

THE CONSTITUTION OF THE KINGDOM OF NEPAL, 1959

PREAMBLE

Whereas His late majesty King Tribhuvan Bir Bikram Shah Dev, Father of the Nation and revered descendant of the illustrious King Prithvi Narayan Shah, adherent of Aryan Culture and Hindu religion, having led a Great revolution for the rights and welfare of His subject, earned immortal fame in the history of the world and was firmly resolved to establish real democracy in Nepal by giving fundamental rights to the people;

And Whereas we also being firmly resolved to help our subjects to attain all-round progress and achieve the fullest development of their personality; to ensure to them political, social and economic justice; and cement the unity of the nation by bringing about political stability through the establishment of an efficient monarchical form of government responsive to the wishes of the people;

And Whereas for the said purpose it is desirable to enact and promulgate a Constitution for the Sovereign Kingdom of Nepal, I, King Mahendra Bir Bikram Shah Deva in the exercise of the sovereign powers of the Kingdom of Nepal and prerogatives vesting in US in accordance with the traditions and customs of our country and which devolved on US from Our August and Respected forefathers, do hereby enact and promulgate this fundamental law entitled “ The Constitution of the Kingdom of Nepal.”

PAT 1 PRELIMINARY

1. The Constitution as the Fundamental Law

- (1) This Constitution is the fundamental law for Nepal and all laws inconsistent with it, shall, to the extent of the inconsistency, and subject to the provisions of this Constitution, be void.
- (2) Nothing in this Constitution shall affect the law, customs and usage relating to the succession to the throne by the descendant of His Majesty the King.
- (3) In this Constitution, His Majesty means the king for the time being reigning, being a Shahi descendant of His Late Majesty King Prithvi Narayan Shah and adherent of Aryan culture and Hindu religion.

PART II

2. Appointed day

Article 73 and article 75 of this Constitution shall come into operation at once; and the other provisions of this Constitution shall come into operation on a day to be fixed by His Majesty by Proclamation, and such day is hereinafter referred to as “the appointed day”.

PART III

FUNDAMENTAL RIGHT

3. Personal Liberty

- (1) No person shall be deprived of his life or personal liberty save in accordance with the law.
- (2) Traffic in human beings, slavery and forced labour are forbidden, but provision may be made by law compulsory service for public purposes.
- (3) No person shall be punished for an act which was not punishable by law when the act was done, nor shall any person be subjected to a punishment greater than that prescribed by law for an offence when the offence was committed.
- (4) No person shall be prosecuted and punished more than once for the same offence.
- (5) No person accused of any offence shall be compelled to be a witness against himself..
- (6) No person who is arrested shall be detained in custody without being informed, as soon as is practicable, of the grounds of such arrest, nor shall be denied the right to consult and be defended by a legal practitioner of his choice.

Explanation : For the purposes of this clause, a legal practitioner includes any person, who, under the law for the time being in force, is authorized to represent any other person in court.

- (7) Every person who is arrested and detained in custody shall be produced before the nearest judicial authority, within a period of twenty-four hours from such arrest, excluding the time necessary for the journey from the place of arrest to the court of the judicial authority, and no such person shall be detained in custody beyond the said period except on the order of a judicial authority.
- (8) Nothing in clause (6) or clause (7) shall to a person who –
 - (a) is an enemy alien; or
 - (b) is arrested or detained under any law provided for preventive detention.
- (9) No law providing for preventive detention shall authorize the detention of a person for a longer period than three months unless –
 - (a) an Advisory Board consisting of persons who are or have been or are qualified to be appointed as judges of the Supreme Court has reported before the expiration of the said period of three months that there is in its opinion sufficient cause for such detention; or
 - (b) such person is detained in accordance with provisions of any law made in accordance with clause (12).

Provided that nothing in sub-clause (a) shall authorize the detention of any person beyond the maximum period prescribed by law providing for preventive detention;

- (10) When a person is detained in pursuance of an order made under any law for preventive detention, the authority making the order shall, as soon as may be, communicate to such person the grounds on which the order has been made and shall afford the earliest opportunity for making representations against the order.
- (11) Nothing in clause (10) shall require the authority making any such order as is referred to in that clause to disclose facts which such authority considers to be against the public interest and security of the country to disclose.
- (12) The following matters may be prescribed by law:
 - (a) the circumstances under which, and class or classes of cases in which, a person may be detained for a period longer than three months without obtaining the opinion of an Advisory Board; and
 - (b) the maximum period for which any person may in any class or classes of cases be detained; and
 - (c) the functions and the procedure to be followed by an Advisory Board constituted under sub-clause (a) of clause (9).

4. Equality

- (1) All citizens are entitled to equal protection of the laws.
- (2) In the application of general laws there shall be no discrimination against any citizen on grounds of religion, sex, race, caste or tribe.
- (3) In respect of appointment to the service of the Crown there shall be no discrimination against any citizen on grounds only of religion, race, caste or tribe, and in respect of appointment to the service of the Crown which are open to both sexes, there shall be no discrimination on grounds of sex.
- (4) No person shall disseminate hatred, contempt or create enmity between people belonging to different areas, or between different classes of people, castes and tribes of the Kingdom of Nepal.

5. Religion

Every citizen having regard to the current traditions, may practice and profess his own religion as handed down from ancient times.

Provided that no person shall be entitled to convert another person to his religion.

6. Property

- (1) No person shall be deprived of his property save in accordance with the law.
- (2) Every citizen is entitled to acquire, hold and dispose of property.

7. Political Liberties

Every citizen is entitled to –

- (a) freedom of speech and expression;
- (b) freedom of assembly without arms;
- (c) freedom to form associations or unions;
- (d) freedom to move to or reside in any part of Nepal.

8. Public Good

- (1) Nothing in this part shall affect the validity of –
 - (a) any law made before the Appointed Day which, with or without modification or adaptation, is certified by His Majesty to be necessary for any purpose specified in clause (2); or
 - (b) any law made after the Appointed Day which is expressed to have been made for the public good.
- (2) A law shall be deemed to be made for the public good within the meaning of sub-clause (b) of clause (1) if it is expressed in the preamble thereto to be made for the maintenance of law and order within Nepal, maintenance of security of Nepal, good relations between Nepal and other countries, good relations among different classes or sections of the people, or between the people, or between the people of different areas, or generally good manners, health, comfort or convenience or decency or morality and economic welfare or the citizens of Nepal, or to prevent internal disturbance or any attempt to subvert this Constitution or any law in force for the time being or any other like attempt or for the prevention of contempt of court or House of Parliament.
- (3) Nothing in this part shall apply to a person serving in any of the armed forces of the Crown, and any law may restrict or modify the application of any provisions of this Part in so far as it applies to any person serving in any police force.

9. Right to Constitutional Remedies

- (1) The right to file a petition in the Supreme Court for appropriate proceedings for the enforcement of the rights conferred by this Part is guaranteed.
- (2) Where any petition is filed under clause (1) the Supreme Court shall have power to issue directions or Orders or Writs including Writs in the nature of Habeas Corpus, Mandamus, Prohibition, Quo Warranto and Certiorari, whichever may be appropriate for the enforcement of the rights.
- (3) Without prejudice to the power conferred on the Supreme Court by clause (1) and (2), law may empower any other court subordinate to the Supreme Court to exercise within the local limits of its jurisdiction all or any of the powers to issue such directions or Orders or Writs as is prescribed in Clause (2).

PART IV THE EXECUTIVE GOVERNMENT

10. Executive Power

- (1) The executive power of the Kingdom of Nepal is vested in His Majesty, extends to the execution and maintenance of this Constitution and the laws of Nepal, and shall be exercised by Him either directly or through Ministers or other officers subordinate to Him, in accordance with the

provisions of this Constitution and of any other law for the time being in force.

- (2) Where under this Constitution His Majesty is not specifically empowered to act in His discretion or on the recommendation of a specified person, He shall act on the recommendation of the Cabinet conveyed by the Prime Minister or on the recommendation of the Minister of the Crown authorised by the Prime Minister to deal with the matter in question.
- (3) Except on the ground of urgency, no recommendation in any matter specified by His Majesty shall be made to His Majesty until His Majesty has been informally consulted, and His Majesty may refer any recommendation for consideration by the Cabinet, whether or not it has already been considered by the Cabinet.
- (4) The question whether any recommendation has been made to His Majesty and, if so, what recommendation, and the question whether His Majesty has consulted any person or authority in accordance with the terms of this Constitution, shall not be inquired into in any court.
- (5) If any question arises whether any matter is or is not a matter in respect of which His Majesty in His discretion shall be final, and the validity of anything done by His Majesty shall not be called in question on the ground that He ought or ought not to have acted in His discretion.
- (6) All action to be done by His Majesty in His discretion in accordance with the provisions of this Constitution shall be expressed to be taken in the name of His Majesty and other executive action taken in the exercise of the executive powers vested in His Majesty shall be taken in the name of His Majesty's Government.
- (7) Orders, decisions and other instruments made and executed in the name of His Majesty of His Majesty's Government shall be authenticated in such manner in such manner as may be specified in rules to be made by His Majesty in His discretion or as the case may be by His Majesty's Government and the validity of an order, decision or instrument which is so authenticated, shall not be called in question on the ground that it is not an order, decision or instrument made or executed by His Majesty in His discretion, or as the case may be, by His Majesty's Government.

11. The Council of State

- (1) There shall be a Council of State (Rashtriya Parishad) consisting, subject to the provisions of this Article, of His Majesty and the following:
 - (a) The President and Deputy President of the Senate and the Speaker and Deputy Speaker of the House of Representatives, ex-officio members;
 - (b) The Ministers of the Crown for the time being, ex-officio members;
 - (c) Persons who have held office as Ministers; and
 - (d) Such other persons as His Majesty may in His discretion appoint.
- (2) A person who is a member of the Council of State in accordance with paragraph (c) of clause (1) shall cease to be a member if His Majesty,

acting in His discretion, is satisfied, after consulting the Council of State, that such person can no longer be of service to the Council of State.

- (3) A person appointed in accordance with sub-clause (d) of clause (1) shall hold office during the pleasure of His Majesty.
- (4) A meeting of the Council of State shall be summoned by His Majesty's command and shall be presided over by His Majesty, if present, or if His Majesty is not present, by such person as His Majesty may in His discretion designate with generally or specially as Deputy President or, failing any such designations by such person as the Council of State may be resolution at that meeting decide.
- (5) Notwithstanding anything in clause (4) a meeting of the council of state shall be summoned by the Secretary of the said Council and shall be presided over by such person as the Council of State may by resolution at that meeting decide, if-
 - (a) His Majesty has died or abdicated in which case the Council of State shall –
 - (i) order proclamation of the accession of His Majesty's successor in accordance with the law, custom and usage of Nepal; and
 - (ii) if His Majesty is under the age of eighteen years, make such arrangements for a Regency or a Council of Regency as the Council of State may, subject to any Act decide; or
 - (b) Two members of the Council of State, one of whom shall be the Prime Minister, if there be any, have signed as requisition declaring that, in their opinion, His Majesty is unable, by reasons of mental or bodily infirmity, to command the summoning of a meeting, in which case the Council of State shall –
 - (i) decide whether His Majesty is unable, by reason of mental or bodily infirmity, to command the summoning of a meeting; and
 - (ii) if the Council of State so decides, make such arrangement for a Regency or a Council of Regency as the Council of State may, subject to any Act decide;

Provided that –

- (i) any Regency or Council of Regency established under sub-clause (a) of this clause shall terminate when His Majesty attains the age of eighteen years; and
 - (iii) any Regency or Council of Regency established under sub-clause (b) of this clause shall subject to the provisions of any Act, terminate when His Majesty dies or abdicates or gives notice to the Council of State acting in His discretion that He is able to resume the Royal functions.
- (6) The Regent or the regency Council formed according to clause (5) shall have no authority to decide or to approve of anything which shall be prejudicial to the interest of His Majesty or His successor.

- (7) The Council of State at any meeting thereof may act notwithstanding the absence of any of its members, provided that-
 - (a) notice of the meeting has been sent to all persons who were members of the council of State on the date of the notice; and
 - (b) at least one-fourth of all the members of the Council of the State of whom notice has been sent in accordance with sub-clause (a) are present, whether or not they have voted.
- (8) Sub-clause (b) of clause (7) shall not apply where, in accordance with this Constitution or otherwise His Majesty merely desires to consult the Council of State in respect of the exercise of any of His functions under this Constitution.
- (9) A decision of the Council of State shall be taken by a majority of the members thereof present and voting.
- (10) Nothing in paragraph (i) of sub-clause (a) of clause (5) shall prevent His Majesty's successor from exercising any power of the Crown pending the proclamation contemplated by the paragraph, and all such actions shall, if otherwise not unlawful, be ratified by such proclamation.
- (11) Notwithstanding anything in this Article, His Majesty may be warrant under His Red Seal, in His discretion authorise any person or any two or more person to exercise, during His Majesty's absence from Nepal or for any specified period any of the functions of His Majesty, but subject to such conditions as the warrant may prescribe, and in this constitution "His Majesty" includes such person or persons acting within the limits and subject to the conditions prescribed by such warrant.
- (12) The secretary of the Council of State shall be appointed by His Majesty acting in His discretion, after consultation with the Prime Minister, if there be any,

12. The Cabinet

- (1) There shall be a Cabinet consisting of the Prime Minister, who shall be the head of the Cabinet, and such number of other Ministers of the Crown, not exceeding fourteen, as His Majesty on the recommendation of the Prime Minister may decide.
- (2) The Cabinet shall, subject to the provisions of this Constitution, be charged with the general direction and control of the Government of the Kingdom of Nepal and shall be collective responsible to the House of Representatives.

13. The Ministers of the Crown

- (1) The Prime Minister shall be appointed by His Majesty, acting in His discretion and shall be a person who will be able in the opinion of His Majesty, to command a majority in the House of Representatives, either immediately or at the meeting of Parliament after the next general election.

(2) The Ministers of the Crown, other than the Prime Minister shall be appointed by His Majesty on the recommendation of the Prime Minister, and not less than two of such Ministers shall be Senators.

(3) The Prime Minister shall be appointed from among the members of the House of Representatives.

Provided that if His Majesty in His discretion is satisfied that no such person will be able to command a majority in that House in accordance with clause (i), He may appoint as Prime Minister a person who is not a member of that House, but no person shall hold office as Prime Minister for more than four months unless he is a Senator or a member of the House of Representatives.

(4) A Minister of the Crown shall be in charge of such Departments of government as the Prime Minister may, after consultation with His Majesty, assign to him, and shall be responsible to His Majesty and the Cabinet for the administration of such Department.

Provided that the Prime Minister may designate one or two of the Ministers, but not more, to be Ministers without Portfolio.

(5) The Prime Minister shall cease to hold his office if-

- (a) his resignation in writing is accepted by His Majesty; or
- (b) he is for a period of four consecutive months not a member of the House of Representatives or if the appointment was made in accordance with the proviso to clause (3), of the Senate or of the House of Representatives; or
- (c) a resolution has been passed by a majority of all the members of the House of Representatives that it has no confidence in His Majesty's Government; or
- (d) His Majesty, acting in his discretion, is satisfied, after consulting the Council of State, that His Majesty's Government has lost the confidence of the House of Representatives or that it has persisted in acting contrary to the provision of this Constitution.

Provided that nothing in this clause shall prevent His Majesty in His discretion from again appointing as Prime Minister a person who ceased to hold office in accordance with this clause.

(6) A Minister of the Crown, other than the Prime Minister, shall cease to hold office if-

- (a) His Majesty accepts his resignation in writing submitted through the Prime Minister; or
- (b) He is for a period of four consecutive months not a member of the Senate or of the House of Representatives; or
- (c) The Prime Minister on whose recommendation he was appointed has ceased to hold his office; or
- (d) His Majesty on the recommendation of the Prime Minister dispenses with his service.

Provided that any such Minister shall not be ineligible for reappointment.

14. Assistant Minister

- (1) His Majesty on the recommendation of the Prime Minister may appoint an Assistant Minister to assist any Minister of the Crown in the exercise of his functions, but the number of Assistant Minister shall be Senators.
- (2) Clause (6) of Article 13 shall apply to an Assistant Minister as it applies to a Minister of the Crown.
- (3) Whenever a Minister of the Crown or an Assistant Minister is unable to perform any of the functions of his office the Prime Minister may temporarily assign any of those duties to another Minister of the Crown or Assistant Minister, but an Assistant Minister such Assistant Minister shall not be a member of the Cabinet.

15. Remuneration of Minister and Assistant Ministers

The remuneration of Ministers of the Crown including the Prime Minister, and of Assistant Minister shall be determined by Act, and until so determined shall be determined by His Majesty.

16. Conduct of Government Business

- (1) It shall be the duty of the Prime Minister-
 - (a) to communicate to His majesty the Agenda, agenda papers, and decision of the Cabinet and proposal for legislation or the details of any important executive action which have been approved without reference to the Cabinet.
 - (b) to furnish such other information relating to the conduct of government business as His Majesty in His discretion may require.
- (2) The procedure for the transaction of the Government Business, allocation of the said business and the relations which should subsist among His Majesty, the Cabinet, the Ministers of the Crown, Assist Ministers, and other servants of the Crown shall be in accordance with the regulations approved by His Majesty acting in His discretion and such regulations, in so far as consistent with this Constitution shall be binding of all servants of the Crown, including Prime Minister, Ministers and Assistant Ministers, but the question whether the regulations have or have not been observed shall not be inquired into by any court.

17. Temporary Suspension of Cabinet Government

- (1) Notwithstanding anything in the foregoing provisions of this Part, if His Majesty in His discretion is satisfied, after consulting the Council of State, that it is impossible to find a person who as Prime Minister would be able to command a Majority in the House of Representatives, it shall be lawful for His Majesty, in His discretion, by Proclamation to suspend the provisions of Article 12 to 16, and so long as such Proclamation is in operation :-
 - (a) the functions of the Cabinet shall be exercised by His Majesty, acting in His discretion but in consultation with the Council of State;

- (b) His Majesty may appoint persons, whether or not they are members of the Senate or the House of Representatives, to exercise the functions of Ministers of the Crown in charge of Departments, and such person:
 - (i) shall be a member of the Council of State;
 - (ii) shall be responsible to His Majesty for the administration of the Departments assigned to him;
 - (iii) shall hold office during the pleasure of His Majesty in His discretion;
 - (iv) shall be entitled to be present at and act as a member of either House of Parliament or any Committee thereof, but shall not be entitled to vote therein unless he is a member thereof; and
 - (v) shall be paid such remuneration as His Majesty in His discretion may decide.
- (2) A proclamation issued under clause (1) may be revoked by a Proclamation issued by His Majesty in His discretion, and shall be revoked if and when His Majesty is satisfied that it is possible to find a Prime Minister who can command a majority in the House of Representatives; but, if not sooner revoked, a Proclamation issued under clause (1) shall cease to have effect at the first meeting of Parliament after the next general election, or on the expiration of a period of twelve months from the Proclamation, whichever shall first occur .

**PART V
PARLIAMENT
CHAPTER I
CONSTITUTION OF PARLIAMENT**

18. Constitution or Parliament

There shall be a Parliament which shall consist of His Majesty and two Houses, to be known respectively as the Senate (Maha Sabha) and the House of Representatives (Pratinidhi Sabha).

19. Composition or the Senate

- (1) The Senate shall consist of thirty-six Senators (Maha Sabhasad) of whom eighteen (hereinafter referred to as "elected Senators") shall be elected by the House of Representatives and eighteen (hereinafter referred to as "nominated Senators") nominated by His Majesty according to Article 21.
- (2) Subject to Article 20 and 21 the term of the office of the Senator shall be six years and his seat shall not be vacated by the dissolution of the House of Representatives.
- (3) Notwithstanding anything in clause (2):

- (a) A Senator who is elected or nominated to fill a casual vacancy shall serve only for the remainder of his predecessor's term of office; and
 - (b) Except at the first election of Senators, the term of office of 3 senator shall date from the termination of his predecessor's term of office.
- (4) A separate election shall be shall be held for the filling of each casual vacancy among the elected senators.
 - (5) A retiring senator shall, if otherwise not disqualified, be eligible for election or appointment form time to time.
 - (6) In this Article, the expression “casual vacancy” means a vacancy occurring by reason of the death, resignation or disqualification of a senator.

20. Election of Senators

- (1) After the first election of a Speaker (Sabhamukh) and a Deputy Speaker (Up Sabhamukh) under Article 29, the House of Representatives shall, before proceeding to any other business, elect eighteen senators; and thereafter, as soon as may be after the occurrence of a vacancy among the elected senators, the House of representatives shall elect a person for fill such vacancy.
- (2) The election of senators shall, whenever such election is contested, be held in accordance with the system of proportional representation by means of the single transferable vote.
- (3) Subject to provisions of this constitution, and election of senators shall be regulated by Act or until so regulated by rules made by His Majesty.
- (4) After the first election of a President (Adhyakha) and a Deputy President (Up Adhyaksh) under article 28 the President shall determine by lot, out of elected senators, which six shall retire at the end of seven years, which six at the end of five years, and which six at the end of three years; and their first term of office shall be as so determined.

21. Nomination of Senators

- (1) As soon as may be after the first election of senators under Article 20, His Majesty shall in His discretion nominate eighteen senators and thereafter, as soon as may be after the occurrence of a vacancy among the nominate a person to fill such vacancy.
- (2) The President of the Senate shall determine by lot, from out of the first nominated senators, which six shall retire at the end of six years, which six at the end of the four years, and which six at the end of two years; and their first term of office shall be as so determined.

22. The House of Representatives

- (1) The House of representatives shall consist of the members elected by the electors of the several electoral districts constituted in accordance with this Article.
- (2) Each electoral district shall elect one member by secret bal- lot; and, until Act otherwise provides, there shall be 109 electoral districts.
- (3) The electoral districts shall be delimited by a Delimitation Commission appointed by His Majesty in His discretion, in such manner that each shall contain as nearly as may be practicable an equal number of electors, account however being taken of boundaries of administrative districts, the

- density or sparsity of population, transport facilities, physical features and the community or diversity of the inhabitants.
- (4) Subject to the provisions of any law relating to the periods of residence qualifying dates, or other matters incidental to the preparation of electoral rolls, and disqualification on grounds of insanity, or crime or corrupt or illegal practice, every citizen of Nepal who has attained the age of twenty-one years shall be entitled to one vote in one electoral district.
 - (5) The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, elections to the House of Representatives shall be vested in an Election Commission appointed by His Majesty in His discretion.
 - (6) The remuneration of the members of Delimitation and Election Commissions shall be determined by His Majesty after consultation with the Prime Minister; and such remuneration and the expenses of administration of the Delimitation and Election Commissions shall be charged on the Consolidated Fund.
 - (7) Disputes arising out of or in connection with elections to the House of Representatives shall be referred to and decided by Election Tribunals appointed by the Chief Justice of Nepal; and the decision of the Election Tribunal shall be final; but subject to an appeal to the Supreme Court on a point of law.
 - (8) Subject to the provisions of this Article, elections to the House of Representatives, and all matters incidental thereto, shall be governed by law.

23. Qualifications for Members of both Houses

- (1) A senator shall not be qualified for election to the House of representatives or for sitting or voting as a member of that House.
- (2) A person shall not be qualified for appointment or election to or sitting or voting in either House of Parliament if he:
 - (a) is not a citizen of Nepal; or
 - (b) is, in case of the Senate, less than thirty years of age and in the case of the House of Representatives, less than twenty-five years of age; or
 - (c) is a servant of the Crown other than a Minister of the Crown, an Assistant Minister, Speaker, Deputy Speaker, President, Deputy President of the Senate, or a person appointed by His Majesty for the purposes of clause(1) of Article 17; or
 - (d) is a member of the Public Service Commission or the Election Commission; or
 - (e) is disqualified by any provision of any Act.

24. Vacation of Seats

- (1) The seat of a Senator or of a Member of the House of Representatives shall become vacant:
 - (a) upon his death; or
 - (b) if, by a notice in writing to the Secretary to the House concerned, he resigns his seat; or
 - (c) if he ceases to be qualified under Article 23; or

- (d) if, without leave of the appropriate House first obtained, he absents himself from the meeting of that House for continuous period of three months; or
 - (e) in the case of a senator upon the termination of his term of office, and in the, case of a member of the House of Representatives upon a dissolution of that House or upon his appointment or election to the Senate.
- (2) When a seat in the House of Representatives falls vacant otherwise than by reason of dissolution of that House, notice of the vacancy shall be sent to the Election Commission by the Secretary to that house, and the Election Commission shall proceed with all due despatch hold a by-election to fill the vacant seat.

25. Penalty for Wrongful Sitting or Voting

If a person sits or votes as a member of either House of Parliament before he has complied with the requirements of Article 31, or when he knows that he is not qualified for membership thereof, he shall be liable in respect of every day in which he so sits or votes to a: penalty of five hundred rupees to be recovered as debt due to the Government.

CHAPTER II MEETING OF PARUAMENT

26. Summoning and Duration of Parliament

- (1) A Parliament shall be summoned by His Majesty as soon as may be practicable after the promulgation of this Constitution and before the Appointed Day; and thereafter more than four months shall not lapse between the dissolution of one House of Representatives and the meeting of the next House of Representatives.
- (2) After the Appointed Day Parliament may be summoned and dissolved by His Majesty. Provided that:
 - (a) His Majesty may in His discretion reject a recommendation from the Cabinet to dissolve House of representatives if in His opinion such recommendation is an abuse of the power of dissolution; and
 - (b) His majesty may in His discretion summon Parliament, notwithstanding that there is no recommendation from the Cabinet; if owing to the failure of the Cabinet to submit a recommendation there will in His opinion be a breach of the provisions of this Constitution.
- (3) Unless sooner dissolved the House of Representatives shall continue for five years from the date appointed for its first meeting and the expiration of the said period of five years shall automatically operate as a dissolution of that House.

27. Sessions and Meetings of Parliament

- (1) His Majesty may from time to time terminate a session of Parliament by prorogation, but six months shall not lapse between the termination of one session and the beginning of the next.
- (2) Subject to the provisions of Standing Orders, either House may by resolution adjourn from time to time within a session, and in this

- Constitution the interval between the meeting of either House on a particular day and its next adjournment is referred to as a "meeting".
- (3) Notwithstanding anything in this Article, if while Parliament stands prorogued or either House stands adjourned His Majesty is of opinion that an earlier meeting of Parliament or of either House is desirable, He may by proclamation fix a date for such meeting and Parliament or the House, as the case may be, shall meet accordingly.

CHAPTER III PRESIDING OFFICERS

28. President and Deputy President of the Senate

- (1) The Senate shall, as soon as may be, elect two Senators to be respectively the President and the Deputy President of the Senate, and thereafter whenever the office of President or Deputy President falls vacant the Senate shall, as soon as may be after the occurrence of the vacancy, elect a senator to fill the vacancy .
- (2) The President or the Deputy President of the Senate:
 - (a) shall vacate his office if he ceases to be a senator; or
 - (b) may at any time by notice to the Senate resign his office.
- (3) The President, or in his absence the Deputy President, or in their absence, subject to any provisions made in that behalf by Standing orders, a Senator elected by the Senate for that meeting shall preside at a meeting of the Senate.

29. Speaker und Deputy Speaker of the House of Representatives

- (1) The house of Representatives shall, as soon as may be after a general election, elect two persons to be respectively the Speaker and the Deputy Speaker of the House of Representatives. and thereafter whenever the office of Speaker or Deputy Speaker falls vacant the House of Representatives shall as soon as may be after the occurrence of the vacancy, elect a person to fill the .vacancy .
- (2) If the person elected as Speaker is member of the House of : Representatives his seat as such member shall become vacant, but he shall not thereby cease to be Speaker.
- (3) The Speaker in the office immediately before the dissolution of the House of Representatives shall not vacate his office, otherwise than by death or resignation, until immediately before the first meeting of the new Parliament and if the Speaker dies or resigns his office during the dissolutions, his functions as the Speaker shall be exercised by the person who was the Deputy Speaker immediately before the dissolution or, if that person has died or resigned, by a person appointed by His Majesty.
- (4) The Deputy Speaker shall be elected from among the members of the House of Representatives and shall vacate his office if he ceases to be a member of that House.
- (5) The Speaker or the Deputy Speaker may resign his office by notice to the House or Representatives or, if the resignation occurs during a dissolution, by notice to His Majesty.
- (6) The Speaker, or in his absence the Deputy Speaker, or in their absence subject to any provision made in that behalf by Standing Orders, a member elected by the House of Representatives for that meeting shall preside at the meeting of the House of Representatives.

30. Remuneration

There shall be paid to the President and the Deputy President and members of the Senate and to the Speaker and the Deputy Speaker and members of the House of Representatives such remuneration as may be respectively fixed by law or, until so fixed, by His Majesty.

**CHAPTER IV
CONDUCT OF BUSINESS**

31. Oath or Affirmation

Every member of either House of Parliament and every person entitled to take part in its proceedings shall, before taking his seat, make and subscribe before the President of the Senate or the Speaker of the House of Representatives, as the case may be, an oath of allegiance, in the form prescribed by His Majesty.

Provided that, before the election of the President or the Speaker, the oath may be made and subscribed before the Secretary to the Senate or the House of Representatives, as the case may be.

32. Royal Addresses and Messages

(1) His Majesty may in His discretion address either House of Parliament or both Houses assembled together, and for that purpose may command the attendance of members.

(2) His Majesty may send messages to either House of Parliament, and the House to which any message is so sent shall with ;111 convenient despatch consider any matter required by the message to be taken into consideration.

33. Ministers may Address either House

A Minister of the Crown, or a person acting as Deputy to such a Minister in accordance with clause (3) of Article 14 may address or otherwise take part in the proceedings of either House, or in any committee there of, but shall not vote therein, unless he is a member of that House.

34. Restriction on Debate

(1) No discussion shall take place in either House of Parliament with respect to the conduct of His Majesty and His successors. Provided that nothing in this clause shall limit criticism of His Majesty's Government.

(2) No discussion shall take place in either House of Parliament with respect to the conduct of the Chief Justice or any Judge of Supreme Court in the discharge of his duties.

35. Voting

Save as otherwise provided in this Constitution, any question proposed for decision in either House of Parliament shall be determined by a majority of the votes of senators or members, as the case may be, present and voting; the person presiding shall not have an original vote, but in the event of an equality of votes shall have and exercise a casting vote.

36. Power of either House to Act Notwithstanding Vacancies

Either House of Parliament shall have power to act notwithstanding any vacancy in the membership thereof, and any proceedings therein

shall be valid notwithstanding that it is discovered subsequently that some person who was not entitled so to do sat or voted or otherwise took part in the proceedings.

37. Quorum

If at any time during a meeting of either House of Parliament the attention of the person presiding is drawn to the fact that there are, in the case of meeting of the Senate, fewer than ten senators present or in the case of a meeting of the House of Representatives, fewer than twenty-five members present, the person presiding shall, subject to any Standing Orders of the Senate or the House of Representatives, as the case may be, either suspend the meeting until there is a quorum or adjourn the meeting to the next sitting day, in either case without putting any question.

38. Privilege of Parliament

- (1) The validity of any proceedings in either House of Parliament shall not be questioned in any court on the ground of any alleged irregularity of procedure.
- (2) No officer or senator or member of the House of Representatives in whom powers are vested for the regulation of procedure or the conduct of business or for maintaining order in either House shall, in respect of the exercise by him of those powers, be liable to any proceedings in any court.
- (3) No Senator or member of the House of Representatives shall be liable to any proceedings in any court in respect of anything said or any vote given by him in the Senate or the House of Representatives or any Committee thereof.
- (4) No person shall be liable to any proceedings in any court in respect of the publication by or under the authority of either House of Parliament of any report, paper, vote or proceedings.
- (5) Subject to this Article, the privileges of either House of Parliament, or the committees and the members thereof, shall be determined by law.

39. Standing Orders

- (1) Each House of Parliament may make Standing Orders or Sessional Orders for regulating, subject to the provisions of this Constitution, its procedure, the conduct of its business, the procedure of and conduct of business in its committees, the preservation of order at its meetings, and any other matter required for the proper exercise of its functions.
- (2) Until Standing Order are made in accordance with clause (1) the matters referred to in that clause shall, subject to this Constitution, be regulated by Standing Orders framed by His Majesty.
- (3) In this Article, "Standing Orders" mean orders which remain in operation, subject to necessary amendment, from session to session and from Parliament to Parliament, and "Sessional Orders" mean orders which remain in operation only during the session in which they are made.

CHAPTER V LEGISLATIVE PROCEDURE

40. Introduction of Bills

- (1) A Bill, other than a Money Bill, may be introduced in either House of Parliament, but a Money Bill shall be introduced only in the House of Representatives.
- (2) In this Constitution the expression "Money Bill" means a public Bill which contains provisions dealing only with all or any of the following matters, that is to say,
 - (a) the imposition, abolition, remission, alteration or regulation of taxation;
 - (b) the imposition of charges on the Consolidated Fund or on any other public fund or on moneys provided by Parliament, or the variation or repeal of such charges;
 - (c) the grant of money to His Majesty's Government or to any authority or person, or the variation or revocation of any such grant;
 - (d) the appropriation, receipt, custody, investment, or audit of accounts, of public money;
 - (e) the raising or guarantee of any loan or the repayment thereof, or the establishment, alteration, administration or abolition of any sinking fund, provided in connection with any such loan; or
 - (f) any matter incidental to any of the aforesaid matters.
- (3) No bill or amendment which makes provision for any of the matters specified in clause (2) or which, if enacted and brought into operation, would involve expenditure from the Consolidated Fund or other public fund or the public revenues, shall be introduced in either House of Parliament except upon the recommendation of His Majesty.

41. Passing of Bills

- (1) A Bill which has been passed by one House of Parliament shall be forthwith transmitted to the other House and shall, if it is passed by that other House, be submitted for the assent of His Majesty if it is passed by that other House.
- (2) If a Money Bill has been passed by the House of Representatives and sent to the Senate at least one month before the end of the session, and if it is not passed by the Senate within one month, it may be submitted for the assent of His Majesty without being passed by the Senate.
- (3) If a Bill, other than a Money Bill or a Bill to amend this Constitution, is passed by the House of Representatives and sent to the Senate at least one month before the end of the Session; and
 - (a) it is not passed by the Senate in that session; and
 - (b) it is again passed by the House of Representatives in the next session and sent to the Senate at least one month before the end of the session; and
 - (c) It is not passed by the Senate within one month; It may be submitted for the assent of His Majesty without being passed by the Senate, provided that a period of not less than five months has elapsed between the date on which it was passed by the House of

Representatives in the first of the sessions and the date on which it was passed in that House in the next session.

- (4) For the purposes of this Article, a Bill which has been passed by the Senate with an amendment which is subsequently rejected by the House of Representatives shall be deemed not to have been passed by the Senate.
- (5) For the purpose of clause (3) :
 - (a) the next session may be in the same Parliament or in the next Parliament; and
 - (b) if the Bill which was passed by the House of Representatives in the second session contains no amendments other than:
 - (i) amendments approved by the Senate in the first session; and
 - (ii) consequential amendments and amendments due to lapse of time; it shall be deemed to be the Bill which was passed by the House of Representatives in the first session.

42. Royal Assent

- (1) When a Bill is submitted for the assent of His Majesty in accordance with Article 41 His Majesty shall declare either that He assents to the Bill or that He withholds His assent there from.
- (2) His Majesty may consult the Council of State as to whether He should assent to a Bill and if after such consultation He is satisfied that He ought to withhold His assent He may in His discretion either:
 - (a) inform both Houses of Parliament that He withholds His assent; or
 - (b) return the Bill to the House of Parliament in which it originated for further consideration, and in such case His Majesty may in His discretion submit observation on the Bill to that House.
- (3) A Bill which has received the assent by His Majesty in accordance with this Constitution shall become a law on the Red Seal being affixed to it.

43. Speaker's Certificate

- (1) A Bill shall not be submitted for the assent of His Majesty in accordance with clause (2) of Article 41 unless it has endorsed on it a certificate by the Speaker that it is a Money Bill.
- (2) A Bill shall not be submitted for the assent of His Majesty in accordance with clause (3) of Article 41 unless it has been endorsed on it a certificate by the Speaker that the requirements of that clause have been complied with.
- (3) . Every certificate by the Speaker under this Article shall be conclusive for all purposes and shall not be questioned in any court.

CHAPTER VI FINANCIAL PROCEDURE

44. General Provisions

- (1) No tax shall be levied except by or under the authority of law.

- (2) No expenditure shall be incurred out of the Consolidated Fund or any other public fund or out of moneys provided by Parliament except in accordance with this Constitution or by or under the authority of an Act.
- (3) No loan shall be raised on the Security of the Consolidated Fund or other public fund or of moneys provided by Parliament except by or under the authority of an Act.
- (4) Nothing in this Article shall apply to the private revenues of His Majesty or to expenditure out of such revenues.

45. The Consolidated Fund

- (1) All revenues received by His Majesty's Government other than His Majesty's private revenues, the produce of all taxation other than local taxation, all loans raised on the security of the public revenues, and all moneys received in repayment of any such loan made under authority of an Act, shall, unless Parliament otherwise provides, be credited to a public fund to be known as the Consolidated Fund.
- (2) The following expenditure shall be charged on the Consolidated Fund, and shall not require the annual sanction of Parliament, in so far as it relates to:
 - (a) His Majesty's Civil List including the expenses of other members of the Royal Family;
 - (b) The remuneration payable to:
 - (i) The Chief Justice and other Judges of the Supreme Court;
 - (ii) The members of the Delimitation and Election Commissions; ,
 - (iii) The members of the Public Service Commission; and
 - (iv) The Auditor-General
 - (c) the administrative expenses, including the remuneration payable to officers and servants, of the Royal House hold, the Supreme Court, the Delimitation and Election Commissions, the Public Service Commission, and the Department of Auditor-General;
 - (d) all debt charges for which His Majesty's Government is liable, including interest, sinking fund charges, the repayment or amortisation of capital, and other expenditure in connection with the raising of loans and the service and redemption of debt on the security of the Consolidated Fund.
 - (e) any sums required to satisfy any judgment, decree or award against His Majesty's Government by any court or tribunal; and
 - (f) any other sums declared by this Constitution or by an Act to be so charged.

46. Estimates of Revenue and Expenditure

- (1) His Majesty shall, in respect of every financial year, cause to be laid before the House of Representatives a financial statement showing:
 - (a) the estimate of revenue from sources available in the ! previous financial year; "
 - (b) the effect of proposed changes in the law relating to taxation;

- (c) the sums required to meet charges on the Consolidated fund;
 - (d) the sums required to meet expenditure to be voted by Parliament;
 - (e) the sums to be provided by way of loans.
- (2) The sums required to meet expenditure to be voted by Parliament shall be specified under heads and sub-heads, and the heads shall be included in an Appropriation Bill, voting the said sums to His Majesty; and appropriating them in accordance with the heads. The Appropriation Bill may, however, authorise transfers between heads under such conditions as may be specified in the Bill.

47. Supplementary and Excess Votes

If in respect of any financial year it is found:

- (a) that the amount authorised to be spent for a particular service for the current financial year is insufficient, or that a need has arisen for expenditure upon a new service not authorised by the Appropriation Act for that year; or
- (b) that any money has been spent on any service during a financial year in excess of the amount voted for that service in that year;

His Majesty shall cause to be laid before the House of Representatives a Supplementary Estimate specifying heads and sub-heads, and the sub-heads shall be included in a Supplementary Appropriation Bill.

48. Votes on Account

- (1) Notwithstanding anything in the foregoing provisions of this Chapter, Parliament shall have power to vote money in advance as a vote on account in respect of the estimated expenditure for a part of the next ensuing financial year pending the enactment of the Appropriation Bill.
- (2) A vote on account shall not be submitted to the House of Representatives until Estimates of Revenues and Expenditure have been presented in accordance with the provisions of Article 46 and
 - (a) the amount of the vote on account shall not exceed the estimated expenditure for the first four months of the next ensuing financial year;
 - (b) the vote on account shall be included in a Vote On Account Bill and several sums shall be appropriated to the several heads in the Appropriation Bill; and
 - (c) no expenditure shall be incurred from the Vote on Account until the Vote on Account Bill has received the assent of His Majesty.

49. Votes of Credit

Notwithstanding anything in the foregoing provisions of this Chapter, if when owing to a national or local emergency, whether due to natural causes, or the threat of hostile action or internal disturbance, or otherwise, His Majesty is satisfied that it is impracticable or undesirable in the interests of the security of

the Kingdom to specify the details required under Article 46 His Majesty may cause to be laid before the House of Representatives a Vote of Credit Bill giving such particulars of the nature of the expenditure proposed as His Majesty may consider desirable in the circumstances.

50. Contingency Fund

An Act may create a Contingency Fund into which shall be paid from time to time such sums as may be determined by the Act. This Fund shall be placed at the disposal of His Majesty's Government and unforeseen expenditure may be met out of this Fund as approved by His Majesty.

As soon as possible after every such advance a Supplementary Estimate shall be presented to Parliament for the purpose of replacing the amount so advanced.

CHAPTER VII LEGISLATIVE POWERS

51. General Power of Legislation

Subject to the provisions of this Constitution, Parliament shall have power to make laws for the peace, order and good government of Nepal.

52. Ordinance

- (1) If at any time except when both Houses of Parliament are in session, His Majesty is satisfied that circumstances exist which render it necessary for Him to take immediate action, he may promulgate such ordinances as the circumstances appear to Him to require.
- (2) An ordinance promulgated under this Article shall have the same force and effect as an Act but every such ordinance:
 - (a) shall be laid before both Houses of Parliament and if resolutions disapproving it are passed by both Houses it shall cease to operate;
 - (b) may be withdrawn at any time by His Majesty;
 - (c) shall cease to have effect after the lapse of forty-five days of the sitting of Parliament if it is not withdrawn according to sub-clause (a) and (b).

Explanation: Where the Houses of Parliament are summoned to reassemble in different dates, the period of forty-five days shall be reckoned from the latter of those dates for the purposes of this clause.

53. Constitutional Amendments

- (1) Parliament may amend or repeal any of the provisions of this Constitution by a Bill passed by both Houses of Parliament and assented to by His Majesty and to which the Red Seal is affixed. Provided that:
 - (a) a bill to amend the Constitution shall be so described and shall contain no provisions other than those relating to the amendment of the Constitution;
 - (b) the Bill shall be deemed not to have passed the House of Representatives and the Senate unless it was supported on its final

reading in each House by not less than two-thirds of all the members thereof;

- (c) the Bill shall when presented for the Royal Assent of His Majesty have endorsed on it a certificate by the Speaker of the House of Representatives and the President of the Senate that the provisions of this clause have been - complied with; and
 - (d) in granting or withholding His assent, His Majesty shall act in His discretion.
- (2) A certificate of the Speaker and the President under clause (1) shall be conclusive for all purposes and shall not be questioned in any court.

54. Invalid Laws

Without prejudice to any other remedy, a person who alleges that any provision of an Act or any other law is void for inconsistency with this Constitution, may move the Supreme Court to:

- (a) declare the said law to be invalid, to the extent of its inconsistency; and
- (b) grant such incidental and supplementary relief as the Supreme Court may deem appropriate.

55. Emergency Powers

(1) If His Majesty in His discretion is satisfied that a grave emergency exists whereby the security or economic life of Nepal, or any part thereof, is threatened by war or external aggression, or by internal disturbance, He may by Proclamation in His discretion:

- (a) declare that His functions shall to such extent as may be specified in the Proclamation, be exercised by Him in His discretion;
- (b) assume to Himself all or any of the powers vested in or exercisable by Parliament or any other governmental body or authority; and any such Proclamation may contain such incidental and consequential provisions as may appear to Him to be necessary or desirable for giving effect to the objects of the Proclamation, including provisions for suspending in whole or in part the operation of any provision of this Constitution:

Provided that nothing in this clause shall authorise His Majesty to assume to Himself any of the powers vested in or exercisable by the Supreme Court or to suspend; either in whole or in part, the provisions of Part VI of this Constitution.

- (2) Any such Proclamation may be revoked or varied by a subsequent Proclamation.
- (3) A Proclamation under this Article, other than a Proclamation revoking a previous Proclamation, shall cease to operate at the expiration of twelve months, but may be renewed by a further Proclamation, and so forth until His Majesty is satisfied that grave emergency no longer exists.
- (4) Any law made by His Majesty under powers assumed by Him under this Article shall, unless sooner repealed or reenacted by cease to operate at the expiration of six months after a Proclamation under this Article has ceased to operate.

- (5) In exercising His powers under this Article, His Majesty shall so far as may be practicable act after consultation with the Council of State.

56. Emergency Powers in Case of Failure of Constitutional Machinery

- (1) If His Majesty in His discretion is satisfied, after consulting the Council of State, that the system of Parliamentary government contemplated by this Constitution has broken down and that the powers conferred by Article 17 are in the circumstances inadequate, He may by Proclamation in His discretion suspend any provision of Part III, IV and V of this Constitution and make such temporary provision for the governance of the Kingdom of Nepal as in His discretion He may deem necessary:

Provided that:

- (a) He shall not suspend either or both Houses of Parliament unless in His discretion He deems it necessary to do so;
 - (b) if He deems it necessary to suspend one House of Parliament, laws shall thereafter be made, subject to the provisions of this Article, by a Parliament consisting of His Majesty and the other House;
 - (c) nothing in this Article shall empower His Majesty permanently to amend this Constitution, except in the manner and form provided by Article 53.
- (2) Any proclamation made under clause (1) may be revoked or varied by a -subsequent Proclamation.
- (3) A Proclamation made under this Article, other than a Proclamation revoking a previous Proclamation, shall cease to operate at the expiration of a period of twelve months, but may be renewed by a further Proclamation and so forth until His Majesty in His discretion is satisfied that the system of Parliamentary government contemplated by this Constitution can be fully restored.

Provided that a proclamation under this Article shall not be renewed unless His Majesty in His discretion is satisfied that:

- (a) the breakdown is of such a nature that it is impracticable to hold a general election; or
 - (b) a general election has recently been held but the system of parliamentary government cannot function in the manner contemplated by this Constitution.
- (4) Any law not being a law amending this Constitution made in accordance with a Proclamation issued under this Article shall, unless sooner repealed or re-enacted by Act, cease to operate at the expiration of six months after a Proclamation under this Article has ceased to operate; and a law amending this Constitution shall cease to operate when a Proclamation made under this Article has ceased to operate.

PART VI
THE JUDICIARY

57. The Judges of the Supreme Court

- (1) The Chief Justice of Nepal shall be appointed. by His Majesty in His discretion, after consulting the Prime Minister and some other judges of the Supreme Court as He may deem necessary.
- (2) The other judges of the Supreme Court shall be appointed by His Majesty in His discretion, after consulting the Chief Justice of Nepal and such other judges of the Supreme Court as He may deem necessary.
- (3) Subject to the provisions of clause (4) the Chief Justice or other judges of the Supreme Court shall hold office until he completes the tenure of his office.
- (4) The Chief Justice or other judges of the Supreme Court:
 - (a) may resign his office ay notice to His Majesty;
 - (b) may be removed from office by His Majesty in His discretion. If any Commission appointed by His Majesty on reference to it by His Majesty, reports that the judge is unable to perform his duties due to misbehaviour or incapacity. But such Chief Justice or the judge charged with misbehaviour or incapacity shall not be denied the right of defending himself before the Commission.
- (5) A Commission appointed under-sub-clause (b) of clause (4)shall have the power to summon witnesses, take evidence and punish for contempt of itself.
- (6) The remuneration, tenure of office and other conditions of service of the Chief Justice or other judges shall be determined by Act or until so determined by order of His Majesty, and such remuneration and tenure of office shall not be varied to his disadvantage during his period of office and the remuneration shall be charged to the Consolidated Fund.
- (7) Clause (1) and (6) shall apply to an Acting Chief Justice, and clause (2-) and (6) to an Acting or Additional Judge of the Supreme Court.

58. Transfer of Certain Cases to Supreme Court

If the Supreme Court is satisfied that a case pending in a subordinate court involves a substantial question of law as to the interpretation or this Constitution the determination of which is necessary for the disposal of the case, it shall withdraw the case and may either:

- (a) dispose of the case itself; or
- (b) determine the said question of law and return the case to the court from which the case has been withdrawn, together with a copy of the judgment of the Supreme Court; and the subordinate Court shall on receipt thereof proceed to dispose of the case in conformity with such judgment.

PART VII
THE PUBLIC SERVICE COMMISSION

59. The Public Service Commission

- (1) There shall be a Public Service Commission consisting of such number of members as His Majesty may prescribe and one of them shall be designated by His Majesty to be Chairman.
- (2) At least one third of the members of the Public Service Commission shall be such as have not at any time during the period of five years immediately preceding been in Government service.
- (3) His Majesty shall appoint the members of the Public Service Commission.
- (4) No person shall be appointed as a member of the Public Service Commission if he is a Senator or a member of the House of Representatives.
- (5) A member of the Public Service Commission shall hold office for a period of five years from the date of his appointment but:
 - (a) may resign by notice in writing to His Majesty;
 - (b) may be removed from his office on the like grounds and in the like manner as a judge of the Supreme Court. .
- (6) Every person appointed as a member of the Public Service Commission, on ceasing to hold that office shall be ineligible for Government service but shall be eligible for reappointment in the Public Service Commission.
- (7) The remuneration and other conditions of service of the members of the Public Service Commission shall, until determined by law, be the same as those of the Judges of .s the Supreme Court. Such remuneration shall be charged on the Consolidated Fund and shall not be varied to his disadvantage during his period of office.

60. Functions of the Public Service Commission

- (1) It shall be the duty of the Public Service Commission to conduct examinations, if any, for' appointments of services or posts under His Majesty's Government.
- (2) The Public Service Commission shall be consulted:
 - (a) on all matters relating to methods of recruitment to civil services and for civil posts;
 - (b) on the principles to be followed in making appointments, transfers and promotions to civil services or posts and on the suitability of candidates for such appointments transfers and promotions;
 - (c) on all disciplinary matters affecting a civil servant including memorials or petitions relating to such matters;
 - (d) on any claim by, or in respect of, a civil servant or a person who has been a civil servant that any costs incurred by him in defending legal proceedings instituted against him in respect of acts done or purported to be done in the execution of his duties should be paid out of the Consolidated Fund;

- (e) on any claim for award of a pension or gratuity in respect of injuries sustained by a civil servant in the performance of his duties and any question as to the amount of such award; and
- (f) on any other matter which His Majesty may refer to them in connection with any service or post under His Majesty's Government.
- (3) Notwithstanding anything in other clauses of this Article, His Majesty may make regulations specifying the matters in which either generally or in any particular circumstance it shall not be necessary for the Public Service Commission to be consulted.
- (4) It shall be the duty of the Public Service Commission to present annually to His Majesty a report on the work done by the Commission, and on receipt of such report, His Majesty shall cause a copy thereof, together with a memorandum explaining as respects cases, if any, where the advice of the Commission was not accepted and the reason for such non-acceptance, to be laid before the Parliament.
- (5) The Public Service Commission may by order delegate to any servant of the crown subject to such conditions as may be specified in the order, any of the functions vested in the Commission by clause (1). Any person dissatisfied with any decision taken by any servant of the crown under any of the powers so delegated may appeal therefrom to the Commission, and the decision of the Commission on such appeal shall be final.

PART VIII AUDIT OF ACCOUNTS

61. The Auditor-General

- (1) There shall be an Auditor-General who shall be appointed by His Majesty.
- (2) The remuneration and conditions of service and the tenure of office of the Auditor-General shall be regulated by Act and, until so regulated, by rules made by His Majesty.
- (3) The Auditor-General shall report annually to His Majesty as to the work done under this Article, and His Majesty shall cause such reports to be laid before the Parliament.

62. Accounts and Audit

- (1) The accounts of all departments of Government, including the office of the cabinet, the Secretary to the Senate, the secretary to the House of representatives, the office of the Supreme Court, and the office of the Public Service Commission, shall be kept in such form as the Auditor-General, with the approval of His Majesty, may prescribe, and shall be audited by the Auditor-General who, with his deputies, shall at all times be entitled to have access to all books, records, and returns relating to such accounts.

- (2) The Auditor-General shall perform such other duties and exercise such other powers, in relation to the expenditure and accounts, as may be provided by Act.,
- (3) The Auditor-General shall report annually to His Majesty as to the work done under this Article, and His Majesty shall cause such reports to be laid before the Parliament.

PART IX
GENERAL PROVISIONS
CHAPTER I
POWERS OF HIS MAJESTY

63. Legislative Power Relating to Succession to the Throne

Notwithstanding anything contained in Article 51, His Majesty shall continue to have exclusive power of enacting, amending and repealing the law relating to the succession to the Throne and this power shall be exercised by Him in His discretion.

64. Supreme Command of the Armed Forces

- (1) The Supreme Command of His Majesty's armed forces is vested in His Majesty and the exercise thereof shall be regulated by Act.,
- (2) Until an Act makes provisions in that behalf, His Majesty shall have the powers:
 - (a) to raise and maintain armed forces;
 - (b) to grant commissions in such forces;
 - (c) to appoint Commanders-in-Chief and to determine their powers, duties and remunerations.
- (3) No Bill or amendment relating to the armed forces shall be introduced in either House of Parliament without the recommendations of His Majesty.

65. Tenure of Office of Servants of the Crown

Except as provided in this constitution, or any law for the time being in force, servants of the Crown shall hold office at the pleasure of His Majesty.

66. Pardon, Reprieves etc.

His Majesty shall have the power to grant pardons, reprieves and respites. and to remit. suspend or commute any sentence passed by any court. tribunal or authority established by law.

67. Titles and Honours

- (1) Titles, honours, and decorations shall be conferred only by as His Majesty.
- (2) No citizen of Nepal shall accept any title, honour or decoration from any foreign State except with the approval of His Majesty.

68. Residuary Powers of His Majesty

All inherent powers relating to matters not provided in this Constitution or any law for the time being in force shall continue to vest in His Majesty.

69. Bar of Jurisdiction of Courts

His Majesty shall not be amenable to any court for the exercise of the powers or the performance of the duties of His office, or for any other act done:

Provided that nothing in this Article shall be construed as restricting any right conferred by law to bring appropriate proceeding against His Majesty's Government or any servant of the crown.

**CHAPTER II
Miscellaneous PROVISIONS**

70. National Language

The National language of Nepal shall be Nepali in the Devanagari script.

71. Oath of Allegiance

A person to be appointed to any office under the Government may be required to take an oath of allegiance to His Majesty in the manner and form prescribed by His Majesty.

**CHAPTER III
INTERPRETA, REPEALS ETC.**

72. Interpretation

- (1) In this Constitution unless the subject or context otherwise requires:
- (a) "Article" means an Article of this Constitution
 - (b) "Citizen" means a person who is a citizen of Nepal in accordance with the provisions of the law.
 - (c) "General Election" means the general election of members of the House of Representatives and includes the election of such members to be held on the dissolution of the Parliament.
 - (d) "Elector" means a person entitled to vote at an election for a member of Parliament.
 - (e) "Nepal" means the Kingdom of Nepal.
 - (f) "Notice in writing" means a notice in writing signed by the person giving such notice.
 - (g) "Parliament" means the Parliament constituted by Article 18 and it includes the Parliament as laid down in the proviso (b) of clause (1) of Article 56 in the circumstances therein specified.
 - (h) "Remuneration" includes salary, allowances, pension and any remuneration in kind.

- (i) "Senator", means a person who is for the time being a member of the Senate.
- (2) Any reference to His Majesty unless the context otherwise requires, includes reference to the Regent or the Council of Regency if empowered in relation to the matter in question, and to any person exercising powers under clause (10) of Article II.
- (3) Subject to the provisions of this Constitution, the Nepal Laws (Interpretation) Act, 2010, shall, unless the context otherwise requires, apply for the interpretation of this Constitution as if the Constitution were a Nepal Act.

73. Short Title and Publication

- (1) This Constitution may be called "The Constitution of the Kingdom of Nepal".
- (2) This Constitution may be reprinted from time to time with such amendments as may be enacted in accordance with Article 53 and any copy of this Constitution which is published under the orders of His Majesty's Government, shall be deemed to be a correct copy of the Constitution as at the date of the publication.

74. Repeal

The Interim Government of Nepal Act is hereby repealed.

**PART X
TRANSITIONAL PROVISIONS**

75. Power to bring this Constitution into Operation

- (1) Notwithstanding anything in this Constitution or any law, including the Interim Government of Nepal Act, His Majesty hereby reserves to Himself full power to take such action before the appointed Day as He may deem requisite to bring this Constitution into operation on the Appointed Day, and any action taken by Him before that day, if consistent with the provisions of this Constitution shall be deemed to have been taken by, the appropriate authority under this Constitution, without prejudice to the power of that authority to repeal, revoke, amend or change such action after the Appointed Day in accordance with the provisions of this Constitution.
- (2) Without prejudice to the generality of clause (1) any appointment made by His Majesty in contemplation of the coming into operation of this Constitution shall be deemed to have been made under this Constitution.

76. Continuance and Adaptation of Existing laws

- (1) All laws other than the Interim Government of Nepal Act in force in Nepal ~ any part thereof immediately before the Appointed Day or as modified or adapted according to clause (2) shall remain in operation until amended or repealed by Act.

Provided that laws inconsistent with this Constitution which are certified under sub--clause (8) of clause (1) of Article 8 shall, in so far as they are so inconsistent cease to have effect after three years from the Appointed Day.

- (2) For the purpose of bringing the provisions of any law in force in Nepal, or any part thereof into accord with the provisions of this Constitution, His Majesty, within a period of three years after the Appointed Day, by Order, may make such adoptions and modifications in such law, as He may deem necessary or expedient, and any Order so issued shall have effect from such date, whether before or after the issue of the Order, but not earlier than the Appointed Day, as may be specified on the Order.

77. Power to Remove Difficulties

- (1) If any difficulty arises in bringing this Constitution into force His Majesty may make such order as He deems necessary to remove that difficulty; and such order may direct that the provisions of this Constitution shall, during such period as may be specified in the Order, have effect subject to such adaptations whether by way of modifications, additions, or omissions as He may deem to be necessary or expedient.

Provided that no order shall be made under this Article after the expiration of two years from the Appointed Day.

- (2) Every order made under this Article shall be laid before both Houses of Parliament, and may be amended or repealed by Act, but, until so repealed shall be read as part of this Constitution.