consideration.

CONDUCT OF BUSINESS

50. Oaths of Members: Every member of the Advisory Assembly shall, before taking his seat, make and subscribe before His Majesty the King or some person appointed in that behalf by Him, an oath or affirmation according to the form set out for the purpose in the first Schedule.

51. Decision by majority vote: (1) Save as otherwise provided in this Act, all questions at any sitting of the Assembly shall be determined by a majority of votes of the members present and voting, other than the Speaker or the person acting as Speaker. (2) No Proceeding in the Assembly shall be held to be invalid on account of any vacancy in the membership thereof or it being discovered subsequently that some person who was not entitled so to do, sat or voted or took part in the proceedings. (3) Quorum- The quorum to constitute a meeting of the Assembly shall be 25 members. (4) If at any time during a meeting of the Assembly there is no quorum, it shall be the duty of the Speaker, or the person acting as such, either to adjourn the Assembly or to suspend the meeting until there is a quorum.

SPECIAL PRIVILEGES OF THE MEMBERS

52. Freedom of Speech: (1) Subject to the provisions of this Act and to the rules and standing orders regulating the procedure of the Assembly, there shall be freedom of speech in the Assembly. (2) No member of the Assembly shall be liable to any proceedings in any court in respect of anything said or any vote given by him in the Assembly or any Committee thereof; and no person shall be so liable in respect of the publication by or under the authority of the Assembly of any report, paper, votes, or proceedings.

POWERS OF THE ADVISORY ASSEMBLY

53. Discussions Exceptions: The Advisory Assembly may discuss any matter connected with the legislative and executive functions of His Majesty's Govennment, save (a) any question or matter the discussion of which might affect friendly relations of His Majesty's Government of Nepal with any foreign power; (b) any question regarding the person or personal conduct of His Majesty the King or a member of the Royal family; (c) any matter, the disclosure of which will not be in public interest such as the movements and postings of the troops; (d) any motion expressing censure of or want of confidence in any Minister or the Cabinet as a whole.

54. Voting upon Bills: It shall be necessary for the promulgation of any law to get it discussed and voted upon in the Advisory Assembly before obtaining the Approval of His Majesty the King.

55. Questions: Any member of the Assembly may put questions regarding any matters connected with the legislative or executive functions of His Majesty's Government of Nepal except on the subjects excluded in section 53.

56. Non-official Bill or resolution: Any member of the Assembly may, with the permission of the Speaker and in accordance with the rules of procedure of the Assembly, move a bill or a resolution for the consideration of the Assembly.

57. King's refusal to assent: His Majesty the King may in his discretion, refuse to give his assent to any bill or resolution passed by the Assembly or may return it to the Assembly for such changes or amendments as he may deem fit.

58. Certification by King: If any Government bill or resolution if rejected by the Assembly or if the Assembly does not accept the changes or amendments suggested by His Majesty the King and if His Majesty the King consider that bill or their changes or amendments to be in public interest, he may certify the said Bill or their changes or amendments to have been passed by the Assembly.

58.(a) For the avoidance of doubt, it is hereby declared and affirmed that the decision, whatsoever, passed by the Advisory Assembly cannot be taken as to be forced to dissolve the Cabinet or resign individually or collectively by the Ministers, but the decision

made by the majority of the Advisory Assembly will be considered properly by His Majesty Government.

59. Rule making: His Majesty the King may make rules for regulating, subject to the provisions of this Act, the procedure and the conduct of business of the Assembly.

CHAPTER V: COMPTROLLER & AUDITOR GENERAL OF NEPAL

60. Appointment, Salary: (1) There shall be a Comptroller and Auditor-General of Nepal who shall be appointed by His Majesty's Government. (2) The salary and other conditions of service of the Comptroller and Auditor-General will be the same as those of the Judge of the Pradhan Nyayalaya.

61. Forms of Accounts: The accounts of His Majesty's Government of Nepal shall be kept in such form as the Comptroller and the Auditor General of Nepal may, with approval of His Majesty the King, prescribe.

62. Reports: The reports of the Comptroller and Auditor-General of Nepal relating to the accounts of His Majesty's Government of Nepal shall be submitted to the King.

PART IV

63. Public Acts, Records, Judicial Proceedings: (1) Full faith and credit shall be given throughout the territory of Nepal to public Acts, records and Judicial proceedings of the Country. (2) Final Judgement or order delivered or passed by Civil Courts in Nepal shall be capable of execution anywhere in Nepal according to law.

PART V

64. Public Service Commission: There shall be a Public Service Commission for Nepal consisting of a Chairman and so many other members as the King may prescribe.

65. Appointment: The Chairman and other members of the Public Service Commission shall be appointed by His Majesty's Government.

66. Salary, Conditions of Services: The salary and other conditions of service of the Chairman and members of the Public Service Commission shall be the same as for the Judges of the Pradhan Nyayalaya.

67. Duties: (1) It shall be the duty of the Public Service Commission to conduct examinations for appointment to all services of His Majesty's Government of Nepal. (2) The Public Service Commission shall be consulted- (a) on all matters relating to methods of recruitment to Civil Services and for civil posts; (b) on the principles to be followed in making appointments to Civil Services and posts and in making promotions and transfers from one service to another and on the suitability of candidates for such appointments, promotion or transfers; (c) on all disciplinary matters affecting a person serving under His Majesty's Govemment of Nepal in a Civil capacity, including memorials or petitions relating to such matters, and it shall be the duty of the Public Service Commission to advise on any matter so referred to it and on any other matter which the King may refer to it, *Provided that* the King may make regulations specifying the matters in which either generally or in any particular class of cases or in any particular circumstances, it shall not be necessary for a Public Service Commission to be consulted.

PART VI: ELECTIONS

68. Early Elections: The aim of the Interim Government shall be to create conditions, as early as possible, for holding election for the Parliament.

69. Commission: (1) The superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of these election, and, including appointment of Election tribunals for the decision of doubts and disputes arising out of or in connection of with these election shall be vested in this Commission, which is referred to in this Act as the Election Commission. (2) The Election Commission, shall consists of the Chief Election Commissioner and such number of other Election Commissioners, if any, as the King, under the advice of His Cabinet may from time to time fix, and the appointment of the Chief Election Commissioner and other Commissioners

shall be made by the King, under the advice of His Cabinet. (3) The conditions of service and tenure of office of the Election Commissioners shall be such as the King may by rules determine. *Provided that* the Chief Election Commissioner and the Election commissioners shall not be removed from their offices, except in like manner and on the like ground as a Judge of the Supreme Court and their conditions of service shall not be varied to their disadvantages after their appointment.

70. General Electoral roll: There shall be one general electoral roll for every territorial constituency for these elections and no person, shall be ineligible for inclusion in any such roll for any such constituency on grounds only of religion, race, caste, sex or any of them.

71. Adult Sufferage: These election shall be on the basis of adult sufferage, that is to say, every person who is a citizen of Nepal and who is not less than 21 years of age on such date as may be fixed in that behalf by the King and His Cabinet and is not otherwise disqualified under the rules to be framed for this purpose on the ground of non-residence, unsoundness of mind, crime or corrupt or illegal practice, shall be entitled to be registered as a voter.

72. (a) The validity of any law or rule relating to the delimitation of constituencies, made in accordance with this Act, shall not be called in question in any Court. (b) No such election shall be called in question except by an election petition presented to such authority in such manner as may be provided for by the rules made by the King and His Cabinet.

PART VII

73. The Government of Nepal Act, 2004 Sambat (1949 A.D.) is hereby repealed.

Schedule I

I. Form of oath of Office for a member of the Council of Ministers:

"Do swear in the name of God …… Solemnly affirm that I will bear true faith and allegiance to His Majesty the King and the Interim Government of Nepal Act, as by Law established that I will faithfully and conscientiously discharge my duties as a Minister for Nepal and that I will do right to all manner of people in accordance with the Interim Government of Nepal Act and the other laws without fear or favour, affection or ill will."

II. Form of oath of secrecy for a member of the Council of minister:

Do swear in the name of God……. Solemnly affirm that I will not directly or indirectly communicate or reveal to any person or persons any matter which shall be brought under my considerate on or shall become known to me as a Minister for Nepal except as may be required for the due discharge of my duties as such Minister. "

III. Form of oath or affirmation to be made by a member of the Advisory Assembly:

"I, ... having been nominated a member do swear in the name of God of the Advisory Assembly Solemnly affirm that I will bear true faith and allegiance to His Majesty the King and the Interim Government of Nepal Act as by Law established and that- I will faithfuily discharge the duty upon which I am about to enter."

6. Constitution of Nepal 2004

(Government of Nepal Act, 2004)

(EFFECTIVE APRIL 1, 1948)

ADDRESS OF THE PRIME MINISTER PADMA SHAMSHER OF NEPAL UPON THE INAUGURATION OF THE GOVERNMENT OF NEPAL ACT

Bhai Bharadars, Brothers and Sisters,

You are aware that it is quite a long time now that I have been giving earnest consideration to the question of how continued increase in the prosperity and welfare of our dear motherland may be achieved by means of needful reforms, to the end that the happiness and peace of our people might be enhanced. You may well imagine my deep satisfaction at having been able to summon you here today to listen to the announcement of the scheme for political reforms which has been prepared after much thought and consultation, and which translates into action the deep aspirations I have entertained for such a long time to bring about an improvement in the administration of the country. With the deepest conviction that the glory of the State and the peace and prosperity of the people can grow only by the grace of Shree Rama and Shree Pashupatinath, I make my devout obeisance to them and pray for their blessings, before making today's announcement to you.

You know very well the efforts I have made for the betterment of the country ever since I assumed charge of the administration of this dear land. Economic, social and political problems, the spread of education, the improvement of industry, trade and agriculture, the betterment of the general health of the people-everything has to be attended to simultaneously. Political reforms, more than almost any other matter, have to be undertaken only after long and mature deliberation, and with the consideration of the good and

evil effects they might produce on each and every organ of the State. It is inevitable, therefore, that a work of such complexity an importance should take a little time for completion. Now, before outlining the salient feature of the scheme to be published today, I should like to give you a brief historical sketch of the present administrative set-up of the country.

The present administrative system under which the supreme authority of the State was entrusted to the Rana family started with the joint approval of the king, Bharadars and people on account of frequent commotion and bloodshed in the country, because of which peace and prosperity were fast tending to disappear. It was even feared that the country was on the verge of ruin, and our very indepqndence was seriously jeopardized. It is just over one hundred years ago that power came to the hands of the Ranas. What has happened in the country in those hundred years, in the fied of law, usage and customs, of security and freedom from fear, of national and international peace and goodwill, and of the betterment of the country, are matters about which history will relate- I shall not speak of them here. But the fact that this small mountainous country preserved its independence, that Nepal was able to maintain herrightful place in the comity of the free peoples of the world, situated as she was between the mighty empire of China on the one hand and the rising flood of British power on the other, is one which her rulers, the Ranas, can take legitimate pride.

"With the king overhead, and the people on the lap", we, the Ranas, have carried on the administration of the country in accordance with our sacred usages between king and people, proudly flying the flag of a Hindu constitutional monarchy, as described in our Shastra It was only for the sake of the welfare of the people that we came up. I ask you to understand clearly, and to believe me, when I say that we are ready and prepared at all times to do all that may be necessary for the sake of the people.

It is not a fact that no attempt was made during this long period to associate the people with the government in the Administration of the country, but all such attempts failed because the time was not yet ripe. For example, a Parliamentary cutchery was established in Basantapur in the year 1851. The government of the day was so enamoured of the British system that it desired to introduce the same kind of parliamentary institutions here, in which the people's will might find expression. But the people showed energetic

disapproval, because they thought that Nepal which had previously been brought to the verge of catastrophe by the multiplicity of leadership was again being led on the same path in imitation of foreign manners and customs. The experiment to introduce parliamentary institutions had perforce to be dropped. Again in 1918 an attempt was made in the same direction with introduction as a first step of the elective system in the municipality of the capital. But there was much disorder in the city during the election, and communal quarrels and breachs of the peace occurred among the city dwellers, who had, been living heretofore in peace and mutual co-operation, and so the election had to be abandoned, and an arrangement had to be made for the selection of members by the government in order to carry on the municipal administration.

It is indeed gratifying that we have thus been frequently honoured with the love and confidence of the majority of our people. But, even so, if you do not help us, and take your share in the administration, there is a risk of the world saying that you are incapable of shouldering any responsibility and we are unwilling to yield any power.

I made my first public mention on the subject of political reforms on the 13th February, 1947, in the following words: "I should like to mention one more matter. As I think it would be a great help towards the progress of the country if an arrangement could be made to associate the people even more closely than at present with the government, as is the practice in the greater part of the world to-day, I have been consulting with my cousins, nephews and Bharadars on the subject. You are aware that such a complex matter cannot be taken in hand at once, because a decision on such matter can be made only after full and mature deliberation. Immediately these consultations are over, and a decision is arrived at as their result, I shall summon you again to announce it" But as early as December, 1946, 1 had started to consult those of my cousins and nephews in the Roll who had reached the age of thirty years. They all supported my views, and gave me full co-operation. Then I invited the opinions of my other cousins and nephews and of the Bharadars. They thought that I should do something, but pointed out that there were four Varnas, and thirty-six castes in the country, and they suggested that political training should be given gradually to the people so that existing peace and security might not be disturbed. In order that all these opinions might be studied and the various replies

classified, the Reforms Committee was established in April, 1947. The members of the Reforms committee discussed the subjects among themselves, and also held consultations with experts from India. Though the draft of the constitution was soon ready, it took longer to frame the rules and regulations which were necessary to make it operative, and the experts too could not produce them offhand, but had to get help from various libraries. When everything is considered, I can see that such a difficult work has been done here with expedition and ease. Now I ask you to listen to the provisions of the new constitutional Act.

I hope you have all listened to the Act of the constitution with attention. I should now like to say something about its special features, and to throw some light on its object and significance.

You have no doubt understood what our intention and goal is from the preamble to the Act. You know, the history of the whole world does not show unanimity of opinion on the question of what is the best form of government. Neither has the United Nations Organization, composed of illustrious representatives of all the nations of the world tried or been able to decide the matter. Different forms of government prevailed in the world at different periods sometime democracy, sometimes kingship and, at intervals dictatorships were also in existence. In modern times, too, different systems of government exist in different countries. The only criterion of good government is that it must lead to the greatest good of the greatest number or, in other words, that governmental system is the best which leads to good administration, and bring about an increase in the total happiness and peace of the country.

With regard to Fundamental rights, we have tried to make provision for them in a manner similar to that which obtains in the advanced countries of the world. Our laws and regulations being incomplete in this regard, we have tried to make them approximate to those of India and other advanced counties. You will surely understand that there must be some restrictions in the activities of the people within the limits of the prime necessity of public order and morality. The people have rights as well as obligations, and both rights and obligations are to be exercised for the common good. The needs and usages of no two countries are entirely alike. It is not the intention of the government to impose any further restrictions in this country than those that prevail in other countries, except in so far as they are necessary, especially in the domain of religion.

Our desire to associate the people in the administration is clearly manifested in the creation of a Council of Ministers in which representation is given to popularly elected members of the legislature: as also by the formation of administrative Committees.

There is a unique feature in the system for the election of members to the central legislature. We have tried to mould to elective system of the west to the Panchayat system, which is an essential part of our heritage and culture. The right of the vote has been conceded to all adults, but in this connection it seems to be necessary for the government to take a special precaution. It is the government's of desire that all good, able and energetic elected representatives of the people should come to the center and co-operate with the government, but it would be very unfortunate if the introduction of political elections should lead to quarrels or disorder in the country, and I need not say that the government will not allow this to happen under any circumstances. It is not the intention of the government that the country should be thrown into the vortex of the party system, and the government will never lead its encouragement to the habit of bringing about the election of any candidate by the strength of party machinery rather than by his own ability and eligibility. The election system has been introduced because it helps to bring the most able individual to the front, but we should take care not to allow the concomitant evils of electioneering excessive expenditure, worry and strife, simultaneously to creep into our political life.

Bicameral legislature for the center is a well recognized political institution, and everybody knows that in almost all the countries of the world there are two houses of the legislature. There are nominated members in both our houses. It is necessary in the interests of efficient administration that such members should be appointed until there is more wide spread political education in the country. Seats have also been given in the legislature to special interests. The powers and functions of the legislature are generally of the nature conferred by the Government of India Act, 1935.

Many people seem to be labouring under a misconception regarding our national revenue and expenditure. Now that this subject has also been placed within the jurisdiction of the legislature, it is hoped that such misconception will be removed. The provision made in the Act for the appointment of an Auditor-General will also, I hope, serve to express our intention to help in the removal of such a suspicion.

It will not be necessary for me to say anythings on the provisions of the constitution relating to special powers, or to the powers conferred on the Prime Minister to suspend or withdraw the constitution in order to meet the situation created if a sudden grave emergency arises and threatens to disturb public tranquillity. Special powers for special circumstances are provided for in the Constitutions of all States.

You must have learnt from the Constitution of our efforts to establish an independent judiciary. We have built the edifice of the administration of the law upon the foundation of our ancient Panchayati Adalat because it was deemed better to reform our own system by necessary improvements than to transplant and entirely foreign system into the country. It is hoped that this will reduce the burden of litigation, as the majority of petty disputes will tend to be settled by the Panchayat in their initial stage. You will also see how in the higher levels justice has been kept absolutely independent, and separate from the executive. Judges are not liable to dismissal within the limit of their retiring age unless they are recommended for removal by the Legislature, and there is provision that their salaries are not subject to arbitrary increase or decrease. It is expected that our desire in this respect will also be fulfilled by the provision that as long as judges discharge their functions and duties in good faith, they will not be subject to any pressure, or to any censure, from any outside quarter whatsoever.

You must have also noted another important provision. Our Constitution is not a rigid or inflexible structure, as is the case with the Constitutions of many countries. We have for the present provided for everything that has been considered necessary and reasonable to suit the existing condition of the country. Some features of our Constitution are entirely original, while others follow the characteristics visible at different stages in the development of various countries. Provision has also been made for development and change from time to time, after the study of the advantages accruing to our country from it, and on consideration of the extent to which our people succeed in adopting it in actual practice.

Now there is not much left to tell you. We have decided to introduce those constitutional reforms in the very first step which other states, and our neighbours did in two or three stages, and at long intervals. The success of this effort, prompted by our affection for the country and its people, will depend on you gentlemen who will work

according to this scheme, and who will bear the responsibility. Nothing that man does can be entirely free from faults, and it is easy to pick faults in anything. But of what help is text-book criticism in our noble undertaking of nation-building? Any school boy who studies the political constitution of India and other countries can easily reproduce such from memory. But I have full faith in the wisdom and good will of the citizens of my country. A habit of fault finding, or of carping criticism, will never enable us to realize our objective. I have every hope that our people will take right road of making themselves fitter to shoulder greater responsibilities by improving themselves, and by helping the government with diligence and co-operation in this great endeavour, and will also exhibit to the world that may confidence in them is not by any means misplaced. It is only thus that we can march forward to progress in an atmosphere of peace and order in the country.

Look at the many countries today where both the governments and the peoples are working untiringly for improvement, and for the increase of their material prosperity, but the speed of their progress has been reduced by strife and civil commotion, and they are now struggling in distress and want. It is the first duty of the rulers to save our country from a similar fate. It was my intention to liberate the men now under political detention in our country, and those whose offenses were not considered to be very heavy have been released. As for those who remain in detention, their confederates have indulged in reckless threats to throw the country into chaos and bloodshed as happened in 1942 in our neighbouring country. In these circumstances, it has not been possible to release them because of the advice of my cousins and also of the reports from the Police Department that this is not the time to make a gesture of mercy or good will.

May the rulers and people of this land derive benefit from these new reforms and climb steadily upward to the peak of progress and prosperity, along the road of peace and order ! I am now getting old, and my health too is not very good. These new reforms proposals have been decided upon after discussion also among my cousins the Commander-in-Chief and the Commanding-Generals. It might take some years to appraise the working and the effects of the new Constitution, and I hope greatly that though I may not be able personally to see it in actual operation, I shall certainly be able to hear that it is being worked in a beneficent manner. My cousins

are capable and wise; and in whatever work I have done I have received co-operation and concurrence from them. Therefore I have no hesitation in saying that the new principle and system that I have inaugurated will not only be followed by them, but will also surely be developed and improved upon. I have no misgivings about it and I can assure you that too need entertain none.

I thank the members of the Reforms Committee who have helped to prepare the new Constitution with such promptitude and diligence.

Before bringing the day's proceedings to a close, I thank you, all the good people who are assembled here today to hear me. I render thanks to Shree Rama and Shree Pashupatinath, by whose grace and kindness only I have been able to avail myself of this opportunity to make today's announcement for the welfare of the press, freedom of assembly and discussion, freedom of worship, complete equality in the eye of the law, cheap and speedy justice, universal free compulsory elementary education, universal and equal suffrage for all adults, security of private property as defined by the laws of the State as at present existing and laws and rules to be made hereunder.

Subject to this physical, mental and economic capacity it shall be the duty of every citizen to promote public welfare, to contribute to public funds, to be in readiness to labour physically and intellectually for the safety and well-being of the Realm and bear true allegiance to His Majesty the Maharajadhiraja Shree 5 and His Highness the Maharaja Shree 3 and be faithful to the State and its Constitution.

Government of Nepal Act, 2004

PREAMBLE

Whereas, by virtue of the Supreme Power vested through the instruments of their sacred *Panjapatras* by *Shree Panch Maharajadhiraja* of Nepal, dating from the year of 1903 BS onward, delegating all powers of the State upon the contemporaneous *Shree 3 Maharajas,* whereas it is our fervent desire, through all social, economic and political developments to bring Nepal, this sacred country of Lord *Pashupatinath*, in line with the advanced nation of the world and grant our beloved motherland her rightful place in the comity of nations.

And, whereas through the resurrection of our ancient ideals of the *Panchayat* and other similar institutions, it is our declared policy to provide for the increasingly closer association of our beloved people in every branch of administration and thus bring about enhanced prosperity and happiness to our people,

And, whereas progress in giving effect of this policy can only be achieved by successive stages and must be guided by the cooperation received from those to whom, new opportunities have been offered and by the extent to which further confidence can be reposed upon their sense of responsibilities,

And, whereas we consider it is expedient that immediate steps in this direction should now be taken, I, *Maharaja* Padma Shamsher Jung Bahadur Rana, Supreme-Commander-In-Chief, do hereby ordain and promulgate this Governance Act in the thirty-sixth year of the reign of His Majesty the King Trivuban Bir Bikram Shah.

PART I

PRELIMINARY

1. This declaration shall be referred as the 'Government of Nepal Act', of the year of 2004 BS.

2. This Act shall come into force on 1st *Baisakh*, 2005 BS. Provided that, if it appears to His Highness *Sri 3 Maharaja* that it will not be convenient that all the provisions of this Law should come into operation simultaneously on that date because of local circumstances or other causes, he shall, fix an earlier or later date for the coming into operation, either generally or for particular purposes or areas, of any particular provisions of this Law. All provisions of this Law shall, however, come into force throughout the Kingdom before the end of the year 2005 BS.

3. The rule of succession relating to succession of throne of His Majesty the King and His Highness *Sri 3 Maharaja* shall continue as hereto force in accordance with the laws, customs and usages on their behalf and shall for all time be inalienable and unchangeable.

PART II
FUNDAMENTAL RIGHTS

4. By not violating the principles of public morality, in accordingly to the existing and new Act and rules to be made hereunder, is given fundamental rights to the citizens of Nepal that of Personal Liberty, Freedom of Speech, Freedom of Publication, Freedom of Assembly or Organization, Freedom of Religion, Equality before the laws, Cheap and Speedy Justice, Free and Compulsory Primary Education through out the country, adult franchise, Right to Protection of Private Property.

5. Subject to this physical, mental and economic capacity, it shall be the duty of every citizen to promote public welfare, to contribute to public funds, to be in readiness to work physically and mentally for the safety and well being of the Realm and bear true loyalty to His Majesty the King and His Highness *Sri 3 Maharaja* and be faithful to the State and its legal system.

PART III:
THE EXECUTIVE

6. Subject to the provisions of this Act, the executive authority of Nepal shall be exercised by His Highness Shree 3 Maharaja either directly or through officers subordinate to him.

7. (a) There shall be a Council of Ministers to aid and to advise His Highness in the exercise of the executive authority of the State, chosen from among the members of the Legislature. (b) The Council shall consist of such member of ministers, not being less than five, of which two at least shall be chosen from among the elected members of the Legislature, as His Highness may determine from time to time. (c) The Presidents and Vice-Presidents of Panchayats, who may be ex-officio members of the Legislature, shall also be regarded as elected members.

8. (a) His Highness the Maharaja or in his absence the Commander-in-Chief shall preside at meetings of the Council of Ministers. The Ministers shall work within the framework or the rules made by His Highness for the purpose and be responsible to him. (b) His Highness shall also allocate portfolios among his ministers and determine their order of precedence.

9. The Ministers appointed by His Highness the Maharaja shall be sworn as members of the Council and shall hold office for a term of four years. Any Minister shall vacate his office before the expiry of his term only if he- (a) Submits his resignation under his hand addressed to His Highness the Maharaja; (b) Does not command the confidence of His Highness the Maharaja; or (c) Himself admits or is condemned by secret ballot of the Council of Ministers of having committed some grave offense. *Provided that* if he has vacated office under sub-section (a) or (b) above, he shall not cease to be a member of the Legislature for the remaining term of his office.

10. The Ministers shall be entitled to receive such salaries and allowances as may from time to time be determined by His Highness the Maharaja.

11. (a) The Council of Ministers shall transact all executive business of the State. It shall, however, be its special responsibility to give particular attention to all matters not falling within the purview of the Legislature, to lay down the general policy of the State, to scrutinize the budget of the various departments, to give final consideration to the Government bills to be placed before the Legislature, and to bring about-coordination and cooperation. (b) Within the framework of the policy laid down by Council of Ministers under this Act, the ministers shall, in their own discretion, administer the department. They shall be responsible to the Council of Ministers for all the acts of their departments and His Highness such information and explanation as he may require.

12. (a) There shall be an Advocate-General appointed by His Highness, to give advice to the Government upon such legal matters as may be referred to him by the Government. (b) He shall have the right of audience in all courts of the State. (c) He shall hold office during the pleasure of His Highness and shall receive such remuneration as His Highness may determine.

13. There shall be set up from among the members of the Legislature, Administrative Committees to aid and advise the various departments of the Executive and there by associate the opinion of the Legislature with the policy of the government.

14. (a) These Committees shall deal with such departments as may be assigned to them by His Highness, whether these departments fall within the purview of the legislature or not. (b) A Committee, appointed by His Highness from among the members of the Rastra Sabha, shall choose the members of the various Administrative Committees. (c) There shall be at least four members in each Administrative Committee, the Chairman of which shall be the head of the department for which the Committee has been constituted. (d) The Administrative committee shall deal with all matters of administrative policies and measure pertaining to the subjects allotted to them. All matters connected with the normal routine administration of the departments and with appointments, promotions or transfer of officers in the departments shall, however, be the sole responsibility of the Minister concerned.

15. All rules and regulations pertaining to the working of these Committees shall be framed by the Government.

PART IV: THE LEGISLATURE

A. The Panchayats

16. There shall be a "Gram Panchayat" for every village or group of villages, which shall form a unit as specified by rules framed by the Government in this behalf, consisting of five to fifteen members elected by the vote of all adults with necessary qualification, who will elect their own Pradhan Panch.

17. There shall be a "Nagar Panchayat" for every town or city or group thereof consisting of ten to fifty members elected by the vote of all adults with necessary qualifications, who will elect their own Pradhan Panch in accordance with the rules prescribed by the Government in this behalf.

18. The Pradhan Panch of each "Gram Panchayat" and "Nagar Panchayat" shall elect from among themselves and if necessary from among their members fifteen to twenty members who, together with the special representatives as mentioned in the rules framed by the Government in this behalf; shall form the "Zilla Panchayat" in places to be notified by the Government. It shall elect its own president (Chief Pancha).

19. It shall be the duty of the village, town and "Zilla Panchayats", within the limits of the funds at their disposal and subject to the control of the Government and in the case of a Village Panchayat, to that of the "Zilla Panchayat" as well, to attend to all matters relating to the education, welfare and prosperity of the people and the territory under their charge particularly justice, water supply, sanitation, construction and maintenance of roads, drains, bunds, bridges and public buildings, grazing lands, basic education, unemployment relief through cottage industries and other measures, which are likely to promote the health, safety, education, comfort and the social and economic well being of the people.

20. The Zilla Panchayats will receive from the Centre the allotted share of the funds for the Zilla concerned. They shall retain half of the fund for their own use and distribute the other half among the Village Panchayats within their respective jurisdiction in proportion to the amount contributed by the areas concerned.

21. The Zilla Panchayat shall coordinate the activities of the village and town panchayats within its jurisdiction and shall aid and advise the Bada Hakim of the Zilla on maters of policy, relating to the welfare of the Zilla. It shall also perform such other duties as may from time to time be assigned to it by the Government.

B. Central Legislature

22. (a) There shall be a State Legislature of Nepal which shall consist of His Highness the Maharaja and two Chambers to be known respectively as the Rastra Sabha and the Bharadari Sabha. (b) The Rastra Sabha shall consist of not less than sixty and not more than seventy members, both elected and nominated, as per Schedule "A" of this Act, provided that the ratio between the nominated and elected members be in the proportion of 2 to 3 as nearly approximating to that proportion as possible. (c) The Bharadari Sabha shall consist of not less than twenty and not more than thirty members, nominated by His highness to represent as far as possible the chief national interests and activities. (d) The Legislature of Nepal shall be a permanent body not subject to dissolution, but as near as possible one-fourth of the members thereof shall retire every year and new members be elected or nominated as the case may be in

accordance with the provisions in that behalf to be fixed by the President at the beginning of the first session.

23. (a) The Chambers of the Legislature shall be summoned to meet at least twice every year. (b) Subject to the provisions of this section, His Highness the Maharaja may in his discretion- (i) Summon the Chambers or either Chamber to meet at such time and place as he thinks fit, and (ii) Prorogue the Chambers.

24. His Highness the Maharaja may in his discretion address or send message to either or both Chambers. The Legislature shall with all convenient despatch consider any matter which it required to take into consideration in such an address or messages.

25. Every minister or the chairman of the Administrative Committee or in his absence the Departmental Secretary and the Advocate General shall have the right to speak in and otherwise to take part in the proceedings of either Chamber and any Committee of the Legislature, but shall be entitled to vote only in the Chamber of which he is a member.

26. (a) There shall be a President and a Vice-President of the Rastra Sabha, who shall respectively be nominated by His Highness the Maharaja and elected by the Chamber from among its members. In case of absence or vacancy of the President or the Vice-President nomination or election will take Place as the case may be. (b) (i) The President and the Vice-President may resign their office by writing under their hand addressed to His Highness the Maharaja or may be removed from office by order of His Highness the Maharaja for reasons to be specified under rules to be made for the purpose and any vacancy occurring shall be filled by nomination or election as the case may be. (ii) They shall vacate their office if they cease to be members of the House. They may be removed from office by resolution sponsored by two-third of the total number of members of the Sabha and passed by a similar majority of the members voting. (c) The Commander-in-Chief shall be the President of the Bharadari Sabha and the Vice-President thereof shall be nominated by His Highness the Maharaja.

27. (a) Save as in this Act expressly provided, all questions in a Chamber or a Joint sitting of the Chambers, shall be determined by a majority of votes of the members present and voting, other than the President or the person acting as such, who shall not

vote in the first instance but shall have a casting vote in the case of equality of votes. (b) Either Chamber shall have the power to act notwithstanding any vacancy in the membership thereof and any proceedings in the Chamber or in the joint sitting of the Chambers shall be valid notwithstanding that it is discovered subsequently that some person who was not entailed to do so sat or voted or otherwise took part in the proceedings. (c) If at any time during a meeting of a Chamber of the Legislature or at a joint sitting of the both Chambers, less than one-fourth of the total member of members of the Chambers or Chamber is present, it shall be the duty of the President or person acting as such, either to adjourn the meeting or suspend it until at least the required number of members is present.

28. Every member of the Legislature shall, before taking his seat, take an oath of office in the form and manner prescribed by rules under this Act.

29. (a) No person shall be a member of both the Chambers. (b) If a members of the Legislature becomes subject to any of the disqualifications mentioned in Section Thirty, the next succeeding section, or by writing under his hand addressed to His Highness resigns his seat, thereupon his seat shall become vacant. (c) If for two consecutive sessions of either Chamber or for forty-five days running, a member of the Chamber, without the permission of the president thereof, absents himself from all meetings of the Chamber his seat shall become vacant.

30. A person shall be disqualified for being chosen as, or for being, a member of either Chamber- (a) (i) If he holds any office under the Government other than an office, declared by rules made under this Act not to disqualify its holder. (ii) If he is of unsound mind, (iii) If he is an undischarged insolvent, (iv) If he is convicted of having violated rules about elections, made under this Act, provided that the time limit of his disqualification shall be fixed by the same rules, (v) If whether before or after passing of this Act, he has been convicted of any offense and sentenced to imprisonment for not less than one year by a Court in Nepal provided that Government may, after his discharge, remove the disqualification after five years or earlier. (vi) If he has been dismissed from civil or military, provided that Government may

remove the disqualification after five years or earlier. (b) A person shall not be capable being chosen a member of either Chamber while he is serving a sentence of imprisonment. (c) The seat of a person charge as per above section, disqualifying him from being a member of the legislature, shall remain vacant until final decision has been made on the subject by the court or authority concerned. (d) For the purpose of this section a person not be deemed to be disqualified under section (a) (i),- (i) If he is a Minister under the Government- (ii) If he holds certain pension or allowances through reasons other than an office of profit or (iii) If he receives small freeholds or concessions for work in the villages.

31. If a person sits or votes as a member of either Chamber when he is not qualified or disqualified for a membership thereof, he shall be liable in respect of each day on which he sits or votes to a penalty of Rs. 100/- to be recovered as a debt to the Government.

32. (a) Subjects to the rules and standing orders regulating the procedure of the Legislature, there shall be freedom of speech in the Legislature, and no member thereof shall be liable to any proceedings in any court in respect of anything said or any vote given by him in the Legislature or any Committee thereof and no person shall be so liable in respect of the publication by or under the authority of the Legislature of any report, paper, or proceedings. (b) No member of the Legislature shall be liable to any arrest or imprisonment during the meeting of the Legislature and within the precincts of the Chamber or to any proceedings under civil process during the whole period of any particular session of the Legislature. (c) No member of the Legislature shall be liable to any punitive or disciplinary action by the President other than being expelled from the Chamber for infringing the rules or behaving in a disorderly manner.

33. Members of the Legislature shall be entitled to receive such salaries and allowances as may be prescribed by His Highness at the firs instance and thereafter as determined by an act of the Legislature.

34. (a) Subject to the provisions of this Act, any member of the Legislature may ask question, move resolutions and introduce Bills regarding the welfare and administration of the whole of the Kingdom of Nepal or any part thereof and for the subjects

of Nepal, wherever they may be residing, provided that His Highness the Maharaja may disallow the putting of any question, the moving of resolution, and the introduction or consideration of any Bill, at any stage in the Legislature, if he regards the same as not being in the public interest. (b) Nothing can or shall further be said or done in the Legislature by questions, resolutions, or Bills that shall in any way interfere with or enact the succession, position, rights, and privileges of His Majesty Shree Maharajadhiraj or His Highness Shree 3 Maharaja as by ancient law, custom and usages established. (c) No question shall also be raised or discussed in the Legislature about the personal character of any individual, or in respect to the conduct of any judge in the discharging of his duties.

35. (a) Subject to the provisions of this Act with respect to financial and other Bills, a Bill may originate in either Chamber through any member of the House. (b) No Bill shall be deemed to have been passed by the chambers of the Legislature, unless it has been agreed to by both the Chambers.

36. (a) If After a Bill or any other measure has been passed by one Chamber and transmitted to the other Chamber, (i) The bill is rejected by the other Chamber, (ii) The Chambers have finally disagreed as to amendments to be made in the Bill, or (iii) More than twelve months elapse from the date of the reception of the Bill by the other Chamber without the Bill being presented to His Highness the Maharaja for his assent; His Highness the Maharaja may summon Chambers to meet in a joint sitting for the purpose of desiderating and voting on the Bill. (b) Any Bill thus passed at the joint sitting of the two Chambers shall be deemed to have been passed by both Chambers. (c) At a joint sitting of the two Chambers the president of the Bharadari Sabha or in his absence such person as may be appointed for the purpose by His Highness the Maharaja shall preside.

37. All bills passed by the Legislature shall become Law only after being authenticated by His Highness; and receiving his formal "Seal".

38. (a) His Highness the Maharaja shall in respect of every financial year cause to be laid before the Chambers of the Legislature a statement of the estimated receipts and expenditure for that year. (b) This statement shall show separately the following:-

(i) the sums required to meet expenditure described by this Act as expenditure charged upon the revenue of the State. (ii) The sums required to meet other expenditure proposed to be met from the revenues of the State. (c) The following expenditure shall be expenditure charged upon the revenue of the State- (i) The Civil Lists of His Majesty Shree 5 Maharajadhiraja and of His Highness Shree 3 Maharaja. (ii) Expenditure on the armed forces. (iii) pay, pension and allowances of public servants appointed by His Highness. (iv) Expenditure on foreign affairs, including matters governed by treaties or agreements, now in force or hereafter to be made. (v) Expenditure for the purpose of the discharge by the government of its special responsibilities with respect to the prevention of any grave menace to the peace and tranquillity of the country or any part thereof, the safeguarding of the financial stability and credit of the Government, the protection of the weak and depressed from oppression and with respect to items of expenditure, if any that may be classified for being spent at the exclusive discretion of His Highness the Maharaja. (vi) Salaries and allowances of members of the Council of Minister, the Advocate-General and Auditor-General. (vii) Expenditure on religious Guthi and Trusts (viii) Interest on Loans and charges on account of Sinking Fund. (ix) Any other expenditure charged by this Act or any other law to be so charged. (d) Any question whether any proposed expenditure falls within a class of expenditure charged upon the revenue of the State shall be decided by His Highness.

39. (a) So much of estimates of expenditure as relate to expenditure charged upon the revenue of the State shall not be submitted to the discussion or vote of the Legislature, provided that discussion may be allowed in either Chamber on estimates referred to in Section 38 (c) (vii), (viii) and (ix). (b) The expenditure with respect to grants on account of panchayats shall fall within items to be submitted to the Legislature for discussion, *provided that* no curtailment shall be made on the estimates submitted (c) So much of the said estimates as relate to other expenditure shall be submitted in the form of demands for grants to the Rastra Sabha and then the Bharadari Sabha and either Chamber shall have power to refuse to assent to any demand or to assent to any demand, with such alterations as it might deem necessary. (d) No

demand for a grant shall be made except on the recommendation of His Highness the Maharaja.

40. His Highness shall authenticate by a signature all grants made and voted upon by the Legislature and no expenditure shall be deemed lawful unless so duly authenticated.

41. If in respect of any financial year, other expenditure becomes necessary over and above the expenditure therefore, authorized for that year a supplementary grant may be obtained from the Legislature in accordance with the process and provisions mentioned above.

42. (a) A bill or an amendment with regard to- (i) Imposing or altering any tax, or (ii) Government coinage and currency, or (iii) The borrowing of moneyand the undertaking of any financial obligation by the Govemment, or (iv) Regulation about arms and ammunitions shall not be introduced or moved except on the intimation of the Government. (b) All Bill or resolution affecting the religion or religious rites and usages or any class or institution shall be deemed to have passed by the Legislature only if two-thirds of the members present and voting give their assent to it.

43. Provisions shall be made by Government for the smooth and speedy conduct of business of the Legislature: *Provided that* Government shall give consideration to the question of altering these rules if half the members of the House consider such alteration necessary.

44. All proceedings in the Legislature shall be conducted in Nepali.

45. (a) The validity of any proceedings in the Legislature or the conduct of an officer doing his rightful duty within the Legislature shall not be subject to the jurisdiction of any court of law. (b) Nor shall the validity of any proceedings in the Legislature be called in question of the ground of any alleged irregularity procedure.

46. His Highness the Maharaja in Council may promulgate such emergency regulations as are necessary for the preservation of law and order in the country or any part thereof. Any such regulation shall be valid for a period not exceeding six months before which these regulations may be annulled by His Highness if he considers that the situation no longer warrants the continuation of these regulations.

47. (a) If at any time, His Highness is satisfied that a situation has arisen in which, for the prevention of disorder and lawlessness in the country, the Government can not be carried on in accordance with the provisions of this Act, may, by proclamation- (i) Assume to himself all and any of the powers vested by this Act in any body or authority; (ii) Declare that such questions as are defined in this Act shall be conducted in the manner prescribed by him in his discretion. (b) Any such proclamation may be revoked or varied by a subsequent proclamation. (c) Within six months of such proclamation, His Highness shall summon the legislature.

PART V: ADMINISTRATION OF JUSTICE

48. Justice shall be cheap and speedy. Elementary civil and criminal justice shall be administered by the Village Panchayats in such manner and subject to such control and supervision as may be prescribed by law.

49. Justice shall be administered by Judges in public courts, established for the purpose. The courts shall comprise courts of first instance and also courts of appeal.

50. Subject to the provisions of this Act, the constitution and organization of courts, the distribution of jurisdiction and business among the courts and judges, the method of recruitment, terms of service and all other matters relating to administration of justice shall be regulated by law.

51. Special courts may, in extraordinary circumstances be established by His Highness, the Maharaja, if he considers that the procedure of ordinary courts would not be adequate to secure the preservation of public peace and order.

52. His Highness shall appoint from among the members of the Legislature, a Judicial committee, which shall consist of not more than 12 members including two members with special qualifications from outside the Legislature. The Committee shall have power- (i) To act as the Supreme Court of Appeal in special cases under such provisions as may be made under this Act. (ii) To frame rules and regulations for the administration of justice, and (iii) To carry out the provisions as specified in Section 67 of this Act. Subject to the provisions of this Act, rules regarding the composition and functions of this

Committee shall from time to time be framed by the Government.

53. (a) There shall be a High Court for Nepal (Pradhan Nyayalaya). (b) The High Court shall consist of a Justice and such other judges, not exceeding twelve in number, as His Highness may from time to time deem it necessary to appoint. *Provided that* His Highness may, on the recommendation of the Chief Justice, appoint to act as additional judges of the High Court, for such period, not exceeding two years, as may be required; and the judges so appointed shall, while so acting, have all the powers of a judge of the High Court.

54. Every permanent judge of the High Court shall hold office until he attains the age of sixty-five years: (a) A judge may by resignation under his hand addressed to His Highness resign his office; (b) A judge may not be removed from his office except by His Highness on a joint address by the Legislature praying for such removal on the ground of proved misbehaviour or incapacity; (c) a judge may be removed by His Highness on the ground of gross misbehaviour or infirmity, physical or mental, if the Judicial committee of the Legislature on reference by His Highness so recommends; (d) The judges of the High Court shall receive such remuneration as his Highness may fix; but the remuneration shall not be altered during their continuance in office.

55. The High Court shall be a court of records and have such jurisdiction, and such power and authority over or in relation to the administration of justice, as may be vested in it by law.

56. The High Court shall have superintendence over all courts for the time being subject to its jurisdiction, and may do any of the following things, that is to say,- (a) Call for returns; (b) Direct to transfer of any suit or appeal from any such court to any other court of equal or superior jurisdiction; (c) Make and issue general rules and prescribe forms for regulating the practice and proceedings of such courts; (d) Prescribe forms in which books, entries, and accounts shall be kept by the officers of any such courts; *Provided that* such rules and forms shall be consistent with the provisions of any law for the time being in force.

57. Until steps have been taken in regard to any matter covered by the provisions of this chapter, the existing laws and regulations in regard to that matter shall continue to be in force.

58. Provisions shall be made by law for the protection of judges and other officers acting judicially, for acts done or ordered to be done by them in good faith in the discharge of their duties.

59. Nothing contained in this Act shall derogate from the right of His Highness to grant pardons, reprieves, respites, or remission of punishments.

PART VI: MISCELLANEOUS

60. As soon after the commencement of this Act as expedient, the Government shall provide for universal, free, compulsory, elementary education, and technical and higher education will be provided by the State to the extent necessary to prepare candidates for wide opportunities of service of the people of Nepal. In addition, the State will provide as far as possible for the liquidation of adult illiteracv. The aim of educational institutions shall be good moral training. Personal and vocational efficiency and the development of the spirit of nationality, and international friendliness.

61. The Government shall have the authority to raise loans for the development of the State or in times of emergency, provided that it shall lay this information before the Legislature at its next meeting.

62. (a) There shall be an Auditor-General to be appointed by His Highness the Maharaja and he shall draw such salaries and allowances as His Highness the Maharaja may determine. It shall be his duty to examine and audit the accounts of the State, subject to such rules as may be framed in this behalf. He shall only be removed from office in like manner and on like grounds as a judge of the Pradhan Nyayalaya. (b) The Auditor-General shall submit to His Highness a report, relating to the accounts of the State, for being laid before the Legislature.

63. All acts and contracts made by the Council of Ministers in exercise of its executive authority shall be expressed in behalf of the Government of Nepal.

64. (a) The Government will frame rules implementing and elucidating this Constitution, especially with regard to fundamental rights, panchayat, judiciary, audits, education,

recruitment, promotions and transfers for the civil and military services and for the purpose of safeguarding the interests of public servants and the armed forces and for all matters not provided for in this Constitution. (b) The Government shall also make rules governing the qualifications of the voters and candidates, delimitations of electoral areas, and other matters relating to election.

65. (a) There shall be a Public Service Commission, appointed by His Highness for the purpose of selecting qualified candidates to all civil posts under the government. (b) It shall consist of such members as may be appointed by His Highness for the purpose together with representatives of departments where vacancies may have occurred. (c) It shall be the duty of the Public Service Commission within the rules to be framed under this Act to examine the fitness and qualifications of candidates for government service and to submit their recommendation.

66. Whereas difficulties may arise in relation to the working of this Constitution for the first time, His Highness may make such rules and regulations as may be needed for removing these difficulties and implementing the provisions of this Act.

67. Any dispute about the interpretation of any of the provisions of this Act or rules framed thereunder, shall be referred to the Judicial Committee of the Legislature which shall give its judgement within two months from the date of reference. This judgement shall be deemed final for all proposes.

68. (a) At the expiration of seven years from the commencement of this Actor if possible earlier as His Highness the Shree 3 Maharaja, in his sole discretion, may form a Commission as near half of whom as possible shall be elected by the Legislature for the purpose of inquiring into the working of the Govemment, the growth of education, and development of representative institutions, and matters connected therewith, and the Commission shall report as to whether and to what extent it is desirable to extend, modify or restrict the uegree of constitutional advance then existing therein. (b) The Commission shall also inquire into and report on any other matter which may be referred to the Commission by His Highness the Maharaja Shree 3. (c) His highness the Maharaja Shree 3 shall, on report of that Commission, take such action as may be deemed necessary and desirable for implementing the recommendations of the said Commission.

SCHEDULE A: COMPOSITION OF RASTRA SABHA

1. Elected Members:

(a) The Pradhan Panch of the following District Panchayats:

1. East No.1.	2. East No.2.
3. East No.3.	4. East No.4.
5. Dhankuta.	6. Ilam.
7. West No.1.	8. West No.2.
9. West No.3.	10. West No.4.
11. Palpa.	12. Gulmi.
13. Salyana.	14. Piuthan
15. Dailekh.	16. Doti.
17. Dandeldhum.	18. Baitadi.
19. Jumla.	20. Chisapani
21. The Valley proper	22 Bara Parsa
23. Rauhat	24. Mahotari.
25. Sarlahi	26. Saptari
27. Siraha	28. Morang, Jhapa
29. Palhi and Majhkhand.	30. Khajhani & Seoraj.
31. Banke and Bardiya	32. Kailali & Kanchanpur.

(b) The Pradhan Pancha of the following Town Panchayats:

33. Kathmandu	34. Patan
35. Bhaktapur	36. Birgunj

Note:- The boundaries of constituencies' may, taking the areas and population into consideration, be redrawn so as to give equal representation as far as possible, but the number of total seats shall in no case vary.

(c) List of the members from the special reprehensive throughout the country based on their special role and capacity is as following:

(i) Merchants and traders: Those paying Rs. 100 or more to the Government as customs duty shall elect one representative from among themselves.

(ii) Those owing 20 *Ropanis* or 10 *Bighas* of land or their equivalent in the hill districts or more those paying Rs. 1,000 or more to Government as land revenue shall elect one representative from among themselves.

(iii) Intelligentsia: Matriculates or *Madhyama* or those with higher Qualifications shall elect at least a graduate or an *Acharya* or those having equivalent qualification in Nepali.

(iv) Government servants

(v) Labor

Note: Rules and regulations concerning Sections (iv) and (v) shall be framed by Government.

(vi) Nominated members His Highness the Maharaja will nominate these.

Annexes

ANNEX –1

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Annex-2

Acronyms

1.	AD	After Death of Jesus Christ (Christian era)
2.	ADB	Asian Development Bank
3.	ADB/N	Agriculture Development Bank., Nepal
4.	BA	Border Administration
5.	BS	Bikram Sambad, 57 year older than Christian era.
6.	BYVY	Built your village yourself
7.	CDO	Chief District Officer
8.	CDOs	Chief District Officers.
9.	CDP	Constituency Development Programme
10.	CE	Chief Executive
11.	DP	District Panchayat
12.	DSP	Deputy Superintendent of Police; a district police chief.
13.	DU	District Unit (District level unit of political division for local self government)
14.	FLO	Field Level Offices
15.	GDP	Gross Domestic Product
16.	GNLF	Gorkha Nationalists Liberation Front
17.	GNP	Gross National Product.
18.	GO	Governmental Organisation
19.	HM	His Majesty
20.	HMG/N	His Majesty Government of Nepal
21.	LGI	Local Government Institution
22.	INGO:	Non governmental Organisation
23.	NAM:	Non-Align Movemaenat.
24.	CPNs:	Communist parties of Nepal

25.	RNAC:	Royal Nepal Airlines Corporation.
26.	MOH	Ministry of Home
27.	NC	Nepali Congress
28.	NCP-UML	Nepal Communist Party United Marxist-Leninist.
29.	NGO	Non-governmental Organisation
30.	NPC	National Planning Commission
31.	NSSCDP	Neglected Suffered and Suppressed Community Development Programme.
32.	PE	Public Enterprises.
33.	PM	Prime minister
34.	PSE	Public Service Commission
35.	PTC	Panchayat Training Centre
36.	RADP	Rural Awareness Development Programme.
37.	RPP	Rastriya Prajatantra Party
38.	SAARC	South Asian Association of Regional Cooperation
39.	VU	Village Unit (lowest unit of the political division)
40.	ZC	Zonal Commissioner
41.	DDO:	District Development Officer
42.	BDO:	Block Development officer
43.	MBO	Management by objective
44.	RNAC:	Royal Nepal Airlines Corporation
45.	MP:	Member of Parliament
46.	VDC:	Village Development Committee
47.	DDC:	District Development Committee
48.	PDLT:	Panchayat Development and Land Tax
49.	NSP:	Nepal Sadbhawana Party

Annex-3

Glossary

1. Bihari Politics: Democracy of Force,
2. Dhandaa : socially unwanted jobs.
3. Andolan: Movement/ Revolution
4. Sri-5: His Majesty
5. Sri-3 the hereditary Prime Minister
6. Paropakar punyaya paapaaya parapidanam: giving trouble to others is sin helping others is dharma.
7. Anchal Sabha: Zonal Assembly
8. Pratinidhi sabha: House of representative.
9. Rastriya parishad: privy Council
10. Prdhan nyayalaya: Supreme Court
11. Rastra Sabha: Lower house
12. Bharadari Sabha: Upper House
13. Deepawali: festival of light, expression of happyness.
14. Mel milapko batavaran: reconsiliation.
15. Supurdgi Ain:
16. Kothe: Indoor
17. Dada: Ring Leader
18. Gundaa: Similar to that of Dada
19. sabai nepali paanch sabai pancha nepali: All Nepali Panch all Panch Nepali
20. Bada Patra - great order letter, charter
21. Badahakim- district governer
22. Bali - the share of the state
23. Banda - closing doors and stopping works for certain demands, a kinds of referendum.

24. Basudhaiba kutumbakam - universe as one family
25. Bote - boatman
26. Bramacharya - energy preservation development of will-power
27. Chad-parba- festivals
28. Chakadi - apple polishing
29. Chakalaband- consolidation of farm land
30. Chukli Languane Manchhe- reporting against some one; character massacrer
31. Dada - hero of the group of gunda, a ringleader
32. Darshanbheti- present to meet to a big personality
36. Dhyana - meditation; concentration of mind
37. Viveka - common sense; wisdom
38. Yama - social discipline
39. Yoga - physical exercise for good health and clear mind.
40. ***Panchyat System***: a socialistic democratic system between capitalism and communism(mixed economic) party less system
41. ***Bubhukshita kim nakaroti papam*** : a hungry man does any crime. Janajaaati: the aboriginal ones Maagi khane bhando: a tool to beg
42. ***Vedic:*** as per vedah, since vedic time Manusmriti: A book by Manu Rishi Kautilya: A book by Kautilya Rana: The hereditary Ruling Priministers o Nepal Thya/Mathya:The pure and impure blood sarba naase samutpanne ardham tyajati panditah:an intelligent saves half in case of loosin all. Belayat/Belayati: London/Londonian ***Bayan:*** Description Ghanse ghew: Vegetable oil
44. ***Tarun dal:*** Youth Force of Nepali Congress Party

ANNEX- 4

Text of the Ceasefire Code of Conduct agreed between the govt. of Nepal and CPN (Maoist) on May 25, 2006

Preamble:

Respecting the popular mandate expressed through the historic people's movement for total democracy, progress and peace;

Remaining committed towards the Universal Declaration of Human Rights -1948, and fundamental principles and values of international humanitarian law and human rights;

Remaining committed to fulfil the 12-point agreement between the seven political parties and the Maoists;

Remaining committed towards democratic values including the concept of competitive multiparty democracy, civic liberties, fundamental rights, human rights, press freedom and rule of law;

Guaranteeing the fundamental rights of the Nepali people to participate in the process of constitution making through elections to the Constituent Assembly without any fear, threat and violence;

Placing democracy, peace, prosperity, forward-looking social transformation and freedom, sovereignty and dignity of the nation in the center; and

In order to transform the ceasefire between the Government of Nepal and the CPN (Maoist) into permanent peace and resolve the problems through negotiations, a code of conduct has been issued as follows as per the wishes of the Nepali people

Guaranteeing fearless civilian life

1. Not to issue any statement or engage in any activities which could provoke each other.

2. Both the parties shall not mobilise, display or use their armed forces in a manner that could spread fear and terror amongst the people.
3. Not to attack or destroy each other's military or security installations, not to lay down mines or ambushes, not to recruit new people in one's military and not to spy against each other.
4. Both sides will extend mutual cooperation in order to maintain peace and security.
5. Discussion and understanding will be made as per need regarding the issue of management of arms and armed personnel.

Creating an environment of trust among the people

6. Both the parties will not participate in public meetings, conference or any other political activities in combat dresses or along with arms.
7. No hindrance will be made from either side for political activists and members of social organisations to move around the country and express their views, organise meetings or engage in their organisational works. They will not be subject to any mental or physical pressure.

On basic services to the people and development activities

8. During the period of ceasefire, activities like `bandh' (general strike) and `chakka jam' (transport strike) will not be organised, but peaceful demonstrations may be organised.
9. Essential services and facilities to the people will be allowed to operate without any disruption.
10. Not to create hurdles in undertaking regular development works peacefully and other works aimed at people's benefit.
11. Transportation of items like food, medicines, materials used in development woks and daily utility items will not be obstructed or banned.
12. Both the parties will create an environment for the smooth functioning of schools, colleges and universities, hospitals, health centres and industrial institutions.

Creating an environment of trust among the people

Cooperation from media for peace talks

13. Use civilised and dignified language while disseminating information about ceasefire, code of conduct and the peace process and other political activities.
14. Nobody should issue statements through media in a manner, which could hamper the talks and peace process.

Not to collect donation and other financial assistance forcefully

15. Donation or financial assistance in cash, kind or in the form of services will not be collected or mobilised against one's will.
16. Accusation, claims or cases filed by both the parties against various individuals will be withdrawn and the detainees will be released gradually.
17. Whereabouts of the people who have been disappeared will be publicised immediately.
18. To help in the rehabilitation of and extend cooperation to displaced people to return to their respective houses in a peaceful, comfortable and respectable manner .
19. Return the properties of the leaders of political parties, activists and civilians, which were seized, locked up or prohibited from being used during the period of the conflict, to concerned persons or their families. Problems arising while returning the properties will be resolved through mutual agreement.

Facilitating the talks

20. No hurdles will be created in the movement and activities of individuals involved in negotiations from both the parties.

Monitoring

21. On the basis of mutual agreement between the two parties, national and international monitoring teams will be asked to monitor the ceasefire.

Miscellaneous

22. Dispute, if any, in terms of interpretation of this code of conduct, will be resolved on the basis of agreement between the parties.
23. In accordance with the spirit of the preamble of this code, amendments could be made in the code of conduct through mutual agreement.
24. To enforce this code of conduct immediately after it is signed.
25. To make the code of conduct public immediately after it is signed.

Signed by: Krishna Bahadur Mahara
On behalf of the CPN (Maoist)

Signed by: Krishna Prasad Sitaula
On behalf of the govt. of Nepal

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