

## **Bill on Amendments to the Interim Constitution, 2007 (B.S. 2063)**

**Preamble:** As it is desirable to make amendment in the Interim Constitution of Nepal 2007, the Constituent Assembly, in the capacity of the Legislature-Assembly pursuant to Article 83 of the Interim Constitution of Nepal 2007, issues this amendment.

1. **Brief Title and Commencement:** (1) This amendment shall be known as “The Interim Constitution of Nepal, (fourth amendment), 2008 (B.S. 2065)”.  
(2) This amendment shall come into effect immediately.
2. **Amendments to the Preamble of the Interim Constitution, 2007:** After the sixth chapter, a seventh chapter has been added in the Preamble of the Interim Constitution of Nepal, 2007 (hereafter called “Constitution”): “Declaring Nepal a Federal, Democratic, Republic State by legally abolishing the monarchy.”
3. **Amendment in Article 4 of the Constitution:** The words “A fully democratic State” have been replaced by the words “Federal Democratic Republic State” in Clause (1) of Article 4 of the Constitution.
4. **Part (4A) added to the Constitution:** Part (4A) has been added after Part 4.

### **Part (4A)** **President and Vice-President**

- 36A. **President:** (1) There shall be a President in Nepal.  
(2) The President shall be the Head of State and shall perform his/her duties pursuant to this Constitution and to existing laws.  
(3) The main responsibility of the President shall be to protect and ensure compliance with the Constitution.
- 36B. **Election of the President:** The Constituent Assembly shall elect the President.
- 36C. **Term of the President:** The President shall remain in office until the new Constitution is promulgated by the Constituent Assembly.
- 36D. **Qualifications of the President:** A person shall be eligible to be President if s/he fulfils the following qualifications:  
(A) If s/he is eligible to be a member of the Constituent Assembly; and  
(B) If s/he has attained at least 35 years of age.
- 36E. **Removal of the President from his/her post:** The President shall be removed from his/her post under the following conditions:  
(A) If s/he submits a letter of resignation to the Vice-President;

- (B) If a motion of impeachment is passed against the President by at least a two-thirds majority of the current Constituent Assembly on charges of gross violation of the Constitution; or  
(C) If s/he dies.
- 36F. **Oath:** The President shall take an oath of office and secrecy before the Chief Justice in accordance with Schedule (1) before taking on the responsibilities of the office.
- 36G. **Vice-President:** (1) There shall be a Vice-President in Nepal.  
(2) Pursuant to Article 36E, the Vice-President shall perform the duties of the Presidency in the absence of the President, or until a new President is elected should the position fall vacant.
- 36H. **Removal of the Vice-President from office:** The Vice-President shall be removed from office under the following conditions:  
(A) If s/he submits a letter of resignation to the President;  
(B) If a motion of impeachment is passed against the Vice-President by at least two-thirds majority of the current Constituent Assembly members on charges of gross violation of the Constitution; or  
(C) If s/he dies.
- 36I. **Other provisions regarding the Vice-President:** (1) The election process and qualifications of the Vice-President shall be the same as for the President.  
(2) The Vice-President shall take an oath of office and secrecy before the President in the manner of Schedule (1) before taking on the responsibility of his/her office.
- 36J. **Remuneration and Other Benefits of the President and the Vice-President:** The remuneration and other privileges of the President and the Vice-President shall be as determined by an Act, and until so determined these shall be as specified by the Government of Nepal.
- 36K. **Secretariat of the President:** (1) There shall be a Secretariat to assist in the President's work.  
(2) The Government of Nepal shall provide the necessary personnel in order to conduct and manage the business and other affairs of the Secretariat pursuant to Clause (1).
5. **Amendment to Article 37 of the Constitution:** The words "Before the Speaker of the Legislature-Parliament" have been replaced by the words "Before the President" in Part (A) of Clause (7) of Article 37 in the Constitution.

6. **Amendment to Article 42 of the Constitution:** The words “Before the Legislature-Parliament” have been replaced by the words “Before the President” in Article 42 of the Constitution.
7. **Amendment to Article 52 of the Constitution:** The words “Prime Minister” have been replaced by the words “President” in Article 52 of the Constitution.
8. **Amendment to Article 61A of the Constitution:** The words “by the Prime Minister” in Clause (2) of Article 61A of the Constitution have been replaced by the words “by the President”.
9. **Amendment to Article 87 of the Constitution:** The words “the Speaker of the Legislature-Parliament” have been replaced by the words “by the President” in Article 87 of the Constitution.
10. **Amendment to Article 88 of the Constitution:** The words “by the Government of Nepal” have been replaced by the words “by the President” in Clause (1) of Article 88 of the Constitution. Similarly the words “by the Government of Nepal” have been replaced by the words “on the recommendation of the Cabinet” in the same clause. In part (B) of Clause (2) of the same Article, the words “from the Government of Nepal” have been replaced by the words “from the President”.
11. **Amendment to Article 92 of the Constitution:** In Article 92 of the Constitution,  
(1) Paragraph (A) has been replaced by the following Paragraph (A): “(A) the amount of the salary and benefits of the President and Vice-President”.  
(2) The following Paragraph (A1) has been added after Paragraph (A): “(A1) The amount provided to the Chief Judge and other Judges of the Supreme Court as salary, benefit and pension”.
12. **Amendment to Article 103 of the Constitution:** The words “by the Prime Minister” have been replaced by the words “by the President” in Clause (1) of Article 103.
13. **Amendment to Article 105 of the Constitution:** The words “to the Council of Ministers” in Clause (A) of Article 105 have been replaced by the words “to the President”.
14. **Amendment to Article 117 of the Constitution:** The words “to the Prime Minister” have been replaced by the words “to the President” in Clause (1) of Article 117. In the same Clause, the words “by the Prime Minister” have been replaced by the words “by the President through the Prime Minister”.
15. **Amendment to Article 119 of the Constitution:** The words “by the Prime Minister” have been replaced by the words “by the President” in Clause (2) of

Article 119. Similarly, the words “to the Prime Minister” have been replaced by the words “to the President” in Paragraph (A) of Clause (4).

16. **Amendment to Article 121 of the Constitution:** The words “to the Prime Minister” have been replaced by the words “to the President” in Clause (1) of Article 121. In the same Clause, the words “by the Prime Minister” have been replaced by the words “by the President through the Prime Minister”.
17. **Amendment to Article 122 of the Constitution:** The words “by the Prime Minister” have been replaced by the words “by the President” in Clause (2) of Article 122. The words “to the Prime Minister” have been replaced by the words “to the President” in Paragraph (A) of Clause (4).
18. **Amendment to Article 124 of the Constitution:** The words “to the Prime Minister” have been replaced by the words “to the President” in Clause (1) of Article 124. In the same Clause, the words “by the Prime Minister” have been replaced by the words “by the President through the Prime Minister”.
19. **Amendment to Article 125 of the Constitution:** The words “by the Prime Minister” have been replaced by the words “by the President” in Clause (2) of Article 125. Similarly, the words “to the Prime Minister” have been replaced by the words “to the President” in Paragraph (A) of Clause (5).
20. **Amendment to Article 127 of the Constitution:** The words “to the Prime Minister” have been replaced by the words “to the President” in Clause (1) of Article 127. In the same Clause, the words “by the Prime Minister” have been replaced by the words “by the President through the Prime Minister”.
21. **Amendment to Article 128 of the Constitution:** The words “by the Prime Minister” have been replaced by the words “by the President” in Clause (2) of Article 128. The words “to the Prime Minister” have been replaced by the words “to the President” in Paragraph (A) of Clause (40).
22. **Amendment to Article 131 of the Constitution:** The words “by the Prime Minister” have been replaced by the words “by the President” in Clause (3) of Article 131. The words “to the Prime Minister” have been replaced by the words “to the President” in Paragraph (A) of Clause (5).
23. **Amendment to Article 133 of the Constitution:** The words “to the Prime Minister” have been replaced by the words “to the President” in Clause (1) of Article 133. In the same Clause, the words “by the Prime Minister” have been replaced by the words “by the President through the Prime Minister”.
24. **Amendment to Article 134 of the Constitution:** In Article 134 of the Constitution,

(1) The words “by the Prime Minister” have been replaced by the words “by the President on the recommendation of the Prime Minister” in Clause (1) of Article 134.

(2) The words “to the Prime Minister” have been replaced by the words “through the Prime Minister to the President” in Paragraph (A) of Clause (3). In the same Clause, the words “by the Prime Minister” have been replaced by the words “by the President on the recommendation of the Prime Minister” in Paragraph (B).

25. **Amendment to Article 136 of the Constitution:** The words “to the Prime Minister” have been replaced by the words “to the President” in Clause (1) of Article 136. In the same Clause, the words “by the Prime Minister” have been replaced by the words “by the President through the Prime Minister”.

26. **Amendment to Article 143 of the Constitution:** In Article 143 of the Constitution,  
(1) The words “by the Council of Ministers” in Section (1) have been replaced by the words “by the President on the recommendation of the Council of Ministers”.  
(2) The words “by the Council of Ministers” in Clause (6) have been replaced by the words “by the President on the recommendation of the Council of Ministers”.  
(3) The words “Nepal Government, by the Council of Ministers” in Clause (7) have been replaced by the words “by the President”.  
(4) The words “by the Council of Ministers” in Clause (10) have been replaced by the words “by the President on the recommendation of the Council of Ministers”.

27. **Amendment to Article 144 of the Constitution:** In Article 144 of the Constitution,  
(1) The following Clause (1A) has been added to Clause (1): “(1A) The president shall be the Supreme Commander of the Nepal Army.”  
(2) The words “by the Council of Ministers” in Clause (2) have been replaced by the words “by the President on the recommendation of the Council of Ministers”.  
(3) The words “the Council of Ministers shall” in Clause (3) have been replaced by the words “the President shall on the recommendation of the Council of Ministers”.

28. **Amendment to Article 150 of the Constitution:** The words “by the Council of Ministers” in Article 150 have been replaced by the words “by the President on the recommendation of the Council of Ministers”.

29. **Amendment to Article 151 of the Constitution:** The words “by the Council of Ministers” in Article 151 have been replaced by the words “by the President on the recommendation of the Council of Ministers”.

- 30. **Amendment to Article 152 of the Constitution:** The words “from the Prime Minister” in Article 152, Clause (1), have been replaced by the words “from the President on the recommendation of the Council of Ministers”.
  
- 31. **Amendment to Article 159 of the Constitution:** Article 159 of the Constitution has been replaced by the following Article 159: “Article 159. Property to be kept in a Trust: (1) A trust shall be set up by the Nepal Government to transfer the property that belonged to the late King Birendra, Queen Aishwarya and their family members, and shall be used for the national interest.  
(2) All property inherited by former King Gyanendra in the form of palaces, forests and national parks, heritage of historical or archaeological importance shall be nationalized.”

**Schedule (1A)**

(Related to Clause (2) of Article 36F and Article 36I.)

The oath of post and secrecy taken by the President and the Vice-President:

Being fully committed to the people and country, I (President’s/Vice-President’s full name) ..... hereby take the oath of office of the (President/Vice-President). I swear before God to remain true to the Interim Constitution of Nepal 2007, which has placed the authority of the State with the sovereign people of Nepal. I promise to sincerely carry out the responsibilities of the (President/Vice-President) in accordance with existing laws of the country, and to maintain the secrecy of the office. I promise to work for the welfare of the people and the country, without fear of anybody. I swear not to be biased or prejudiced, nor shall I harbour bad feelings towards anybody while performing the duties of the office.

Name, Last Name .....

Signature.....

Date.....