

Constitutional Assembly
Committee on Determination of the Form of the Legislative Body
Preliminary Draft of the Constitution

Unofficial Translation by Japan International Cooperation Agency (JICA) Nepal

Topic	The proposed provisions in the constitution	Which part of the constitution, article or section should include it	The reason why the provision is proposed, or interpretative comment
Part-1 Federal Legislature	<p><u>1. Constitution of the Legislature</u></p> <p>There shall be a Legislature, to be called Parliament, which shall consist of (the Head of the State) and two Houses, the House of Representatives and the National Assembly.</p>	Federal Legislature	<p>Among the three organs of the state—the executive, the legislature and the judiciary—the legislature alone has the crucial role of exercising the sovereignty of the people. The legislature has the important responsibility to make laws, on behalf of the state, which determine the present and future goals of the country. Thus, it is necessary for the legislature to represent the existing diversity of the country (e.g., class, cast, religion, language, culture, region).</p> <p>Considering the nature of the grave responsibility of this body, the federal legislature will be comprised of (Heads of the States) and two tiers of legislative bodies, which together will be known as Parliament. The upper house of the federal system will be known as the National Assembly and the lower house of the federal system will be known as the House of Representatives.</p>

	<p><u>2. Power of the Parliament:</u> Under the Constitution, the legislative power of Parliament shall be as set out in the federal list and common list of Schedule (1).</p>	<p>From a constitutional as well as a functional point of view, it is reasonable and necessary to mention the clear division of power and jurisdiction between the federal and the provincial legislatures in the Schedule of the Constitution. Therefore, the jurisdiction and power of the federal and the provincial legislatures will be specified in the Constitution.</p>
	<p><u>3. Constitution of the House of Representatives:</u></p> <p>(1) The House of Representatives shall consist of one hundred and fifty-one members. Seventy-six of those members shall be elected by direct election, and seventy-five members shall be elected by proportional election. The House of Representatives election shall be conducted via adult-franchising and secret ballots.</p> <p>(2) For the purpose of the election of members to the House of Representatives, seventy-six election constituencies shall be fixed throughout the country, and one representative from each election constituency shall represent his/her constituency in the House of Representatives.</p> <p>(3) As political parties select</p>	<p>In order to ensure equal and meaningful representation of the entire stratum of different sectors of Nepal, we propose that one hundred fifty-one members be elected to the federal House of Representatives by both direct and proportional elections, on the bases of population, geography, economic capacity, and representation.</p> <p>For the direct elections of the seventy-six members, we propose that the distribution of the election constituencies shall be determined by law on the bases of geography and population. We propose that the method of the proportional elections shall be determined by law to ensure the just and meaningful representation of all classes, genders, regions, castes, languages, religions, cultures, etc.</p>

	<p>candidates for election to the House of Representatives, law shall ensure that women, <i>madhesi, tharu, dalit, indigenous peoples, janajati, muslims, backward classes, regions, minorities, and other communities</i> are equally represented on the basis of population.</p> <p>(4) Following the House of Representatives elections, in case women do not constitute at least one-third of the elected representatives in accordance with clauses (2) and (3), an arrangement shall be made under clause (3) to ensure that at least one-third of the representatives are women.</p> <p>(5) (Unless dissolved earlier)* pursuant to the provisions of this Constitution, the term of office of the House of Representatives shall be five years.</p>		<p>The tenure of office for Representatives has been set at five years. This five-year tenure was found acceptable, as we have had the same practice in previous years. In an emergency, the term may be extended by one year, at most.</p> <p>This provision is recommended to respect the principle of free and fair elections. On the basis of “one person-one vote” and through secret ballot, voters can choose who they believe to be the most capable and desirable candidates for election to the House of Representatives. Other provisions regarding the elections shall be determined by law.</p> <p>In order to attract the young generation to the process of state governance, it is necessary to involve them in the selection of the House of Representatives. Therefore, we propose that every Nepali citizen who has reached 18 years of age shall have voting rights from one constituency of the country.</p>
	<p><u>4. Constitution of the National Assembly and the Tenure of Office of Members:</u> (1) The National Assembly shall</p>		<p>Having fifty-one members in the federal National Assembly will ensure that the units (i.e., providences) are represented, the</p>

* Interrelated with the Committee on Determination of Forms of Government

<p>consist of fifty-one members as follows:—</p> <p>(a) thirty-eight members to be elected by the Provinces (in equal) *numbers as prescribed by law;</p> <p>(b) thirteen members to be elected by the House of Representatives pursuant to law, on the basis of the system of proportional representation, by means of single transferable vote, from amongst: minorities, women, castes, languages, religions, backward groups or other communities that have not been able to participate in the House of Representatives; people of high reputation who have rendered prominent service in various fields of national life; and experts.</p> <p>(2) The National Assembly shall be a permanent House. The principle of inclusiveness shall be always taken into account in the constitution of this house. The tenure of office of one-third of its members shall expire every two years.</p> <p>3) The tenure of office of the members of the National Assembly shall be six years.</p>	<p>Assembly constitutes a group of experts, the house will be permanent and inclusive, subject matter will be sufficiently discussed, and there will be opportunities for comments and correction. This amount was also determined considering the economic condition of the country, etc.</p> <p>The federal National Assembly, being a representative body of the federal states (provinces), has been structured to ensure equal representation from each province.</p> <p>This house is constituted with the hope that it will contribute some new, fundamental changes and be effective for the nation, in comparison to the previous, bitter experiences of our country. It is also hoped that this house will play a significant role in maintaining a creative and mutual relationship between the central and the provincial governments.</p> <p>The National Assembly has been set up as a permanent house. The term of its members shall be six years. We propose that every two years, the terms of one-third of the</p>
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* It will be ensured as the Committees on Restructure of the State and Division of Power of the State determine the Federal Unites.

	<p>Provided that, for the first time, after the commencement of this Constitution, arrangements shall be made by drawing lots to retire one-third of the members on the expiry of two years, another one-third on the expiry of four years, and the final one-third on the expiry of six years.</p> <p>(4) The term of office of all the members shall be deemed to have started on the date on which National Assembly commences its first session.</p> <p>(5) Vacancies of seats in the National Assembly shall be filled in the same manner of election or nomination through which the seat of the vacating member was filled.</p> <p>(6) If any seat of a member of the National Assembly falls vacant during his tenure of office, the vacancy shall be filled in accordance with Clause (5) for the remainder of the term.</p>		<p>members shall expire, and there is no restriction on the re-election of these members. We expect that this House will play a significant, complementary role to the House of Representatives in building the road map of new Nepal.</p>
	<p><u>5. Qualifications for Membership:</u></p> <p>(1) In order to become a member</p>		<p>The constitution lists some qualifications necessary to be a member of the House of Representatives, to ensure that the</p>

	<p>of Parliament any person -</p> <p>(a) must be a citizen of Nepal;</p> <p>(b) must have attained twenty five years of age for the House of Representatives and thirty five years for the National Assembly;</p> <p>(c) should not be disqualified under any law; and</p> <p>(d) should not hold an office of profit.</p> <p>Explanation: For the purpose of this sub-clause, "office of profit" means any position, other than a political position, to be filled by election or nomination for which a remuneration or economic benefit is paid out of a Government Fund.</p> <p>(2) A person can not be a member in both Houses at a time.</p>		<p>representatives will be capable persons. These qualifications are not only formalities; rather, they may disqualify a person from being a member in the House of Representatives. Functional qualifications are not formally addressed in the constitution; however, it is expected that the members will develop fundamental qualifications and the aptitude to face challenges and fulfill their roles and responsibilities effectively.</p> <p>Expecting mature personalities in the National Assembly, the proposed minimum age of its members is thirty-five years. In contrast, for the House of Representatives, the proposed minimum age is only twenty-five years, in order to attract young and energetic people.</p>
	<p><u>6. Decision as to Disqualifications of Members:</u></p> <p>If a question arises as to whether a member of Parliament is disqualified or has ceased to possess any of the qualifications set forth in Article 5, the final decision shall be made by the Chief Justice of Nepal or any other Justice of the Supreme Court designated by him.</p>		<p>Since the nature of this issue is judicial, the power to decide in regard to qualifications has been given to a judicial person, so that he /she can decide it, following the judicial procedure and evaluating facts and evidence.</p>
	<p><u>7. Vacation of seat:</u> (1) The seat</p>		<p>The purpose of this provision is</p>

	<p>of a member of Parliament shall become vacant in the following circumstances:</p> <p>(a) if he/she dies; or</p> <p>(b) if he/she resigns in writing; or</p> <p>(c) if he/she does not or has ceased to possess the qualifications referred to in Article 5 ; or</p> <p>(d) if the term of the House is expired pursuant to this Constitution; or</p> <p>(e) if he/she, without permission of the concerned House, absents himself from thirty consecutive meetings of the House; or</p> <p>(f) if the party of which he/she was a member when elected provides notification in the manner set forth by law that he has abandoned the party.</p>		<p>not only to inform the representatives about their formal duties and responsibilities, but also to build up fundamental awareness among the representatives about their roles and responsibilities. Members who continuously remain absent shall vacate their seats. We hope that these provisions will emphasize duty to the members. Similarly, a member who changes political parties shall lose his/her membership in the House. The intent of this provision is to discourage members from changing political parties by being enticed or influenced by post, position and money, which not only creates political instability, but also disrespects the trust of the people.</p>
	<p><u>8. Oath:</u> The members of each House of Parliament shall, before taking part for the first time in a meeting of that House or any of its committees, administer an oath pursuant to the specified form in schedule (2) .</p>		<p>Every member of the House of Representatives shall administer the oath as prescribed before he /she takes any responsibility or attends the first meeting in the House. The main objective of this provision is to ensure that he/she fulfills his/her duty as the people’s representative and maintains his/her position and secrecy wholeheartedly and enthusiastically.</p>
	<p><u>9. Speaker and Deputy-Speaker of the House of Representatives</u> : (1) The House of Representatives shall, as soon</p>		<p>There is no doubt that the Speaker and the Deputy Speaker have crucial roles to play in keeping the House running smoothly.</p>

	<p>as possible, elect a Speaker and a Deputy-Speaker from among its members. If the office of the Speaker or the Deputy-Speaker falls vacant, the House of Representatives shall fill the vacancy through election from among its members.</p> <p>(2) The Deputy-Speaker shall, in the absence of the Speaker of the House of Representatives, chair the House of Representatives.</p> <p>(3) If the election of the Speaker and Deputy-Speaker has not taken place, or if both the positions have become vacant, the member of the House of Representatives who is by age the senior-most shall preside over the meeting of the House of Representatives.</p> <p>(4) The Office of the Speaker or the Deputy-Speaker shall become vacant in the following circumstances:</p> <p>(a) if he/she ceases to be a member of House of Representatives (Provided that, after the dissolution of the House of Representatives, the Speaker and Deputy-Speaker shall continue in office until the date of the filing of nominations for election to the</p>	<p>Though the majority elects them, a two-third majority in Parliament is necessary to dismiss them from their positions in case they do not abide their duty in a respectful manner. The intention behind this provision is to keep the Speaker and the Deputy Speaker free from any type of outside influence so that they can maintain their position in such a way that they can treat equally and respect the sentiment of the ruling and opposition parties. In case the provision to dismiss the Speaker and Deputy Speaker is proposed on the basis of majority, instability might occur and the Speaker and the Deputy Speaker might think that they are not free from fear of majority and they may have to lose their job at any time. If so, the House will not function well, and there might always be chances for bias. Therefore, no matter which political parties they represent before the election, a two-thirds majority is required in situations of their dismissal.</p> <p>The persons who run the House are both leaders and good managers. The House can only be run effectively if they show their effectiveness, responsibility, capacity, foresightedness, etc. in the House. They play a concrete</p>
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	<p>House of Representatives)* or (b) he/she submits a written resignation; or (c) if a resolution is passed by a majority of two-thirds of the total number of members in the House of Representatives to the effect that his /her conduct is not compatible with his position. (5) The Deputy-Speaker shall preside over a meeting at which deliberations are to be held on a resolution that the conduct of the Speaker of the House of Representatives is not compatible with his position. The Speaker shall be entitled to take part and vote in the deliberations on such resolution.</p> <p><u>10. Chairman and Vice Chairman of the National Assembly:</u></p> <p>(1) After the commencement of its first session, the National Assembly shall, as soon as possible, elect a Chairman and Vice Chairman from among its members. If the office of the Chairman or the Vice-Chairman falls vacant, the National Assembly shall fill the vacancy through election from among its members.</p>		<p>role guiding the House in a right way. It is expected that this provision will assist them in leading the smooth operation of the house towards its goals of facilitating and exploring remedies for different problems and situations.</p>
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* Interrelated with the Committee on Determination of Forms of Government

	<p>(2) The Vice-Chairman shall, in the absence of the Chairman of the National Assembly, chair the National Assembly.</p> <p>(3) If the election of the Chairman and Vice-Chairman has not taken place, or if both the positions have become vacant, the member of the National Assembly who is by age the seniormost shall preside over the meeting of the National Assembly.</p> <p>(4) The office of the Chairman or the Vice-Chairman shall become vacant in the following circumstances:</p> <p>(a) if he/she ceases to be a member of the National Assembly; or</p> <p>(b) if he/she submits a written resignation; or</p> <p>(c) if a resolution is passed by a majority of two-thirds of the total number of members of the National Assembly to the effect that his conduct is not compatible with his position.</p> <p>(5) The Vice-Chairman shall preside over a meeting at which deliberations are to be held on a resolution that the conduct of the Chairman of the National Assembly is not compatible with his position. The Chairman shall be entitled to take part and vote</p>		
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	<p>in the deliberations on such resolution.</p>		
	<p><u>11. Summoning and Dissolution of the House of Representatives:</u>* (1) The Head of the State shall summon a session of parliament within one month after the elections to the House of Representatives are held. Thereafter, the Head of the State shall summon other sessions from time to time in accordance with this Constitution.</p> <p>Provided that the interval between two consecutive sessions shall not be more than six months.</p> <p>(2) The Head of the State may prorogue the session of both or either of the Houses of Parliament.</p> <p>(3) If, during the prorogation or recess of the House of Representatives, one-fourth of its members make a representation that it is appropriate to convene a session or meeting, the Head of the State shall specify the date and time for such session or meeting. The House of</p>		<p>Admitting the Head of the State as a symbolic and formal, as well as indispensable part of the parliament, there is a provision for him/her to call, address solo or joint-sessions of the Parliament, to summon the members of Parliament, send messages and end the parliamentary session.</p>

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	<p>Representatives shall meet or commence its session on the date and time thus fixed.</p> <p>(4) In case it is established that an alternative government is possible, the Head of the State may dissolve the House of Representative on the recommendations of the Prime Minister. The Head of the State shall, when so dissolving the House of Representatives, specify a date, to be within six months, for new elections to the House of Representatives.*</p>		
	<p>12. Address and Message by the Head of the State : (1) The Head of the State may address either House or a joint sitting of both the Houses of Parliament, and he may summon the Members for that purpose.</p> <p>(2) The Head of the State shall address the first session after an election to the House of Representatives, and a joint sitting of both the Houses of Parliament after the commencement of the first session of each year.</p> <p>(3) The Head of the State may</p>		<p>We have proposed this provision based on the practice of other democratic countries, where the Head of the State addresses the first meeting of Parliament after the general election and the first meeting of Parliament of every year. The intention of this provision is to inform the members of Parliament, as well as the general public, about the achievements of past programs, the national and foreign policy of the government, and future programs.</p>

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	<p>send messages to either or both the Houses of Parliament. The House receiving such message shall, as early as possible, consider the matter mentioned in the message and submit its opinion to him.</p>		
	<p>13. Quorum: Except as otherwise provided in this Constitution, no resolution shall be presented for decision in either House of Parliament unless one-fourth of the total number of members of the concerned House are present.</p>		<p>Taking into account different situations, it has been proposed that quorum of the Houses be one-fourth of the members. It is expected that the members of the House shall realize the importance and necessity of the presence of the representatives in the House.</p>
	<p>14. Restriction on Discussion: (1). No discussion shall be held in either House of Parliament on a matter which is under consideration in any court of Nepal and makes negative impact in the hearing of the case, and about anything done by a Judge in course of performance of his duties.</p> <p>Provided that nothing in this clause shall be deemed to bar the expression of opinion about the conduct of a Judge during deliberations on a impeachment</p>		<p>Democratic and constitutional practices show that any subject that is under the judicial proceeding in the court, any act of judges that is conducted for the purpose of a decision of a case, or any type of judicial proceeding followed in the course of performing his/her duty and responsibility is not the subject of discussion at Parliament; however, as the purpose of this provision is to respect the principle of separation of power and the independence of the judiciary, it was considered appropriate to make room for</p>

	resolution held.		discussion at Parliament on issues that would not adversely affect or influence the procedure or hearing of the case.
	<p>15. Transaction of Business in case of Vacancy of Members: Either House of Parliament shall have the power to transact its business notwithstanding any vacancies in the seats of its members; and no proceedings shall become invalid even if it is subsequently discovered that a person not entitled to take part in the proceedings of either House had participated therein.</p>		This provision is proposed to ensure that a decision or act that is already performed is not voided due to the absence of any member, including any member who was not allowed to attend the meeting.
	<p>16 Voting: Except as otherwise provided in this Constitution, all questions submitted for decision in either House of Parliament shall be decided by a majority vote of the members present and voting. Normally the member presiding shall not have the right to vote, but he may exercise his casting vote in the case of tie.</p>		Rule by majority is a fundamental principle of democracy. Guided by the same principle, it is proposed by the Constitutional Assembly that the simple majority can make any decision, except as prescribed for in the special conditions.
	<p><u>17. Vote of Confidence:</u> *</p>		

* Interrelated with the Committee on Determination of Forms of Government

	<p><u>18. Minister Entitled to Take Part in Both Houses:</u> A Minister shall be entitled to attend and take part in the proceedings and deliberations of either House of the Parliament and its committees:</p> <p>Provided that he/she shall not be entitled to vote in a House or committee of which he/she is not a member.</p>		<p>According to the practice of the bicameral legislature system, a representative from either House may be appointed as a Minister. The Minister has responsibility attached to both Houses and committees formed under the House, regardless of which House he represents. Therefore, this provision is proposed to allow the Minister to participate in both Houses and any committee, and take part in the discussion. However, he is not eligible to vote in the House where he is not a member.</p>
	<p><u>19. Penalty for Unauthorized Presence or Voting:</u></p> <p>If a person sits or votes in a meeting of either House of Parliament as a member without taking an oath pursuant to Article 8, or knowing that he is not qualified for membership in the House, he shall, on order of the person chairing the House, be liable to a fine of five thousand rupees for each day of such presence or voting. The fine shall be recovered as government dues.</p>		
	<p><u>20. Privileges:</u> (1) Subject to the provisions of this Constitution,</p>		<p>The reason behind this provision is to encourage the</p>

	<p>there shall be full freedom of speech in both Houses of Parliament and no member shall be arrested, detained or prosecuted in any court for anything said or any vote cast in the House.</p> <p>(2) Subject to the provisions of this Constitution, each House of Parliament shall have full power to regulate its internal business, and it shall be the exclusive right of the House concerned to decide whether or not any proceeding of the House is regular. No question shall be raised in any court in this behalf.</p> <p>(3) Subject to the provisions of this Constitution, no comment shall be made about the good faith concerning any proceeding of either House of Parliament and no publication of any kind shall be made about anything said by any member which intentionally distorts or misinterprets the meaning of the speech.</p> <p>(4) Subject to the provisions of this Constitution, the provisions of clauses (1) and (3) shall also apply to any person, other than a member, who is entitled to take</p>	<p>representatives of the people to speak and opine independently in the House and use their voting rights without any influence and threat. The expectation with this provision is to give progressive and meaningful direction to Parliament.</p>
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	<p>part in a meeting of the House.</p> <p>(5) No proceedings shall be initiated in any court against any person for publication of any document, report, vote or proceeding which is made under authority given, subject to the provisions of this Constitution, by a House of Parliament.</p> <p>Explanation: For the purposes of this clause and clauses (1), (2), (3) and (4), the word "House" shall mean and include the committees of a House and shall also mean a joint sitting of Parliament or a meeting of the Joint Committee.</p> <p>(6) No member of Parliament shall be arrested between the date of issuance of the summons for a session and the date on which that session closes.</p> <p>Provided that nothing in this clause shall be deemed to prevent the arrest under any law of any member on a criminal charge. If any member is so arrested, the official making such arrest shall forthwith inform the person chairing the concerned House.</p>		
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	<p>(7) Any breach of privilege of either House of Parliament shall be deemed to constitute contempt of Parliament and the concerned House shall have the exclusive right to decide whether or not any breach of privilege has taken place.</p> <p>(8) If a person is in contempt of either House of Parliament, the Chairperson of the concerned House may, after a decision by the House to that effect, admonish, warn or impose a sentence of imprisonment not exceeding three months, to remain effective only during the current session of the House, or impose a fine of up to ten thousand rupees on such person. The fine shall be recovered as government dues:</p> <p>Provided that if the person so accused submits an apology to the satisfaction of the House, it may either pardon him or remit or commute the sentence imposed on him.</p> <p>(9) Other matters relating to privileges not mentioned in this Constitution shall be as determined by law.</p>		
	<p><u>21. Procedures relating to the</u></p>		<p>This provision is proposed so that</p>

	<p><u>Conduct of Business:</u></p> <p>(1) Each House of Parliament shall, subject to the provisions of this Constitution, frame rules for conducting its business, maintaining order during its meetings and regulating the constitution, functions and procedures of the committees or any other matter of the House or the committees. Such rules shall come into effect upon approval by the Head of the State .</p> <p>(2) Matters relating to the conduct of business of a joint sitting of Parliament and the constitution of its Joint Committee, and the functions and procedures thereof shall be in accordance with rules made by the Head of the State on the recommendation of the Speaker of the House of Representatives and the Chairman of the National Assembly.</p> <p>(3) Until such time as rules mentioned in clauses (1) and (2) are made, matters mentioned in those clauses shall be governed by rules made by the Head of the State.</p>		<p>the constitution and procedure of every House and its committees shall be arranged as determined by law (i.e., by forming a regulation) under this Constitution.</p>
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	<p>22. Committees: The House of Representatives may, by forming rules, regulate the constitution and management of Committees on Finance, Public Account, Human Rights, Foreign Relations, Natural Resources, Protection of the Environment, Population and such committees on other subjects as required.</p>		<p>The provision for subject committees in the House is proposed to expedite the work of the houses by utilizing expertise, and also to help tackle problems that may occur from time to time.</p>
	<p>23. Joint-Committee: (1) If a resolution is passed by either House demanding that of both the Houses be constituted for the purpose of managing the working procedure between the two Houses, resolving disagreements on any Bill, or for any other specified function, a Joint-Committee thereon shall be constituted.</p> <p>(2) The Joint-Committee shall consist of up to a maximum of fifteen members in the ratio of two-members from the House of Representatives to-one-member from the National Assembly.</p>		<p>For the purpose of managing the working procedure between the two Houses, resolving disagreements on any Bill, or for any other specified function, a Joint-Committee, as per necessity, is proposed.</p>
	<p>24. Secretariat of Parliament:</p> <p>(1) (The Head of the State)* shall appoint the Secretary of the</p>		<p>A Secretariat is proposed to provide administrative assistance to Parliament so that it runs in a smooth way. Other matters</p>

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	<p>House of Representatives on the recommendation of its Speaker, and the Secretary of the National Assembly on the recommendation of its Chairman and the Secretary-General of Parliament in consultation with both the Speaker and the Chairman.</p> <p>(2) The establishment of a Secretariat for the purpose of conducting the business of Parliament and other matters related thereto shall be as determined by law.</p>		<p>related to the Secretariat shall be as determined by law.</p>
	<p>25. Remuneration: The remuneration and privileges of the Speaker and Deputy Speaker of the House of Representatives, the Chairman and Vice-Chairman of the National Assembly and members of Parliament shall be determined by law, and until so determined, shall be as specified by the Head of the State .</p>		<p>This provision is proposed that the remuneration and privileges of the Speaker and Deputy Speaker of the House of Representatives, the Chairman and Vice-Chairman of the National Assembly, and members of Parliament shall be determined by law.</p>
Part 2 : Federal Management Procedure	<p>26. Procedure for Introducing a Bill: (1) A bill may be introduced in either House of Parliament.</p> <p>Provided that Finance Bills shall be introduced only in the House</p>		<p>Parliament is an important institution exercising the sovereignty of people. By adopting management procedure, the Parliament ensures that it will fulfill its very crucial responsibilities, such as</p>

	<p>of Representatives.</p> <p>(2) A Finance Bill or a Bill concerning the Nepali Army or the Armed Police Force shall be introduced only as a Government Bill.</p> <p>(3) "Finance Bill" means a Bill concerning any or all of the following subjects:</p> <p>(a) the imposition, collection, abolition, remission, alteration or regulation of federal taxes;</p> <p>(b) the preservation of the Federal Consolidated Fund or any other Government Fund, the deposit of moneys into and the appropriation or the withdrawal of moneys from such Funds, or the reduction, increment or cancellation of appropriations or of proposed expenditures from such Funds;</p> <p>(c) the regulation of matters relating to the raising of loans or the giving of guarantees by the Federal Government or any matter pertaining to amendment of the laws concerning the financial liabilities undertaken or to be undertaken by Nepal Government;</p> <p>(d) the custody and investment of</p>		<p>determining the policies of state and government, enacting laws, etc. The Finance Bill is introduced only in the House of Representatives because, on the one hand, there is a principle that no tax is to be levied without law, and, on the other hand, the matters related to tax are determined in the Finance Bill. Therefore, the Finance Bill will only be introduced in the House of Representatives so that representatives directly elected by the people will determine the tax and other matters related to it.</p> <p>Both of the Houses shall have equal rights to make law, other than the Finance Bill.</p>
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	<p>all revenues received by any Federal Government's Fund, moneys acquired through the repayment of loans, and grant moneys; or audits of the accounts of Nepal Government; or</p> <p>(e) matters directly related to the above subjects.</p> <p>(4) If any question arises whether a Bill is a Finance Bill or not, the decision of the Speaker shall be final.</p>		
	<p><u>27. Procedure for Passage of Bills:</u> (1) A Bill passed by one Federal House of Parliament shall be transmitted to the other House as soon as possible and such Bill, if passed by the receiving House, shall be presented to Head of the State for assent.</p> <p>(2) A Finance Bill passed by the House of Representatives shall be transmitted to the National Assembly. The National Assembly shall, after deliberations on such a Bill, send back the Bill to the House of Representatives within fifteen days from the date of receipt of the Bill with recommendations, if</p>		<p>There is no discrimination between the two Houses in regards to passing a bill in the same form in which it is presented, passing it with amendment, or refusal.</p>

	<p>any.</p> <p>(3) The House of Representatives shall, upon deliberations on a Bill returned with recommendations pursuant to clause (2), present it to the Head of the State for assent along with such recommendations as it may deem appropriate.</p> <p>(4) If the National Assembly does not return a Bill received pursuant to Clause (2) for more than fifteen days, the House of Representatives may present the Bill to the Head of the State for assent.</p> <p>(5) Any Bill, except for a Finance Bill, passed by the House of Representatives and transmitted to the National Assembly shall be sent back with approval or recommendations within two months from the date of receipt. If the National Assembly does not return the Bill within that period, the House of Representatives may, by a resolution passed by a majority of more than fifty percent of the sitting members, present the Bill to the Head of the State for assent.</p> <p>(6) If any Bill passed by one</p>		
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	<p>House is rejected or is passed with amendments by the other House, the Bill shall be transmitted back to the House where it originated.</p> <p>(7) If the House of Representatives, in considering a Bill which has been rejected or amended by the National Assembly pursuant to clause (6), passes it again as it was or with amendments, by a majority of more than fifty percent of its sitting members, the Bill shall be presented to the Head of the State for assent.</p> <p>(8) A Bill for which amendments have been recommended and which has been transmitted to the National Assembly by the House of Representatives pursuant to clause (6) shall be presented to the Head of the State for assent if the National Assembly also passes a resolution to adopt the Bill with such amendments.</p> <p>(9) The following Bills shall be referred to a joint sitting of the two Houses and if the joint sitting passes the Bill as it was or with amendments, the House in which the Bill originated shall present it to the Head of the State</p>		
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	<p>for assent: -</p> <p>(a) Bills which, though being passed by the National Assembly, have been rejected by the House of Representatives; or</p> <p>(b) Bills which have been returned to the National Assembly with amendments by the House of Representatives, but which the National Assembly fails to pass with such amendments.</p> <p>(10) If a session of a House terminates while a Bill is under consideration, deliberations on the Bill may continue at the succeeding session.</p> <p>Provided that if any Bill introduced in the House of Representatives is under consideration, or if a Bill, having been passed by that House and transmitted to the National Assembly, is under consideration in the National Assembly, when the House of Representatives is dissolved or its term expires, such Bill shall be deemed to have lapsed.</p>		
	<p><u>28. Withdrawal of Bills:</u> A Bill</p>		<p>This provision is proposed</p>

	<p>may be withdrawn by the member introducing it with the approval of the House.</p>		<p>considering the fact that if the member who presented the bill to the Houses considers that it is not necessarily pass, he may withdraw the bill. Similarly, the member who presented bill may withdraw the bill with permission from the House if it seems that the objective of the bill will not be fulfilled or an amendment to the bill is passed.</p> <p>If the member feels the bill does not deserve to be passed, he may withdraw the same. There is a provision for the member to take the bill back with the permission of the House, if and when it seems that its objective would not be fulfilled or if a proposed bill amendment is passed.</p>
	<p><u>29. Assent on Bills:</u> (1) A Bill which is to be presented to the Head of the State for assent pursuant to Article 27 shall be so presented by the Speaker or the Chairman of the House in which the Bill originated after it has been duly certified by him.</p> <p>Provided that in the case of a Finance Bill, the Speaker shall so certify.</p> <p>(2) Upon the Head of the State's</p>		<p>For the Finance Bill, the Speaker of the House of Representatives, and for other Bills, the Speaker or Chairperson of the House of origin, shall certify the bill before presenting it to the Head of the State for assent.</p> <p>If the Head of the State determines that any Bill needs further deliberations, he may send back the Bill with his message to the House of origin of the Bill</p>

	<p>assent to any Bill that has been presented to him pursuant to this Article, both Houses shall be informed as soon as possible.</p> <p>(3) Except for a Finance Bill, if the Head of the State is of the opinion that any Bill needs further deliberations, he may send back the Bill with his message to the House of origin of the Bill within one month from the date of presentation of the Bill to him.</p> <p>(4) If any Bill is sent back with a message from the Head of the State, it shall be reconsidered by a joint sitting of the two Houses and if the Bill so reconsidered is again passed as it was or with amendments, and it is again presented to him, the head of the State shall give assent to that Bill within fifteen days of such presentation.</p> <p>(5) A Bill shall become an Act after the Head of the State grants his assent to it in accordance with this Article.</p>	<p>within one month from the date of presentation of the Bill to him for assent. Such a bill shall be reconsidered by a joint sitting of the two Houses. If the Bill so reconsidered is again passed as it was or with amendments, and it is again presented to him, the Head of the States shall give assent to that Bill within fifteen days of such presentation.</p>
<p>Part Three: Federal Financial Procedure</p>	<p>30. Ordinance: (1) If at any time, except when both Federal Houses of Parliament are in session, the Head of the State is</p>	<p>In a practice that has been adopted by the world's democratic constitutions, in the circumstances where the House of</p>

	<p>satisfied that circumstances exist which render it necessary for him to take immediate action, he may, without prejudicing the provisions set forth in this Constitution, promulgate any Ordinance as He may deem necessary.</p> <p>(2) An Ordinance promulgated under clause (1) shall have the same force and effect as an Act: Provided that every such Ordinance:</p> <p>(a) shall be tabled at the next session of both Houses of Parliament, and if not passed by both Houses, it shall ipso facto cease to be effective;</p> <p>(b) may be repealed at any time by the Head of the State ; and</p> <p>(c) shall, unless rendered ineffective or repealed under sub-clause (a) or (b), ipso-facto cease to have effect at the expiration of six months from its promulgation or sixty days from the commencement of a session of both the Houses.</p> <p>Explanation: If the two Houses of Parliament meet on different dates, the latter date on which a House commences its session shall be deemed to be the date of</p>		<p>Representatives is not in session, but there is an urgent need to take immediate actions, even though no prevailing law provides for this, the Head of the State may issue an Ordinance that is equally implacable as law. It does not mean that the Head of the State is given power to enact law by issuing an Ordinance undermining the Parliament. This is an exceptional way of making laws. Ordinance should not be a regular means of issuing or enacting laws.</p>
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	<p>commencement of session for the purpose of computation of time under this clause.</p>		
	<p><u>31. No Tax to be Levied or Loan to be Raised Except in Accordance with Law:</u></p> <p>(1) No tax shall be levied and collected except in accordance with law.</p> <p>(2) No loan shall be raised or guarantee be given by the Federal Government except in accordance with law.</p>		<p>In every democratic constitution, the individual's right to property is protected. This provision is proposed guided by the principle of <i>no taxation without representation</i> (meaning only a law made by people's representatives can impose tax on an individual's property). Therefore, the provision of the Constitution states that no tax shall be levied and collected except in accordance with law and no loan shall be raised or guarantee be given by the Government except in accordance with law.</p>
	<p><u>32. Federal Consolidated Fund:</u> Except the revenues of religious endowments, all revenues received by the Federal Government, all loans raised on the security of revenues and all moneys received in repayment of any loan made under the authority of any Act shall, unless otherwise provided by an Act, be credited to a Government Fund to be known as the Federal Consolidated Fund.</p>		

	<p><u>33. Expenditures From the Federal Consolidated Fund or a Government Fund:</u> No expenditure shall be incurred out of the Federal Consolidated Fund or any other Government Fund except the following: -</p> <p>(a) moneys charged on the Federal Consolidated Fund;</p> <p>(b) moneys required to meet the expenditure under an Appropriation Act;</p> <p>(c) advance moneys authorised by an Act required to meet expenditures, when an Appropriation Bill is under consideration; or</p> <p>(d) -expenditures to be incurred in extraordinary circumstances under a Vote of Credit Act which contains only a description of expenditures.</p> <p>Provided that matters relating to the Contingency Fund shall be governed in accordance with the provisions of Article 40.</p>		
	<p><u>34. Expenditure Chargeable on the Consolidated Fund:</u> The expenditures related to the following matters shall be charged on the Consolidated</p>		

	<p>Fund and no approval of Parliament for these expenditures shall be required: -</p> <p>(1) the amount provided by the Act relating to expenditures on the Head of the State ;</p> <p>(2) the amount required as remuneration, privileges and pension payable to the Chief Justice of Nepal and other Justices of the Supreme Court;</p> <p>(3) the amount required as remuneration and privileges payable to the following officials: -</p> <p>(a) the Speaker and Deputy-Speaker of the House of Representatives;</p> <p>(b) the Chairman and Vice-Chairman of the National Assembly;</p> <p>(c) the Chief Commissioner and other Commissioners of the Commission for the Investigation of the Abuse of Authority;</p> <p>(d) the Auditor-General;</p> <p>(e) the Chairman and members of the Public Service Commission; and</p> <p>(f) the Chief Election</p>		
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	<p>Commissioner and other Election Commissioners.</p> <p>(4) the administrative expenses of the Supreme Court, the Commission for the Investigation of the Abuse of Authority, the Department of the Auditor-General, the Public Service Commission and the Election Commission;</p> <p>(5) all charges relating to debts for which the Federal Government is liable;</p> <p>(6) any sum required to satisfy any judgment or decree of a court against the Federal Government; and</p> <p>(7) any sum declared by law to be chargeable on the Consolidated Fund.</p>		
	<p><u>35. Estimates of Revenues and Expenditures:</u> (1) The Head of the State shall, in respect of every financial year, cause to be laid before a joint sitting of Parliament an annual estimate including the following matters: -</p> <p>(a) an-estimate of revenues;</p> <p>(b) the moneys required to meet the charges on the Federal Consolidated Fund; and</p>		<p>In democratic countries, people have rights over the public property, the government cannot spend money without permission of people, and the people should be notified about the overall economic condition of the country. Guided by the same concept, the executive informs the people about the economic condition of the nation and presents a request to Parliament</p>

	<p>(c) the moneys required to meet the expenditure to be provided for by an Appropriation Act.</p> <p>(2) The annual estimate to be presented pursuant to clause (1) above should accompany by a Province ment of the expenses allocated to each Ministry in the previous financial year and particulars of whether the objectives of the expenses have been achieved.</p>		<p>for approval of the amount of expenditure. Parliament approves the proposal of the government as per necessity. These provisions are proposed by taking into account those values and practices.</p>
	<p><u>36. Appropriation Act:</u> The moneys required to meet the expenditure-to be provided for by any Appropriation Act shall be specified under appropriate heads in an Appropriation Bill.</p>		<p>This provision states that the money required to meet the expenditure, to be provided for by any Appropriation Act, shall be specified under appropriate heads in an Appropriation Bill.</p>
	<p><u>37. Supplementary Estimates:</u></p> <p>(1) The Head of the State shall, in respect of any financial year, cause to be laid before the House of Representatives a supplementary estimate if it is found -</p> <p>(a) that the sum authorized to be spent for a particular service by the Appropriation Act for the current financial year is insufficient, or that a need has arisen for expenditures upon new services not provided for by the</p>		<p>This provision is proposed: If it is found that the sum authorized to be spent for a particular service by the Appropriation Act for the current financial year is insufficient, or the sum is spent in another category, a supplementary estimate shall be presented before the House.</p>

	<p>Appropriation Act for that year; or (b) that the expenditures made during that financial year are in excess of the amount authorised by the Appropriation Act.</p> <p>(2) The sums included in the supplementary estimates shall be specified under separate heads in a Supplementary Appropriations Bill.</p>		
	<p><u>38. Votes on Account</u> (1) Notwithstanding anything contained in this Part, a portion of the expenditure estimated for the financial year may, when an Appropriation Bill is under consideration, be incurred in advance by an Act.</p> <p>(2) A Vote on Account Bill shall not be submitted until the estimates of revenues and expenditures have been presented in accordance with the provisions of Article 35 and the amounts involved in the Vote on Account shall not exceed one-third of the estimate of expenditures for the financial year.</p> <p>(3) The expenditures incurred in accordance with the Vote on Account Act shall be included in</p>		<p>After the completion of a financial year, the amount approved by Parliament in the Appropriations Bill of the previous year will automatically return to the public fund. The government may immediately need a sum for administrative expenditure until the Parliament approves the amount under the heading of the Appropriations Bill in the current financial year. Therefore, the government may have to spend some amount for the administration as a vote of account for the period until the Parliament passes the Appropriations Bill. Therefore, this provision is proposed to spend the vote of credit not exceeding one-third of the estimated expenditure.</p>

	the Appropriation Bill.		
	<p><u>39. Votes of Credit:</u> Notwithstanding anything contained in this Part, if owing a local or national emergency due to either natural cause, a threat of external aggression or internal disturbances, or other reasons, the Head of the State is of the opinion that it is impractical or inexpedient in view of the security or interest of the Province to specify the details required under Article 35, He may cause to be laid before the House of Representatives a Vote of Credit Bill giving only a description of the proposed expenditures.</p>		<p>In an emergency condition, if an amount is necessary for the security of the nation and it is impractical or inexpedient in view of the security or interest of the State to specify the details, it is proposed that a Vote of Credit Bill giving only a description of the proposed expenditures may be presented before the House of Representatives.</p>
	<p><u>40. Contingency Fund:</u> An Act may create a Contingency Fund into which shall be paid from time to time such moneys as may be determined by law. Such Fund shall be under the control of the Federal Government. The Federal Government may spend this fund for any unforeseen expenditures. The amount of the expenditures so met shall be reimbursed as soon as possible by an Act.</p>		<p>To tackle emergency and unforeseen situations in the country and to protect the nation from such kind of unforeseen circumstances and threats, when it is not possible to spend from the Consolidated Fund in the absence of statutory authority, a separate fund should be established to manage these special obstacles. This fund is permanent, and the required amount can be spent from this fund. The amount spent from this fund can be reimbursed from</p>

			supplementary estimates; therefore, the same concept guides the establishment of this fund.
	<p><u>41. Act Relating to Financial Procedure:</u> Matters relating to the transfer of moneys appropriated from one head to another and other financial procedures shall be regulated by an Act.</p>		The assumptions done in one particular circumstance may not be the same in all the situations; therefore, an amount might be transferred from one heading to another heading. Therefore, the procedure of transferring funds from one heading to another heading and other matters related to financial procedure shall be as determined by the Financial Procedure Rules.
Part Four: Provincial Legislature	<p><u>42. Constitution of Provincial Legislature:</u> The Legislature of Province shall be unicameral. (Together with the Chief of the Province)*, this legislature shall be known as the Provincial Assembly.</p>		Taking into consideration the geographical, political, economic, social, cultural bases of the country, a unicameral provincial Legislature is proposed for federal units. There is a need for substantial representation of class, gender, region, cast, language, religion, and diversity of culture in the Provincial Legislature.
	<p><u>43. Power of the Provincial Assembly:</u> The legislative authority of the Province s shall be vested in the Province Assembly. The legislative power of the Provincial Assembly under this Constitution shall be limited as set out in the Province list and</p>		There is an explicit need to divide the role and power between the Federal and provincial Legislatures. Therefore, from a constitutional and functional point of view, the powers and the jurisdictions of the Federal and provincial Legislatures is to be determined in the Schedule of the

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	Common list of Schedule (1).		Constitution.
	<p><u>44. Constitution of the Province Assembly:</u></p> <p>(1) On the basis of the population density of each particular province, no more than thirty-five members shall be elected to the Federal Assembly. Eighteen members shall be elected by direct election, and seventeen members shall be elected from proportional election. The election of the Provincial Assembly shall be conducted utilizing adult-franchising and secret ballots.</p> <p>(2) Following the direct and proportional elections, in case women do not constitute at least one-third of the elected representatives, law shall be introduced pursuant to the proportional election provision to ensure that at least one-third of the Provincial Assembly representatives are women. Law shall prescribe the method for determining election constituencies and the number of members to the Provincial Assembly.</p> <p>(3) As political parties select candidates for election to the Provincial Assembly, law shall</p>		<p>While forming the provincial Assembly, it is the responsibility and challenge of the provincial Legislature to pave the way forward, making the laws, rules and policies of the Province while taking into account the density of population within the Province, geography, economic capacity, caste living in that particular territory, language, gender, class, and region. However, there shall be a unicameral legislature. Thirty-five members is proposed to ensure representation of the entire province. Both direct and proportional elections methods are proposed with a view to ensuring the justifiable representation of all strata of people including basis of geography, population, language, gender, class, and religion.</p> <p>The election constituencies and numbers of province shall be as determined by law.</p>

	<p>ensure that women, <i>madhesi, tharu, dalit, indigenous peoples, janajati, Muslims, backward classes, regions, minorities, and other communities</i> are equally represented on the basis of population.</p> <p><u>Clarification:</u> The term “other communities” means all communities except the above-mentioned communities.</p> <p>(4) (Unless dissolved earlier*) pursuant to the provisions of this Constitution, the term of office for Provincial Assembly representatives shall be five years. Provided that during the operation of a proclamation of a State of Emergency, an Act may extend the term of office for Provincial Assembly representatives by a period not exceeding one year. Provided that the term of the Provincial Assembly thus extended shall ipso facto stand terminated after six months from the date on which the proclamation of the State of Emergency is withdrawn.</p> <p>(5) Every Nepali citizen who has reached the age of eighteen years shall be entitled to vote in the</p>		
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	<p>election constituency of the province in which he/she resides in accordance with the provisions of law.</p> <p>(6) Every person who is entitled to vote in the Province Assembly elections may, subject to the provisions of prevailing laws, be a candidate from his/her election constituency.</p> <p>(7) Any vacancy in a seat occurring in the Province Assembly, while a portion of its term still remains, shall be filled through a the same procedure.</p> <p>(8) Subject to the provisions of this Article, Provincial Assembly elections and other matters pertaining thereto shall be regulated in accordance with law.</p>		
	<p><u>45. Qualifications for Membership of Provincial Assembly:</u></p> <p>(1) In order to become a member of Provincial Assembly any person -</p> <p>(a) must be a resident of the Province ;</p> <p>(b) must have attained twenty five years;</p>		<p>These qualifications for a Member to the provincial Assembly are prescribed to ensure the members are qualified, moral and have good character, and to ensure the representation of local people.</p>

	<p>(c) should not be disqualified under any law; and (d) should not hold an office of profit.</p> <p>Explanation: For the purpose of this sub-clause, "office of profit" means any position, other than a political position, to be filled by election or nomination for which a remuneration or economic benefit is paid out of a Government Fund.</p>		
	<p><u>46. Decision as to Disqualifications of Members:</u></p> <p>If a question arises as to whether a Member of Provincial Assembly is disqualified or has ceased to possess any of the qualifications set forth in Article 45, the final decision shall be made by the Chief Judge of the High Court of the Province or any other Judge of the High Court designated by him/her.</p>		<p>Since the nature of this issue is judicial and it is appropriate that a judicial authority make the final decision on any disputes in regard to the qualifications of members to the provincial Assembly, the power to decide such a case has been given to a judicial person. The Chief Judge of the High Court of the Province or any other Judge of the High Court designated by him/her will exercise this power.</p>
	<p><u>47. Vacation of seat:</u> (1) The seat of a member of Provincial Assembly shall become vacant in the following circumstances:</p> <p>(a) if he /she resigns in writing; or</p> <p>(b) if he /she does not or has ceased to possess the qualifications referred to in Article 45; or</p> <p>(c) if the term of the Provincial</p>		<p>The provision proposed in this Article intends to abolish the political instability that occurs when power and money influence members of the legislature to change political parties. Therefore, this provision is proposed to vacate the seat of a member who changes his/her political party.</p>

	<p>Assembly is expired; or (d) if he/she dies; or (e) if he/she, without permission of the Assembly, absents himself from thirty consecutive meetings of the Assembly; or (f) if the party of which he/she was a member when elected provides notification in the manner set forth by law that he has abandoned the party.</p>		
	<p><u>48. Oath:</u> The members of Provincial Assembly shall, before taking part for the first time in a meeting of Assembly or any of its committees, administer an oath as specified in Law.</p>		<p>The members of the provincial Assembly shall take an oath as designated by law before they participate in the first meeting of the provincial Assembly.</p>
	<p><u>49. Speaker and Deputy-Speaker of the Provincial Assembly</u> : (1) The Provincial Assembly shall elect a Speaker and a Deputy-Speaker from among its members, one of them shall be a woman. If the office of the Speaker or the Deputy-Speaker falls vacant, the Provincial Assembly shall fill the vacancy through election from among its members.</p> <p>(2) The Deputy-Speaker shall, in the absence of the Speaker of the Provincial Assembly, chair the Provincial Assembly.</p>		<p>Running Assembly business and smoothly managing meetings are crucial roles of the Speaker and Deputy Speaker in the provincial Assembly.</p>

	<p>(3) If the election of the Speaker and Deputy-Speaker has not taken place, or if both the positions have become vacant, the member of the Provincial Assembly who is by age the senior-most shall preside over the meeting of the Provincial Assembly.</p> <p>(4) The Office of the Speaker or the Deputy-Speaker of the Provincial Assembly shall become vacant in the following circumstances:</p> <p>(a) if he /she ceases to be a member of the Provincial Assembly</p> <p>(b) he/she submits a written resignation; or</p> <p>(c) if a resolution is passed by a majority of two-thirds of the total number of members in the Provincial Assembly to the effect that his/her conduct is not compatible with his position.</p> <p>(5) The Deputy-Speaker shall preside over a meeting at which deliberations are to be held on a resolution that the conduct of the Speaker of the Provincial Assembly is not compatible with his position. The Speaker shall be entitled to take part and vote in the deliberations on such resolution.</p>		
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	<p><u>50.Summoning and Prorogation of the Session (Dissolution of the Provincial Assembly)*:</u> (1) The Chief of the Province shall summon a session of the Provincial Assembly within one month after the elections to the Provincial Assembly are held. Thereafter, the Chief of the Province shall summon other sessions from time to time in accordance with this Constitution.</p> <p>(2) The Chief of the Province may prorogue the session of the Province Assembly.</p> <p>(3) If, during the prorogation or recess of the Province Assembly, one-fourth of its members make a representation that it is appropriate to convene a session or meeting, the Chief of the Province shall specify the date and time for such session or meeting. The Provincial Assembly shall meet or commence its session on the date and time thus fixed.</p> <p>(4) In case it is established that an alternative government is</p>		<p>Admitting that the Chief of the Province is a formal as well as indispensable part of the Assembly, there is a provision for him/her to call, address sessions of the Assembly, to summon the members of the Assembly, send messages, and end the session.</p>

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	<p>not possible, the Chief of the Province may dissolve the Provincial Assembly on the recommendation of the Executive Head of the Province. The Chief of the Province shall, when so dissolving the Provincial Assembly, specify a date, to be within six months, for new elections to the Provincial Assembly*</p>		
	<p>51. Address and Message by the Chief of the Province : (1) The Chief of the Province may address the sitting of the Provincial Assembly, and he/she may summon the Members for that purpose.</p> <p>(2) The Chief of the Province shall address the first session after an election to the Provincial Assembly, and the first session after the commencement of the first session of each year.</p> <p>(3) The Chief of the Province may send messages to the Provincial Assembly. The Assembly receiving such message shall, as early as possible, consider the matter mentioned in the message and</p>		<p>This provision is proposed so that the Chief of the Province addresses the first meeting of the Assembly after the general election and the first meeting of the Assembly of every year regarding the programs and policies of the government, future and past programs, and achievements of the past program.</p>

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	submit its opinion to him/her.		
	<p>52. Quorum: Except as otherwise provided in this Constitution, no resolution shall be presented for decision in the Provincial Assembly unless one-fourth of the total number of members of the Provincial Assembly are present.</p>		Although one-fourth of the members have been proposed for the quorum of the Assembly, it is expected that, functionally, the members of Assembly shall consider their presence important and necessary to representing the people.
	<p>53. Restriction on Discussion: (1). No discussion shall be held in the Assembly on a matter which is under consideration in any court of Nepal and makes negative impact in the hearing of the case, and about anything done by a Judge in course of performance of his duties.</p> <p>Provided that nothing in this clause shall be deemed to bar the expression of opinion about the conduct of a Judge during deliberations on an impeachment resolution held.</p>		This provision is proposed with an intention to establish the good faith and the trust of the people in the Court, and to not hamper independent judicial proceedings.
	<p>54. Transaction of Business in case of Vacancy of Members: The Provincial Assembly shall have the power to transact its business notwithstanding any vacancies in the seats of its members; and no proceedings shall become invalid even if it is</p>		This provision is proposed based on the principle that there should not be any barrier or challenge to running the business of the Assembly in these conditions.

	subsequently discovered that a person not entitled to take part in the proceedings of Assenbly had participated therein.		
	<u>55 Voting:</u> Except as otherwise provided in this Constitution, all questions submitted for decision in the Provincial Assembly shall be decided by a majority vote of the members present and voting. Normally the member presiding shall not have the right to vote, but he may exercise his leading vote in the case of tie.		It acknowledges the rule of majority and democratic values.
	<u>56. Vote of Confidence: *</u>		
	<u>57. Penalty for Unauthorized Presence or Voting:</u> If a person sits or votes in a meeting of Provincial Assembly as a member without taking an oath, or knowing that he is not qualified for membership in the Assembly, he/she shall, on order of the person chairing the Assembly, be liable to a fine of three thousand rupees for each day of such presence or voting.		This provision is proposed so that an unauthorized person cannot take part in the proceedings and vote, and in case he takes part or votes without authority, he/she shall be subject to punishment.

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	The fine shall be recovered as government dues		
	<p>58. Privileges: (1) Subject to the provisions of this Constitution, there shall be full freedom of speech in the Provincial Assembly and no member shall be arrested, detained or prosecuted in any court for anything said or any vote cast in the House.</p> <p>(2) Subject to the provisions of this Constitution, the Provincial Assembly shall have full power to regulate its internal business, and it shall be the exclusive right of the Assembly to decide whether or not any proceeding of the Assembly is regular. No question shall be raised in any court in this behalf.</p> <p>(3) Subject to the provisions of this Constitution, no comment shall be made about the good faith concerning any proceeding of the Provincial Assembly and no publication of any kind shall be made about anything said by any member which intentionally distorts or misinterprets the meaning of the speech.</p> <p>(4) Subject to the provisions of this Constitution, the provisions of clauses (1) and (3) shall also</p>		This provision is proposed with the hope that the members of the Assembly will exercise their right to speak and make opinions without any influence and threat.

	<p>apply to any person, other than a member, who is entitled to take part in a meeting of the Assembly.</p> <p>(5) No proceedings shall be initiated in any court against any person for publication of any document, report, vote or proceeding which is made under authority given, subject to the provisions of this Constitution, by the Provincial Assembly.</p> <p>Explanation: For the purposes of this clause and clauses (1), (2), (3) and (4), the word "Assembly" shall mean and include the committees of the Assembly and shall also mean the special committee of the Assembly.</p> <p>(6) No member of the Assembly shall be arrested between the date of issuance of the summons for a session and the date on which that session closes.</p> <p>Provided that nothing in this clause shall be deemed to prevent the arrest under any law of any member on a criminal charge. If any member is so arrested, the official making such arrest shall forthwith inform the person chairing the Assembly.</p>		
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	<p>(7) Any breach of privilege of Provincial Assembly shall be deemed to constitute contempt of Assembly and the Assembly shall have the exclusive right to decide whether or not any breach of privilege has taken place.</p> <p>(8) If a person is in contempt of the Provincial Assembly, the Chairperson of the Assembly may, after a decision by the Assembly to that effect, admonish, warn or impose a sentence of imprisonment not exceeding three months, to remain effective only during the current session of the Assembly, or impose a fine of up to five thousand rupees on such person. The fine shall be recovered as government dues:</p> <p>Provided that if the person so accused submits an apology to the satisfaction of the Assembly, it may either pardon him or remit or commute the sentence imposed on him.</p> <p>(9) Other matters relating to privileges not mentioned in this Constitution shall be as determined by law.</p>		
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	<p><u>59. Procedures relating to the Conduct of Business:</u></p> <p>(1) The Provincial Assembly shall, subject to the provisions of this Constitution, frame rules for conducting its business, maintaining order during its meetings and regulating the constitution, functions and procedures of the committees or any other matter of the Assembly or the committees. Such rules shall come into effect upon approval by the Chief of the Province .</p> <p>(2) Matters relating to the conduct of business of a sitting of the Assembly and the constitution of its Committees, and the functions and procedures thereof shall be in accordance with rules made by the Chief of the Province on the recommendation of the Speaker of the Provincial Assembly.</p> <p>(3) Until such time as rules mentioned in clauses (1) and (2) are made, matters mentioned in those clauses shall be governed by rules made by the Chief of the Province .</p>		<p>The constitution, functions and procedures of the committees of the provincial Assembly shall be as determined by law. The intention behind this is for law to help effectively manage the business of the Assembly.</p>
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	<p>60. Committees: The Provincial Assembly may, by forming rules, regulate the constitution and management of Subject Committees.</p>		<p>So that the work of the provincial Assembly may proceed expeditiously and effectively, and to tackle any unforeseen problem that might occur from time to time, the provision for subject committees is proposed.</p>
	<p>61. Special Committee: (1) If a resolution is passed by the Provincial Assembly for the purpose of managing the working procedure of the Assembly, or resolving disagreements on any Bill, or for any other specified function, a Special Committee thereon shall be constituted.</p> <p>(2) The Joint-Committee shall consist of up to a maximum of seven members.</p>		<p>The provincial Assembly shall have authority to establish a special committee to resolve disagreements on any bill or for any specified function.</p>
	<p>62. Secretariat of Province Assembly:</p> <p>(1) The Chief of the Province * shall appoint the Secretary of the Prudential Assembly on the recommendation of its Speaker.</p> <p>(2) The establishment of a Secretariat for the purpose of conducting the business of the</p>		<p>The Secretariat is proposed and to provide administrative assistance to the provincial Assembly and to help it run smoothly. Any other necessary provision shall be as determined by law.</p>

* Interrelated with the Committee on Determination of Forms of Government

	Assembly and other matters related thereto shall be as determined by law.		
	63. Remuneration: The remuneration and privileges of the Speaker and Deputy Speaker of the Provincial Assembly and members of the Assembly shall be determined by law, and until so determined, shall be as specified by the Chief of the Province .		The remuneration and privileges of the Speaker and Deputy Speaker shall be as determined by law.
Part Five: Province Management Procedure	64. Procedure for Introducing a Bill: (1) A bill may be introduced in the Provincial Assembly. (2) A Finance Bill shall be introduced only as a Government Bill. (3) "Finance Bill" means a Bill concerning any or all of the following subjects: (a) the imposition, collection, abolition, remission, alteration or regulation of Province taxes; (b) the preservation of the Province Consolidated Fund or any other Government Fund, the deposit of moneys into and the appropriation or the withdrawal		It is expected that while passing laws, the provincial Assembly will perform its duty and responsibility, taking into account the subject that to be covered by law.

	<p>of moneys from such Funds, or the reduction, increment or cancellation of appropriations or of proposed expenditures from such Funds;</p> <p>(c) the regulation of matters relating to the raising of loans or the giving of guarantees by the Province Government or any matter pertaining to amendment of the laws concerning the financial liabilities undertaken or to be undertaken by Province Government;</p> <p>(d) the custody and investment of all revenues received by any Province Government's Fund, moneys acquired through the repayment of loans, and grant moneys; or audits of the accounts of the Province Government; or</p> <p>(e) matters directly related to the above subjects.</p> <p>(4) If any question arises whether a Bill is a Finance Bill or not, the decision of the Speaker shall be final.</p>		
	<p><u>65. Procedure for Passage of Bills:</u> (1) A Bill passed by one Provincial Assembly shall be presented to Chief of the</p>		<p>Learning from our Constitutional practices and experiences, these provisions are proposed.</p>

	<p>Province for assent.</p> <p>(2) If a session of an Assembly terminates while a Bill is under consideration, deliberations on the Bill may continue at the succeeding session.</p> <p>Provided that if any Bill introduced in the Assembly is under consideration, and the Assembly is dissolved or its term expires, such Bill shall be deemed to have lapsed. *</p>		
	<p><u>66. Withdrawal of Bills:</u> A Bill may be withdrawn by the member introducing it with the approval of the House.</p>		<p>The bill presented by a Member may be withdrawn by himself with permission from the Assembly, if the member who presented the bill to the provincial Assembly considers that it is not necessary to pass the bill or he/she thinks that the bill does not fulfill the objective, or he/she thinks that it is required to change the bill according to the time.</p>
	<p><u>68. Assent on Bills:</u> (1) A Bill which is to be presented to the Chief of the Province for assent pursuant to Article 65 shall be so presented by the Speaker after it has been duly certified by him.</p> <p>Provided that in the case of a</p>		<p>It is proposed that the Speaker shall present the Bill to the Chief of the Province after he certifies it.</p> <p>Except for the Finance Bill, it is also proposed that if the Chief of the Province considers that any</p>

* Interrelated with the Committee on Determination of Forms of Government

	<p>Finance Bill, the Speaker shall so certify.</p> <p>(2) Upon the Chief of the Province 's assent to any Bill that has been presented to him pursuant to this Article, the Assembly shall be informed as soon as possible</p> <p>(3) Except for a Finance Bill, if the Chief of the Province is of the opinion that any Bill needs further deliberations, he may send back the Bill with his message to the Assembly within one month from the date of presentation of the Bill to him.</p> <p>(4) If any Bill is sent back with a message from the Chief of the Province , it shall be reconsidered by a meeting of the Assembly and if the Bill so reconsidered is again passed as it was or with amendments, and it is again presented to him, the Chief of the Province shall give assent to that Bill within fifteen days of such presentation.</p> <p>(5) A Bill shall become an Act after the Chief of the Province grants his assent to it in accordance with this Article</p>		<p>Bill needs further deliberations, he may send back the Bill with his message to the Assembly within one month. Once such Bill shall be reconsidered by the Assembly and if the Bill so reconsidered is again passed as it was or with amendments, and it is again presented to him, the Chief of the province will give assent to that Bill within thirty days of such presentation.</p>
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	<p>69. Ordinance: (1) If at any time, except when the Provincial Assembly is in session, the Chief of the Province is satisfied that circumstances exist which render it necessary for him to take immediate action, he may, without prejudicing the provisions set forth in this Constitution, promulgate any Ordinance as He may deem necessary.</p> <p>(2) An Ordinance promulgated under clause (1) shall have the same force and effect as an Act:</p> <p>Provided that every such Ordinance:</p> <p>(a) shall be tabled at the next session of the Province Assembly, and if not passed by the Assembly, it shall ipso facto cease to be effective;</p> <p>(b) may be repealed at any time by the Chief of the Province ; and</p> <p>(c) shall, unless rendered ineffective or repealed under sub-clause (a) or (b), ipso-facto cease to have effect at the expiration of six months from its</p>	<p>It is proposed that when the provincial Assembly is not in the Session, but there is an urgent need to take immediate actions, although no law provides for this, the Chief of the province may issue an Ordinance that is as equally applicable as law. Implication of law through an Ordinance is an exceptional way of making laws. Ordinance should not be a regular means of issuing or enacting laws.</p>
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	promulgation or sixty days from the commencement of a session of the Provincial Assembly.		
Part Six: Financial Procedure of Province	<p><u>69. No Tax to be Levied or Loan to be Raised Except in Accordance with Law:</u></p> <p>(1) No tax shall be levied and collected in Province except in accordance with law.</p> <p>(2) No loan shall be raised or guarantee be given by the Province Government except in accordance with law.</p>		<p>In every democratic constitution, the individual's right to property is protected. This provision is proposed guided by the principle of <i>no taxation without representation</i> (meaning only a law made by people's representatives can impose tax on an individual's property). Therefore, the provision of the Constitution states that no tax shall be levied and collected except in accordance with law and no loan shall be raised or guarantee be given by the Government except in accordance with law.</p>
	<p><u>70. Province Consolidated Fund:</u> Except the revenues of religious endowments, all revenues received by the Province Government, all loans raised on the security of revenues and all moneys received in repayment of any loan made under the authority of any Act shall, unless otherwise provided by an Act, be credited to a Government Fund to be known as the Province Consolidated</p>		<p>A provincial Consolidated Fund is created, to be observed and monitored by the provincial Assembly, taking into account the importance of matters related to finance. It is expected that with the provincial Assembly's control, public property will not be spent haphazardly. The principle of financial procedure says that the property should be spent only if law has given authority for a particular purpose.</p>

	Fund.		Following the same principles, no amount can be used without the permission of law
	<p><u>71. Expenditures From the Federal Consolidated Fund or a Government Fund:</u> No expenditure shall be incurred out of the Province Consolidated Fund or any other Government Fund except the following: -</p> <p>(a) moneys charged on the Province Consolidated Fund;</p> <p>(b) moneys required to meet the expenditure under an Appropriation Act;</p> <p>(c) advance moneys authorised by an Act required to meet expenditures, when an Appropriation Bill is under consideration; or</p> <p>(d) -expenditures to be incurred in extraordinary circumstances under a Vote of Credit Act which contains only a description of expenditures.</p> <p>Provided that matters relating to the Contingency Fund shall be governed in accordance with the provisions of Article 78.</p>		
	<u>72. Expenditure Chargeable on the Province Consolidated</u>		

	<p>Fund: (1) The expenditures related to the following matters shall be charged on the Province Consolidated Fund and no approval of the Assembly for these expenditures shall be required: -</p> <p>(2) the amount provided by the Act relating to expenditures on the Chief of the Province ;</p> <p>(3) the amount required as remuneration, privileges and pension payable to the Chief Judge of the Province and other Judges of the High Court;</p> <p>(4) the amount required as remuneration and privileges payable to the Speaker and Deputy-Speaker of the Province Assembly;</p> <p>(5) all charges relating to debts for which the Province Government is liable;</p> <p>(f) any sum required to satisfy any judgment or decree of a court against the Province Government; and</p> <p>(g) any sum declared by law to be chargeable on the Province Consolidated Fund.</p>		
	<p><u>73. Estimates of Revenues and</u></p>		<p>In democratic countries, people</p>

	<p><u>Expenditures:</u> (1) The Chief of the Province shall, in respect of every financial year, cause to be laid before a meeting of the Provincial Assembly an annual estimate including the following matters: -</p> <p>(a) an-estimate of revenues;</p> <p>(b) the moneys required to meet the charges on the Province Consolidated Fund; and</p> <p>(c) the moneys required to meet the expenditure to be provided for by an Appropriation Act.</p> <p>(2) The annual estimate to be presented pursuant to clause (1) above should accompany by a Province ment of the expenses allocated to each Ministry in the previous financial year and particulars of whether the objectives of the expenses have been achieved.</p>		<p>have rights over public property, and the government cannot spend money without the permission of that people, and the people should be notified about the overall economic condition of the country. Guided by these same concepts, the executive informs the people about the economic condition of the nation and presents a request to Parliament for approval of the amount of expenditure. Parliament approves the proposal of the government as per necessity. These provisions are proposed, taking into account those values and practices.</p>
	<p><u>74. Appropriation Act:</u> The moneys required to meet the expenditure-to be provided for by any Appropriation Act shall be specified under appropriate heads in an Appropriation Bill.</p>		<p>The money required to meet the expenditure provided for by any Appropriation Act shall be specified under appropriate heads in an Appropriation Bill.</p>
	<p><u>75. Supplementary Estimates:</u> (1) The Chief of the Province</p>		<p>If it is found that the sum authorized to be spent for a</p>

	<p>shall, in respect of any financial year, cause to be laid before the Provincial Assembly a supplementary estimate if it is found -</p> <p>(a) that the sum authorised to be spent for a particular service by the Appropriation Act for the current financial year is insufficient, or that a need has arisen for expenditures upon new services not provided for by the Appropriation Act for that year; or</p> <p>(b) that the expenditures made during that financial year are in excess of the amount authorised by the Appropriation Act.</p> <p>(2) The sums included in the supplementary estimates shall be specified under separate heads in a Supplementary Appropriations Bill.</p>		<p>particular service by the Appropriation Act for the current financial year is insufficient, or the sum is spent under another heading, a supplementary estimate will be presented before the Assembly.</p>
	<p><u>76. Votes of Credit:</u> (1) Notwithstanding anything contained in this Part, a portion of the expenditure estimated for the financial year may, when an Appropriation Bill is under consideration, be incurred in advance by an Act.</p> <p>(2) A Vote on Account Bill shall not be submitted until the</p>		<p>After the completion of a financial year, the amount approved by the Assembly in the Appropriations Bill of the previous year will automatically return to the public fund. The government may immediately need a sum for administrative expenditure until the Assembly approves the amount under the heading of the Appropriations</p>

	<p>estimates of revenues and expenditures have been presented in accordance with the provisions of Article 73 and the amounts involved in the Vote on Account shall not exceed one-third of the estimate of expenditures for the financial year.</p> <p>(3) The expenditures incurred in accordance with the Vote on Account Act shall be included in the Appropriation Bill.</p>		<p>Bill in the current financial year. Therefore, the government may have to spend some amount for the administration as a vote of account for the period until the Assembly passes the Appropriations Bill. Therefore, this provision is proposed to spend the vote of credit not exceeding one-third of the estimated expenditure.</p>
	<p><u>77. Votes of Credit:</u> Notwithstanding anything contained in this Part, if owing a local or national emergency due to either natural cause, a threat of external aggression or internal disturbances, or other reasons, the Chief of the Province is of the opinion that it is impractical or inexpedient in view of the security or interest of the Province to specify the details required under Article 73, He may cause to be laid before the Provincial Assembly a Vote of Credit Bill giving only a description of the proposed expenditures.</p>		<p>In an emergency condition, if an amount is necessary for the security of the nation and it is impractical or inexpedient in view of the security or interest of the province to specify the details, it is proposed that a Vote of Credit Bill giving only a description of the proposed expenditures may be presented before the Provincial Assembly.</p>
	<p><u>78. Contingency Fund:</u> An Act may create a Province Contingency Fund into which</p>		<p>To tackle emergency and unforeseen situations in the province and to protect the nation</p>

	<p>shall be paid from time to time such moneys as may be determined by law. Such Fund shall be under the control of the Province Government. The Province Government may spend this fund for any unforeseen expenditures. The amount of the expenditures so met shall be reimbursed as soon as possible by an Act.</p>		<p>from unforeseen circumstances and threats, if it is not possible to spend from the Consolidated Fund in absence of statutory authority, a separate fund should be established to manage these special obstacles. This fund is permanent, and the required amount can be spent from this fund. The amount spent from this fund can be reimbursed from supplementary estimates; therefore, the same concept guides the establishment of this fund.</p>
	<p><u>79. Act Relating to Financial Procedure:</u> Matters relating to the transfer of moneys appropriated from one head to another and other financial procedures shall be regulated by an Act.</p>		<p>The assumptions made in one particular circumstance may not be the same in all the situations; an amount might be transferred from one heading to another heading. Therefore, the procedure for transferring funds from one heading to another heading and other matters related to financial procedure shall be as determined by the Financial Procedure Rules.</p>
<p>Part Seven : Provision relating to local autonomous unit (providences)</p>	<p><u>80. Provision for Local Autonomous Units:</u> Local Autonomous Units shall be established based on the principle of decentralization and with a view to institutionalize democracy at the local level by ensuring that local people participate in the legislature and fully exercise their sovereignty. Law shall ensure that the composition and working</p>		<p>Local Autonomous Units should be established on the principle of decentralization, with a view to institutionalize local democracy by ensuring the representation of the people at the legislative level. In regards to the structure of local autonomous bodies under the provincial Assembly, the restructuring of the state, distribution of power, and form of the governing body will be</p>

	<p>procedure of the Units of different Provincial Governments are uniform.</p>		<p>important. Therefore, this provision is proposed to maintain uniformity in the formation procedure of the provinces and to finalize the size, framework and mechanism of the provinces.</p>
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Dissenting opinions

1. For Article 1 :

There shall be the following provision in Article 1:

Constitution of Legislature: There shall be a unicameral Legislature in Nepal to be called Federal Assembly of People’s Representatives (*Janapratinidhi Sava*). The Executive President, on the basis of Peoples’ Federal Democratic National Republic System, shall be a part of the Legislature.

2. For Article 2:

The power of Federal Assembly of People’s Representatives should be determined in accordance with the provisions contained in the Article One.

3. For Article 3 and 5

The Federal House of Representatives should be constituted under the following provisions:

- a. There shall be two hundred forty five members in the Federal Assembly of People’s Representatives. This Assembly shall be the top hierarchal and most powerful body in the country and shall also be the chief legislative body.
- b. The Federal Assembly of People’s Representatives shall, itself or delegating power to its subsidiary bodies, constitute the organs of the state, and direct and supervise them.

- c. The Federal Assembly of People's Representatives shall be constituted from direct elections on the basis of the multi-member constituency electoral system by ensuring inclusiveness of women, dalit, indigenous-ethnic, madhesi, muslim, etc. (on the basis of geography and population)
- d. For the purpose of constitution of the Federal Assembly of People's Representatives, if a particular cast or community or minority or indigenous does not fall under the category of minimum number on the basis of population to represent in the Assembly, the Federal Legislature shall appoint the representatives from such groups or communities in a fixed number
- e. Every Nepali citizen who has attained the age of sixteen shall have right to vote.
- f. To be a member of the Assembly, one shall attain the age of 23 years.
- g. To be the Chair and Vice-Chair of the Assembly, one shall attain the age of 30 years.
- h. In the condition that the meeting of the Assembly is not held and at the mean time to accomplish necessary legislature acts, a maximum of twenty-one member steering committee shall be constituted amongst the members of the Assembly representing at least one member from every autonomous region (province).

4. The provision of the Article 4 is not necessary.

5. The following provision should be included in the Article 5 and 47

If he/she is recalled as prescribed by law .

6. For Article 8 and 48

While taking an oath by the members of the Federal Assembly of People's Representatives and Autonomous Province People's Representatives, it is only necessary to take an oath in the name of the people and the country. Therefore, the provision of administration of the oath should be determined on the same basis.

7. The provision of Article 10 is not necessary

8. For Article 14 and 53

Members of the Assembly may raise a question in regard to individual cases that are under hearing at any court of Nepal. However, there shall not be any formal discussion or decision on it. If the cases is inter-related to the ruling system of the country, having political inter component or issues of public concerned, or question of inconsistency of any law with the Constitution, there shall be a provision to bring this case into discussion

and take decision or to form a committee and take a decision on the basis of interpretation of the committee.

9. The following provision is recommended instead of the Article 18

A Minister shall be entitled to attend and take part in the proceedings and deliberations of any committee of the Assembly, provided that he shall only be entitled to vote in the committee of which he is a member.

10. Instead of the Joint-Committee of the Article 23, it is recommended to constitute a Special Committee of a maximum of 15 members in the Federal Assembly of People's Representatives.

11. For the provision of Ordinance in Article 30 and 68

The provision related to Ordinance shall be placed under the following provisions:

- In the condition that the Federal Assembly of People's Representatives is not in session, the government may issue an ordinance on the subject that is not provisioned by prevailing laws. The Ordinance shall be equally applicable as law. Provided that,
- Except for development and construction, services and privileges, national security, and to maintain communal harmony in the country, the Ordinance shall not be issued.
- In the case that the government considers necessary to issue an ordinance, it shall be submitted to the Special Committee of the Federal Assembly of People's Representatives. And if the Special Committee permits the government within the determined time, the government may issue an ordinance.
- The Ordinance shall be considered automatically repealed, if is not approved, according to rule, by the subsequent meeting of the Federal Assembly of People's Representatives.

12. For the Procedure of Federal Management

According to the provisions contain in various articles and sub-articles under this part, the both Houses are responsible for management procedure. However, instead of that, it is recommended to replace a provision that the Federal Assembly of People's Representatives should solely take responsibility for the management procedure as there will be only one House.

13. For the Autonomous Provincial Legislature under part 4

- Autonomous Provinces shall have right to self-determination.
- The legislature of the Autonomous Province should be named as People's Assembly of Autonomous Province.
- The Provincial Assembly mentioned in various places in this part should be replaced with People's Assembly of Autonomous Province.

14. For the constitution of People's Assembly of Autonomous Province.

The Assembly shall be constituted under the following provisions:

- The shall be twenty five to forty five members in the People's Assembly of Autonomous Province on the basis of cast, language, and availability of natural resources and taking into consideration of the density of population and geography.
 - The election of People's Assembly of Autonomous Province shall be on the basis of multi-member constituency electoral system. The other matters in this regards shall be as determined by law.
 - To be a member of this Assembly, one shall attain the age of 21 years.
 - The office-bearer of this Assembly shall attain the age of 23 years.
 - Every Nepali citizen who has attained the age of sixteen shall be entitled to vote the election of the Assembly.
15. Except the above-mentioned provisions stated point-wise in the various articles sub-Articles, and part of this preliminary draft of the Constitution, the other provisions should be also developed in this line.

1. Hon. Kalpana Dhamala UCPN(Maoist)
2. Hon. Gam Bahadur Sirsmagar, UCPN(Maoist)
3. Hon. Jayram Dahal UCPN(Maoist)
4. Hon. Dawa Tamang UCPN(Maoist)
5. Hon. Dharendra Kumari Upaddhaya, UCPN(Maoist)
6. Hon. Nanda Kuram Prashain, UCPN(Maoist)
7. Hon. Narayan Prasad Poudel, UCPN(Maoist)
8. Hon. Nima Lama, UCPN(Maoist)
9. Hon. Bhim Prasad Gautam, UCPN(Maoist)

10. Hon. Raj Kuram Rai, UCPN(Maoist)
11. Hon. Rupa So.Si. Chaudhari, UCPN(Maoist)
12. Hon. Lalita Kumari Saha, UCPN(Maoist)
13. Hon. Laxman Datta Joshi, UCPN(Maoist)
14. Hon. Santhpal Maden, UCPN(Maoist)
15. Hon. Sang Prasad Tharu, UCPN(Maoist)
16. Hon. Halina Khatun Sokhin, UCPN(Maoist)
17. Hon. Gyanendra Kumal, UCPN(Maoist)

Dissenting opinions

1. For Article 3(2)

For the elections to the House of Representatives, there should be a provision to represent one member from one constituency by determining the election constituencies in each province on the basis of population.

2. For Article 4 (1) (a)

There should be a provision for fifty-one members elected from every province on the basis of population.

3. Article 4 (1) (b) should be repealed.

4. For Article 10

The Vice-president should chair the National Assembly

5. For Article 14

The Provision that restrict discussion should be removed.

1. Hon. Om Prakash Yadab, M.J.R. (Forum)
2. Hon. Bijaya Gachchhadar , M.J.R (Forum)
3. Hon. Renu Kumari Yadab, M.J.R (Forum)

Dissenting Opinions

1. At the end of Article 3 (1) , the following clarification should be added:

Clarification: The election constituencies shall be determined on the proportional basis of population and geography.

2. The word “population” of Article 3 (3) should be replaced by on the proportional basis of population and geography
3. The phrase “back warded class and region” contained in Article 3 (3) should be replaced by the phrases “ extremely back warded Karnali , Backward Region, and back ward groups”.
4. In Article 4 (1), the number 38 should be replaced by 51.
5. The Article 4 (1)(b) should be removed.
6. After the phrase ‘Provincial Assembly’ of the Article 44(1), ‘on the basis of population and geography’ should be added.

1. Hon. Devlal Thapa , CPN (UML)

Dissenting Opinions

1. A sentence should be added to the provision of Constitution of the House of Representatives in Article 3 (2) that ‘at least fifty percent candidacy should be secured for women in the direct elections to the House of Representatives’.
2. The clause “ in accordance with law” should be removed from the provision of Constitution of the House of Representatives, in Article 3 (4).
3. A clause “women representation shall be ensured ” should be added to the provision of Article 4(1) (a)

4. In the Article 4 (2) of the draft, the word "...as far as possible..." should be removed and the word "women" should be added.
5. In reference to the Constitution of Provincial Assembly as mentioned in the Article 44 (2) of the preliminary draft, the clause 'as determined by law' after the clause "to be happened" should be removed .

These provisions are proposed to ensure the result oriented proportional representation of women in the context of the Interim Constitution, the Comprehensive Peace Accord, and the Agreements and commitments of and among the political parties. We are confirmed that only in the condition of the implementation of above mentioned recommendations it is possible to assure the representation of women in the House of Representative and the National Assembly, therefore we recommend this provision in order to implement the commitments of political parties into practice and to represent women in the Legislative bodies of the country. There should be a separate law to govern the matters related to elections. Therefore, the phrase "as determined by law" has been recommended to be removed.

- 1. Hon. Yesodha Devi Adhikari , CPN (UML)**
- 2. Hon. Shila Katila , Nominated**
- 3. Hon. Juli Kumari Mahato, CPN (UML)**