

Constituent Assembly
Committee to Decide on the Structure of Constitutional Bodies
Preliminary Draft 2066 (2009)

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Preliminary Draft

Contents

| | Page number |
|---|-------------|
| 1. Preamble | 3 |
| 2. 1. Commission for Investigation on Abuse of Authority | 4 |
| 3. 2. Audit Commission | 9 |
| 4. 3. Public Service Commission | 14 |
| 5. 4. Election Commission | 19 |
| 6. 5. Human Rights Commission | 23 |
| 7. 6. Women Commission | 30 |
| 8. 7. Dalit Commission | 34 |
| 9. 8. Adibasi/Janjati (Indigenous/Ethnic Communities) Commission | 38 |
| 10. 9. Commission for the Protection of the Rights of People with Disabilities, Minority and Marginalized Groups and People of Backward Regions | 42 |
| 11.10. Madhesi Commission | 47 |
| 12.11. Muslim Commission | 51 |

**Constituent Assembly
Committee to Decide on Structure of Constitutional Bodies**

| Theme | Proposed provision to be Included in the Constitution | In which Part, Article or place of the Constitution should it be incorporated | Reason or explanatory comment regarding the need to incorporate the proposed provision |
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| Preamble | Adopting and expressing full commitment to the democratic norms and values such as human rights, adult franchise, periodic electoral system, state of law, independent judiciary, representative and an accountable government, transparency in the government activities, limited government, good governance which are the foundation of the constitutionalism that remain the precondition to the federal democratic and republic constitution, ending class, racial, linguistic, gender, cultural, regional discrimination, and accepting the fact that the institutional development of democracy, sustainable peace, stability and economic and social transformation is possible only after building an inclusive state, while making women, Dalits, indigenous people/Janjatis, Madhesis, Muslims, disabled people, and people of minority and marginalized groups and backward region and class participate in all the organs of state restructuring on the basis of proportionate representation and inclusiveness to ascertain their (own)rights and interests and for their upliftment and development, and removing all kinds of discrimination | Preamble | The Preamble is the vital and major part of the Constitution. The Preamble is incorporated in the new constitution to render government activities transparent and bring them within the periphery of the concept of the state of law and, thereby, to establish good governance through an accountable, limited and improved government, and for the upliftment of women, Dalits, Indigenous people/ethnic communities, Madhesis, Muslims, and people of marginalized and minority groups and the backward class by ensuring their representation on the basis of a proportionate and inclusive system in the |

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| | <p>and inequality and thereby providing equal opportunities in economic, political, social, and educational sectors to pursue social justice as well as in establishing harmony among various castes and races, religions, languages, origin, ethnicities and communities, . . .</p> <p><i>Note: Although the Preamble is related with the jurisdiction of the Constitutional Committee, it is prepared (to the extent of) to help in stating the spirit and norms of the issues pertaining to the jurisdiction of the Committee.</i></p> | | <p>constitutional bodies.</p> |
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| Theme | Proposed provision to be Included in the Constitution | In which Part, Article or place of the Constitution should it be incorporated | Reason or explanatory comment regarding the need to incorporate the proposed provision |
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| <p>1. Commission for Investigation of Abuse of Authority (CIAA)</p> | <p>1. There shall be a Commission for Investigation of Abuse of Authority (CIAA) in Nepal comprising a Chief Commissioner and two other Commissioners on the basis of proportionate representation and inclusiveness. The Chief Commissioner shall function as the Chair of the Commission for Investigation of Abuse of Authority after other Commissioners besides the Chief Commissioner are appointed.</p> <p>2. The President shall appoint the Chief Commissioner and other Commissioners on the recommendation of the Constitutional Council.</p> <p>(Option: The Legislative Assembly shall endorse the</p> | <p>To be included in a separate Part</p> | <p>The Commission for Investigation of Abuse of Authority (CIAA) has been provisioned in the Constitution as an institution that functions in an independent and impartial manner in order to investigate into the activities of the people holding public offices as to whether they have given any trouble to people, if they have abused the power</p> |

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| | <p>appointment made by the Executive Head.)</p> <p>3. The tenure of the Chief Commissioner and other Commissioners shall be six years from the date of their appointment. They can be reappointed for an additional tenure.</p> <p>Provided that,</p> <ol style="list-style-type: none"> a. If, before the expiry of his/her term, the Chief Commissioner or a Commissioner attains the age of sixty-five, they shall retire. b. The Chief Commissioner and Commissioners may be removed from their office on the same grounds and in the same manner as has been set out for removal of a Judge of the Supreme Court. <p>4. The office of the Chief Commissioner or a Commissioner shall be deemed vacant in the following circumstances:</p> <ol style="list-style-type: none"> a. If he/she tenders his/her resignation before the President, b. If his/her tenure expires according to clause (3), c. If he/she dies. <p>5. A person shall be eligible to be appointed as the Chief Commissioner or a Commissioner if he/she has the following qualifications:</p> <ol style="list-style-type: none"> a. holds a Bachelor's Degree from a university recognized by the Government of Nepal, b. is not a member of any political party immediately before the appointment, c. has at least fifteen years' experience in the field of accounting, revenue, engineering, law, | | <p>given to them in the process of exercising the power, and to make timely arrangement for remedy for the same since the state needs an institution that functions as an agency to alert so as to make public officials accountable to people and turn their activities towards popular interest.</p> <p>It is essential that the person appointed to investigate on the abuse of rights by the people holding a public office remains indifferent to external influence, and works in an impartial and independent manner. Therefore, the provision of his/her being appointed by the President on the recommendation of an independent Constitutional Council is deemed proper. Moreover, it is deemed desirable to fix his/her tenure, and provided that the officials of the Commission tender their resignation, apart from retiring on account of their age, or are found to be lacking in honestly</p> |
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| | <p>development or research and is a reputed person,</p> <p>d. has attained forty years of age, and</p> <p>e. possesses a high moral character and social prestige.</p> <p>6. The remuneration and other conditions of service of the Chief Commissioner and Commissioners shall be as determined by the law. The remuneration and other conditions of service of the Chief Commissioner and Commissioners shall not, as long as they hold office, be altered to their disadvantage.</p> <p>7. A person once appointed as Chief Commissioner or Commissioner shall not be eligible to be appointed to other positions of Government services.</p> <p>Provided that,</p> <p>a. Nothing in this Clause shall be deemed to be a bar to appointment of a Commissioner of the Commission for Investigation of Abuse of Authority as its Chief Commissioner, and when a Commissioner is so appointed to the position of the Chief Commissioner, his/her tenure as Commissioner shall also be added while counting the tenure of his office.</p> <p>b. Nothing in this Clause shall be deemed to be a bar to the appointment to any position of political nature, or to any position which has the responsibility of making investigations, inquiries or carrying out studies and present opinions or make recommendations.</p> | | <p>carrying out their responsibilities or showing improper conduct, or are found wanting in work efficiency, or in similar matters, they can be terminated on the same grounds and in the similar manner as has been set for a Judge of the Supreme Court. The provision is made to provide safety to their service so that they cannot be removed from office in a haphazard way.</p> <p>Since the Commission can function effectively only when an able Chief Commissioner and Commissioner are appointed, the proposed constitution has also determined his/her qualifications as somebody holding a Bachelor's Degree, and with at least fifteen years' experience in the field of accounting, revenue, engineering, law, science or research sectors, and who has earned reputation in the area.</p> |
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| <p>Functions, Duties and Powers of the Commission for Investigation of Abuse of Authority</p> | <p>1. The Commission for 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 a public office.</p> <p> Provided that this Clause shall not be applicable to any official in relation to whom there is a separate provision in this Constitution, and with regard to any officials about whom there is separate, special legal provision.</p> <p>2. An inquiry and investigation may be conducted, or caused to be conducted according to law, against any official of a Constitutional Body who is to be removed from office following an impeachment resolution on the ground of misbehavior, or any Judge removed by the Judicial Council on similar charges, or any person who could be tried under the Army Act.</p> <p>3. If the Commission for Investigation of Abuse of Authority finds, following an inquiry or investigation carried out pursuant to Clause (1), that any person holding any public office has misused his/her authority by committing an act which is defined by law as improper conduct, it may warn such person, or forward a recommendation to the authority concerned in writing to take departmental action or any other necessary action as prescribed by law.</p> <p>4. If the Commission for 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 lodge or cause it to be lodged as</p> | | <p>Since that the inquiry, investigation and lodging of a case by a single body may create doubt in its impartiality, a provision has been made in the present constitution for the Commission for Investigation of Abuse of Authority to lodge, upon inquiry and investigation and in accordance with law, a case, or cause a case to be lodged, against a person holding any public office or other persons involved in such crime as an act of corruption as determined by law and according to the suggestion made by the Attorney General.</p> <p>Likewise, the present constitution has made a provision for the Commission for Investigation of Abuse of Authority to make an inquiry and conduct investigation into improper conducts of the officials holding a public office for impartiality, carelessness, ill intention, showing partiality,</p> |
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| | <p>a case against such person, or any other person involved in it in a court of law which has the jurisdiction according to law by consulting the attorney general.</p> <p>5. If the Commission for Investigation of Abuse of Authority finds, upon inquiry and investigation carried out pursuant to Clause (1), 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 the authority or body concerned in writing for necessary action.</p> <p>6. Subject to this Constitution, other functions, duties, powers and procedures of the Commission for Investigation of Abuse of Authority shall be as determined by law.</p> <p>7. The Commission for Investigation of Abuse of Authority may delegate all its powers, functions and duties relating to inquiry, investigation or lodging cases, to the Chief Commissioner, Commissioner, or any employee of the Government of Nepal to be exercised by observing the terms and conditions thus specified.</p> | | <p>arbitrariness, abuse of power, heedlessness (indifference), dilli-dallying, inefficiency, etc so as it may not cause any inconvenience to the people, and warn such officials, administer a departmental action, or recommend in writing to the authority concerned for other necessary action according to law.</p> <p>The present provision is made as it is deemed essential for the Commission to delegate powers to the Chief Commissioner, Commissioners and the employees of the Government of Nepal to conduct inquiry and investigation into and lodge a case, or cause to lodge it.</p> |
| Regional Provision | There shall be a Commission for Investigation of Abuse of Authority in the province. | | There shall be a Commission for Investigation of Abuse of Authority in a province/state as deemed necessary. |
| Annual Report | 1. The Commission for Investigation of Abuse of Authority shall submit an annual report to the President on the work it has performed in accordance with this Constitution, and the President shall make | | The provision is made to present an annual report in the Legislature-Parliament following a discussion on the |

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| | <p>arrangements through the Prime Minister to submit such report before the Legislature-Parliament.</p> <p>2. The annual report to be submitted pursuant to Clause (1) shall contain <i>inter alia</i> the total number of complaints lodged during the year at the Commission, the number of cases in which investigation has been completed, cases filed in court with jurisdiction in accordance with law, with the number of cases pending, the cases in which warnings have been issued, or forwarded with recommendations in writing for departmental action or any other necessary action, the achievements in preventing corruption and the recommendations for future improvements.</p> | | works of the Commission with a view to their effective implementation and about the activities that will inform people about ground realities. |
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| Theme | Proposed System to be incorporated in the Constitution | In which Article, Clause or Place of the Constitution should it be incorporated | Reason or explanatory comment regarding the need to incorporate the proposed provision |
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| 2. Audit Commission | <p>1. There shall be a Federal Audit Commission in Nepal comprising a Chairperson and two other members on the basis of proportionate representation and inclusiveness.</p> <p>2. The Chairperson and the members of the Federal Audit Commission shall be appointed by the President on the recommendation of the Constitutional Council. (Option): The Legislature-Parliament shall have to endorse the appointment made by the executive head.)</p> <p>3. The term of office of Chairperson and members of the Federal Audit Commission shall be six years from</p> | To be included in a separate Part | The Commission for Audit has been provided constitutional protection to make it independent in order to enable it to audit public property and draw the Legislature's attention towards improper expenditures, if any. The provision for an Auditor General has been made right from the beginning of the |

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| | <p>the date of appointment.</p> <p>Provided that,</p> <ol style="list-style-type: none"> a. If, before the expiry of their term, the Chairperson and members of the Federal Audit Commission attain the age of sixty-five, they shall retire. b. The Chairperson and members of the Federal Audit Commission may be removed from their office on the same grounds and in the same manner as has been set out for removal of a Judge of the Supreme Court. <p>4. The office of the Chairperson and the members of the Federal Audit Commission shall be deemed vacant in the following circumstances:</p> <ol style="list-style-type: none"> a. if they tender a written resignation to the President, b. if, their term expires according to Clause (3), c. if they die. <p>5. A person shall be eligible to be appointed as the Chairperson and a member of the Federal Audit Commission if he/she</p> <ol style="list-style-type: none"> a. holds a Master’s Degree in Management, Commerce or Accounts from a university recognized by the Government of Nepal, or has worked as a Special Class Officer of the Government of Nepal after successfully completing the Chartered Accountants’ examination, or has at least fifteen years’ experience in the field of auditing; b. is not a member of any political party immediately before the appointment; | | <p>constitutional development in Nepal in order to audit the accounts and ledgers of the government departments and offices and courts, and, constitutional provision has been made for a Federal Audit Commission in the present constitution to make it gradually oriented towards collective leadership.</p> <p>It is highly imperative that the Chairperson and two other members of the Commission to be independent and impartial to bear the responsibility of conducting audit of government departments and offices and courts. Thus, the present provision has been made since it is proper to have them appointed by the President on the recommendation of an independent constitutional council. Moreover, since it is desirable to fix their term of office, and apart from the circumstances in which the officials of the Commission</p> |
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| | <p>c. has attained forty years of age; and</p> <p>d. possesses a high moral character and is socially reputed.</p> <p>6. The remuneration and other conditions of service of the Chairperson and members of the Federal Audit Commission shall be as determined by law. The remuneration and other conditions of service of the Chairperson and members of the Federal Audit Commission shall not, so long as they hold the office, be altered to their disadvantage.</p> <p>7. A person once appointed as the Chairperson and a member of the Federal Audit Commission shall not be eligible for appointment in other Government services. Provided that,</p> <p>a. This Clause shall not be deemed a bar to the appointment of a member of the Federal Audit Commission as Chairperson thereof, and if a member is, in accordance with the Clause, appointed as the Chairperson, the term of his/her office as the member of the Commission shall also be added.</p> <p>b. Nothing in this Clause shall be a bar for the appointment to any position of a political nature, or to any position which has the responsibility of conducting investigations, inquiries or findings on any subject, or to any position which has the responsibility of submitting advice, opinion or making recommendations after carrying out studies or research on any subject.</p> | | <p>tender their written resignation, or retire by attaining certain age, they can be removed from their office if they fail to honestly carry out duties, or due to improper conduct, or lack of efficiency, or on the same ground and in the same manner as has been set out for the removal of the Judge of the Supreme Court. This provision has been made as it is deemed proper to give protection to their service against their removal in a haphazard way.</p> <p>Provision has been made to appoint only such person who holds a Master's Degree in Management, Commerce or Accounts or has worked as a Special Class Officer of the Government of Nepal after completing the Chartered Accountants examination, or has at least fifteen years' experience in the field of auditing because only an able (qualified) person appointed as the Chairperson and member</p> |
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| | | | of the Commission may effectively perform his/her work. |
| Functions, Duties and Powers of the Audit Commission | <p>1. The accounts of the Supreme Court, Legislature-Parliament, Constituent Assembly, Commission for the Investigation of Abuse of Authority, Public Service Commission, Election Commission, National Human Rights Commission, Office of the Attorney General and other offices of constitutional bodies and the Nepal Army and Armed Police Force, Nepal Police, National Investigation Department as well as of all other government offices, courts, local bodies, government academic institutions and public institutions shall be audited by the Federal Audit Commission in the manner determined by law, with due consideration given to the regularity, economy, efficiency, effectiveness and the propriety thereof.</p> <p>2. The auditing of the Federal Audit Commission shall be done by an auditor appointed by the Public Account Committee of the Legislature-Parliament.</p> <p>3. The Audit Commission shall, at all times, have access to documents concerning the accounts for the purpose of conducting the functions specified in Clause (1). Accordingly, 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 President and members or the employees of the Federal Audit Commission.</p> <p>4. The accounts to be audited pursuant to Clause (1) shall, subject to the relevant law, be maintained in such form as is prescribed by the Federal Audit</p> | | <p>The present constitution has made a provision for, and fixed the functions, duties and powers of the Commission for Auditing in order to examine the system of book keeping of the expenditures of the public property and examine the regularity, economy, efficiency, effectiveness and the propriety thereof in the accounts of all the government offices and courts.</p> <p>Moreover, the earlier constitutions had a provision of appointing an auditor in consultation with the Auditor General in order to maintain regularity in the accounts of the expenditures of the organizations established under the government ownership; however, the present constitution has made a provision of auditing the accounts of all the government</p> |

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| | <p>Commission.</p> <p>5. In addition to the accounts of the offices referred to in Clause (1), the law may also require that the accounts of any other office or institution be audited by the Federal Audit Commission.</p> | | <p>offices which have been sanctioned government budget as well as government academic institutions, local bodies and public enterprises by the Audit Commission itself.</p> |
| Regional Provision | <p>In general, there may be a branch of the Federal Audit Commission in every province/state.</p> | | <p>It is deemed proper that the provision for the province/state be made according to the same constitution and law that specify the functions, duties and powers of the Federal Auditing Commission.</p> |
| Annual Report | <p>1. The Federal Audit Commission shall submit to the President an annual report on the work the office has performed, and the President through the Prime Minister shall make arrangements to submit such reports to the Legislature-Parliament.</p> <p>2. The annual report to be submitted pursuant to Clause (1) above shall state, <i>inter alia</i>, the offices in respect of which the National Audit Commission has carried out audits in that year, any irregularities revealed by the audit, the achievements in resolving irregularities and the results obtained, and the details of recommendations for reform in future in regard to audit.</p> | | <p>The provision of submitting an annual report has been made following a discussion on the works of the Commission in the Legislature-Parliament, and also to ensure its effective implementation and informing people about ground realities.</p> |

| Theme | Proposed provision to be incorporated in the Constitution | In which Part, Article or place of the Constitution should it be incorporated | Reason or explanatory comment regarding the need to incorporate the proposed provision |
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| <p>3. Public Service Commission (PSC)</p> | <p>1. There shall be a Federal Public Service Commission in Nepal consisting of a Chairperson and other members as deemed necessary on the basis of proportionate representation and inclusiveness.</p> <p>2. The President shall, on the recommendation of the Constitutional Council, appoint the Chairperson and other members of the Public Service Commission. (<u>Option</u>: The Legislative-Assembly shall have to endorse the appointment made by the Executive Head.)</p> <p>3. At least fifty percent of the total number of the members of the Public Service Commission shall be appointed from among the persons who have worked for at least fifteen years or more in any government service, and the rest of members shall be appointed from among the persons who have been involved in research, investigation, teaching, or any other significant work in the field such as science, education, health, business, technology, art, literature, law, public administration, sociology or any other walks of national life, and who hold a high reputation.</p> <p>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, and they can be reappointed for an additional term of office. Provided that, a. If, before the expiry of his/her term, the</p> | <p>To be Included in a Separate Part</p> | <p>An impartial and independent Civil Service is essential for the successful implementation of the laws made by the people’s representatives and policies of the Executive. Accordingly, it is found that the Government of Nepal Constitutional Law, BS 2004 had a provision of <i>Darkhast Parishad (A Council to receive applications)</i>, and the constitutions drafted after the people’s revolution of BS 2007 made a provision of the Public Service Commission as an independent body.</p> <p>It is essential for the persons with the responsibilities of selecting qualified persons for Civil Service to be independent and impartial.</p> |

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| | <p>Chairperson or a member of the Public Service Commission attains the age of sixty-five, he/she shall retire.</p> <p>b. The Chairperson or a member of the Public Service Commission may be removed from office on the same grounds and in the same manner as has been set out for the removal of a Judge of the Supreme Court.</p> <p>5. The office of the Chairperson or a member of the Public Service Commission shall be deemed vacant in the following circumstances:</p> <ol style="list-style-type: none"> a. if he/she tenders a written resignation to the President. b. if, his/her term expires pursuant to the Clause (4), or he/she is removed from his/her office, c. if he/she dies. <p>6. A person shall be eligible to be appointed as Chairperson or a member of the Public Service Commission only if he/she possesses the following qualifications:</p> <ol style="list-style-type: none"> a. holds a Master's (Post-graduate) degree from a university recognized by the Government of Nepal, b. is not a member of any political party immediately before the appointment, c. has attained the age of forty years, and d. possesses high moral character and social prestige. <p>7. The remuneration and other conditions of service of the Chairperson or the members of the Public Service Commission shall be as determined by law. The</p> | | <p>Thus, the present provision is made as it is proper to have them appointed by the President on the recommendation of an independent constitutional council. Moreover, since it is desirable to fix their term of office and, apart from the circumstances in which the officials of the Commission tender their written resignation and retire on attaining certain age, they can be removed from their office if they fail to honestly conduct their duties or for improper conduct, or for lack of efficiency in the same manner as has been set out for the removal of a Judge of the Supreme Court. This provision is made as it was deemed proper to guaranty their service against (other) haphazard way of removing them.</p> <p>Provision is made to appoint only such a person who holds a</p> |
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| | <p>remuneration and other conditions of service of the Chairperson and the members of the Public Service Commission shall not, as long as they hold office, be altered to their disadvantage.</p> <p>8. A person once appointed to the office of the Chairperson and the member of the Public Service Commission shall not be eligible for appointment to other position of Government service.</p> <p>Provided that,</p> <p>a. Nothing in this Clause shall be deemed a bar to the appointment of a member of the Public Service Commission to the Chairperson of the Commission, and when a member is appointed to the position, his/her term of office shall be counted with his/her tenure as the member of the Commission as well.</p> <p>b. Nothing in this Clause shall be deemed 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 making recommendations after conducting studies or research on any subject.</p> | | <p>Master's Degree in science, education, health, business, technology, art, literature, law, or someone who is reputed for his contribution in education or research in other areas of national life, and at least fifty percent of them shall be from those who have at least fifteen years' experience in the Civil Service, and by determining the qualification to be appointed as the Chairperson and member of the Commission and only this can ascertain the effectiveness of the Commission in conducting its work.</p> |
| <p>Functions, Duties and Powers of the Public Service Commission</p> | <p>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.</p> <p>Explanation: For the purpose of this Article, all services and positions in the Government of Nepal shall be deemed included within the Civil Service</p> | | <p>The present constitution has outlined as a major work the conducting of examinations for appointment to different offices of the Civil Service since the administrative</p> |

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| | <p>except Army officers or soldiers and the service and positions of Armed Police or Police personnel, and such other services and positions as are excluded from the Civil Service or positions by Act.</p> <p>2. The provision for filling the vacancies, making appointments and promotion of the teachers of the government schools, police, armed police, army service, <i>inter alia</i>, of other government services may be made by the Public Service Commission.</p> <p>3. 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.</p> <p>4. The Public Service Commission shall be consulted on the following issues.</p> <ol style="list-style-type: none"> a. matters pertaining to 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 therein, the Civil Service or positions therein, c. matters concerning the suitability of any candidate for appointment to a Civil Service position for a period of more than six months, f. matters concerning the suitability of any candidate for transfer or 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 | <p>efficiency can be maintained after the effective implementation of the laws and government policies only after the selection of skilled and able candidates. Moreover, a provision has been made to consult the Public Service Commission in regard with the protection of the services and conditions of the Civil Service, appointment and promotion of qualified candidates, and departmental action against the candidates lacking proper conduct becoming their positions, in regard with the propriety of the candidates being appointed in Civil Service for at least over six months, and the propriety of the candidates being transferred and promoted from one kind of Civil Service to another. The present Constitution has provided for the security of the Civil Servants by making a provision of consulting the Public Service Commission regarding the departmental</p> |
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| | <p>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</p> <p>f. matters relating to departmental actions proposed against any Civil Servant.</p> <p>5. Notwithstanding anything mentioned in Clause (4)???, matters falling within the purview of the Judicial Service Commission pursuant to Article 144 shall be governed by that very Article.</p> <p>6. The Public Service Commission may provide advice, if requested by any public enterprise, with regard to the existing law relating to the terms and conditions of service of their employees, and with regard to the general principles to be followed in the course of appointment of, promotion of, and departmental actions against, such employees.</p> <p>Explanation: For the purpose of this Article, the term “public organization” refers to any corporate body in which the Government of Nepal owns and controls more than fifty percent of the shares or assets.</p> <p>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 Government of Nepal, to be exercised in compliance with specified conditions.</p> <p>8. Subject to this Constitution, other functions, duties and working procedures of the Public Service Commission shall be as determined law.</p> | | <p>action to be taken against all Civil Servants of gazetted or non-gazetted ranks.</p> <p>The provision has also been made requiring the Public Service Commission to make arrangements regarding the filling up of the vacancies in teaching service, police and army apart from the Civil Service, and as it is deemed necessary to enhance the jurisdiction of the Public Service Commission subject to management of the same by the laws concerned.</p> |
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| Regional Provision | The regional provision of the Public Service Commission shall be made as determined by law. | | It is deemed proper to make necessary provision in the province/state in accordance with law. |
| Annual Report | <p>1. Every year, the Public Service Commission shall submit to the President an annual report on the work it has performed, and the President, through the Prime Minister, shall make arrangements to submit such reports before the Legislature-Parliament.</p> <p>2. The annual report to be submitted according to Clause (1) shall contain, <i>inter alia</i>, description of the examinations conducted by the Public Service Commission throughout the year for selecting candidates, candidates who succeed in such examinations, advice provided to various agencies and punishment of civil servants and the follow-up thereto, consultation provided, if any, on the application of the general principles to be followed in the course of appointment to, promotion to, and departmental action concerning the Government Service, and the matters relating to reform of the Civil Service in the future.</p> | | It is deemed proper to make a provision of submitting the annual report in order to make the activities of the Commission transparent and accountable, hold discussion on the same in the Legislature-Parliament, and keep the people well-informed. |

| Theme | Proposed provision to be incorporated in the Constitution | In which Part, Article or place of the Constitution should it be incorporated | Reason or explanatory comment regarding the need to incorporate the provision |
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| 4. Election Commission (EC) | 1. There shall be a Federal Election Commission in Nepal consisting of a Chief Election Commissioner and two other members on the grounds of proportionate | To be included in a separate Part | Democratic organizations are strengthened only through independent and fair elections. |

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| <p>representation and inclusiveness. The Chief Election Commissioner shall work as the Chairperson of the Election Commission if other election commissioners are appointed.</p> <p>2. The President shall, on the recommendation of the Constitutional Council, appoint the Chief Election Commissioner and other Election Commissioners. (Option: The Legislative-Assembly shall have to endorse the appointment made by the Executive Head.)</p> <p>3. The term of office of the Chief Election Commissioner and the Election Commissioners shall be six years from the date of appointment. They can be reappointed for an additional term of office.</p> <p>Provided that,</p> <p>c. If, before the expiry of their term, the Chief Election Commissioner and the Election Commissioners attain the age of sixty-five, they shall retire.</p> <p>d. The Chief Election Commissioner and the Election Commissioners may be removed from office on the same grounds and in the same manner as has been set out for the removal of a Judge of the Supreme Court.</p> <p>4. The office of the Chief Election Commissioner and the Election Commissioners shall be deemed vacant in the following circumstances:</p> <p>a. if they tender a written resignation to the President.</p> <p>b. if, pursuant to the Clause (4), their term expires or they are removed from their office,</p> <p>c. if they die.</p> | <p>Fair election is an important aspect among the basis requirements of democracy. There had been a provision of an Election Commission for independent and fair elections while accepting the need for a constitutional provision of an independent Election Commission for preparing voters' list for elections and conducting, supervising, directing and controlling them ever since the beginning of constitutional history of Nepal. Keeping this in mind, even the present Constitution has made a constitutional provision of an election commission for an independent and impartial election.</p> <p>Since the officials of the Election Commission are also required to be independent and impartial, a provision has been made for their appointment by the President on recommendation of an independent constitutional council.</p> |
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| | <p>5. A person shall be eligible to be appointed as Chief Election Commissioner and an Election Commissioner only if he/she possesses the following qualifications:</p> <ol style="list-style-type: none"> a. holds a Bachelor's degree from a university recognized by the Government of Nepal, b. is not a member of any political party immediately before the appointment, c. has attained the age of forty years, and d. possesses high moral character and social prestige. <p>6. The remuneration and other conditions of service of the Chief Election Commissioner or an Election Commissioner shall be as determined by law. The remuneration and other conditions of service of the Chief Election Commissioner and the Election Commissioners shall not, as long as they hold office, be altered to their disadvantage.</p> <p>7. A person once appointed to the office of the Chief Election Commissioner and the Election Commissioners shall not be eligible to be appointed to other positions of Government service.</p> <p>Provided that,</p> <ol style="list-style-type: none"> a. Nothing in this Clause shall be deemed to be a bar to the appointment of a Commissioner of the Election Commission as Chief Commissioner, and when a Commissioner is so appointed as the Chief Commissioner, his/her tenure as Commissioner shall also be count to the term of the new office. b. Nothing in this Clause shall be deemed a bar to any political appointment, or to any position | | <p>In order to allow them to work independently the term of their office is fixed, unless they tender their written resignation and retire by attaining a certain age, they could be removed from their office if they fail to conduct their duties honestly, or due to improper conduct, or because of lack of efficiency - in the similar manner as has been set out for removal of a Judge of the Supreme Court. This provision has been made as it is deemed proper to guaranty their service against any haphazard way of removing them.</p> <p>In addition, the provisions made against altering the conditions of their service to their disadvantage provide constitutional safeguard, enabling them to be independent and impartial, and it is essential that certain qualifications are fixed for the Commissioners considering</p> |
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| | <p>which has the responsibility of making investigations, conducting inquiries on any subject, or to any position which has the responsibility of submitting suggestions, opinions or making recommendations after conducting studies or research on any subject.</p> | | <p>their responsibilities.</p> |
| <p>Functions, Duties and Powers of the Election Commission</p> | <p>1. The Election Commission shall, subject to this Constitution and other laws, conduct, supervise, direct and control the elections of the President, Vice President, any referendum, Legislature-Parliament (Centre and State/Province), local government body elections.</p> <p>2. In order to perform the duty pursuant to Clause (1), the Election Commission may perform the following functions:</p> <ol style="list-style-type: none"> a. fix the dates of elections after determining the constituencies under the federal structure, b. assist in registering the political parties for the purpose of elections, solving the controversies arising among the parties and the institutional development, c. give advice to the Government regarding elections and their policies, concerned laws and other related matters, d. make decisions regarding the disqualification of the candidates when the elections are not held completely, e. collect and update voters' list. <p>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</p> | | <p>The present Constitution has provided the Election Commission with the power to conduct, supervise, direct and control elections of the President, Vice President, Legislature (Centre and State), conduct referendum and all kinds of elections of national government and local bodies so that it would be able to conduct the elections in a fair and effective way.</p> <p>Moreover, it is deemed proper to delegate all works of elections to an independent Commission so as to enable it to determine constituencies and fix election dates.</p> |

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| | Government of Nepal, to be exercised in compliance with specified conditions. 4. Subject to this Constitution, other functions, duties and working procedures of the Election Commission shall be as determined law. | | |
| Regional Provision | The Election Commission may have a branch in every province/state. | | It is deemed proper to make necessary provision in the province/state from the same provisions made in the constitution and law that specify the power and functions regarding elections. |
| The Government of Nepal should provide necessary staff to the Election Commission | <u>The Government of Nepal should provide necessary staff for the Election commission</u> The Government of Nepal shall provide necessary staff and other support to the Election Commission according to the provision of the Constitution to perform its functions. | | It is proper to fix the duty of the Government of Nepal to provide necessary number of staff and other assistance to hold independent and fair elections. |

| Theme | Proposed provision to be incorporated in the constitution | In which Part, Article or place of the constitution should it be incorporated | Reason or explanatory comment regarding the need to incorporate the proposed proposal |
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| 5. Human Rights Commission (HRC) | 1. There shall be a Human Rights Commission in Nepal consisting of the following Chairperson and members on the basis of proportionate representation and inclusiveness: a. a person from among the retired Chief Justices | To be included in a separate Part | The State must provide security to minimum human rights of every citizen. It is deemed necessary to provide for an independent and |

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| | <p>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 outstanding contribution being actively involved in the field of protection and promotion of human rights or social work. – Chairperson</p> <p>b. four persons from among those who have made outstanding contribution, by being actively involved in the field of protection and promotion of human rights or social work – Members</p> <p>2. The President shall, on the recommendation of the Constitutional Council, appoint the Chairperson and the Members of the National Human Rights Commission.</p> <p>(Option: The Legislative-Assembly shall have to endorse the appointment made by the Executive Head.)</p> <p>3. The term of office of the Chairperson and the Members of the Federal Human Rights Commission shall be six years from the date of appointment. They can be reappointed for an additional term of office.</p> <p>Provided that the Chairperson and the Members of the Federal Human Rights Commission may be removed from their office on the same ground and in the same manner as has been fixed for the removal of a Judge of the Supreme Court.</p> <p>4. The office of the Chairperson and the Members of the Federal Human Rights Commission shall be deemed vacant in the following circumstances:</p> <p>a. if s/he tenders a written resignation to the President.</p> | | <p>autonomous constitutional commission for effective work in the field of human rights, specially for the implementation of the universal norms and values of human rights and international laws as well as treaties and agreements and covenants of United Nations Organization regarding human rights and to safeguard against the breach of human rights of an individual and community by abuse of the rights by the officials working at different levels and positions of the Government itself, and for promotion of such rights.</p> <p>Any person involved in such a serious nature of work as human rights must be essentially independent and impartial; besides, the Commission can be more effective and efficient when special qualifications are determined for the selection of candidates for appointment on the basis of proportionate and inclusive system apart from the</p> |
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| | <p>b. if his/her term expires pursuant to the Clause (4), c. if s/he dies.</p> <p>5. A person shall be eligible to be appointed as the Chairperson and the Member of the Federal Human Rights Commission if he/she possesses the following qualifications:</p> <p>a. holds a Bachelor’s degree from a university recognized by the Government of Nepal,</p> <p>b. has attained the age of forty years, and c. possesses high moral character and social prestige.</p> <p>6. The remuneration and other conditions of service of the Chairperson and the Members of the Federal Human Rights Commission shall be as determined by law. The remuneration and other conditions of service of the Chairperson and the Members of the Federal Human Rights Commission shall not, as long as they hold office, be altered to their disadvantage.</p> <p>7. A person once appointed to the office of the Chairperson and the Members of the Federal Human Rights Commission shall not be eligible to be appointed to any position(s) of Government services.</p> <p>Provided that,</p> <p>a. Nothing in this Clause shall be deemed to be a bar to the appointment of a Member of the Human Rights Commission the Chairperson, and, when a Member is so appointed as the Chairperson, his tenure as a member shall also be count to the term of the new office.</p> <p>b. Nothing in this Clause shall be deemed a bar to</p> | | <p>candidates who have made significant contribution in the field of protecting and promoting human rights and are distinguished personalities. In addition, since that it is deemed necessary for the President to appoint them on recommendation of an independent constitutional council the provision is incorporated and it is desirable to fix their term of office, and, except in circumstances when they tender written resignation, or retire by attaining a certain age, they could be removed from their office if they fail in performing their duties (required of them) honestly, or due to improper conduct, or lack of efficiency - on the same ground and in the same manner as has been fixed for the removal of a Judge of the Supreme Court. This provision is made as it is deemed proper to provide guaranty to their service against any haphazard way of removing them.</p> |
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| | <p>appointment to any position of a political nature, or to any position which has the responsibility of making investigations, conducting inquiries or to any position which has the responsibility of submitting suggestions, opinions or making recommendations after conducting studies or research on any subject.</p> | | <p>Since that the Commission can work effectively only when able persons are appointed as the Chairperson and members, the provision has been made to appoint the Chief Justice of the Supreme Court, or a retired judge, who has made significant contribution in the field of protecting and promoting human rights, or those reputed persons who have been active in the field of protecting and promoting human rights or social service and have made significant contribution in the area.</p> |
| <p>Functions, Duties and Powers of the Human Rights Commission</p> | <ol style="list-style-type: none"> 1. It shall be the duty of the Human Rights Commission to ensure respect for, protection and promotion of human rights and their effective implementation. 2. In order to perform the duty according to Clause (1), the Commission may perform the following functions: <ol style="list-style-type: none"> a. conduct inquiries into, investigations of, and recommendation for action against the perpetrator of, instances of violation or abetment of violation of the human rights of any person or a group of persons, upon a petition or complaint made 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, | | |

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| | <ul style="list-style-type: none"> b. forward a recommendation to the authority concerned to take departmental action against any authority that has the duty or responsibility of preventing violation of human rights, or if it failed to perform such a duty or responsibility, or showed recklessness or lack of interest in performing the duty, c. make recommendation, if necessary, to lodge a petition in the court, in accordance with law, against a person who 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 thereof, f. review existing laws relating to human rights on a periodic basis and 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 or agreements on human rights, if it is desirable to do so, and monitor the implementation of the international treaties or 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 | | <p>In the context when the events of breach of human rights are frequently repeated and the victims continue to be victimized, and the perpetrators are being encouraged if the issues pertaining to human rights are seen seriously and the information in this regard comes to the Commission but the process is not forwarded for necessary actions against the accused following inquiries and investigations, or if it fails to take any action against such persons and avail relief and compensation to the victim, the Constitution provides certain rights to the Commission in order to discourage such attitudes and sufficiently protect human rights as Human Rights Commission can be very effective only when it is given essential powers.</p> |
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| | <p>treaties or agreements,</p> <p>h. publicize the names of any official, person or bodies that are not following or implementing the recommendations and directions of the Federal Human Rights Commission regarding the violations of human rights (in accordance with law), and record them as human rights violators.</p> <p>3. The Federal Human Rights Commission may exercise the following powers while performing its functions and duties:</p> <p>a. exercise the 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,</p> <p>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 may enter a person's residence or office, conduct a search and seize any documents and evidence relating to human rights violations therein,</p> <p>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 for rescue,</p> <p>d. order compensation for the victims of human rights violations in accordance with law,</p> | | |
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| | <p>e. exercise or cause to be exercised other powers, and conduct its duties as prescribed by law.</p> <p>4. Notwithstanding anything contained in this Article, the National Human Rights Commission shall have no jurisdiction with respect to any matter which falls within the jurisdiction of the Army Act.</p> <p>Provided that nothing shall be a bar to proceedings in respect to cases of violation of human rights and humanitarian laws.</p> | | |
| Regional Provision | There shall be a Human Rights Commission in the regional area. | | There shall be a Human Rights Commission in the province/state as deemed necessary. |
| Annual Report | <p>1. The Federal Human Rights Commission shall, in accordance with this Constitution, submit to the President an annual report on the work it has performed, and the President through the Prime Minister shall make arrangements to submit such reports to the Legislature-Parliament.</p> <p>2. In addition to other matters, the annual report to be submitted according to Clause (1), shall contain the complaints received by the National Human Rights Commission throughout the year and description of inquiries and investigations thereon, recommendations shall be made to the Government of Nepal on various issues, the number of cases lodged in the court, if any, against human rights violators, and the particulars of recommendations to improve matters regarding the protection and promotion of human rights in future.</p> | | The provision of submitting an annual report has been made following a discussion on the works of the Commission in the Legislature-Parliament, and also to ensure its effective implementation and informing people about the ground realities. |

| Theme | Proposed provision to be incorporated in the Constitution | In which Part, Article or place of the Constitution should it be incorporated | Reason or explanatory comment regarding the need to incorporate the proposed provision |
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| 6. Women Commission | <p>1. There shall be a Federal Women’s Commission in Nepal consisting of a Chairperson and two other members on the basis of proportionate representation and inclusiveness.</p> <p>2. The President shall, on recommendation of the Constitutional Council, appoint the Chairperson and members of Federal Women’s Commission. (Option: The Legislative Assembly shall have to endorse the appointment made by the Executive Head.)</p> <p>3. A person shall be eligible to be appointed as the Chairperson or a member of the Federal Women’s Commission if she has the following qualifications:</p> <ol style="list-style-type: none"> a. is a woman who has contributed significantly in the field of women’s rights, interests or gender justice or women development or human rights for at least ten years, b. in case of the Chairperson, somebody who holds a Bachelor’s degree from any university recognized by the Government of Nepal, c. has attained at least forty years of age, d. is not a member of any political party immediately before the appointment, e. possesses a high moral character and social prestige. <p>4. The tenure of the Chairperson and members of the Federal Women’s Commission shall be six years from</p> | To be Included in a Separate Part | <p>Whereas it is desirable to make a constitutional provision of a Federal Women’s Commission in order to protect and promote women's rights and interests and effectively accommodate them in the mainstream of development,</p> <p>Whereas the officials of the Women Commission must be independent and impartial, they shall be appointed by the President on the recommendation of an independent Constitutional Council.</p> <p>Moreover, apart from the circumstances in which the</p> |

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| <p>the date of their appointment. They can be reappointed for an additional term of office.</p> <p>Provided that,</p> <ul style="list-style-type: none"> c. If, before the expiry of their term, the Chairperson and members of the Federal Women’s Commission attain the age of sixty-five, they shall retire. d. The Chairperson and members of the Federal Women’s Commission may be removed from their office on the same ground and in the same manner as has been fixed for the removal of a Judge of the Supreme Court. <p>5. The office of the Chairperson or member of the Federal Women’s Commission shall be deemed vacant in the following circumstances:</p> <ul style="list-style-type: none"> a. If she tenders her resignation before the President, b. If her tenure expires in according to clause (4), c. If she dies. <p>6. The remuneration and other conditions of service of the Chairperson or member of the Federal Women’s Commission shall be as determined by law. The remuneration and other conditions of service of the Chairperson or member of the Federal Women’s Commission shall not, as long as they hold office, be altered to their disadvantage.</p> <p>7. A person once appointed as the Chairperson or member of the Federal Women’s Commission shall not be eligible to be appointed to any position of Government services.</p> <p>Provided that,</p> | | <p>term of office of the officials of the Commission is fixed, or when they tender written resignation and retire by attaining a certain age, they can be removed from their office if they fail in conducting their duties (required of them) honestly or due to improper conduct, or lack of efficiency - on the same grounds and in the same manner as has been set out for removal of a Judge of the Supreme Court. This provision has been made as it is deemed proper to guaranty the service of the Chairperson and members of the Women’s Commission against haphazard way of removing them.</p> <p>Moreover, the provisions of not altering the conditions of service of the Chairperson and members have provided constitutional safeguard, enabling them to be practically independent and impartial.</p> |
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| | <p>c. Nothing in this Clause shall be deemed to be a bar to appointment of a member of the Women’s Commission as its Chairperson, and when a member is so appointed as the Chairperson, her tenure as a member of the Commission shall also be count to the term of the new office.</p> <p>b. 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 conducting studies or research on any subject.</p> | | |
| <p>Functions, Duties and Powers of the Women Commission</p> | <p>1. The functions, duties and powers of the Federal Women’s Commission, in accordance with this Constitution, shall be as follows.</p> <p>a. draft federal policies and programmes pertaining to women’s rights and interests, and present the same to the Government of Nepal for implementation.</p> <p>b. monitor the implementation of the existing laws pertaining to women’s rights and interests, or the implementation of the responsibility of any international treaties of which Nepal is a party and recommend to the Government of Nepal for the implementation of the same.</p> <p>c. review, monitor and assess the proportionate participation of women in all the organs of the state so as to accommodate them in the mainstream of national development as well as</p> | | <p>It is deemed proper to make a provision of providing rights to an independent and impartial constitutional Commission in order to study and investigate into the condition of the entire women and to present advice, suggestions and recommendations regarding a clear provision for the same.</p> |

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| | <p>review, monitor and assess the policies and programmes implemented thereof, and recommend to the Government of Nepal for their effective implementation.</p> <p>d. study and investigate into gender equality, women empowerment and existing legal provisions relating to women, and recommend concerned authorities for necessary reform in such laws, and monitor the same.</p> <p>e. monitor the dispatch of reports from the Government of Nepal as required of Nepal and provisioned in international treaties and agreements relating women's rights to which Nepal is a party.</p> <p>f. make recommendations as deemed necessary, for lodging a case in the court, in accordance with law, against any person or organization preventing victims from exercising their right against violation or social malpractices or women rights in general.</p> <p>g. perform other functions as determined by law.</p> | | |
| Delegation of Powers | The Federal Women's Commission may delegate some of its powers to the Chairperson, members, committees, sub-committees or the officials of the Commission or the officials of the Government of Nepal. | | |
| Regional Provision | Regional provision shall be as determined by the law. | | It is deemed proper to make necessary provision in the province/state as determined by law. |
| Annual Report | Every year, the Federal Women's Commission shall prepare an annual report about the works it has | | A provision has been made to submit an annual report after |

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| | performed, and submit the same to the President, and the President through the Prime Minister shall make arrangements to forward the report to the Legislature-Parliament. | | holding discussion in the Legislature-Parliament on the work of the Commission and implement the same effectively while informing people about ground realities. |
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| Theme | Proposed provision to be incorporated in the Constitution | In which Article, Clause or place of the constitution should it be incorporated | Reason or explanatory comment regarding the need to incorporate the proposed provision |
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| 7. Dalit Commission | <p>1. There shall be a Federal Dalit Commission in Nepal comprising a Chairperson and two other members on the basis of proportionate representation and inclusiveness.</p> <p>2. The President, on the recommendation of the Constitutional Council, shall appoint from among the persons possessing qualifications pursuant to Clauses (3) and (5) the Chairperson and the members of the Federal Dalit Commission for a term of six years. They may be reappointed for an additional term of office.</p> <p>Provided that,</p> <p>c. If, before the expiry of their term, the Chairperson and members of the Federal Dalit Commission attain the age of sixty-five, they shall retire.</p> <p>d. The Chairperson and members of the Federal Dalit Commission may be removed from their office on the same grounds and in the same</p> | To be included in a separate Part | <p>Whereas it is desirable to make a constitutional provision of a Federal Dalit Commission in order to protect and promote the rights and interests of the Dalit community and effectively accommodate them in the mainstream of development,</p> <p>Whereas the officials of the Dalit Commission must be independent and impartial, they shall be appointed by the President on the</p> |

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| | <p>manner as has been fixed for the removal of Judge of the Supreme Court.</p> <p>(Option: The Legislative Assembly shall have to endorse the appointment made by the Executive Head.)</p> <p>3. A person shall be eligible to be appointed as the Chairperson and a member of the Federal Dalit Commission if he/she has made significant contributions in the field of Dalit rights and interests or Dait development or human rights for at least ten years.</p> <p>4. The office of the Chairperson or a member of the Dalit Commission shall be deemed vacant in the following circumstances:</p> <ol style="list-style-type: none"> a. if he/she tenders a written resignation to the President, b. if, pursuant to Clause (2), his/her term expires, c. if he/she dies. <p>5. A person shall be eligible to be appointed as the Chairperson and a member of the Federal Dalit Commission if he/she possesses the following qualifications:</p> <ol style="list-style-type: none"> a. in case of the Chairperson, someone who holds a Bachelor’s Degree from a university recognized by the Government of Nepal, b. is not a member of any political party immediately before the appointment; c. has attained forty years of age; and d. possesses a high moral character and social prestige. <p>6. The remuneration and other conditions of service of the Chairperson and members of the Federal Dalit Commission shall be as determined by law. The</p> | | <p>recommendation of an independent Constitutional Council.</p> <p>Moreover, apart from the circumstances in which the term of office of the officials of the Commission is fixed, they tender their written resignation and retire on attaining certain age, they can be removed from their office if failing in honestly carrying out their required duties or due to improper conduct or lack of efficiency on the same grounds and in the same manner as has been set out for removal of a Judge of the Supreme Court. This provision has been made as it is deemed proper to provide guarantee of service to the Chairperson and members of the Dalit Commission against other haphazard ways of removing them.</p> |
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| | <p>remuneration and other conditions of service of the Chairperson and members of the Federal Dalit Commission shall not, as long as they hold office, be altered to their disadvantage.</p> <p>7. A person once appointed as the Chairperson and a member of the Federal Dalit Commission shall not be eligible to be appointed in other Government services.</p> <p>Provided that,</p> <p>c. This Clause shall not be deemed a bar for the appointment of a member of the Federal Dalit Commission as Chairperson thereof, and if a member is, in accordance with the Clause, appointed as the Chairperson, his/her tenure as the member shall also be count to his/her term of office.</p> <p>d. 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 suggestions, opinions or make recommendations after carrying out studies or research on any subject.</p> | | <p>A provision has been made to submit an annual report after holding discussion in the Legislature-Parliament on the work of the Commission and implement the same effectively while informing people about the ground realities.</p> |
| <p>Functions, Duties and Powers of the Dalit Commission</p> | <p>1. Conduct a study on Nepal's Dalit issues, identify the measures that need to be taken, and make recommendations to the Government of Nepal.</p> <p>2. End racial oppression and discrimination, formulate national policies and programmes that uphold Dalit interests for the upliftment and development of the community, and present that to the Government of Nepal for implementation.</p> | | <p>It is deemed proper to make a provision of providing rights to an independent and impartial constitutional Commission in order to study and investigate into the condition of the entire</p> |

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| | <p>3. Monitor whether or not the special provision regarding the upliftment of Dalits and promotion of Dalit interests are implemented or adhered to concerned existing laws relating to Dalit interests, and make recommendations to the Government of Nepal for their implementation.</p> <p>4. Monitor the report which the Government of Nepal is required to send according to the provisions in the international treaties and agreements (relating Dalit rights) to which Nepal is a party.</p> <p>5. Review, monitor and assess the proportionate participation of Dalits in all the state organs so as to accommodate them in the mainstream of national development as well as review, monitor and assess the policies and programmes implemented thereof, and make recommendations to the Government of Nepal for their effective implementation.</p> <p>6. Perform other functions as determined by law.</p> | | <p>Dalit communities, and to present advice, suggestions and make recommendations regarding a clear provision for the same.</p> |
| Delegation of Powers | <p>The Commission may delegate any of its functions, duties and powers to any of its member, or committee of members, or the officials of the Federal or Regional Government subject to be used and followed according to the conditions set thereof.</p> | | |
| Regional Provision | <p>Regional provisions shall as determined by law.</p> | | <p>It is deemed proper to make necessary provision in the province/state as determined by law.</p> |
| Annual Report | <p>Every year, the Federal Dalit Commission shall submit an annual report to the President about the work the office has performed, and the President shall, through the Prime Minister, make arrangements to submit such</p> | | <p>A provision has been made to submit an annual report after holding discussion in the Legislature-Parliament on the</p> |

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| Theme | Proposed provision to be incorporated in the Constitution | In which Part, Article or Place of the Constitution should it be incorporated | Reason or explanatory comment regarding the need to incorporate the proposed proposal |
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| 8. Adibasi/Janjati (Indigenous/Ethnic Communities) Commission | <p>1. There shall be a Federal Adibasi/Janjati (Indigenous/Ethnic Communities) Commission in Nepal consisting of a Chairperson and other members on the basis of proportionate representation and inclusiveness.</p> <p>2. The President, on the recommendation of the Constitutional Council, shall appoint the Chairperson and the members of the Adibasi/Janjati Commission from among the persons who meets the qualifications according to Clauses (3) and (5) for a term of six years. They may be reappointed for an additional term.</p> <p>Provided that,</p> <p>a. If, before the expiry of their term, the Chairperson and members of the Commission attain the age of sixty-five, they shall not remain in office.</p> <p>b. The Chairperson and members of the Commission may be removed from their office</p> | | <p>Whereas it is desirable to make a constitutional provision of a Federal Adiwasi/Janjati Commission in order to protect and promote the rights and interests of the Adiwasis/Janjatis and effectively accommodate them in the mainstream of development,</p> <p>Whereas the officials of the Adibasi/Janjati Commission must be independent and impartial, they shall be appointed by the President on the recommendation of an independent Constitutional Council.</p> |

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| | <p>on the same grounds and in the same manner as has been fixed for the removal of a Judge of the Supreme Court.</p> <p>(Option: The Legislative Assembly shall have to endorse the appointment made by the Executive Head.)</p> <p>3. A person shall be eligible to be appointed as the Chairperson and a member of the Commission if he/she has made significant contributions in the field of the rights and interests of the indigenous/ethnic communities (Adibasi/Janjatis) or their development or human rights for at least ten years.</p> <p>4. The office of the Chairperson or a member of the Commission shall be deemed vacant in the following circumstances:</p> <ol style="list-style-type: none"> a. if he/she tenders a written resignation to the President, b. if, his/her term expires according to Clause (2), c. if he/she dies. <p>5. A person shall be eligible to be appointed as the Chairperson and a member of the Commission if he/she possesses the following qualifications:</p> <ol style="list-style-type: none"> a. For the Chairperson –someone who holds a Bachelor’s Degree from a university recognized by the Government of Nepal, b. is not a member of any political party immediately before appointment; c. has attained forty years of age; and d. has a high moral character and possesses social prestige. <p>6. The remuneration and other conditions of service of the Chairperson and members of the Commission shall</p> | | <p>Moreover, except when the term of office of the officials of the Commission is fixed to allow them to work independently, or when tender their written resignation, or retire by attaining a certain age, they can be removed from their office if they fail to honestly carry out their duties (which is required of them) or due to improper conduct, or lack of efficiency - on the same ground and in the same manner as has been fixed for the removal of a Judge of the Supreme Court. This provision has been made as it is deemed proper to guaranty the service of the Chairperson and members of the Adibasi/Janjati Commission against any haphazard way of removing them.</p> <p>Moreover, the provision of not altering the conditions of service of the Chairperson and members gives constitutional safeguard,</p> |
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| | <p>be as determined by law. The remuneration and other conditions of service of the Chairperson and members of the Commission shall not, so long as they hold office, be altered to their disadvantage.</p> <p>7. A person once appointed as the Chairperson and a member of the Commission shall not be eligible for appointment in other Government services.</p> <p>Provided that,</p> <p>a. This Clause shall not be deemed as a bar to the appointment of a member of the Commission as Chairperson thereof, and if a member is, in accordance with the Clause, appointed as the Chairperson, his/her term of office shall be computed so as to include his/her tenure as the member as well.</p> <p>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.</p> | | enabling them to be practically independent and impartial. |
| <p>Functions, Duties and Powers of the Adibasi/Janjati Commission</p> | <p>1. Study and investigation of Conduct study on the issues relating Nepali's Adibasi/Janjati, identify the measures that need to be taken, and make recommendations to the Government of Nepal.</p> <p>2. Draft national policies and programmes concerning the protection of the language and culture of the Adibasis/Janjatis and for their advancement and</p> | | It is deemed proper to make constitutional provision to provide power to an independent and impartial constitutional Commission to conduct study and |

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| | <p>development, and present that to the Government of Nepal for implementation.</p> <p>3. Monitor the implementation of the special provision regarding the advancement and promotion of the interests of the Adibasi/Janjatis and concerned existing laws in this regard, and make recommendations to the Government of Nepal for the its implementation.</p> <p>4. Monitor the dispatch of reports from the Government of Nepal as required of Nepal and provisioned in international treaties and agreements relating the rights of the Adibasi/Janjatis to which Nepal is a party.</p> <p>5. review, monitor and assess the proportionate participation of Adibasi/Janjatis in all the organs of the state so as to accommodate them in the mainstream of national development as well as review, monitor and assess the policies and programmes implemented thereof, and make recommendations to the Government of Nepal for their effective implementation.</p> <p>6. Perform other functions as determined by law.</p> | | <p>investigation into the condition of the entire Adibasi/Janjatis communities, and to present advice, suggestions and make recommendations for a clear provision in this regard.</p> |
| Delegation of Powers | <p>The Commission may delegate any of its functions, duties and powers to any of its members, or committee of members, or the officials of the Federal or Regional Government subject to be used or abide by according to the conditions set thereof.</p> | | |
| Regional Provision | <p>Regional provisions shall be made as determined by law.</p> | | <p>It is deemed proper to make necessary provision in the province/state as determined by law.</p> |
| Annual Report | <p>Every year, the Federal Commission for Indigenous /Ethnic Communities shall submit to the President an annual report about the work the office has performed,</p> | | <p>A provision has been made to submit an annual report after holding discussion in the</p> |

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| | and the President shall make arrangements to submit such reports through the Prime Minister to the Legislature-Parliament. | | Legislature-Parliament on the work of the Commission and implement the same effectively while informing people about ground realities. |
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| Theme | Proposed provision to be incorporated in the Constitution | In which Part, Article or Place of the Constitution should it be incorporated | Reason or explanatory comment regarding the need to incorporate the proposed proposal |
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| 9. Commission for the Protection of the Rights of People with Disabilities, Minority and Marginalized Communities and People of Backward Regions | <p>1. There shall be a Federal Commission for the Protection of the Interests of the Disabled, Minority and Marginalized Communities and people of backward Regions in Nepal consisting of a Chairperson and two other members on the basis of proportionate representation and inclusiveness.</p> <p>2. The President shall, on recommendation of the Constitutional Council, appoint the Chairperson and members of Commission for the Protection of the Interests of the Disabled, Minority and Marginalized Communities and people of backward Regions for a term of six years. They may be reappointed for an additional term of office.</p> <p>Provided that,</p> <p>a. If, before the expiry of their term, the Chairperson and members of the Commission for the Protection of the Interests of the</p> | Preamble | <p>Whereas it is desirable to make a constitutional provision of a Federal Commission for the Protection of Interests of the Disabled, Minority and Marginalized Communities and people of Backward Regions to protect and promote the rights and interests of the Disabled, Minority and Marginalized Communities and people of Backward Regions, and effectively accommodate them in the mainstream of development,</p> <p>Whereas the officials of the</p> |

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| | <p>Disabled, Minority and Marginalized Communities and people of backward Regions attain the age of sixty-five, they cease to be in office.</p> <p>b. The Chairperson and members of the Commission for the Protection of the Interests of the Disabled, Minority and Marginalized Communities and people of backward Regions may be removed from their office on the same ground and in the same manner as fixed for the removal of the Judge of the Supreme Court.</p> <p>(Option: The Legislative Assembly shall have to endorse the appointment made by the Executive Head.)</p> <p>3. A person shall be eligible to be appointed as the Chairperson or a member of the Commission for the Protection of the Interests of the Disabled, Minority and Marginalized Communities and people of backward Regions if he/she has made significant contributions in the field of the rights and interests of the Disabled, Minority and Marginalized Communities and people of backward Regions, or the development or human rights for at least ten years.</p> <p>4. The office of the Chairperson or member of the Commission for the Protection of the Interests of the Disabled, Minority and Marginalized Communities and people of backward Regions shall be deemed vacant in the following circumstances:</p> <p>a. If he/she tenders his/her resignation before the President,</p> <p>b. If his/her tenure expires according to clause (2),</p> <p>c. If he/she dies.</p> | | <p>Commission for the Protection of the Interests of the Disabled, Minority and Marginalized Communities and people of Backward Regions must be independent and impartial, they shall be appointed by the President on the recommendation of an independent Constitutional Council.</p> <p>Moreover, apart from the circumstances in which the term of office of the officials of the Commission is fixed, or they tender their written resignation and retire by attaining a certain age, they may be removed from the office if they fail in honestly performing their duties (required of them) or due to improper conduct or for lack of efficiency - on the same ground and in the same manner as has been fixed for the removal of the Judge of the Supreme Court.</p> <p>This provision has been made as it</p> |
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| <p>5. A person shall be eligible to be appointed as the Chairperson or a member of the Commission for the Protection of the Interests of the Disabled, Minority and Marginalized Communities and people of backward Regions, if he/she has the following qualifications:</p> <ol style="list-style-type: none"> a. From the Chairperson – someone who holds a Bachelor’s Degree from any university recognized by the Government of Nepal, b. is not a member of any political party immediately before the appointment, c. has attained forty years of age, d. Has a high moral character and possesses social prestige. <p>6. The remuneration and other conditions of service of the Chairperson or member of the Commission for the Protection of the Interests of the Disabled, Minority and Marginalized Communities and people of Backward Regions shall be as determined by the law. The remuneration and other conditions of service of the Chairperson or member of the Commission for the Protection of the Interests of the Disabled, Minority and Marginalized Communities and people of Backward Regions shall not, as long as they hold office, be altered to their disadvantage.</p> <p>7. A person once appointed as the Chairperson or member of the Commission for the Protection of the Interests of the Disabled, Minority and Marginalized Communities and people of Backward Regions shall not be eligible to be appointed to a position of Government service.</p> <p>Provided that,</p> | | <p>is deemed proper to guaranty the service of the Chairperson and members of the Commission for the Protection of the Interests of the Disabled, Minority and Marginalized Communities and the people of Backward Regions against any haphazard way of removing them.</p> <p>Moreover, the provision of not altering the conditions of service of the Chairperson and members has provided a constitutional safeguard, which enable them to be practically independent and impartial.</p> |
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| | <p>d. Nothing in this Clause shall be deemed a bar to appointment of a member of the Commission for the Protection of the Interests of the Disabled, Minority and Marginalized Communities and people of Backward Regions as its Chairperson, and when a member is so appointed as the Chairperson, his/her tenure as member shall also be count to the tenure of new office.</p> <p>b. Nothing in this Clause shall be deemed 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 conducting studies or research on any subject.</p> | | |
| <p>Functions, Duties and Powers of the Commission for the Protection of the Interests of the Disabled, Minority and Marginalized Communities and People of Backward Regions</p> | <p>1. Conduct study and investigate into the issues regarding the protection of the interests of the Disabled, Minority and Marginalized Communities and people of Backward Regions of Nepal, identify proper measures that need to be taken, and make recommends to the Government of Nepal.</p> <p>2. Draft national policies and programmes concerning the advancement and development, and the promotion of the interests of the Disabled, Minority and Marginalized Communities and people of Backward Regions, and present that to the Government of Nepal for implementation.</p> <p>3. Monitor execution or the implementation of special provision regarding the advancement and the promotion of interests of the Disabled, Minority and Marginalized</p> | | <p>It is deemed proper to make a provision of providing powers to an independent and impartial constitutional Commission to conduct study and investigate on the conditions of the entire Disabled, Minority and Marginalized Communities and people of Backward Regions, and present advice, suggestions and make recommendations for a clear provision.</p> |

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| | <p>Communities and people of Backward Regions and concerned existing laws relating to their interests, and make recommendations to the Government of Nepal for implementation.</p> <p>4. Monitor the dispatch of reports from the Government of Nepal as required of Nepal and provisioned in international treaties and agreements relating the rights of the Disabled, Minority and Marginalized Communities and people of Backward Regions to which Nepal is a party.</p> <p>5. Review, monitor and assess the proportionate participation of the Disabled, Minority and Marginalized Communities and people of Backward Regions in all the organs of the state so as to accommodate them in the mainstream of national development as well as review, monitor and assess the policies and programmes implemented thereof, and make recommendations to the Government of Nepal for their effective implementation.</p> <p>6. Perform other functions as determined by law.</p> | | |
| Delegation of Powers | The Commission may delegate some of its powers to the Chairperson, members, committees, sub-committees or the officials of the Commission or the officials of the Government of Nepal. | | |
| Regional Provision | Regional provision shall be as determined by the law. | | It is deemed proper to make necessary provision in the province/state as determined by law. |
| Annual Report | Every year, the Commission for the Protection of the Interests of the Disabled, Minority and Marginalized Communities and people of backward Regions shall | | A provision has been made to submit an annual report after holding discussion in the |

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| | prepare an annual report of the works it has performed, and submit the same to the President, and the President shall make arrangements to forward the report through the Prime Minister to the Legislature-Parliament. | | Legislature-Parliament on the work of the Commission and implement the same effectively while informing people about the ground realities. |
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| Theme | Proposed proposal to be incorporated in the Constitution | In which Article, Clause or Place of the Constitution should it be incorporated | Reason or explanatory comment regarding the need to incorporate the proposed provision |
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| 10. Madhesi Commission | <p>1. There shall be a Federal Madhesi Commission in Nepal comprising a Chairperson and two other members on the basis of proportionate representation and inclusiveness.</p> <p>2. The President, on the recommendation of the Constitutional Council, shall appoint the Chairperson and the members of the Madhesi Commission for a term of six years from among the persons who meets the qualifications according to Clauses (3) and (5). They may be reappointed for an additional term of office.</p> <p>Provided that,</p> <p>e. If, before the expiry of their term, the Chairperson and members of the Madhesi Commission attain the age of sixty-five, they cease to be in office</p> <p>f. The Chairperson and members of the Madhesi Commission may be removed from their office on the same ground and in the same manner as</p> | To be included in a separate Part | <p>Whereas it is desirable to make a constitutional provision of a Federal Madhesi Commission in order to protect and promote the rights and interests of the Madhesis and effectively accommodate them in the mainstream of development,</p> <p>Since that the officials of the Madhesi Commission must be independent and impartial, they shall be appointed by the President on the recommendation of an independent Constitutional Council.</p> |

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| | <p>has been fixed for the removal of a Judge of the Supreme Court.</p> <p>(Option: The Legislative Assembly shall have to endorse the appointment made by the Executive Head.)</p> <p>3. A person shall be eligible to be appointed as the Chairperson and a member of the Madhesi Commission if he/she has made significant contributions in the field of Madhesi rights and interests, or Madhesi development, or human rights for at least ten years.</p> <p>4. The office of the Chairperson or a member of the Madhesi Commission shall be deemed vacant in the following circumstances:</p> <ol style="list-style-type: none"> a. if he/she tenders a written resignation to the President, b. if his/her term expires according to Clause (2), c. if he/she dies. <p>5. A person shall be eligible to be appointed as the Chairperson and a member of the Madhesi Commission if he/she possesses the following qualifications:</p> <ol style="list-style-type: none"> a. in case of the Chairperson – somebody who holds a Bachelor’s Degree from a university recognized by the Government of Nepal, b. is not a member of any political party immediately before appointment; c. has attained forty years of age; and d. has a high moral character and possesses social prestige. <p>6. The remuneration and other conditions of service of the Chairperson and members of the Madhesi Commission shall be as determined by law. The remuneration and other conditions of service of the</p> | | <p>Moreover, in addition to the circumstances when the term of office of the officials of the Commission is fixed, or they tender their written resignation and retire on by attaining a certain age, they could be removed from office if they fail in honestly performing their duties (required of them), or due to improper conduct or lack of efficiency - on the same ground and in the same manner as has been fixed for the removal of a Judge of the Supreme Court. This provision has been made as it is deemed proper to guaranty the service of the Chairperson and members of the Madhesi Commission against other haphazard way of removing them.</p> <p>Moreover, the provisions of not altering the conditions of service of the Chairperson and members have provided constitutional safeguard enabling them to be</p> |
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| | <p>Chairperson and members of the Madhesi Commission shall not, so long as they hold office, be altered to their disadvantage.</p> <p>7. A person once appointed as the Chairperson and a member of the Madhesi Commission shall not be eligible to be appointed to any position of the Government service.</p> <p>Provided that,</p> <p>a. This Clause shall not be deemed as a bar to the appointment of a member of the Madhesi Commission as Chairperson thereof, and if a member is, in accordance with the Clause, appointed as the Chairperson, his/her tenure as the member shall also be count to the tenure of the new office.</p> <p>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 make recommendations after carrying out studies or research on any subject.</p> | | <p>practically independent and impartial.</p> |
| <p>Functions, Duties and Powers of the Dalit Commission</p> | <p>1. Conduct study and examine (Nepal's) Madhesi issues, identify proper measures in this regard, and make recommendations to the Government of Nepal.</p> <p>2. Draft national policies and programmes relating to the protection of the language and culture of the Madhesi community and their advancement and development as well as the interests of Madhesi people, and submit that to the Government of Nepal for implementation.</p> | | <p>It is deemed proper to make a provision of providing rights to an independent and impartial constitutional Commission in order to study and examine the</p> |

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| | <p>3. Monitor the execution or implementation of the special provision regarding the advancement and promotion of Madhesi interests and the existing laws concerning their interests, and make recommendations to the Government of Nepal for their implementation.</p> <p>4. Review, monitor and assess the proportionate participation of the Madhesis in all the organs of the state so as to include them in the mainstream of national development; review, monitor and assess the policies and programmes implemented thereof, and make recommendations to the Government of Nepal for their effective implementation.</p> <p>6. Perform other functions as determined by law.</p> | | <p>condition of the entire Madhesi people and community, and to present advice, suggestions and recommendations for a clear provision in this regard.</p> |
| Delegation of Powers | <p>The Commission may delegate any of its functions, duties and powers to any of its members or committee of members or the officials of the Federal or Regional Government subject to use and follow up of the conditions set thereof.</p> | | |
| Regional Provision | <p>Regional provisions shall be made as determined by law.</p> | | <p>It is deemed proper to make necessary provision in the province/state as determined by law.</p> |
| Annual Report | <p>Every year, the Federal Madhesi Commission shall submit an annual report to the President about the work the office has performed, and the President shall make arrangements to submit such reports to the Legislature-Parliament through the Prime Minister.</p> | | <p>A provision has been made to submit an annual report after holding discussion in the Legislature-Parliament on the work of the Commission and implement the same effectively while informing people about the ground realities.</p> |

| Theme | Proposed provision to be incorporated in the Constitution | In which Part, Article or Place of the Constitution should it be incorporated | Reason or explanatory comment regarding the need to incorporate the proposed proposal |
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| 11. Muslim Commission | <p>1. There shall be a Federal Muslim Commission in Nepal consisting of a Chairperson and other members on the basis of proportionate representation and inclusiveness.</p> <p>2. The President, on the recommendation of the Constitutional Council, shall appoint the Chairperson and the members of the Muslim Commission for a term of six years from among the persons who possess qualifications according to Clauses (3) and (5). They may be reappointed for an additional term of office.</p> <p>Provided that,</p> <p>c. The Chairperson and members of the Muslim Commission shall cease to be in office if they attain the age of sixty-five before the expiry of their term.</p> <p>d. The Chairperson and members of the Muslim Commission may be removed from office on the same grounds and in the same manner as has been fixed for the removal of the Judge of the Supreme Court.</p> <p>(Option: The Legislative Assembly shall have to endorse the appointment made by the Executive Head.)</p> <p>3. A person shall be eligible to be appointed as the Chairperson and a member of the Muslim Commission</p> | | <p>Whereas it is desirable to make a constitutional provision of a Federal Muslim Commission in order to protect and promote the rights and interests of the Muslim community and effectively accommodate them in the mainstream of development,</p> <p>Since that the officials of the Muslim Commission must be independent and impartial, they shall be appointed by the President on the recommendation of an independent Constitutional Council.</p> <p>Moreover, in addition to the</p> |

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| <p>if he/she has made significant contributions in the field of the rights and interests of the Muslim community, or their development, or human rights for at least ten years.</p> <p>4. The office of the Chairperson or a member of the Muslim Commission shall be deemed vacant in the following circumstances:</p> <ol style="list-style-type: none"> a. if he/she tenders a written resignation to the President, b. if his/her term expires according to Clause (2), c. if he/she dies. <p>5. A person shall be eligible to be appointed as the Chairperson and a member of the Muslim Commission if he/she possesses the following qualifications:</p> <ol style="list-style-type: none"> a. in case of the Chairperson – someone who holds a Bachelor’s Degree from a university recognized by the Government of Nepal, b. is not a member of any political party immediately before appointment; c. has attained forty years of age; and d. has a high moral character and possesses social prestige. <p>6. The remuneration and other conditions of service of the Chairperson and members of the Muslim Commission shall be as determined by law. The remuneration and other conditions of service of the Chairperson and members of the Muslim Commission shall not, so long as they hold office, be altered to their disadvantage.</p> <p>7. A person once appointed as the Chairperson and a member of the Muslim Commission shall not be eligible for appointment in other Government services.</p> | | <p>circumstances when the term of office of the officials of the Commission is fixed, or they tender their written resignation and retire by attaining a certain age, they could be removed from office if they fail in honestly performing their duties (required of them), or due to improper conduct or lack of efficiency - on the same ground and in the same manner as has been fixed for the removal of a Judge of the Supreme Court. This provision has been made as it is deemed proper to guaranty the service of the Chairperson and members of the Muslim Commission against other haphazard way of removing them.</p> <p>Moreover, the provisions of not altering the conditions of service of the Chairperson and members have provided constitutional safeguard enabling them to be practically independent and impartial.</p> |
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| | <p>Provided that,</p> <p>b. This Clause shall not be deemed a bar to the appointment of a member of the Muslim Commission as Chairperson thereof, and if a member is, in accordance with the Clause, appointed as the Chairperson, his/her tenure as the member shall also be count to the term of the new office.</p> <p>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 making recommendations after conducting studies or research on any subject.</p> | | |
| <p>Functions, Duties and Powers of the Muslim Commission</p> | <p>1. Study and investigate into Muslim issues of Nepal, identify proper measures in this regard, and make recommendations to the Government of Nepal.</p> <p>2. Draft national policies and programmes concerning the protection of the language and culture of the Muslims and their advancement and development, and submit that to the Government of Nepal for implementation.</p> <p>3. Monitor the execution or implementation of the special provision regarding the advancement and interests of the Muslims and related existing laws concerning the interests of the Muslims, and make recommendations to the Government of Nepal for their implementation.</p> <p>4. Monitor the dispatch of reports relating the rights of</p> | | <p>It is deemed proper to make a provision of providing rights to an independent and impartial constitutional Commission in order to study and examine the condition of the entire Muslim people and community, and to present advice, suggestions and recommendations for a clear provision in this regard.</p> |

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| | <p>the Muslims from the Government of Nepal as required of Nepal and provisioned in international treaties and agreements to which Nepal is a party.</p> <p>5. review, monitor and assess the proportionate participation of Muslims in all the organs of the state so as to accommodate them in the mainstream of national development, and also review, monitor and assess the policies and programmes implemented thereof, and make recommendations to the Government of Nepal for their effective implementation.</p> <p>6. perform other functions as determined by law.</p> | | |
| Delegation of Powers | The Commission may delegate any of its functions, duties and powers to any of its members or committee of members or the officials of the Federal or Regional Government subject to use and follow up of the conditions set thereof. | | |
| Regional Provision | Regional provisions shall be made as determined by law. | | It is deemed proper to make necessary provision in the province/state as determined by law. |
| Annual Report | Every year, the Federal Muslim Commission shall submit an annual report to the President on the work the office has performed, and the President shall make arrangements to submit such reports to the Legislature-Parliament through the Prime Minister. | | A provision has been made to submit an annual report after holding discussion in the Legislature-Parliament on the work of the Commission and implement the same effectively while informing people about the ground realities. |