

Constituent Assembly
Committee on Natural Resources, Economic Rights and Revenue Allocation
Report of the Preliminary Draft of the Constitution
(with Concept Paper), 2066



Constituent Assembly
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Preface

First of all, I would like to pay my respect and express grave condolence to the great martyrs who sacrificed their life in the long political movements of Nepal fighting on behalf of the people and the country, and I would also like to express my warm regards to the injured political fighters and the people who were disappeared during the same movement.

As a result of the movement, we achieved the Interim Constitution, 2007, which guaranteed the right to the people of Nepal to make their constitution by themselves. In order to ensure this right, the Constituent Assembly has already been constituted in accordance with the article 63 of the Interim Constitution, and this Committee was constituted under the Constituent Assembly pursuant to the Rule 66(8) of the Constituent Assembly Rules , 2008, legitimatizing the following jurisdictions:

1. Natural resources
2. Allocation of economic resources
3. Measurement to allocate economic resources
4. Financial relations between different level of governments
5. Financial equalization among the federal and provincial government
6. Establishment and run the mechanisms such as Common Financial Fund and others
7. Other necessary matters relating to the jurisdiction of the Committee

Under the aforesaid jurisdiction and on the recommendations of the Sub Committees constituted under this Committee, this Committee had developed the list of activities, terms of reference (TOR) and the code of conducts. In order to assist the Committee and Sub-committee, in addition to the two experts provided by the Secretariat, we had hired four other external experts. Broadcasting notice through the several media, we had requested to several political parties of Nepal, Nepali peoples, civil society and other organizations to provide their opinions and recommendations. Similarly, we also had requested to the various experts on the subject matter including the Secretaries and representatives from different ministries of the Government of Nepal to provide recommendations along with their working papers. Responding our notice, the people of Nepal had presented 90 recommendations. Similarly, 40 working papers in total were presented by the various ministries of the Government of Nepal including the Secretariat of the National Planning Commission, the Local Body Financial Commission, Non-governmental organizations, and individuals.

In course of preparing this draft, we had done through study of the existing principles regarding natural resources, Nepal's commitment to international communities and existing practices of different federal countries such as Canada, Switzerland, Brazil, India, South Africa, Ethiopia, Nigeria and etc. on economic rights and allocation of revenues. We also had prepared

questionnaires and deployed our team to the different part of the country in order to collect recommendations and public opinions. By this, we have been able to receive incredible recommendations from different organizations, government agencies, NGOs and political parties. This draft has been prepared based on these recommendations. While preparing this draft, we took the recommendations by the people as our guidelines and the opinions and recommendation made by the Secretaries and representatives of the Government of Nepal, political parties and experts as our foundation of this draft. Two separate sub committees, for Natural Resources and Economic Rights and Allocation of Revenue, were constituted in order to prepare a draft of the Constitution under the jurisdiction of the Committee. The Sub-committees submitted the draft along with the concept paper with necessary consultation with the experts on the respective subject matters. Hence, after an enormous discussion, we have given final touch to the drafts of the committees. Now we feel proud to submit this report to the Constituent Assembly which was constituted as per the will of the people of Nepal in order to make the country prosperous and affluent by means of political, social and economical transformation.

Learning a lesson from the past, in order to address the class, caste, region and gender based problems of Nepalese society we have integrated the spirit of the Interim Constitution in this report. Not only this, we wish that all the units and provinces are equally able in terms financial matters as the country is heading toward federalism. We have imagined a prosperous, justice oriented, balanced and inclusive economic development in the country. In relation to this, as our country is incredibly rich in natural resources, we have expected to have a sustainable use and management of natural resources in the country. Similarly, we have recommended the Financial Commission and the National Natural Resources Commission to place as a Constitutional body so that the Financial Commission looks after the meaningful allocation and transfer of finance to the provinces and local units and the National Natural Resources Commission looks after the disputes arose in the allocation and utilization of natural resources.

As the working area of the Committee is too technical and sensitive, and in the context that the country is transferring from unitary system to a federal system, some pivotal questions have appeared in our minds that how we can manage economic rights and allocation of revenue, how we can transfer these issues from unitary to federal structure of the country, how to ensure the rights of people regarding natural resources and how the state can make a sustainable management and utilization of such natural resources. As the issue of Restructure of the Nation and Forms of Government were not under the jurisdiction of this Committee, we had some dilemmas in respect to the preparation of the draft. However, bearing in mind that these issues would be clear when the respective Committees will present their draft, we have had prepared this draft and concept paper considering three level of governments- Federal, Provincial and local – in the country. I have believed that this preliminary draft will play a crucial role in the making of the final constitution. We have tried to cover all the issues of our working areas as far

as possible. Even if we have not been able to cover any issues despite of our best efforts, we believe that the contribution of the Hon. Constituent Assembly Members will help make the new constitution perfect and the federal republic of people will be institutionalized.

I would like to appreciate the hard work and restless dedication of the Constituent Assembly Members under this Committee, the experts, and the officials of the Secretariat. I would like to submit this report of the preliminary draft of the Constitution with concept paper to the Constituent Assembly through Hon. Chairperson by giving my sincere thanks to the people of Nepal, who live in or out of the country, the experts, non-governmental organizations, media, private sector who provided incredible recommendations to this Committee.

Thanking you ,

Amrita Thapa

President

Date: 2066/08/12 (11-27-2009)

Constitution Assembly
Committee on Natural Resources, Economic Rights and Revenue
Allocation

Parliamentarian-Building
Singadarbar Date : 2066/08/12 (27-
11-2009)

Let.No. 066/077

Dip. No.

Hon. Chairperson,
Constitution Assembly

**Ref: Submission of the Concept Paper and Report of the Preliminary Draft
of the Committee**

As per the decision of Nov. 27, 09 of this Committee, we are pleased to submit this concept paper and the report of the preliminary draft of the Constitution to the Constituent Assembly as prepared by this Committee on Natural Resources, Economic Rights and Allocation of Revenue under the jurisdiction as specified by the Constituent Assembly Rules.

S.N.	Name	Signature
1.	Hon. Amrita Thapa Magar, Chairperson	Sd.
2.	Hon. Amrit Lal Rajbanshi	Sd.
3.	Hon. Islam Miya Dhobi	
4.	Hon. Chinak Kurmi	Sd.
5.	Hon. Jitendra Prasad Sonar	Sd.
6.	Hon. Jeevan Prem Shrestha	Sd.
7.	Hon. Dambar Dhoj Tumbahamphe	Sd.
8.	Hon. Dr. Tilak Bahadur Rawal	Sd.
9.	Hon. Tul Bahadur Rayamajhi	Sd.
10.	Hon. Dinnath Sharma	Sd.
11.	Hon. Divakar Golchha	Sd.
12.	Hon. Navaraj Koirala	Sd.
13.	Hon. Navaraj Dhami	Sd.

14.	Hon. Narayan Prasad Dahal	Sd.
15.	Hon. Padma Kumari Aryal	Sd.
16.	Hon. Purna Kumar Sherma	
17.	Hon. Posta Bahadur Bogati	Sd.
18.	Hon. Binod Kumar Chaudhari	Sd.
19.	Hon. Bimala Mijar	(Till Jan. 09, 2009)
20.	Hon. Bisnu Prasad Rimal	Sd.
21.	Hon. Bishnu Maya Biswokarma	Sd.
22.	Hon. Madhusudan Agrawal	
23.	Hon. Minendra Prasad Rijal	Sd.
24.	Hon. Rajendra Kumar Khetan	Sd.
25.	Hon. Ram Kumar Yadab	Sd.
26.	Hon. Ram Kumari Devi Yadab	Sd.
27.	Hon. Ram Naresh Ray	Sd.
28.	Hon. Dr. Ram Sharan Mahat	Sd.
29.	Hon. Laxman Prasad Ghimire	Sd.
30.	Hon. Lal Bahadur Sumling Magar	Sd.
31.	Hon. Dr. Bijaya Kumar Poudel	Sd.
32.	Hon. Biswodip Lindel Limbu	
33.	Hon. Bisnu Kumari Rai	
34.	Hon. Birman Chaudhari	Sd.
35.	Hon. Satrudhan Mahato	Sd.
36.	Hon. Shanta Chaudhari	
37.	Hon. Shriram Dhakal (Since Jan. 10, 09)	Sd.
38.	Hon. Saraswati Chaudhari	Sd.
39.	Hon. Sidhartha Kumar Somani	Sd.
40.	Hon. Sumitra Devi Ray Yadab	Sd.
41.	Hon. Surya Kumar K.C.	Sd.
42.	Hon. Hari Rokka	Sd.
43.	Hon. Hemraj Tateng	Sd.
44.	Hon. Srawan Kumar Agrawal	Sd.

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Draft of the Constitution of Nepal, 2066
Submitted by the Committee

S.N.	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
1	Preamble	Protection of Bio-diversity	Preamble	For the source of livelihood, base of development of the county, inter-generation equity and continuation of ecosystem and having been crucial from the international point of view.
		Sustainable management and use of natural resources	Preamble	To establish balance between protection of natural resources and economic development of the country, and to maintain inter-generation equity
		Economic prosperity, equity and balanced development	Preamble	In order to ensure participation and access to the people of all sectors in development achievements and opportunities by accelerating development speed.
		Competitive democracy, socialism oriented mixed economy	Preamble	The involvement of private sector has contributed to the development of the country by fostering market economy and the

				<p>competitive market has helped building capacity of national economy. Notwithstanding, in the situation of unequal and development without inclusiveness and lack of access to market or lack of competitive market or in case domestic industries require necessary protection, from government, it seems necessary to propose this provision in order to develop sustainable economy and meaningful development addressing these all the problems under a democratic regime.</p>
		<p>To ensure prior use rights to the indigenous, ethnic and other communities in natural resources and their use.</p>	<p>Preamble</p>	<p>As state has sovereignty over natural resources under the principle of Eminent Domain, it can utilize such resources for public benefit. However, while utilizing the natural resources the state has to take into consideration the following matters.</p> <p>(1) As, Indigenous, ethnic and local communities are dependent on natural resources, they have a great contribution on the protection and promotion of</p>

				<p>resources, and they will be impacted while utilizing these resources, it is necessary to ensure participation in investment of such people while utilizing these resources and they should be prioritized to the use of such resources with ensuring involvement in protection and promotion.</p> <p>(2) Based on the principle of equity, in order to share certain amount of benefit generated from the use of natural resources to local people.</p> <p>(3) While utilizing such natural resources, as far as possible, measures should be adopted so that no one is displaced from the project and in the condition that the displacement cannot be avoided, there should be a guarantee for reasonable compensation and rehabilitation.</p> <p>(4) According to the magnitude and nature of natural resources, in</p>
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				<p>certain situations, it is necessary to ensure rights to access to the resources of the people that are dependent on the natural resources but they are not closed to the location of the resources.</p> <p>(5) The state has to adopt a balancing approach while preserving rights of communities, so that preservation of one communities' rights does not become a cause of violation of others rights.</p>
		Food Sovereignty	Preamble	<p>This provision is necessary in order to ensure sovereign rights in formulation of agriculture policy of the nation, to make the country independent in agriculture, to ensure rights of farmers and national producer in agriculture production, and to protect and promote local knowledge, practices and technology.</p>
2.	Economic Rights	<p>1. Fundamental Rights</p> <p>Right to Freedom: (1) Every citizen shall have freedom to engage in any occupation or be engaged in employment,</p>	Fundamental Rights	<p>For the livelihood, progress and welfare of citizens , the state has to ensure citizens to have occupation, profession, employment, trade, business, and investment</p>

		<p>industry and trade in any part of the country.</p> <p>(2) Every citizen shall have freedom to move and reside in any part of Nepal without any restriction.</p>		<p>on their own choice. And also the state has to ensure citizens freedom to move, reside and have occupation, business, trade commerce, profession, investment or having industry in any part of the country. By this, the economic activities of the state are extended and consequently it makes a positive impact to economic development of the country.</p>
		<p>2. Right regarding Environment: (1) Every person shall have clean and healthy environment.</p>		<p>As the right regarding environment is an inseparable to right to life</p>
		<p>(2) Provided that nothing in clause (1) shall prevent the enactment of necessary laws for sustainable development.</p>		<p>To maintain balance between environment and development</p>
		<p>3. Right to drinking water:- (1) Every person shall, without discrimination, have right to clean and healthy drinking water.</p>		<p>As the right to clean drinking water is inseparable to right to life and it is a duty of the state to respect, protect and fulfill the right to clean drinking water of the citizens.</p>
		<p>4. Right to Food:- (1) Every citizen shall have rights against hunger. (2) Every citizen shall</p>		<p>?</p>

		have right to food.	
		<p>5. Right to Property:-</p> <p>(1) Every citizen shall, subject to existing laws, have the right to acquire, sell and otherwise dispose of property.</p> <p>Provided that, reasonable compensation shall, subject to the prevailing laws, be provided for any property requisitioned, acquired or encumbered by the State</p>	<p>Ensuring right to property of people encourages them to work, save, invest and invent. Therefore, the state has to respect and protect right to acquire, sell, and otherwise dispose of property of citizens subject to the prevailing laws.</p> <p>Proviso: Generally the state cannot acquire any property belonging to any one, or cannot establish ownership in any manner against anyone's property. However, the right to property is not absolute term in respect to public benefit. Therefore, the state can acquire any property for the purpose of protection or promotion of public interest. To prevent arbitrary use of this power and to limit such acquisition only for public purpose, it is necessary to limit all the activities of the government under the law. Therefore, it has been necessary to provide reasonable compensation to individual or organizations on acquisition of their property for public use.</p>
		(2) State may, in	By enacting laws, the state

		implementing scientific land reform programme's, subject to prevailing laws, acquire or requisition property belonging to any person or organization exceeding the ceiling.*		can implement land reform programmes for public interest and social justice.
		6. Right against exploitation:- (1) Every person shall have the right against exploitation.		From the perspective of dignity and reputation, all citizens are equal. Exploitation of a person by another will be sever violation of human rights.
		(2) No person shall be exploited in the name of custom, tradition and practice, or in any other way		The Nepali Society is still suffering from exploitation by individual or group in the name of continuation of several customs, traditions and practices. Therefore, it seems necessary to dislodge the needless social practices in order to establish a modern society.
		(3) No person shall be subjected to human trafficking, child labour, slavery or bonded labour.		As human trafficking, slavery or bounded labour is an inhuman practice, it is necessary to prohibit such practices.
		(4) No person shall be subject to forced labour. Provided that nothing in this clause shall prevent the enactment of a law requiring citizens to be		Without taking consent of both parties, to employ in a work or make compelled to work is against human rights. Proviso: For the national or public benefit(natural

* This provision contains dissenting opinions that is mentioned in the section of dissenting opinions

		engaged in compulsory service for public purposes.		disaster, development activities etc.,)if the state needs compulsory service of the citizens, may require citizens to be engaged in such works.
		7. Right to Housing :- (1)Every citizen shall have right to housing. State shall manage this right by making necessary laws.		As housing is a basic right of a person, state has, so as to recognize it as a fundamental right, to make arrangement by developing necessary policies, laws, plans and programs, and implement on the basis of progressive realization.
		8. Right regarding employment:- (1) Every citizen shall have the right to employment . The State shall manage this right by enacting necessary laws.		As the right regarding employment is crucial for personal development as well as progress of a person, state has, by mans of progressive realization, to make sure developing and implementing necessary policies, laws and programs.
3	Fundamental Duties	9. Fundamental Duties:- (1) There shall be the duty of every citizen to protect and promote natural resources. (2) There shall be the duty of every citizen to protect and promote public property (3) No citizen shall breach other's rights in excising one's own		It is necessary to ensure that a citizen does not breach others' right in exercising his own rights. Therefore, someone not respecting his duties sometimes may limit to his own rights. It seems necessary to maintain peace and prosperous in the country in order to ensure the citizens creating an environment to exercise

		rights (4) There shall be the duty of every citizen to pay tax in accordance with law.		their rights, and to make balance between rights and duties.
4	Responsibilities, principles and policies of State	<p>10. Responsibilities, directive principles and policies of state: The state shall have the following responsibilities, directive principles and policies :-</p> <p>11. Responsibilities of State: (1) State has responsibilities to protect and promote natural resource, and to provide equitable distribution of benefits to the local communities prioritizing their rights in the sustainable use of natural resources</p>		<p>Local communities' livelihood relies on the available natural resources at local level. There is a great contribution of these communities in the protection and promotion of these resources and they may be affected in the implementation of a development project based on these resources. Therefore, it is necessary to prioritize these communities' rights while exploiting the local natural resources.</p> <p>It is a duty of the state to share benefit of natural resources among the stakeholders in equitable manner.</p>
		.		
		(2) State shall protect, promote and secure genetic resources and traditional knowledge, skills and practices relating to cultural heritage of indigenous, dalit and local communities, and shall		<p>In order to protect and promote genetic resources, traditional knowledge, and cultural heritages available in Nepal.</p> <p>As there is commercial probability of the genetic resources, and there is also need of investment, state</p>

		arrange equal benefit sharing from these resources.		has to promote investment in the utilization of these genetic resources and ensure equitable benefit sharing right among the local communities including indigenous, ethnic and dalits.
		(3) State shall protect national interest while signing agreements at international level including agreements relating to water resources		In order to ensure national interests and rights of people while signing a treaty or international agreement, it is necessary to do required pre-preparation and to maintain transparency with necessary consultation among the stakeholders
		(4) State shall preserve 40 percent land of the total land of the country for jungle/forest.		It is necessary to balance environment and ecosystem, to make stability of the weak geography of the country, to protect bio-diversity and to strengthen the interrelation between forest and livelihood. The targeted goal can be accomplished if the existing forest can be continued as it is.
		(5) State shall adopt		It is necessary to protect

		<p>precautionary measures in order to make secured people from natural disaster, and shall arrange for rescue and protection in the disaster and provide reasonable compensation to the affected people.</p>		<p>life and property from possible natural disasters, and to provide necessary rescue and reasonable compensation to the victims in the case that the disaster has been occurred.</p>
		<p>(6) Establishing mutual cooperation between Central and Provincial governments, state shall create an environment so as to achieve maximum economic and social development.</p>		<p>Various subject matters fall under the common agenda of the governments at different level. The issues that are under the sole jurisdiction of a government might also be somehow interrelated with another government. Even at the same level of government, one unit may be affected by performance of another unit. Therefore, it would be crucial for the development of the country if there is a coordination and mutual understanding among the governments at various levels in developing and implementing policies, distributing and utilizing resources, and with exchange of information and joint investment.</p>
		<p>(7) So as to maintain overall economic stability in the country, provincial governments shall make their mutual</p>		<p>If a unit makes a sole decision on such a matter (such as deficit budget, loan etc) which is basically related with the overall</p>

		cooperation amongst themselves in the coordination of central government		economy of the country, it may not only impact the economy of other units but also impact the entire economy of the county.
		(8) State shall make an arrangement for interstate trade and extend trade in service without restriction.		To make an influence according to economic prosperity, not to allow to go against the concept of common market of a country, and not to create misunderstanding among the units.
		(9)State shall provide security to the industry and investment.		Without peace and security, no investment can be extended, no production can be made according to capacity, and no industries can be expanded.
		12. Directive Principles of State:- (1) State shall have an objective to achieve the goal of sustainable development by protecting environment and establishing inter-governmental equity.		As both, environment protection and economic development, are the priority of the country, it seems significant to establish balance between these two by declaring sustainable development as the development policy of the state. By doing so, the goal of environment protection, inter-generation equity, and economic development can be achieved.
		(2) State shall have fundamental objective to develop prosperous, balanced and inclusive		Only the growth of Per Capita Income cannot be wholesomeness of social justice. Lack of balanced

		economy.		and lack of inclusive development policy may demolish the social harmony. Therefore, the distribution of income should be on equitable basis and there should also be meaningful participation in the economy from different sectors and classes.
		(3) State shall have economic objective to make free, independent and progressive national industrial economy by eliminating economic disparities.		As national industrial development may integrate backward linkages and forward linkages of the economy, and such type of encouragement in development may help making our economy independent by increasing agriculture and extending service sector.
		(4) Preventing the use of natural and economic resources only by limited persons, state shall have an objective not to sanction any economic exploitation on any particular caste, sex, class and person		No social justice is possible if natural resources and economic resources are centralized to limited persons, which not only dislodge the social harmony and cohesion but also makes negative impacts on the economic development of the country. Therefore, in order to prevent any caste, sex, class and individual from being exploited, there should be necessary access established to the resources of these people.

		(5) The government shall pay due attention to the sectors in which the market is not extended and private sector is not being able to reach.		As per the principle of social justice, in the areas where the market is not extended to and unable to provide basic goods and services, it is necessary to lobby in order to provide basic goods and services.
		(6) State shall have an objective to make effective arrangement, consumption and promotion of national resources.		It is necessary to use resources in order to achieve economic prosperity, to apply balanced development, and to use resources effectively and skillfully
		(7) To ensure minimum wage and professional rights of labours.		To abolish exploitation against labours and to provide necessary wages so as to make labour's life more respectful.
		(8) To follow a policy that increases investment for promoting industry, trade and export, and create opportunities for employment and income generation.		Only investment friendly environment can increase the investment and extends economic activities that help increase employment and income opportunities.
		13. Policies of State:- (1) State shall adopt a policy to establish and run trade and occupation, to secure profit in the competitive market eliminating monopoly, and to close as per necessity protecting the		In order to invest in trade and commence according to feasibility, and to run and extend, to make an environment in which consumers can receive qualitative goods and services in low cost, in case of occurring of

		interests of concerns.		negative circumstances in trade and commerce , to provide authority to shut down business by preserving rights of labour and other stakeholders and concerns, according to law
		(2) State shall adopt a policy so as to reduce negative impact of climate change.		To apply adoption and mitigation measures in order to diminish negative effects of climate change. To accomplish obligations and to utilize rights and opportunities created by international treaties on climate change.
		(3) State shall adopt a policy for protection and promotion of natural heritages and the sites of historical and cultural importance.		As the national heritages are subject of national pride and identification, protection and preservation of such heritages will contribute to the history, culture and economic development of the country.
		(4) State shall, by protecting long term interest of farmers by means of food sovereignty, adopt a policy in order to secure right to food.		It is necessary; as the right to food of citizens is a human right, and to ensure such right by ensuring sovereignty of country on formulation of agriculture policy, and to make country self reliant in agriculture, to ensure rights of farmers and national producers and to encourage local knowledge, skills,

				and technology in this process
		(5) Foreign aid shall be received on the basis of national priority, and the utilization and allocation of it shall be accomplished on the basis of poverty, situation of infrastructure, and other situation of regional development.		It has been necessary to allocate foreign aid to the prioritized areas in order to accomplish higher economic and social progress and achieve the goal of balanced development
		(6) State shall adopt policies to attract foreign capital and technology.		It is hard to achieve economic development only relying on available capital and technology in the country
		(7) State shall pursue a policy of adopting scientific land reform programmes by gradually ending feudalistic land ownership,		In order to establish social justice, it has been necessary to pursue a policy that increases productivity of land, and utilizes land in a beneficial and effective way by changing unequal distribution of land.
		(8) State shall adopt an alternative policy of ensuring socio-economic security and provide land to the economically backward classes, including the landless, bonded labourers [kamaiyas], tillers [haliyas], farm labours		It has been necessary to empower the socially and economically backward people or communities and bring them into the main stream of politics.

		and shepherds [haruwa charuwa],		
		(9) State shall establish equality of women in economic rights.		It has been necessary to promote rights of women.
5.	Financial Procedure	<p>14. Distribution of Economic Rights:- The distribution of economic rights shall be as set forth in List 1.</p> <p>(1) The distribution of economic rights among the different level of governments shall be as set forth in List 1. Economic rights that do not fall under the jurisdiction of any government, shall be deemed under the jurisdiction of central government.</p>	Financial Procedure	<p>To remove doubly and overlapping in the use of power and reduce disputes among the various level of governments.</p> <p>As the federal government contains national representative, in order to make clear about the rights that are not included at any level, and to make the implementation and management part effective and indisputable, the role of federal government seems more effective to make decisions balanced and meaningful.</p>

		(2) The Federal Legislature may enact laws on any matter that is under its sole jurisdiction as set forth in List 1.		To implement the issues of national fringe and importance by making laws
		(3) Provincial Government may enact law on any matter that is under its sole jurisdiction.		To respect the principle of autonomous. To execute power and implement rights according to the situation, necessity, and priorities of a province.
		(4) The federal government may formulate any policy standard in the sector of economic rights and may enact framework laws for monitoring.		In order to maintain unity, coordination and standard of policy, standard and quality of service, the federal government has to develop policy and quality standard at national level.
		(5) The local government may, under its jurisdiction and without making contradiction with central and provincial laws, enact and implement necessary laws.		To materialize the principle of decentralization with autonomy. To execute power and implement rights according to the situation, necessity, and priorities of a local government.
		(6) If the issues relating to distribution under the List-1 are not clear between two or more governments, it shall be as determined by federal laws.		For the continuation of services and facilities to the people without any barrier, and to introduce speedy development by preventing misunderstanding among the various level of governments.

		<p>(7) The Federal Legislature may, in the subjects related to buffer zones, by enacting framework legislations, specify rights of provincial and local governments, and the provincial and local government may, arranging necessary laws on the basis of the federal law, and without making contradiction with the federal law, implement it.</p>		<p>While exercising the power vested in two or more governments, the federal government may define the rights of central, provincial and local governments.</p> <p>In order to develop necessary laws for implementation by the federal, provincial and local government according to their own needs, circumstances and interests, without making contradiction with federal laws.</p>
		<p>(8) Provincial governments shall develop policies and plans under their jurisdiction</p>		<p>There will be more effective if a provincial government prepares its plans and policies according to their circumstances and priorities.</p>
		<p>(9) Local governments , subject to the federal and provincial laws, shall develop policies and plans under their jurisdiction.</p>		<p>There will be more effective if a local government prepares its plans and policies according to their circumstances and priorities.</p>
		<p>(10) No federal laws shall be enacted that makes negative impact on economic rights and financial procedure of provincial and local governments.</p>		<p>The federal government has to exercise its power without restraining economic rights of provincial and local governments.</p>

		(11) The federal government over the provincial governments and provincial governments over the local governments shall monitor development activities and effectiveness of services to be provided to the public, and shall assist to promoting skill and building capacity for implementation.		To maintain quality of the services provided by provincial and local governments and to establish coordination in the activities of the governments.
		(12) The provincial and local governments shall be autonomous on the subjects under their jurisdiction.		In order to respect the principle of autonomy
		(13) The government shall make necessary arrangement for equitable sharing of benefit of the exploitation of natural resources. Certain portion of such royalty/service or commodity shall be distributed to the project affected local communities by making laws.		The situation of availability of natural resources in the country is unequal. Therefore while exploiting such resources all the people in the country should be benefited. By doing so, the local and affected communities should be ensured by the benefit sharing. Such benefit can be distributed as a grant in cash, or service/ goods (such as electricity). It is a responsibility of the state to share benefit of natural resources among the

				stakeholders in equitable manner.
		(14) While planning a development on natural resources, if the local communities intend to invest, priorities shall be given to the local communities to certain extent, considering the nature and size of investment.		While using or developing natural resources, if the investment of local communities is secured, it helps create their ownership in the project and such project will contribute to sustainable development and increasing benefit. In regard to such investment, it is necessary to prescribe scope, size and nature of investment by producing required laws. Investment should not be discouraged.
		(15) Every level of government shall have right to make a decision on their economic rights under their jurisdiction and shall have right to formulate and implement budget.		While executing economic rights by provincial and local governments, to address the priorities and interests of the people of the respective regions, and to make the governments obliged to secure required resources so as to fulfill economic rights. Furthermore, by providing such rights to provincial and local governments, it will make a respect of the autonomy of these government. In addition, it

				will be easy to the people to make their government accountable that helps utilization of resources in a skillful manner.
		(16) Deficit budget management and financial disciplines of different level of government shall be as determined by federal laws.		As the financial management/procedure of one region or government, may impact another region or government or the entire country, it is necessary to manage the whole financial system of the country in a coordinative manner.
		(17) While taking loan , overall economic stability of the country shall be maintained.		As the financial management/procedure of one region or government, may impact another region or government or the entire country, to make the provincial and local governments more responsible.
		(18) The federal government shall have right to take foreign aid and foreign loan.		Foreign affairs fall under the jurisdiction of federal government, in order to decrease the impact foreign loan or aid on the whole economic stability, foreign loan and aid can be distributed among the provinces in an equitable manner, the foreign aid or loan can be used skillfully.

6	Budget Formulation	<p>15. Budget Formulation :</p> <p>(1) The budge of federal, provincial and local governments shall be formulated so as to strengthen effective management of the entire economic system, transparency and accountability.</p> <p>(2) The framework of budget, time to present the budget, and the relation with the federal budget management shall be as prescribed by federal law.</p>	Financial Procedure	To maintain uniformity in the budget of federal, provincial and local government, to make coordination, and to make comparable.
	7. Distribution of Sources of Revenue	<p>16. Distribution of Sources of Revenue:</p> <p>The federal, provincial and local governments may impose tax and collect revenue from the sources as set forth in List 2.</p> <p>Provided that, the federal government shall specify the sources that are not in the list of any level of government.</p>	Financial Procedure	To reduce doubly in the execution of revenue rights among the different level of governments and to discourage disputes. To make the revenue rights indisputable if they are not under the jurisdiction of any level of governments. A government may transfer its right to collect revenue to another government.

		<p>17. No tax shall be levied except in accordance with law: No tax shall be levied and collected by the federal, provincial and local governments except in accordance with law.</p>		<p>We have proposed this provision based on the principle ‘no taxation without representation.’ The provision ‘tax according to law’ discourages the arbitrary imposing of tax.</p>
8	<p>National Consolidated Fund</p>	<p>18. National Consolidated Fund: Except for the revenues of religious endowments, all revenues received by the Federal Government of Nepal as set forth in Table two, all loans raised on the security of revenues, and all the money received in repayment of any loan made under the authority of any Act and any amount received by the Government of Nepal shall as be credited to a Government Fund to be known the Consolidated Fund.</p>	<p>Financial Procedure</p>	<p>If all the income including revenue to be received by the federal government is credited to a fund, the entire income of the government would come under the control of the representatives of people. This provision establishes people’s control over the government fund. It also helps the government to calculate income and loss.</p>
9	<p>Finance Bill</p>	<p>19. Financial Bill: Any Finance Bill shall be introduced only as a Government Bill. Finance Bill means a Bill concerning any or all of the following subjects (a) the imposition, collection, abolition, remission, alteration or</p>		<p>The Finance Bill is an issue of National Importance that relates with the entire economic stability, economic activities and statement of income of the country, therefore it should be introduced as a Government Bill. It is necessary to define the matters such as tax</p>

		<p>regulation of taxes,</p> <p>(b) the preservation of the Consolidated Fund or any other Government fund, the deposit of money into and the appropriation or the withdrawal of money from such funds, or the reduction, increment or cancellation of appropriations or of proposed expenditures from such funds,</p> <p>(c) the regulation of matters relating to the raising of loans or the giving of guarantees by the Government of Nepal or any matter pertaining to the amendment of the laws concerning financial liabilities undertaken or to be undertaken by the Government of Nepal,</p> <p>(d) the custody and investment of all revenues received by any Government fund, money acquired through the repayment of loans, and the grant of money, or audit of the accounts of the Government of Nepal, or</p> <p>(e) matters directly related to sub-clauses (a) to (d),</p>		<p>imposition, collection, use of consolidate fund, loan to be received by government, auditing etc.</p>
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		<p>Provided that a Bill shall not be deemed to be a Finance Bill by reason only that it provides for the payment of any fees such as license fee, application fee, renewal fee, or it provides for imposition of any penalty or imprisonment, or by reason that it provides for the imposition of any tax, duties or fees by a local authority.</p>		<p>If any matter of revenue collection is defined as a Finance Bill, the area of Finance Bill will be extended unnecessarily.</p>
10	<p>Expenditure from the National Consolidated Fund</p>	<p>20. Expenditures from the Consolidated Fund or a Government Fund: No expenditure shall be incurred out of the Consolidated Fund or any other Government fund other than the following. (a) money charged on the Consolidated Fund, (b) money required to meet expenditure under an Appropriation Act, (c) advance money authorized by an Act required to meet expenditures, when an Appropriation Bill is under consideration, or (d) expenditures to be incurred in extraordinary circumstances under a</p>	<p>Financial Procedure</p>	<p>It will be contrary to the economic disciplines if the government money is incurred or used without authority. We have proposed this objective in order to use the fund only as per the clear specification of the constitution or only for the purposes or heading as specified by concerning Acts, not for the arbitrary use.</p>

		Vote of Credit Act which contains only a description of expenditure.		
11	Expenditure Chargeable on the National Consolidated Fund	<p>21. Expenditure chargeable on the Consolidated Fund :</p> <p>The expenditures relating to the following matters shall be charged on the National Consolidated Fund :</p> <p>(a) the amount required as remuneration and benefit to the President and Vice-President,</p> <p>(b) the amount required as remuneration and benefits and pension payable to the Chief Justice of Nepal and other Judges of the Supreme Court,</p> <p>(c) the amount required as remuneration and benefits payable to the following officials -</p> <p>(i) the Speaker and Deputy Speaker of the Legislature- Parliament,</p> <p>(ii) the Chief</p>		<p>In order to make the economic, social and political mechanisms of the country efficient and to continue daily activities of the state affairs smoothly, it does not seem necessary that the Legislature should approve the amount to be paid to certain officials, bodies or to be spent for certain purposes. Therefore, such expenditure should be directly chargeable on the National Consolidated Fund. From this provision, on the aforesaid headings, amount can be appropriated without annual approval of the Legislature.</p>

		<p>Commissioner and Commissioners of the he Commission for the Investigation of Abuse of Authority,</p> <p>(iii) the Auditor General,</p> <p>(iv) the Chairperson and members of the Public Service Commission,</p> <p>(v) the Chief Election Commissioner and other Election Commissioners, and</p> <p>(vi) the Chairperson and members of the National Human Rights Commission.</p> <p>(vii) the Chairperson and members of the National Financial Commission.</p> <p>(viii) the Chairperson and members of National Natural Resources Commission.</p> <p>(ix) Other Constitutional Commissions</p> <p>(d) the administrative expenses of the Supreme Court, the Commission for the Investigation of Abuse of Authority, the</p>		
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		<p>Office of the Auditor General, the Public Service Commission, the Election Commission and the National Human Rights Commission,</p> <p>(e) all charges relating to debts for which the Government of Nepal is liable,</p> <p>(f) any sum required to be paid under any judgment or decree of a court against the Government of Nepal,</p> <p>(g) any other sum declared by law, including grants to be provided to provincial and local governments and expenditure, to be chargeable on the Consolidated Fund.</p>		
12	Estimates of revenues and expenditure	<p>22. Estimates of revenues and expenditure:</p> <p>(1) The Finance Minister shall, with respect to every fiscal year, present before the Legislature-Parliament annual estimates including the following matters</p> <p>(a) an estimate of</p>	In the Part of Financial Procedure	In a democratic system, the government has a duty to inform the people about the collection of revenue and its expenditure, through the Legislature people can control over the revenue and expenditure of the government, and the people will know the economic condition of the state and particularly they will know the amount of

		<p>revenues,</p> <p>(b) the money required to meet the charges on the Consolidated Fund; and</p> <p>(c) the money required to meet the expenditure to be provided for by an Appropriation Act.</p>		<p>revenue to be paid to the government and entitlement of facilities and services they obtain for the revenue.</p>
		<p>(2) The annual estimate to be presented pursuant to clause (1) shall be accompanied by a statement of the expenses allocated to each Ministry in the previous financial year and particulars of whether the objectives of the expenses have been achieved.</p>		<p>For the achievement of certain objectives, the Legislature makes appropriation of expenditure for every Ministry/body. The concern bodies or officials can be made accountable by informing the Legislature whether or not the amount is spent according to the objectives or whether or not the objective is accomplished.</p>
13	Appropriation Act	<p>23. Appropriation Act: The money required to meet the expenditure to be provided by an Appropriation Act shall be specified under appropriate heads in an Appropriation Bill.</p>	<p>In the part of financial procedure</p>	<p>Appropriation Act is the way of expenditure from the Consolidate Fund. While disbursing the sum under different headings pursuant to the Appropriation Act, the Legislature comes to know that what amount has been disbursed for what purposes. It helps make the budget transparent and accountable.</p>

<p>14</p>	<p>Supplementary Estimates</p>	<p>24. Supplementary Estimates: (1) The Finance Minister shall, in respect of any financial year, present supplementary estimates before the Legislature-Parliament, if it is found - (a) that the sum authorized to be spent for a particular service by the Appropriation Act for the current fiscal year is insufficient, or that a need has arisen for expenditure upon new services not provided for by the Appropriation Act for that year, or (b) that the expenditures made during that fiscal year are in excess of the amount authorized by the Appropriation Act.</p>	<p>In the part of Financial Procedure</p>	<p>As far as possible, the government should make the budget realistic. However, sometimes, if the amount authorized to spend pursuant to Appropriation Act is not enough or in the case that the amount should be spent beyond the area of authority, or in certain conditions the amount to be spent is more than the disbursed amount, the government may present Supplementary Estimates.</p>
		<p>(2) The sums included in the supplementary estimates shall be specified under separate heads in a Supplementary Appropriation Bill.</p>		<p>The condition of the entire government's appropriation will be more transparent, if the amount contained in Supplementary Estimates is placed as a Supplementary Appropriation Bill.</p>

15	Votes on Account	<p>25. Votes on Account:</p> <p>(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>	In the part of Financial Procedure	<p>If the Appropriation Bill of the respective financial year is not passed before the commencement of the financial year, in order to run the public administration and services smoothly until the Appropriation Bill is passed, the Vote on Account Bill should be presented to the Legislature, after the submission of Appropriation Bill to the Legislature. Generally, the government has to introduce the Appropriation Bill at the Legislature so that the Bill is passed before the commencement of the fiscal year.</p>
		<p>(2) A Vote on Account Bill shall not be submitted until the estimates of revenues and expenditures have been presented as aforesaid and the sums involved in the Vote on Account shall not exceed one-third of the estimate of expenditure for the financial year.</p>		<p>In order to discourage to introduce the Vote on Account Bill indistinctly. The rights of the Legislature will be curtailed, if certain limitation is not fixed for the expenditure from Vote on Account.</p>

		(3) The expenditure incurred in accordance with the Vote on Account Act shall be included in the Appropriation Bill		After the Appropriation Bill is passed, to make the Appropriation Bill completeness and transparent, by making the expenditure from Vote on Account as a part of Appropriation Bill.
16	Especial provisions for revenue and expenditure	<p>26. Especial provisions for revenue and expenditure:</p> <p>(1) Notwithstanding anything contained in this part, if, due to the especial circumstances, the estimates of revenue and expenditure for the forth coming financial year is not introduced before the Legislature-Parliament until the end of current financial year, the revenue may be collected pursuant to the Fiscal Act of the Current Financial Year.</p>	In the part of Financial Procedure	To continue revenue collection and to manage expenditure, in the case that the estimates of revenue and expenditure for the forth coming financial year cannot be submitted to the Legislature, due to special circumstances.
		(2) If the circumstance is occurred as stated in clause (1), The Finance Minister shall, by explaining the reason thereof, not exceeding one-third of the total expenditure of the current financial year, present a Bill before the Legislature- Parliament to authorize for the expenditure of forth		It is necessary to continue public administration and service in the case the estimates of revenue and expenditure for the forth coming financial year cannot be submitted to the Legislature, due to especial circumstances .

		coming financial year.		
		(3) The amount of expenditure made pursuant to clause (2), shall be included in the Appropriation Bill.		It is necessary to give completeness of this sum as a part of Appropriation Bill, and to provide legality to the expended amount by approving from the Legislature.
		(4) Notwithstanding anything contained in this Constitution, the Bill introduced at the Legislature-Parliament pursuant to clause (2) may be discussed and passed on the same day.		Similar to other Bills, this Bill also has to complete necessary procedures which may consume more time, and due to this ,the public administration and service might be obstructed.
17	Votes of Credit	27. Votes of Credit: Notwithstanding anything contained elsewhere in this Part, if owing to a local or national emergency due to either natural causes, a threat of external aggression or internal disturbances or other reasons, and it is impractical or inexpedient in view of the security or interest of the State, the Finance Minister may present a Vote of Credit Bill	In the part of Financial Procedure	Due to the necessity of the circumstances and to be performed in a short period of time, it may not be possible to specify the detail information in advance or not possible to provide complete information due to sensitivity of the situation.

		before the Legislature-Parliament giving only a description of the proposed expenditure.		
18	Contingency Fund	28. Contingency Fund: An Act may create a Contingency Fund into which shall be paid from time to time such money as may be determined by law. Such Fund shall be under the control of the Government of Nepal. Any unforeseen expenditures shall be met out of such Fund by the Government of Nepal. The amount of the expenditures so met shall be reimbursed as soon as possible by an Act.		A flexible type of fund is required under the government in order to diminish harm of life or property in the emergency situation, or in order to tackle such circumstances. This fund shall be a permanent and regulated by making a separate law.
19	Act relating to financial procedure	29. Act relating to financial procedure: Matters relating to the transfer of money appropriated from one head to another and other financial procedures shall be regulated by an Act.	In the part of Financial Procedure	The amount disbursed under different headings should be realistic as far as possible. In case such amount is not realistic, it should be transferred from one heading to another. To transfer such amount and to regulate other financial matters, there should a separate Act.

20	Meaningful distribution of revenue	<p>20. Meaningful distribution of revenue</p> <p>(1) Federal government shall make an arrangement for meaningful distribution of its revenue, collected from its sources, among central, provincial and local governments.</p>	In the part of Financial Procedure	In order to advance balanced and equitable development by allocating revenue among the different level of governments, collected under the Federal system as per the allocation arrangement of revenue resources.
		<p>(2) An independent Financial Commission shall be constituted so as to recommend the financial transferrable amount to be received by provincial and local governments</p>		If the commission, where the experts are dwelling in, makes recommendation in order for financial transfer, it will be not only impartial but also will be less affected from political interference.
		<p>(3) The central government shall distribute a financial equity grants to the provincial and local governments on the basis of need expenditure, and capacity and efforts to revenue collection.</p>		<p>To ensure the minimum services to the people to be provided by provincial and local governments, and to maintain minimum standard of such services and to encourage provincial and local governments in order to collect revenues from the possible resources.</p> <p>Equalization refers to make the required resources available in order to provide minimum and equitable governmental services to the people by provincial and local governments without discriminating on the basis of residence. By this, it</p>

				assists to uplift the backward regions and local government into general standard of the government.
		(4) Provincial governments shall, from the grant as provided by the central government, and collected revenue from its sources, distribute a financial equity grant among the local governments, as determined by law, on the basis of need of expenditure, capacity of revenue and efforts to collect revenues.		To ensure the minimum services to be provided by the local governments, to maintain minimum standard of such services, and to encourage the local government to collect revenue on probability.
		(5) The federal government shall make an arrangement to distribute other grants (conditional grant, supplementary grant or grants for other purposes) provided via National Consolidate Fund		To implement national policy, to maintain national measurement, and to address the effect or influence of one government or region into another government or region.
		(6) The distribution of revenue among the central, provincial and local governments shall be transparent.		The general public will be informed if the allocation of revenue is transparent, there will be coordination among the different level of governments, and the concerns will be accountable.

		<p>(7) While enacting Acts relating to revenue distribution, national necessity, autonomous of provincial and local governments, services to be delivered by governments to the people of province and local level and economic rights provided to them, capacity to collect revenue, assistant to provide for development, regional imbalance, poverty and inequality, deprivation, emergency work, and assistance to provide for temporary needs etc shall be included.</p>		<p>It seems necessary to enact an Act addressing and containing the entire needs of the nation, autonomous of provinces and local governments, and coordination (talmel) on the basis of capacity and necessity.</p>
21	<p>Budget of Provincial Governments</p>	<p>31.Budget of Provincial Governments : (1) Provincial government may, among the list of federal government, subject to existing laws, impose surcharges. The detail provisions regarding the policy and fundamental base to prescribe the rate of such taxes shall be as determined by the federal laws. The governments at different level shall not introduce double taxation.</p>	<p>Financial Procedure</p>	<p>In order to provide a chance to provincial governments to find additional sources and to make the provincial governments accountable. Not to make negative impact on national policy in determining basis for surcharges, not to discourage industries and commerce, and the federal law has to make a direction not to let the trade and industry transferred due to tax. However it is necessary to open the possibility of surcharges</p>

				depending on the economic activities of a province. To prohibit the discouragement of trade and commerce due to double taxation.
		(2) The provincial governments shall collect taxes on the basis of their revenue capacity and base of taxation. In the case that the provincial government are unable to secure such amount, no grant or compensation from the federal government is provided.		To reduce dependency on central government by encouraging provincial governments to levy taxes according to their capacity. To create a feeling that the impacts would be on them if they cannot collect taxes according to their capacity.
		(3) Responsible provincial financial authority shall present provincial budget to the Provincial Legislature stating estimates of revenue for every financial year, necessary amounts to be charged on Regional Consolidated Fund, and expenditure from Appropriation Bill.		As per the democratic system, it is the duty of government to provide information regarding the income and expenditure of the provinces to the people. It helps in order to make the income and expenditure of the province transparent and to establish peoples' control over it. It also make respect to the autonomy of the provincial government. (the provincial authority shall be changed as per the determination of forms of governments)

		<p>4. The Appropriation, Supplementary Budget, Vote on Account, Votes of Credit and other especial provisions relating to revenues and expenditure shall be as determined by law.</p>		<p>The government should make the budget realistic. However, sometimes, due to economic conditions of the state, if the appropriated amount needs to be amended, the condition for arranging supplementary budget, votes of credit, vote on account, and especial provision relating to revenue and expenditure may be created.</p>
		<p>(5) Every provincial government shall have a Fund to be known as Consolidated Fund. All the revenue collected from the sources stated in List 2, grant to be received from federal government, loan and sum received from other sources shall be deposited to this Fund.</p>		<p>There will be an effective control of the people's representatives if all the income including revenues of the provincial government is credited to a fund and all expenditure of the government is made through this fund. By this, there will be control of people over the provincial fund and it also assists to the provincial government to calculate income and expenditure.</p>
		<p>(6) Only the responsible financial authority of province shall, subjects related to taxes, appropriation, financial responsibility, audit and other related issues under the jurisdiction of provincial government,</p>		<p>Tax, appropriation of budget, economic responsibility, and auditing is connected with national policy, overall economic stability, subject policy and private sector investment and involvement of the</p>

		introduce in the Provincial Legislature as a Provincial Financial Bill.		country, and such policies and programs are interlinked to each others. Therefore, it will be better to present only by the prescribed authority.
		(7) No tax by a provincial government under its jurisdiction shall be imposed in contrary with national financial policy, flow (movement) of goods, capital, service and labour, and neighboring provinces.		It is necessary to prevent negative impact of the imposition of tax by one province against another province, and it is required to prohibit obstruction in imposition of tax and in movement of labours, goods, services and capital.
		(8) If a provincial government shall have to formulate deficit budget, it shall have to present the sources to recover the deficit as well, as determined by federal law.		As the deficit budget of one provincial government may affects the entire economy of the country, the budget should only be formulated, reducing negative impact, by arranging reliable sources in order to recover the losses.
22	Budget of Local Government	32.Budget of Local Governments : (1) Every local government shall have a local Consolidated Fund. All the revenue collected from the sources stated in List 2, grant to be received from federal and provincial governments, loan and sum received from other	Financial Procedure	There will be an effective control of the people's representatives if all the income including revenues of the local government is credited to a fund and all expenditure of the government is made through this fund. By this, there will be control of people over the local fund and it also assists to the

		sources shall be deposited to this Fund.		local government to calculate income and expenditure.
		(2) The local governments shall collect taxes on the basis of their revenue capacity and base of taxation. No grant or compensation shall be given if they are unable to collect taxes.		To reduce dependency on central and provincial government by encouraging local governments to levy taxes according to their capacity. To create a feeling that the impacts would be on them if they cannot collect taxes according to their capacity
		(3) A representative of local government shall present the income and expenditure for every financial year to the council of the local government and shall approve it from the council.		As per the democratic system, it is the duty of government to provide information regarding the income and expenditure of the local government to the people. It helps in order to make the income and expenditure of the local government transparent and to establish peoples' control over it. It also make respect to the autonomy of the local government.
		(4) No tax by a local government under its jurisdiction shall be imposed in contrary with national financial policy, flow (movement) of goods, capital, service and labour, and		It is necessary to prevent negative impact of the imposition of tax by one local government against another local government , and it is required to prohibit obstruction in imposition of tax and in

		neighboring provinces or local governments.		movement of labours, goods, services and capital.
		(5) If a local government shall have to formulate deficit budget, it shall have to present the sources to recover the deficit as well, as determined by federal and provincial laws.		As the deficit budget of one local government may also affect other areas, the budget should only be formulated, reducing negative impact, by arranging reliable sources in order to recover the losses
23	Management of Account of Revenue and Expenditure	33. Management of Account of Revenue and Expenditure : (1) There shall be the similar classification of statement of revenue and expenditure of federal, provincial and local governments. Other provision in relation to this shall as determined by the federal laws.	In the part of Financial Procedure	If the classification of revenue and expenditure is divergent among the different level or same level of governments, it would be difficult to compare revenue and expenditure, to prepare indicators, to implement, supervise and monitor the policies and planning of federal, provincial and local governments.
		(2) The federal, provincial and local government shall adopt the same accounting system. The manner and system of this shall be as determined by the federal laws.		The accounting system of different level of governments should be standard and acceptable. Lack of coordination in such system may create difficulties in comparative study and analysis. Established quality should be adopted to make it more

				qualitative.
		(3) It shall be the duty of provincial and local governments to follow the classification of revenue and expenditure and accounting system.		By the aforesaid reasons, it is established that there is necessity of uniformity in the classification of revenue and expenditure and accounting system among the various level of governments. Therefore, the provincial and local government shall have to follow the federal laws.
		(4) If a provincial government does not follow the prescribed classification of revenue and expenditure and accounting system, the federal government may prohibit the grant to be provided until the provincial government follow it.		As the financial transfer is a strong instrument of the federal government, exercising this power the federal government may compel the provincial government to follow the classification of revenue and expenditure.
		(5) If a local government does not follow the prescribed classification of revenue and expenditure and accounting system, the provincial government may prohibit the grant to be provided until the local government follow		Due to the reason that the income and expenditure of provincial government cannot be compared, the allocation of revenue is not realistic, and the public finance and distribution of services of the provinces is not visible.

		it.		
		(6) Budget shall be presented by including the estimates of expenditure making division of current and capital part.		Due to the limited sources of the government and high demand of current expenditure, if the budget is not divided into current expenditure and capitalization, there would be high chance of more expenditure under the current heading and would not be enough sum in the capitalization. However, this provision seems unfavorable at the moment, it supports the economic and social development in the long term. Therefore, it is necessary to make a division of these heading in the budget.
		(7) If it is necessary to obtain a loan to recover losses, an analysis should also be presented if it is going to impact on the entire financial system		As the loan taken by one political unit impacts the whole economy in the middle term as well as in the long term, the loan should only be taken after analyzing it in totality.

		(8) The management of loan to be received by provincial and local government shall be as determined by the federal laws (for instance Financial Responsibility Act).		It is necessary to manage from the laws of national level as the loan taken by a province or local governments also impacts the whole country.
24	National Natural Resources Commission	<p>34. National Natural Resources Commission:</p> <p>(1) There shall be a National Natural Resources Commission to which there shall be maximum three members including the Chairperson:-</p> <p>(a) A person from among the experts having specialization in natural resources or environmental law and who has made outstanding contribution Chairperson</p> <p>(b) Two persons from among the expert on natural resources, water resources, geography, and economist</p> <p>Members</p>	To be placed as a Constitutional Body	It is more effective if a separate, independent, impartial and competent constitutional commission on natural resources, comprising of experts on the subject matter, is constituted in order for protection and promotion of the available resources in the country, to do study and investigation for the sustainable use of the resources, to make required direction to the government by formulating a long term strategy, and to settle possible disputes on natural resources between provinces.

		<p>(2) Appointment and removal of the Chairperson and Members of the National Natural Resources Commission.</p> <p>(a) The President shall, on the recommendation of Constituent Council, appoint the Chairperson and the Members of the National Natural Resources Commission.</p> <p>(b) The term of the office of the Chairperson and the Members of the National Natural Resources Commission shall be six years from the date of appointment.</p> <p>Provided that, the Chairperson and other members of the National Natural Resources Commission may be removed from the office on the same grounds and in the same manner as has been set out for the removal of a Judge of the Supreme Court.</p>	<p>It is prudent to appoint by the President on the recommendation of the Constitution Council in order to maintain stability, independence, impartiality and reputation of the commission.</p> <p>So as to keep aside the commission from the direct influence of the government, and to ensure its independence, impartiality and effectiveness, it would be sensible to recommend a provision to remove the Members from the office on the same grounds and in the same manner as has been set out for the removal of a Judge of the Supreme Court.</p>
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		<p>(3) The office of the Chairperson and the Members of the National Natural Resources Commission shall be deemed vacant in the following circumstances:</p> <p>(a) If he submits a written resignation to the President,</p> <p>(b) if pursuant to clause (2) his /her term expires or he/she is removed from his/her office,</p> <p>(c) if he/she dies</p>		To clear the conditions of removal from office
		<p>(4) No person shall be eligible to be appointed as the Chairperson or a member of the National Natural Resources Commission unless he/she</p> <p>(a) holding a Master Degree on the related subject from a university recognized by the government of Nepal ;</p> <p>(b) has earned expertise on the related subject at the national level.</p>		Depth knowledge on the related subject matter in order to perform the activities of the Commission effectively, necessary to have capacity to analyze national and international perspectives and dispute settlement, and for all this, should have special expertise and the experiences in the concern field including minimum educational qualifications.
		<p>(5) The remuneration and other conditions of service of the Chairperson and the members of the National Natural Resources Commission shall be as determined by law.</p>		The work performance of the National Natural Resources Commission would be fair and impartial, if the terms and conditions of service of the office-bearers are determined.

		<p>35. Functions, duties and power of the National Natural Resources Commission :</p> <p>(a) To settle disputes relating to natural resources between federal-province, province-province, province-local and local –local governments.</p> <p>(b) To study, investigate, and identify the problems or possible problems relating to sharing of natural resources or environment and recommend to the government</p> <p>(c) Other matters as specified by law</p>		<p>In federalism, disputes relating to natural resources might be occurred among the different level of governments and same level of governments. Therefore, it would be rational if the power to settle dispute is given to a Constitutional Commission. In addition to this, it is more appropriate to provide power to the commission for the purpose of giving recommendation to the government in order to perform their activities more effectively.</p> <p>The commission will arrange a policy to discuss with the stakeholders of natural resources and local communities before making a decision.</p>

		<p>36. Annual Report : The National Natural Resources Commission shall submit an annual report to the President on the work it has performed in accordance with this Constitution, and the President shall, through Prime Minister, make arrangements to submit such report before the Legislature.</p>		<p>In order to make the National Natural Resource Commission accountable to the people through the Legislature.</p>
25	National Financial Commission	<p>37. National Financial Commission: (1) There shall be a National Financial Commission consisting of three members including the Chairperson.</p>		<p>The allocation of revenue is utmost important in federalism, if the allocation is not meaningful, equitable and impartial, it will create a severe impact on the fair distribution of the revenues. Therefore, it is appropriate to manage by a separate commission.</p>
		<p>(2) Appointment and removal of the Chairperson and Members of the National Financial Commission.</p> <p>(a) The President shall, on the recommendation of Constituent Council, appoint the Chairperson and the Members of the National Financial Commission.</p>		<p>In order to maintain stability, independence, impartiality and reputation of the commission.</p> <p>In order to keep aside the commission from the influence of the government and to ensure its independence, impartiality and effectiveness.</p>

		<p>(b) The term of the office of the Chairperson and the Members of the National Financial Commission shall be six years from the date of appointment.</p> <p>Provided that, the Chairperson and other members of the National Financial Commission may be removed from the office on the same grounds and in the same manner as has been set out for the removal of a Judge of the Supreme Court.</p>		
		<p>(3) The office of the Chairperson and the Members of the National Financial Commission shall be deemed vacant in the following circumstances:</p> <p>(a) If he submits a written resignation to the President,</p> <p>(b) if pursuant to clause (2) his /her term expires or he/she is removed from his/her office,</p> <p>(c) if he/she dies</p>		<p>To ensure the office, except as prescribed by law, of the Chairperson and members so that the executive does not remove arbitrarily.</p>

		<p>(4) No person shall be eligible to be appointed as the Chairperson or a member of the National Financial Commission unless he/she</p> <p>(a) holding a Master Degree on the related subject from a university recognized by the government of Nepal ;</p> <p>(b) has earned expertise on the related subject at the national level.</p>		<p>In order to perform the works of the National Financial Commission effectively, it is necessary to have depth knowledge in the subject matter, experience and capacity to financial analysis.</p>
		<p>(5) The remuneration and other conditions of service of the Chairperson and the members of the National Financial Commission shall be as determined by law.</p>		<p>The work performance of the office-bearers of the National Financial Commission will be more fair and impartial, if the terms and conditions of services are set out.</p>
		<p>38. Functions, duties and power of the National Financial Commission :</p> <p>(1) To set up a mechanism and base, as determined by existing laws, so as to allocate the revenue among the federal, provincial and local governments from the National Consolidated Fund.</p>		<p>To fulfill their minimum responsibilities of the different level of governments and to continue the daily affairs of the government, we have provisioned that the required amount is directly chargeable on the Consolidated Fund. For such type of acts, it is necessary to make the revenue allocation procedure transparent by developing a base for the allocation among the</p>

				different level of governments.
		(2) To recommend, as determined by law, equalization grant to be provided to the provincial and local government from the National Consolidated Fund		<p>Law will provide guidelines for the grant to be provided by the federal government to the provincial and local governments in order to maintain minimum standard of services to the people, and on the basis of it, the commission will recommend for the allocation.</p> <p>The commission shall consult with the representatives of federal, provincial and local governments while making a recommendation of equalization grant.</p>
		(3) By studying and doing investigation, to prepare base in regard to the conditional grant to be provided to provincial and local governments subject to national policy, programs and infrastructure.		In order to assist, by doing study, investigation and monitoring, the government regarding the base to allocate necessary amount, except the equalization grant, for other national programs, and necessary amount to provincial and local governments to perform their duties.

		(4) To set up a mechanism and foundation so as to allocate the revenue between provincial and local governments from the Provincial Consolidated Fund.		To prepare and recommend the base for the grant to be provided to the local governments by the respective province, in addition to the sources provided by the federal government, for the purpose of providing minimum service by the local governments to the people and to fulfill other responsibility.
		(5) To recommend necessary suggestions in relation to responsibility of expenditure of federal, provincial and local governments and collection of revenue.		As the responsibilities and rights of the government are dynamic, it is necessary to reform and amend them according to the necessity.
		(6) To recommend, analyzing the whole economic indicators, the internal loan that can be taken by the federal, provincial and local governments.		Applying the financial policy in a coordinating manner helps manage the effect over the entire economy, and the recommendation of the commission will be free from political interference.
		(7) To review the revenue allocation between the federal and provincial governments and recommend for reform		As the responsibilities and rights of the government are dynamic, it is necessary to reform and amend them according to the necessity. Accordingly, the base of allocation of revenue should also be reformed.

		<p>(8) To settle the dispute in relation to distribution of revenue between the federation and provinces and province and local unit.</p> <p>Other function, duties and rights of the commission, detail bases to be adopted in the allocation of revenues, and qualifications and terms and services of the office-bearers of the Commission shall be as determined by law.</p>		<p>In federalism, the settlement of disputes relating to allocation of revenue among the different level of governments is very much important. Therefore, it seems more appropriate if such disputes are settled by a non-political institution.</p>
		<p>39. Annual Report: The National Financial Commission shall submit an annual report to the President on the work it has performed in accordance with this Constitution, and the President shall, through Prime Minister, make arrangements to submit such report before the Legislature.</p>		
26	<p>Inter-province/Local government trade and commerce</p>	<p>40. Inter-province/Local government commerce : Provincial and local governments shall not restrict, obstruct, impose tax and discriminate on</p>		<p>As the country has only one common market, if the local or provincial government obstruct in the transportation of goods or impose taxes or discriminated on the basis</p>

		the export or import of goods from their area to another province, or export in the area of local government or export from another province or local government, any kind of transportation of good passing through another province or local government.		of origin or for any other reason, the national market and the economic activities will be limited and it will make negative impact on the development of trade and industry.
27	Ratification of, accession to, acceptance of or approval of treaties or agreements	41. Ratification of, accession to, acceptance of or approval of treaties or agreements (1) The ratification of, accession to, acceptance of or approval of treaties or agreements to which the State of Nepal or the Government of Nepal is to become a party shall be as determined by the law.		To establish control of the Legislature over the bilateral or multilateral treaties or agreements.
		2) The laws to be made pursuant to clause (1) shall, inter alia, require that the ratification of, accession to, acceptance of or approval of treaty or agreements on the following subjects be done by a two-thirds majority of the total number of members of the Legislature-		Having provision to be passed by two-third majority of the Legislature on the issues related to sovereignty of the country, issues make affect the nation extensively and seriously, and issues connected with the sharing of natural resources, as many as people representatives shall

		<p>Parliament existing:-</p> <ul style="list-style-type: none"> (a) peace and friendship; (b) security and strategic alliance; (c) the boundaries of Nepal; and (d) natural resources and the distribution of their uses. <p>Provided that if any treaty or agreement referred in the sub-clauses (a) and (d), is of ordinary nature which does not affect the nation extensively, seriously or in the long-term, the ratification of, accession to, acceptance of or approval of such treaty or agreement may be done at a meeting of the Legislature-Parliament by a simple majority of the members present.</p>		<p>support the issues and it helps secure and promote national interest</p>
		<p>(3) After the commencement of the Constitution, unless a treaty or agreement is ratified, acceded to, accepted or approved in accordance with this Article, it shall not be binding on the Government of Nepal or the State of Nepal.</p>		<p>It is necessary to establish control of the Legislature over the international treaties and agreements.</p>

		(4) Notwithstanding anything contained in clauses (1) and (2), no treaty or agreement shall be concluded that may be detrimental to the territorial integrity of Nepal.		To make clear that no one has right to sign a treaty or agreement that is against the national interest and integrity of the country.
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List -1

Allocation of proposed Economic Rights

Region/Subject	Federation	Province	Local	The reason why the provision is proposed, or interpretative Comment
	National Security and Army			Issue of national concern and related to the sovereignty of the country
Police	Federal Police	Provincial Police		May send to the local governments from the province due to administration training and economies of Scale.
	International Trade			Related to foreign relations/affairs. However, international trade can be carried out from any part of the world, it is necessary to have coordination in order to develop capacity to compete and to maintain economic progress
	Telecommunication (Regulation/Management)			Having national concern and international dynamism
	Currency, Currency Policy, Banking and			It has national and international dynamism. Related with the right to issue currency. Currency and Currency Policy should have national dynamism for economic stability, and

	Insurance			in order to make coordination with international trade through currency exchange in the era of free market. Since, monetization, banking, insurance cannot be fostered in a small place and has international scope and dynamics, it should be addressed by national policy.
Immigration/Foreign Affairs /International Treaties or Agreements etc				Related with national interests, national security and international relations.
Financial Policy				It is necessary the role of the center to maintain economic stability
	National Planning Policy	Regional Planning Policy	Local Planning Policy	If the federal and other governments at various levels develop their own plans and policies under their jurisdiction on the issues of national importance and concerns, the development would be more effective and it would also help to advance national prosperity and progress.
	Statistics			The federal government should have role in the statistics so as to maintain national and international quality and standard. Other governments should follow the standard/mechanism as set out by the federation in order to maintain statistic.
	International boarder and security			It has national concerns, related with the sovereignty and international dynamism.
	Secret service			Related with national security
	Investigating institutions /Academies	Investigating Institutions/Academies		Could be different given the nature of investigation
Civil	Civil aviation	Airport		It has national dynamism and needs to have

Aviation	and airport			regulation of international standard. If these works are performed by the governments of lower level, it would be risky from the security point view and too expensive from the financial point of view (Economy of Scale). A provincial government can construct an airport coordinating with the federal government.
	Railway service regulation and management	Provincial Railway		It has national dynamism and needs to have regulation of international standard. If these works are performed by the governments of lower level, it would be risky from the security point view and too expensive from the financial point of view (Economy of Scale). A provincial government can construct a railway coordinating with the federal government.
	Post office service			It has national and international dynamism
	Public health and determination of quality of food and regulation			It is necessary to maintain minimum standard of services at national level in order to guard public health.
	Population and family planning		Family Planning	Depending on the nature, governments of all level may engage in this.
Intellectual Property	Intellectual Property: copy rights, patent, trademark etc.			Since the intellectual property has national and international extension, these rights should be preserved at national and even at international level.
	Quality standard and measurement			There should the same standard of quality and measurement at national level. It is because it has international dynamism.
	Labour security, labour relations and trade unions			There would be economic productivity, positive impact in the progress of economy and also protect the interests of the labours, if a uniformity is maintained among employers, labours and government at national level

	Science and technology			It has national and international dynamisms and concerns
	Federal civil service	Provincial civil service	Local civil service	If every government has its own civil servants, the services to be provided to the people would be more effective. However, it is necessary to establish interrelation between the servants of government at different level for their professional development.
Road	National Highway (including bridges)	Inter-state highway	Local/urban roads	The ratio of investment and benefit is different. The investment and benefit can be limited (internalization) to the prescribed area. Resources can be used efficiently and service monitoring would be more effective
	Inter-provincial road (including bridges)	(including bridge) residential development/ planning	(including bridges) connecting Bridges	Can be used in service and the monitoring of service would be effective
Irrigation	Mega and inter-provincial irrigations	inter-local governments and provincial level middle underground irrigation project, irrigation project in a province	Small and underground irrigation project within territory	The ratio of investment and benefit is different. The investment and benefit can be limited (internalization) in the prescribed area. Resources can be used efficiently and service monitoring would be more effective
Drinking water	Mega drinking water project and quality standard of drinking water	Middle drinking water project	Small drinking water project, distribution and management of drinking	The ratio of investment and benefit is different. The investment and benefit can be limited (internalization) in the prescribed area. Resources can be used efficiently and service monitoring would be more effective

			water and garbage management	
Education	Higher (including higher) education and regulation and standardization of quality of universities, national agenda of education, course of study, examinations			Should make conformity with international level by maintaining quality and standard at national level
	Universities	Universities, technical and vocational educations, course of study/ text books/examinations, special education (for visually challenged, deaf and other type of physically challenged people)	Education upto 10+2/informal education	The ratio of investment and benefit is different. The investment and benefit can be limited (internalization) in the prescribed area. Resources can be used efficiently and service monitoring would be more effective
Health	Quality standard and monitoring	Quality standard monitoring		Should make conformity with international level by maintaining quality and standard at national level
	National	Current	Current	The ratio of investment and benefit is different.

	/special health service provider hospitals	regional/zone hospitals	district hospitals, health centers, health posts, and sub-health posts	The investment and benefit can be limited (internalization) to the prescribed area. Resources can be used efficiently and service monitoring would be more effective. The special service provider, like hospitals, can be placed at different locations of the country. Provinces can establish such hospital on their own.
	Traditional treatment services	Traditional treatment services		The return of the investment in the traditional treatment services may not be achieved in a short time period, it is more expensive for protection and development, and the federal government has to take responsibilities to provide financial assistance to such services, and the provincial and local governments in coordination with the federal government may also regulate and manage such services.
	Prevention of communicable diseases	Prevention of communicable diseases		Efforts from all the sectors need to be made as the communicable diseases expand from one part to another part very fast.
Electricity	Mega/big/medium hydroelectricity projects	Medium hydroelectricity projects	Small/Micro hydroelectricity	Due to the amount of production of electricity, differences may be seen in affected areas, capital and technology and the distributing area. It seems appropriate to provide power to issue license to the different level of governments depending on the size of projects. The management of license, charge and royalty shall be as prescribed by the Federal law. No license is necessary for micro project.
	National grid			Electricity produced at one place may be distributed to another place through national grid. The arrangement of distribution should be made according to national needs.

	Distribution of Electricity	Distribution of Electricity	Distribution of Electricity	Distribution: Out of the electricity produced by the different level of governments issuing license or produced by the different level of governments themselves, the respective government may manage the distribution to those areas that are not connected with the national grid, and for other electricity, the respect governments may sell out through the national grid as per the power purchase agreement made before the finalization of the project . The distribution to be carried out by one level of government may be transferred to another level of government. A government at any level may, while distributing the electricity produced in its area , via national grid, signing a power purchase agreement with the concern body, make an arrangement in order to distribute certain portion of electricity to its area. The concern government shall issue license for survey and production, and the body as prescribed by the federal law shall sign power purchase agreement. The production would be in small amount and the investment and benefit can also be internalized in a small place.
		Alternative energy	Alternative Energy	
Agriculture	Agriculture quality standard, regulation, investigation and technology	Agriculture investigation, technology management Production management	Agricultural production management, agriculture, veterinary and technical	It is necessary to maintain quality standard in agricultural productions, need to do research and investigation which is important for nation, to maintain quality standard on research and investigation, federal government will facilitate for the technology development, and provincial government will manage and facilitate the technology and research and investigation which is suitable for it. To manage agricultural production according to regional and local geographical situation. As the agriculture and the veterinary has local dimension, it will be more effective service if

			service	it is provided at local level.
Tourism- Culture	Protection, regulation, development and management of national and international heritages, trekking, expedition (permit), hotel, archeology standard	Protection, development and management of provincial heritage sites	Protection, development of local heritage sites, protection and promotion of language/culture	The tourism and culture has local, regional, national, and international dynamic. Therefore, it would be more appropriate to breakdown the jurisdiction into different level of governments. The issues that have national international dynamism should be under the jurisdiction of federal government, the issues that have regional dynamism should be under the provincial jurisdiction and the issues that have local dynamism should be kept under the jurisdiction of local government. It is necessary to regulate the archeologically important heritages at national.
	Development of tourism sites, protection and promotion of language/culture	Development of tourism sites, protection and promotion of language/culture	Development of tourism sites	From the tourism point of view, hotels should maintain international standards.
Social development	Disaster reduction /Rescue	Disaster reduction /Rescue	Disaster reduction /Rescue	The disaster reduction and rescue operation is different depending on the nature of disaster and rescue.
	Social Security (Regulation)	Social Security	Social Security management	It would be more effective if the regulation and implementation of social security is carried out by the higher level. For social welfare, the state may develop plan for the social protection and social help and implement it. Under the social security, provident fund, pension, health care, accident and compensation, compensation for handicap, protection of maternity, child care, survival benefit (such as old aged house etc.), family benefit, educational facilities, unemployment facilities, sickness benefit etc. are the major issues.
	Sports (Sports	Sports	Since it has national and international

	standardization and regulation)			dynamics, the federal government should act for standardization and regulation, and all level of governments will have to manage it.
Industries /Enterprises	Industries /Enterprises , Foreign investment (regulation)	Industrial management	Industrial management	<p>The policies and regulation relating to industries, enterprises, and foreign investment shall be as determined by the federal law. Except the federal law has prescribed limitations within its jurisdiction, the provinces and local units shall manage and regulate the industries and enterprises. The provincial and local units shall work for developing infrastructure and establishment of industries. This provision discourages unhealthy competition and encourages for achieving economic progress.</p> <p>For the industrial development, establishment of special economic zone or frameworks like this shall be promoted by the federal, provincial and local governments, on the coordination of the federal and provincial governments.</p>
Registration	Birth, marriage, death and migration	Birth, marriage, death and migration	Birth, marriage, death and migration	It would be more appropriate to make a division that the federal government formulates necessary policies, the provincial governments manage for necessary investment and monitoring and the local governments implement it.
Environment	Environment(Standardization and Regulation)	Environment	Environment	As the environment effects in the human health, climate change, and the sources and opportunities of livelihood, it is more appropriate to regulate, manage and determine the standardization of the issues related to this by the federal government. The environment contains local, regional, national and international dynamics. Therefore, all the governments of different level should take responsibility of protection and management

				<p>of the environment depending on the nature of it.</p> <p>As the climate change has international dynamics, it is necessary to adopt measures of reduction the effects of climate change (due to carbon trade, limitation of emission, etc.)</p>
	Bio-diversity	Bio-diversity		<p>Bio-diversity has environmental and economic dynamics. As Nepal is rich in biodiversity, it is appropriate to give a major role of registration, protection, promotion and prohibition of piracy of the biodiversity to the federal government in order to accomplish maximum benefit of the use of biodiversity and equitable benefit sharing. The provincial governments, local governments and local communities also have responsibility to protect the biodiversity.</p>
Forest	Forest	Forest	Forest	<p>As the forest has national and international dynamics, it is appropriate to make a common list of the local, provincial and federal governments in order to address the forest. To this respect, the federal government formulates certain policies and measures and the provinces and local units manage and implement these federal policies and measures.</p> <p>The protection and management of forest can be accomplished by communities, on the basis of the principle of community forest, and provincial and local governments, cooperatives or private sectors as per the specification of federal law.</p>
	National/inter-provincial water shed area	Water shed area	Water shed area	<p>As the water shed area is sensitive and crucial, it is appropriate to have power of regulation and management to the federal government. It will also be appropriate to give power to the different level of governments for the</p>

				management of such areas according to the nature and size.
	National Park, wildlife conservation area, conservation area (including buffer zone)	Wetland areas	Wetland areas	<p>As the wetland areas are important from the view point of biodiversity, bird's habitat, and national identification, it is appropriate to integrate the listed areas under Ramsar Convention in the list of federal government. Other wetland areas can be placed under the jurisdiction of provincial and local government according to the nature, size and importance of the wetlands.</p> <p>If communities can better protect the wetland areas, it will be appropriate to handover to the communities.</p>
	Wildlife conservation	Wildlife conservation	Wildlife Conservation	<p>As the conservation of wildlife, control of illegal hunting and illegal trade has international dynamics, the federal government has to regulate and conserve it developing necessary rules and policies.</p> <p>In order to make the conservation of wildlife and control the illegal hunting and illegal trade effective, it will be appropriate to delegate power to provincial and local governments.</p> <p>In the community conservation areas, it is the responsibility of the community to make conservation effective and to control illegal hunting and illegal trade.</p>
Mines and Minerals	Mines and Minerals	Mines and Minerals	Mines and Minerals	<p>It will be appropriate to regulate and manage the crucial minerals such as mines, oils, gold, and uranium by the federal government. Regulation and management of other minerals should be managed by provincial and local government subject to the federal law.</p> <p>The impact of the use and exacting stone, cross</p>

				stone, concrete, sand, and soil lies in the local areas. Therefore, for the protection and sustainable use of such resources it would be appropriate to give right to the provincial and local governments.
Land	Land consumption policy	Land management /consumption policy		It will be uniformity if the federal government makes a policy for land consumption, and there will be effective implementation if it is managed(promotion and protection) at provincial level

List 2

Allocation of Revenue among the different level of governments

Source of Revenue	Federal	Province	Local	The reason why the provision is proposed, or interpretative comment
Custom duty	√			It is the fare in order to regulate the international market. The international market is regulated by means of custom and such power is exercised by the federal government. Custom is related with the production, import-export, and revenues of the country, and it does impact the competitive capacity of the country. Therefore, the federal government has to regulate the international market through trade tax.
Value Added Tax	√			Such tax is imposed on the various stages of transactions of goods and services- from the production stage to retail sale-where the value is added. The tax imposed in the first stage is deducted in the subsequent stages. Therefore, the person who consumes at the last pays this tax. Giving this power to the federal government means it does not discontinue the chain of tax deduction and get rid of the problem of boarder tax adjustment.
Excise Duty	√	√		The excise duty is imposed against the creation of the traditional social cost (such as impact on public health) in the production and consumption of goods, and in order to manage the cost on the same basis. At present, the area of the tax is extended, therefore this tax is imposed on the

				production and consumption of goods except the goods of basic needs. Since the responsibility to manage the social and environmental obligation created by the production and consumption of good lies on the federal and provincial government together, it would be appropriate to provide certain portion of the royalty as determined by law to the provinces.
Entertainment Tax		√	√	Generally the entertainment services lies in a particular place and it is difficult to transfer such entertainment to another place only due to tax.
Land Tax (Land Revenue)			√	There is not possibility of transfer of base of tax due to the reason of tax. It would be more appropriate to collect from the local level
Institutional Income Tax	√			<p>An institution (such as a company) may be transferred from one place to another place due to the variation of tax rate, collected in a limited geographical areas, one company can have multiple transactions and consequently there might be unnecessary competition between the lower political units. By means of this tax, overall financial stability should be maintained addressing the fluctuation in economy, and it is the duty of the federal government. In addition, through this tax, it will be re-distribute income and this would be more effective and efficient if the federal government carries this task out.</p> <p>Under this tax, the income from a profession, investment, rent (such as machinery, land, house etc.) , interest, contingency income, and etc are considered the major sources.</p>
Individual Income Tax	√			Through this tax there will be re-distribute of income, and this would be more effective and efficient if the federal government carries this task out. Individual income tax influence the entire economic stability and it is the duty of the federal government to make overall financial management stable. In addition, if this tax is levied by the federal government, there would not unnecessary competition among the different political wings.

				Under this tax, the income of a profession, investment, rent (such as machinery, land, house etc.) , interest, contingency income, and etc are considered the major sources. The federal government collects the remuneration tax from the employees of the provincial and local governments and sends back to the respective governments.
Property Tax			√	The tax base is not moveable , the value of the property would increase from the development activities performed by the local government, and the benefits of it should also go to the same government. It would be more effective and appropriate if the local government performs this task because the local government better knows its taxpayers. Hose and land tax is also included in this tax.
Business Tax			√	It would be more appropriate if the local government charges fees or levies other taxes according to law, while giving permission to establish a business at the local area.
Vehicle Tax		√		There is less chance to be transfer tax base due to the rate of tax, the province levies taxes over the ownership of a vehicles. However, the federal government levies taxes on the income of the rent of vehicles.
Registration Charge of land and house		√	√	This tax is related with the land administration, and the provinces have rights to collect this tax. The provinces have to allocate some portion of such tax to the local governments.
Casino	√			Casino is run in a regulated way in order to attract tourists, and it is located at a particular place. Therefore, it is appropriate to collect by the federal government and distribute among others.
Service Charge	√	√	√	The government that provides services can only impose the services charge on its service. The services which are only provided by the federal government such as passport, visa, and post office charges etc go to the federal government. Similarly, the charges collected by the provincial and local governments upon their services are the income of such governments. The provincial government will collect the taxes for the services to be given to the provincial and local level such as vehicle tax, house and land tax etc. The taxes

				<p>which are considered to be more effective to collect at the local level such as rent tax, house construction permission tax, advertisement, local bazaar (haat bazaar) recommendation etc are collected by the same government that provides services at local level. However, for the services to be provided at different level (such as irrigation, drinking water and permission for tourism), the respective government that provides services will impose service charges.</p>
Carbon Service	√			<p>Since this issue has international dynamics, the federal government has to settle the amount to be received by Nepal having necessary dialogue with the concerns. Such amount should be provided to the provincial and local government on certain basis.</p>
Royalty and other income to be generated from natural resources	√	√	√	<p>According to the nature and expansion of the natural resources and as per the allocation of such sources among the different level of governments, the charges and royalties to be received from such sources is included under the jurisdiction of such governments. The federal and the provincial government have to allocate the revenue generated by the utilization of natural resources under their jurisdiction to the subordinate governments. The respective government shall have to make arrangement to distribute certain portion of such revenue to the affected local communities in equitable manner. The federal and provincial governments shall have to make arrangement to distribute certain portion of royalty(cash/goods / services) to the subsequent governments on the basis of revenue sharing.</p>
Punishment and Fine	√	√	√	<p>The fine or penalties awarded by local government shall be the revenue of the same level of government.</p>

Dissenting Opinions

Hon. Chairperson,
Committee on Natural Resources, Economic Rights and Allocation of Revenue
Singadarbar, Kathmandu
Date: September 20, 09

Ref: Submission of Dissenting Opinion,

I would like to express my dissenting opinions against the decision on Land Reform of this committee dated 18th September, 09.

Dissenting Opinions:

While discussing on the acquisition of land, during the implementation of land reforms program by the government, of persons or individuals that cross the maximum ceiling as prescribed by the prevailing laws, I would like to make a note that the property is an inheritable right of individual and part of the fundamental rights of a person. Any property of individual or organization cannot be acquired without providing adequate compensation. Therefore, it is against the establish universal values of human rights, if such property of individual or organization is acquired without adequate compensation.

Therefore, I would like to propose the following clause regarding the property.

“ While implementing scientific land reform programmes or for a public purpose, state may acquire or requisition or otherwise can establish ownership over any property belonging to any person or organization paying adequate compensation to the concern person or organization. The basis of compensation and procedure shall be as determined by law.”

Sincerely
Rajendra Kumar Khetan

Cc: Hon. Chairperson
Secretariat of the Constituent Assembly

I have already registered a letter to the Committee on Sept. 14,09 stating that I would not be able to attend the meetings as I have to go out of country for my treatment. I am sending this opinion via fax and personal assistance Hem Raj Thapa, as I could not attend the meeting of this committee on Sept. 18 due to my absence.

Hon. Chairperson,
Committee on Natural Resources, Economic Rights and Allocation of Revenue ,
Secretariat of the Constituent Assembly
Singadarbar, Kathmandu
Date: September 20, 09

Ref: Submission of Dissenting Opinions,

We, the following Constituent Assembly Members, would like to submit our dissenting opinions within the prescribed timeframe against the decision made on Sept.18, 09 of the Committee on Natural Resources, Economic Rights and Allocation of Revenue on Land Reform.

S.N.	Name	Signature
1.	Amrit Lal Rajbanshi	
2.	Jitendra Prasad Sonar	
3.	Jeevan Prem Shrestha	
4.	Dambardhoj Tumbahamphe	
5.	Tilak Bahadur Rawal	
6.	Padma Kumari Aryal	
7.	Purna Kumar Serma	
8.	Bishnu Prasad Rimal	
9.	Bishnumaya Biswokarma	
10.	Minendra Prasad Rijal	
11.	Ram Naresh Ray	
12.	Ram Saran Mahat	
13.	Laxman Prasad Ghimire	
14.	Bijay Kumar Poudel	
15.	Satrudhan Mahato	
16.	Shanta Chudhari	
17.	Saraswati Chaudhari	
18.	Shanta Chaudhari	
19.	Hemraj Tateng	

Dissenting Opinions

1. On Sept. 18, while the meeting of the Committee on Natural Resources, Economic Rights and Allocation of Revenue was holding a discussion as like the previous meetings, the Hon. President of the Committee unpredictably presented this issues in order to take a decision. We show our grave concern and condemn against the act of the Hon. President which was not only against the will of other Constituent Assembly Members represented from many other political parties but also it was carried out without giving pre-information. In this meeting, no pre-information of agenda and voting was provided to the Constituent Assembly Members and most of the members did not even get a chance to attend in the decision making process. We tried our best to draw attention of the Hon. President to this effect, however our voices were not heard. Therefore, we are compelled to disagree with the decision which was taken without due procedure
2. While discussing on the acquisition of land, during the implementation of land reforms program by the government, of persons or individuals that cross the maximum ceiling as prescribed by the prevailing laws, we would like to make a note that the property is an inheritable right of individual and part of the fundamental rights of a person. Any property of individual or organization acquired without providing adequate compensation is principally unacceptable and practically condemnable. This is not only against the universally accepted values of human rights but also the understanding of all the political parties made in the past and reflected in the Interim Constitution.
3. Therefore, we, the Constituent Assembly Members, would like to propose the following clause to place in the Constitution.

“ While implementing scientific land reform programmes or for a public purpose, state may acquire or requisition or otherwise can establish ownership over any property belonging to any person or organization paying adequate compensation to the concern person or organization. The basis of compensation and procedure shall be as determined by law.”

Cc: Hon. Chairperson
Secretariat of the Constituent Assembly

Hon. Chairperson,
Committee on Natural Resources, Economic Rights and Allocation of Revenue
Singadarbar, Kathmandu
Date: September 20, 09

Ref: Submission of Dissenting Opinion,

I would like to express my dissenting opinions to the decision on Land Reform of this committee dated 18th September, 09.

Dissenting Opinions

1. I came to know that the President unpredictably explored this agenda in order to take a decision at the meeting of the Committee on Natural Resources, Economic Rights and Allocation of Revenue held on Sept. 18. On the contrary, all the members of the Committee were not prepared as most of them did not have pre- information regarding the agenda and voting of the meeting. What I see is, it is necessary to provide an opportunity to participate all the Members while taking a decision on sensitive issues like individual property.
2. While discussing on the acquisition of land, during the implementation of land reforms program by the government, of persons or individuals that cross the maximum ceiling as prescribed by the prevailing laws, I would like to make a note that the property is an inheritable right of individual and part of the fundamental rights of a person. Any property of individual or organization acquired without providing adequate compensation is principally unacceptable and practically condemnable. This is not only against the universally accepted values of human rights but also the understanding of all the political parties made in the past and reflected in the Interim Constitution.
3. Therefore, I would like to propose the following clause to place in the Constitution.
“ While implementing scientific land reform programmes or for a public purpose, state may acquire or requisition or otherwise can establish ownership over any property belonging to any person or organization paying adequate compensation to the concern person or organization. The basis of compensation and procedure shall be as determined by law.”

Sincerely,

Binod Kumar Chaudhari

Cc: Hon. Chairperson
Secretariat of the Constituent Assembly

Hon. Chairperson,
Committee on Natural Resources, Economic Rights and Allocation of Revenue
Singadarbar, Kathmandu
Date: September 20, 09

Ref: Submission of Dissenting Opinion,

I would like to express my dissenting opinions to the decision on Land Reform of this committee dated 18th September, 09.

Dissenting Opinions

1. I came to know that the President unpredictably explored this agenda in order to take a decision at the meeting of the Committee on Natural Resources, Economic Rights and Allocation of Revenue held on Sept. 18. On the contrary, all the members of the Committee were not prepared as most of them did not have pre- information regarding the agenda and voting of the meeting. What I see is, it is necessary to provide an opportunity to participate all the Members while taking a decision on sensitive issues like individual property.
2. While discussing on the acquisition of land, during the implementation of land reforms program by the government, of persons or individuals that cross the maximum ceiling as prescribed by the prevailing laws, I would like to make a note that the property is an inheritable right of individual and part of the fundamental rights of a person. Any property of individual or organization acquired without providing adequate compensation is principally unacceptable and practically condemnable. This is not only against the universally accepted values of human rights but also the understanding of all the political parties made in the past and reflected in the Interim Constitution.
3. Therefore, I would like to propose the following clause to place in the Constitution.
“ While implementing scientific land reform programmes or for a public purpose, state may acquire or requisition or otherwise can establish ownership over any property belonging to any person or organization paying adequate compensation to the concern person or organization. The basis of compensation and procedure shall be as determined by law.”

Sincerely,
Dibakar Golcha

Cc: Hon. Chairperson
Secretariat of the Constituent Assembly

Hon. Chairperson,
Committee on Natural Resources, Economic Rights and Allocation of Revenue
Singadarbar, Kathmandu
Date: November 25, 09

Ref: Submission of Dissenting Opinion,

I would like to remind that I had informed you on Sept.18, 09 regarding my travel plan and not being able to attend the meeting. I cannot agree, however, with the decision taken on that respective date . Therefore, I have decided to express my dissenting opinions to the decision on Land Reform of this committee dated 18th September, 09.

Dissenting Opinions

1. I came to know that the President unpredictably explored this agenda in order to take a decision at the meeting of the Committee on Natural Resources, Economic Rights and Allocation of Revenue held on Sept. 18. On the contrary, all the members of the Committee were not prepared as most of them did not have pre- information regarding the agenda and voting of the meeting. What would be excellent is to provide an opportunity to participate all the Members necessarily while taking a decision on sensitive issues like individual property.
2. While discussing on the acquisition of land, during the implementation of land reforms program by the government, of persons or individuals that cross the maximum ceiling as prescribed by the prevailing laws, we would like to make a note that the property is an inheritable right of individual and part of the fundamental rights of a person. Any property of individual or organization acquired without providing adequate compensation is principally unacceptable and practically condemnable. This is not only against the universally accepted values of human rights but also the understanding of all the political parties made in the past and reflected in the Interim Constitution.
3. Therefore, I would like to propose the following clause to place in the Constitution.
“ While implementing scientific land reform programmes or for a public purpose, state may acquire or requisition or otherwise can establish ownership over any property belonging to any person or organization paying adequate compensation to the concern person or organization. The basis of compensation and procedure shall be as determined by law.”

Sincerely,
Surya Bahadur KC, Member

Cc: Hon. Chairperson
Secretariat of the Constituent Assembly

Hon. Chairperson,
Committee on Natural Resources, Economic Rights and Allocation of Revenue
Singadarbar, Kathmandu
Date: November 27, 09

Ref: Submission of Dissenting Opinions

Dear Chairperson,

We have hereby submitted our dissenting opinions in respect to the line 9th of the first paragraph of the Introduction Part under the **Background Heading** of the preliminary report prepared by our Committee. We would request to replace the clause “elections of the Constituent Assembly held as per the mandate of people from the Second Janaandolon (II people movement)” with “the elections of the Constituent Assembly held as per the mandate of people from the historical people’s movements occurred time and again in Nepal since 1950, mandate achieved from people war and madhesh movement.”

Name and Signature of the CA Members

S.N.	Name	Signature
1.	Hon. Posta Bahadur Bogati	
2.	Hon. Dina Nath Sharma	
3.	Hon. Sriram Dhakal	
4.	Hon. Narayan Prasad Dahal	
5.	Hon. Ram Kumar Yadab	
6.	Hon. Birman Chaudhari	
7.	Hon. Ram Kumari Yadab	
8.	Hon. Tula Bahadur Majhi	
9.	Hon. Lal Bahadur Sumling Magar	
10.	Hon. Navaraj Dhami	
11.	Hon. Chinak Kurmi	
12.	Hon. Siddartha Kumar Somani	
13.	Hon. Viswodip Lindel	

Hon. Chairperson,
Committee on Natural Resources, Economic Rights and Allocation of Revenue
Singadarbar, Kathmandu
Date: November 27, 09

Ref: Submission of Dissenting Opinions

Dear Chairperson,

I would like to present my dissenting opinion to the Preliminary Draft prepared by this Committee. I hereby request you to incorporate my following opinions in the Concept Paper.

1. In the preamble : a clause “ local indigenous ethnic” should be added before the clause “ indigenous, including ethnic in the utilization of natural resources”
2. In the constitution of the National Financial Commission and National Natural Resources Commission, one member from every province, after the determination of the provinces by the Constitution of Nepal, should be represented and the respective provincial government should have right to nominate such representative.
3. In the background, “ Madhes Movement” should be added with “ mandate obtained from II people’s movement”
4. In the heading of Distribution of Revenue among the different level of government under list -2, power should be given to the provinces to impose individual and institutional income tax.

Ram Naresh Ray

CA Member

Jitendra Prasad Sonar

CAMember

Hem Prasad Tateng

CA Member

Hon. Chairperson,
Committee on Natural Resources, Economic Rights and Allocation of Revenue
Date: November 27, 09

Dear Chairperson,

I hereby request to add my proposal in relation to language ambiguities and in order to ensure the rights of the state to the List -2, page 42 of the draft.

1. Institutional and Individual Income tax: The federal government and provincial government both should have this power
2. Property Tax: This proposed rights for the local level should not be limited only to house and land (immovable property). It is urgently necessary to correct as the clause “ house and land tax et all,” may include all the property other than house and land.

Thank you

Binod Kumar Chaudhari

CA Member

Definition of Feudal

Monarchy: The system in which big feudal, sardar, bhardar (aides), contractors, landlords, rich business men occupy the resources and land giving donation to the Monarch.

Feudalism: The system where the feudal hold the political power

Feudalist: Followers of the Feudalism

Feudal : Believes in feudalism, favoritism etc

Source: Nepali Sabda Sagar, Basanta Kumar Sharma, Nepal, 5th ed., 2006, Chaitra, p. 1311

Feudal: Less powerful king or king of a small kingdom who pays taxes to the powerful king. Person who exploits general public in the backing of the king or main ruler. A high level post in the Lichhavi Period. ...tantra: the ruling system that provides economic add to the king by the rich people, business men, sardar, landlords and bhardars(aides)...Ism: a system in which the local feudal, landlords, etc under a state get absolute power over farms, field, farmers and etc. ... Ist: follower of the feudalism. ... Royal (Shahi): Feudalism. Feudalist: relating to feudalist. Any post or work of feudal

Source: Nepali Detail Dictionary, Nepal Academy, 1st ed., 1984, p 1336

Responsibilities and Principles of State	Directive Principles of State	<p>12. Directive Principles of State:</p> <p>(7) In order to ensure professional rights and minimum wages of labours</p>	It should also include provision for protection of rights of employers	Only having protection of labour's profession, wages, and other rights but not having protection of rights of the employers does not support to the country to establish industrial and investment friendly business environment.
	Policies of the State	<p>13. Policies of State:-</p> <p>(7) To pursue a policy of adopting scientific land reform programmes by gradually ending feudalistic land ownership,</p>	Words "Unscientific or unequal" words should replace the word "Feudal"	There could be a huge debate on what type of land ownership is called feudal. The present status of land distribution and ownership is also based on existing laws related to Land. Therefore, the present land distribution should not be said feudal or arbitrary.
	Finance Bill	<p>19. Finance Bill :</p> <p>Provided that a Bill shall not be deemed to be a Finance Bill by reason only that it provides for the payment of any fees such as license fee, application fee, renewal fee, or it provides for imposition of any penalty or imprisonment, or by reason that it provides for the</p>	The clause "any tax" that is imposed by local should be removed . There is difference between tax and other royalties or charges	In order to discourage local bodies from imposing arbitrary tax

		imposition of any tax, duties or fees by a local authority		
			Revolutionary is by nature ambitious and having uncertain result	
	Fundamental Rights	7. Right to Housing :- (1)Every citizen shall have right to housing. State shall manage this right by making necessary laws.	The right to have housing of a citizen is included in the right to property, therefore it seems unclear	Does state provide housing to all by making law? Otherwise the right to property is enough to this respect. So far as the question is concerned that the State has to make residence and distribute to the people, never ever a house can be made without fulfilling requirements under the existing laws. Therefore, the intention of this provision does not seem clear
	Fundamental Rights	8. Right regarding employment:- (1) Every citizen shall have the right to employment . The State shall manage this right by necessary making laws.	Unclear and contradictory	If the state has to guarantee employment for every citizen, there should also be discussion about unemployment allowances. State has to create opportunities for employment, not to provide employment by making laws. So far as the question that the state has to manage laws for employment, the various sectors have been regulated by the employment laws. For instance, Police Act,

				Labour Act,
	Preamble	Food Sovereignty	There is no clarity on food sovereignty and the interpretative comment does not make clear in respect to national producer. It should be clear	Who is the National food producer ? It is not clear.
Economic Rights	Fundamental Rights	4. Right to Food:- (1) Every citizen shall have rights against hunger. (2) Every citizen shall have right to food.	- Where to claim right against hunger? - What is the right to food ? Without making clear right to food, it is better not to propose this provision	As the right against hunger and right to food is not clear , it may create confusions. Therefore it is appropriate to make clear about these concepts before fixing a provision.
	Fundamental Rights	5. Right to property : (2) State may, in implementing scientific land reform programmes, subject to prevailing laws, acquire or requisition property belonging to any person or organization exceeding the ceiling	The dissenting opinions for the compensation of land or property of any individual or institution that is exceeding the ceiling is separately registered, therefore I would not repeat it now. - The use of revolutionary is not necessary because if the word scientific is used instead of revolutionary, it may indicate certain, managed, factual, practical and may predict certain result	The word scientific gives certain, managed, factual and predictable meaning and result, whereas the word revolutionary by nature have uncertain result and too revolutionary. Therefore, the word revolutionary is not necessary to use.

Hon. Chairperson,
 Committee on Natural Resources, Economic Rights and Allocation of Revenue
 Singadarbar, Kathmandu
 Date: November 27, 09

Ref: Submission of Dissenting Opinions

Dear Chairperson,

We would like to express our dissenting opinions on the Preliminary Draft of the Constitution (including concept paper) prepared by this Committee as follows:

Content	Which part of the constitution, article or section should include it	The proposed provisions in the constitution	Dissenting opinions	The reason why the dissenting opinion is made, or interpretative comment
Preamble	Preamble	In order to ensure first rights of local communities indigenous, ethnic communities over the use and development of natural resources	Instead the clause First Right , only word right is enough. So better to remove the word First .	First right naturally makes meaning of preemptive rights. This types of provision may discourages the industries, or factories or business that are based on natural resources, water, mineral or tourism. We cannot achieve progress unless we establish investment friendly environment in

				this sector.

Hon. Chairperson,

Committee on Natural Resources, Economic Rights and Allocation of Revenue
Singadarbar, Kathmandu

Date: November 27, 09(Friday)

Ref: Submission of Dissenting Opinions

I would like to request my dissenting opinions as follows to include in the report that was produced under the jurisdiction of the Committee on Natural Resources, Economic Rights, Allocation.

Navaraj Koirala

Member

Committee on Natural Resources, Economic Rights and Allocation of Revenue

1. In the preamble of the Draft of the Constitution, 2066 as produced by this Committee, the clauses “ Social Republic, Socialism oriented economic system” should replace instead of the clause “Competitive Democracy, Socialism oriented mixed economy”
2. The following provision should be placed instead of the proposed Clause (2) of economic rights under the fundamental chapter:
“ While implementing revolutionary land reform programs, for the public purpose , the state can acquire or requisite property of any person or institution that is exceeding the ceiling”
3. The following provisions should be incorporated instead of Clause (8) of economic rights under fundamental rights :
“For the respectful life every citizen shall be ensured his employment according to his qualification”
4. There should be the following provision instead of the proposed provision in clause (7) of the economic rights under the policies of state:
“State will adopt a policy to end feudal land ownership by implementing land reform programmes”
5. The following clause should be added to the proposed provision relating to education under List -1 of allocation of economic rights :
In “ Local section” “ university”
6. The following clause should be added to the proposed provision relating to environment under List -1 of allocation of economic rights :
In “ Local section” “ biodiversity” (because the role of the local government also would be appropriate)
7. In the introductory part, **Background heading of Chapter one** of the proposed draft:
“ Instead of mandate from the II janaandolon” “ mandate from the various struggle since 1950 on ward and Janaandolon 2006” should be mentioned.

