Country/entity	Nepal
Region	Asia and Pacific
Agreement name	Nepal Interim Constitution
Date	15 Jan 2007
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes
Agreement/conflict level	Intrastate/intrastate conflict

Nepalese Insurgency (1996 - 2006)

Inspired by the Maoist insurgency in Peru in the early 1990s, the Communist Party of Nepal (Maoist) – CPN(M) – declared war on the Nepalese government in February 1996. A key demand was the transformation of Nepal from a monarchy into a 'People's Republic'. Following a pronounced Maoist military strategy, the CPN(M) focused their insurgency on the rural areas. They gained significantly in strength and it took heavy international military support to stabilize the Nepalese government in 2002. After public protests escalated in Kathmandu in 2004, the Nepalese King Gyanendra took authoritarian control over the government. In the cities, a strong popular movement for democracy emerged, forcing the government into fast progressing peace negations in 2006 that concluded with the signing of a Comprehensive Peace Accord on 21 November 2006.
Close
Nepalese Insurgency (1996 - 2006)

Stage	Framework/substantive - comprehensive
Conflict nature	Government
Peace process	Nepal peace process
Parties	Krishna Bahadur Mahara, Coordinator, Negotiating team, CPN (Maoist) Krishna Prasad Sitoula, Coordinator, Negotiating team, Government of Nepal
Third parties	Witnessed by Ian Martin, Personal Representative of the Secretary-General United Nations
Description	Interim Constitution agreed by both parties on 15 January 2007 and subsequently amended on 14 March 2007 (first amendment); 13 June 2007 (second amendment); 28 December 2007 (third amendment); 29 May 2008 (fourth amendment); 13 July 2008 (fifth amendment); 15 December 2008 (sixth amendment); 31 January 2010 (seventh amendment); 28 May 2010 (eighth amendment). The constitution covers a range of issues including human rights; the nature of the state; the establishment of political offices, institutions and state procedures; and the regulation of the national army.

Agreement document	NP_070115_interim-constitution.pdf (opens in new tab) | Download PDF

Groups

Children/youth

Groups→Children/youth→Anti-discrimination
Page 8, Part 3 Fundamental rights, 13. Right to equality:
...
(2) No discrimination shall be made against any citizen in the application of general laws on grounds of religion, color, sex, caste, tribe, origin, language or ideological conviction or any of these.
(3) The State shall not discriminate against citizens among citizens on grounds of religion, race, caste, tribe, sex, origin, language or ideological conviction or any of these.
Groups→Children/youth→Substantive
Page 4, Part 2 Citizenship, 8. Citizenship at the Commencement of the Constitution
...
(3) Every child who is found within the territory of Nepal and the whereabouts of whose parents are not known shall, until the father or the mother of the child is traced, be deemed to be a citizen of Nepal...

Page 8, Part 3 Fundamental rights, 13. Right to equality:
...Provided that nothing shall be deemed to prevent the making of special provisions by law for the protection, empowerment or advancement of women, Dalits, indigenous peoples (Adibasi, Janajati), Madhesi or farmers, workers, economically, socially or culturally backward classes or children, the aged and the disabled or those who are physically or mentally incapacitated.

Page 12, Part 3 fundamental rights, 22. Rights of the child: (1) Every child shall have the right to his or her identity and name.
(2) Every child shall have the right to nurture, basic health and social security.
(3) Every child shall have the right against physical, mental or any other form of exploitation. Such exploitative act shall be punishable by law; and any child so treated shall be given such compensation as may be determined by law.
(4) The helpless, orphan, mentally retarded, conflict victim, displaced, vulnerable and street children shall have the right to get special facilities from the State for their well-ascertained future.
(5) No minor shall be employed to work in any factory, mine or engaged in any similar other hazardous work or used in army, police or conflict.

Page 21-22, Part 4 Obligations, Directive Principles and Policies of the State, 35. Policies of the State:
...
(9) The State shall pursue a policy of making special provision of social security for the protection and progress of the single women, orphans, children, the helpless, the aged, the disabled, incapacitated persons, and tribes on the verge of extinction.
...
(20) The State shall pursue a special policy of mobilizing the youthful human resources in the development of the country.

Disabled persons

Groups→Disabled persons→Anti-discrimination
Page 8, Part 3 Fundamental rights, 13. Right to equality:
...
(2) No discrimination shall be made against any citizen in the application of general laws on grounds of religion, color, sex, caste, tribe, origin, language or ideological conviction or any of these.
(3) The State shall not discriminate against citizens among citizens on grounds of religion, race, caste, tribe, sex, origin, language or ideological conviction or any of these.
Groups→Disabled persons→Substantive
Page 8, Part 3 Fundamental rights, 13. Right to equality:
...Provided that nothing shall be deemed to prevent the making of special provisions by law for the protection, empowerment or advancement of women, Dalits, indigenous peoples (Adibasi, Janajati), Madhesi or farmers, workers, economically, socially or culturally backward classes or children, the aged and the disabled or those who are physically or mentally incapacitated.

Page 11, Part 3, Fundamental rights, 18. Right relating to employment and social security
...
(2) The women, labor, aged, disabled, incapacitated and helpless citizens shall have the right to social security, as provided in law.

Page 16-18, Part 4 Obligations, Directive Principles and Policies of the State, 33. Obligations of the State: The State shall have the following obligations:
...
(dl)To have participation of Madhesi, dalit, indigenous peoples, women, labors, farmers, disabled, backward classes and regions in all organs of the State structure on the basis of proportional inclusion;
...
(p) To make provisions for appropriate relief [sic], recognition and rehabilitation of the family members of those who have died in the course of armed conflicts and those who, being injured in this course, have become disabled and infirm;

Page 21-22, Part 4 Obligations, Directive Principles and Policies of the State, 35. Policies of the State
...
(9) The State shall pursue a policy of making special provision of social security for the protection and progress of the single women, orphans, children, the helpless, the aged, the disabled, incapacitated persons, and tribes on the verge of extinction.
...
(14) The State shall pursue a policy of making a special provision, based on positive discrimination, for the minorities, landless people, landless squatters, bonded labours, the disabled, backward regions and communities and victims of conflict, the women, Dalit, indigenous people, Madhesi and Muslims, as well.
...
(17) The State shall pursue a policy of providing allowances to the senior citizen, incapacitated women and the unemployed by making laws.

Page 112-113, Part 22 Miscellaneous, 154. Constitution of commissions: The Government of Nepal may constitute such commissions as may be required for the protection and promotion of the rights and interests of various sectors Including women, Dalit, indigenous peoples, Madhesi, disabled, labours or farmers. The provisions relating to the formation, functions, duties and powers of such commissions shall be as determined by law.

Elderly/age

Groups→Elderly/age→Anti-discrimination
Page 8, Part 3 Fundamental rights, 13. Right to equality:
...(2) No discrimination shall be made against any citizen in the application of general laws on grounds of religion, color, sex, caste, tribe, origin, language or ideological conviction or any of these.
(3) The State shall not discriminate against citizens among citizens on grounds of religion, race, caste, tribe, sex, origin, language or ideological conviction or any of these.
Groups→Elderly/age→Substantive
Page 8, Part 3 Fundamental rights, 13. Right to equality:
...Provided that nothing shall be deemed to prevent the making of special provisions by law for the protection, empowerment or advancement of women, Dalits, indigenous peoples (Adibasi, Janajati), Madhesi or farmers, workers, economically, socially or culturally backward classes or children, the aged and the disabled or those who are physically or mentally incapacitated.

Page 11, Part 3, fundamental rights, 18.Right relating to employment and social security:
...
(2) The women, labor, aged, disabled, incapacitated and helpless citizens shall have the right to social security, as provided in law.

Page 21-22, Part 4 Obligations, Directive Principles and Policies of the State, 35. Policies of the State:
...
(9) The State shall pursue a policy of making special provision of social security for the protection and progress of the single women, orphans, children, the helpless, the aged, the disabled, incapacitated persons, and tribes on the verge of extinction.
...
(17) The State shall pursue a policy of providing allowances to the senior citizen, incapacitated women and the unemployed by making laws.

Page 44, Part 7 Constituent Assembly, 71. Chairperson and Vice-chairperson of Constituent Assembly:
...
(3) Until the election of the Chairperson and the Vice- chairperson is held pursuant to Clause (1), the member of the Constituent Assembly who is by age the senior most shall preside over the Constituent Assembly.

Migrant workers

No specific mention.

Racial/ethnic/ national group

Groups→Racial/ethnic/national group→Rhetorical
Page 2, preamble: ...Pledging to accomplish the progressive restructuring of the State in order to solve the problems existing in the country relating to class, ethnicity, region and gender;...

Page 3, Part 1 Preliminary, 3. Nation: Having multiethnic, multilingual, multireligious and multicultural characteristics with common aspirations and being united by a bond of allegiance to national independence, integrity, national interest and prosperity of Nepal, all the Nepalese people collectively constitute the nation.
Groups→Racial/ethnic/national group→Anti-discrimination
Page 8, Part 3 Fundamental rights, 13. Right to equality:
...(2) No discrimination shall be made against any citizen in the application of general laws on grounds of religion, color, sex, caste, tribe, origin, language or ideological conviction or any of these.
(3) The State shall not discriminate against citizens among citizens on grounds of religion, race, caste, tribe, sex, origin, language or ideological conviction or any of these. Provided that nothing shall be deemed to prevent the making of special provisions by law for the protection, empowerment or advancement of women, Dalits, indigenous peoples (Adibasi, Janajati), Madhesi or farmers, workers, economically, socially or culturally backward classes or children, the aged and the disabled or those who are physically or mentally incapacitated.

Page 8, Part 3 Fundamental Rights, 14. Right against untouchability and racial discrimination: (1) No person shall be discriminated against as untouchable and subjected to racial discrimination in any form, on grounds of caste, race, community or occupation. Such discriminatory treatment shall be punishable, and the victim shall be entitled to such compensation as determined by law.
(2) No person shall, on grounds of caste or race, be deprived of the use of services, facilities or utilities available to the public or of the access to any public place or public religious sites or of the performance of any religious function.
(3) In producing or distributing any goods, serves or facilities, no person belonging to any particular caste or tribe shall be prevented from purchasing or acquiring such goods, services facilities nor shall such goods, services facilities or facilities be sold or distributed only to the persons belonging to any particular caste or tribe.
(4) No such act as to purport to demonstrate any superiority or inferiority of the person or persons belonging to any caste, tribe or origin or to justify social discrimination on the ground of caste or race or to publicize ideology based on racial superiority or hatred or to encourage caste discrimination in any manner shall be allowed.
(5) Any act contrary to clauses (2), (3) and (4) shall be punishable by law.

Page 16, Part 4 Obligations, directive principles and policies of the state, 33. Obligations of the State: The State shall have the following obligations:...(d) To make an inclusive, democratic and progressive restructuring of the State, by ending the existing centralized and unitary structure of the State so as to address the problems including those of women, Dalit, indigenous people, Madhesi, oppressed, excluded and minority communities and backward regions, while at the same time doing way with discrimination based on class, caste, language, gender, culture, religion and region;

Page 103, Part 18 Political Parties, 142. Registration required for securing recognition for the purpose of contesting elections as political party:(4) The Election Commission shall not register any political party or organization which discriminates against any citizen of Nepal in becoming its member on the basis merely of religion, caste, tribe, language or sex or the name, objective, insignia or flag of which is of such a nature as to jeopardize the religious and communal unity of the country or to fragment the country or the Constitution or Rules of such party or organization have the objective of protecting and

Religious groups

Groups→Religious groups→Anti-discrimination
Page 8, Part 3 Fundamental rights, 13. Right to equality:
...(2) No discrimination shall be made against any citizen in the application of general laws on grounds of religion, color, sex, caste, tribe, origin, language or ideological conviction or any of these.
(3) The State shall not discriminate against citizens among citizens on grounds of religion, race, caste, tribe, sex, origin, language or ideological conviction or any of these. Provided that nothing shall be deemed to prevent the making of special provisions by law for the protection, empowerment or advancement of women, Dalits, indigenous peoples (Adibasi, Janajati), Madhesi or farmers, workers, economically, socially or culturally backward classes or children, the aged and the disabled or those who are physically or mentally incapacitated.

Page 103, Part 18 Political Parties, 142. Registration required for securing recognition for the purpose of contesting elections as political party:(4) The Election Commission shall not register any political party or organization which discriminates against any citizen of Nepal in becoming its member on the basis merely of religion, caste, tribe, language or sex or the name, objective, insignia or flag of which is of such a nature as to jeopardize the religious and communal unity of the country or to fragment the country or the Constitution or Rules of such party or organization have the objective of protecting and promoting party-less or single party system.
Groups→Religious groups→Substantive
Page 3, Part 1 Preliminary, 3. Nation: Having multiethnic, multilingual, multireligious and multicultural characteristics with common aspirations and being united by a bond of allegiance to national independence, integrity, national interest and prosperity of Nepal, all the Nepalese people collectively constitute the nation.

Page 6, Part 3, fundamental rights, 13 Right to freedom: (3) Every citizen shall have the following freedoms:...Provided that:
(1) Nothing in Sub-clause (a) shall be deemed to prevent the making of laws to impose reasonable restrictions on any act which may undermine the sovereignty and integrity of Nepal, or which may jeopardize the harmonious relations subsisting among the peoples of various castes, tribes, religions or communities, or on any act of defamation, contempt of court or incitement to an offence, or on any act which may be contrary to public decency or morality...
...(3) Nothing in Sub-clauses (c) and (d) shall be deemed to prevent the making of laws to impose reasonable restrictions on any act which may undermine the sovereignty and integrity of Nepal, or which may jeopardize the harmonious relations subsisting among the peoples of various castes, tribes, religions or communities, or which may incite violent activities, or which may be contrary to public morality.
(4) Nothing in Sub-clause (e) shall be deemed to prevent the making of laws which are in the interest of the general public, or which are made to impose reasonable restrictions on any act which may jeopardize the harmonious relations subsisting among the peoples of various castes, tribes, religions or communities.

Page 12, Part 3 Fundamental Rights, 23. Right to religion: (1) Every person shall have the right to profess, practice and protect his or her own religion as handed down to him or her from ancient times, having due regard to the existing social and cultural practices. Provided that no person shall be entitled to convert another person from one religion to another; and that no act or action shall be done in such a manner as to jeopardize the religion of each other.
(2) Every religious denomination shall have the right to maintain its independent existence, and, for this purpose, to operate and protect its religious sites and religious trusts, in accordance with law.

Indigenous people

Groups→Indigenous people→Anti-discrimination
Page 8, Part 3 Fundamental rights, 13. Right to equality:
...(3) The State shall not discriminate against citizens among citizens on grounds of religion, race, caste, tribe, sex, origin, language or ideological conviction or any of these. Provided that nothing shall be deemed to prevent the making of special provisions by law for the protection, empowerment or advancement of women, Dalits, indigenous peoples (Adibasi, Janajati), Madhesi or farmers, workers, economically, socially or culturally backward classes or children, the aged and the disabled or those who are physically or mentally incapacitated.

Page 16, part 4 Obligations, directive principles and policies of the state, 33. Obligations of the State: The State shall have the following obligations:...(d) To make an inclusive, democratic and progressive restructuring of the State, by ending the existing centralized and unitary structure of the State so as to address the problems including those of women, Dalit, indigenous people, Madhesi, oppressed, excluded and minority communities and backward regions, while at the same time doing way with discrimination based on class, caste, language, gender, culture, religion and region;
Groups→Indigenous people→Substantive
Page 11, Part 3 fundamental rights, 21. Right to social justice: The economically, socially or educationally backward women, Dalits, indigenous peoples, Madhesi communities, oppressed classes, poor farmers and labors[labourers} [sic] shall have the right to take part in the structures of the State on the basis of the principle of 'proportional inclusion' [sic].

Page 21, Part 4 Obligations, Directive Principles and Policies of the State, 35. Policies of the State:...
(9) The State shall pursue a policy of making special provision of social security for the protection and progress of the single women, orphans, children, the helpless, the aged, the disabled, incapacitated persons, and tribes on the verge of extinction.
(10) The State shall pursue a policy of uplifting the economically and socially backward indigenous peoples, Madhesi, Dalit, marginalized communities, and workers and farmers living below the poverty line, by making a provision of reservation in education, health, housing, food sovereignty and employment, for a certain period of time.
...(14) The State shall pursue a policy of making a special provision, based on positive discrimination, for the minorities, landless people, landless squatters, bonded labours, the disabled, backward regions and communities and victims of conflict, the women, Dalit, indigenous people, Madhesi and Muslims, as well.

Page 39, Part 7 Constituent Assembly, 63. Constitution of Constituent Assembly: 3) The Constituent Assembly shall be composed of the following number of members who are elected on the basis of the equality of population, geographical congeniality and specificity, and on the basis of the percentage of the population in Madhes, in accordance with the mixed electoral system, as provided in the law, and who nominated as follows:
...(c) Twenty six members to be nominated by the Council of Ministers, on the basis of understanding, from amongst the prominent persons who have rendered outstanding contributions to national life, and the indigenous peoples
which could not be represented through the elections as referred to in Clauses (a) and (b).

Page 39, Part 6 Constituent Assembly, 63. Constitution of Constituent Assembly: (4) In selecting candidates pursuant to Sub-clause (a) of Clause (3), political parties shall take into account the principle of inclusiveness; and in enlisting candidates pursuant to Sub-clause (b), political parties shall ensure proportional representation of the women, Dalit, oppressed communities / indigenous peoples, backward regions, Madhesi and other

Other groups

Groups→Other groups→Rhetorical
Page 2, preamble: ...Pledging to accomplish the progressive restructuring of the State in order to solve the problems existing in the country relating to class, ethnicity, region and gender;...
Groups→Other groups→Anti-discrimination
Page 8, Part 3 Fundamental rights, 13. Right to equality:...
(2) No discrimination shall be made against any citizen in the application of general laws on grounds of religion, color, sex, caste, tribe, origin, language or ideological conviction or any of these.
(3) The State shall not discriminate against citizens among citizens on grounds of religion, race, caste, tribe, sex, origin, language or ideological conviction or any of these. Provided that nothing shall be deemed to prevent the making of special provisions by law for the protection, empowerment or advancement of women, Dalits, indigenous peoples (Adibasi, Janajati), Madhesi or farmers, workers, economically, socially or culturally backward classes or children, the aged and the disabled or those who are physically or mentally incapacitated.

Page 16, part 4 Obligations, directive principles and policies of the state, 33. Obligations of the State: The State shall have the following obligations:...(d) To make an inclusive, democratic and progressive restructuring of the State, by ending the existing centralized and unitary structure of the State so as to address the problems including those of women, Dalit, indigenous people, Madhesi, oppressed, excluded and minority communities and backward regions, while at the same time doing way with discrimination based on class, caste, language, gender, culture, religion and region;

Page 99, Part 17 Structure of State and Local Self Governance, 138. Progressive restructuring of the State: (1) There shall be made progressive restructuring of the State with inclusive, democratic federal system of governance, by doing away with the centralized and unitary structure of the State so as to end discriminations based on class, caste, language, gender, culture, religion and region.

Refugees/displaced persons

Groups→Refugees/displaced persons→Substantive
Page 18, part 4 Obligations, directive principles and policies of the state, 33. Obligations of the State: The State shall have the following obligations:...(r) To launch a special program in order to rehabilitate the displaced persons, provide relief in the case of private and public properties destructed, and reconstruct the infrastructures devastated, during the course of armed conflict;

Social class

Groups→Social class→Rhetorical
Page 2, preamble: ...Pledging to accomplish the progressive restructuring of the State in order to solve the problems existing in the country relating to class, ethnicity, region and gender;...

Page 100, Part 17 Structure of State and Local Self Governance, 140. Arrangement and mobilization of revenue:...(2) While mobilizing and allocating revenues pursuant to Clause (1), special attention shall be accorded to the overall upliftment of those classes and communities who are backward socially and economically in such a manner as to have a balanced and equal development of the country.
Groups→Social class→Anti-discrimination
Page 8, Part 3 Fundamental rights, 13. Right to equality: (1) All citizens shall be equal before the law. No person shall be denied the equal protection of the laws.
(2) No discrimination shall be made against any citizen in the application of general laws on grounds of religion, color, sex, caste, tribe, origin, language or ideological conviction or any of these.
(3) The State shall not discriminate against citizens among citizens on grounds of religion, race, caste, tribe, sex, origin, language or ideological conviction or any of these. Provided that nothing shall be deemed to prevent the making of special provisions by law for the protection, empowerment or advancement of women, Dalits, indigenous peoples (Adibasi, Janajati), Madhesi or farmers, workers, economically, socially or culturally backward classes or children, the aged and the disabled or those who are physically or mentally incapacitated.
(4) No discrimination in regard to remuneration social security shall be made between men and women for the same work.

Page 8, Part 3 Fundamental Rights, 14. Right against untouchability and racial discrimination: (1) No person shall be discriminated against as untouchable and subjected to racial discrimination in any form, on grounds of caste, race, community or occupation. Such discriminatory treatment shall be punishable, and the victim shall be entitled to such compensation as determined by law.
(2) No person shall, on grounds of caste or race, be deprived of the use of services, facilities or utilities available to the public or of the access to any public place or public religious sites or of the performance of any religious function.
(3) In producing or distributing any goods, serv[ic]es [sic] or facilities, no person belonging to any particular caste or tribe shall be prevented from purchasing or acquiring such goods, services facilities nor shall such goods, services facilities or facilities be sold or distributed only to the persons belonging to any particular caste or tribe.
(4) No such act as to purport to demonstrate any superiority or inferiority of the person or persons belonging to any caste, tribe or origin or to justify social discrimination on the ground of caste or race or to publicize ideology based on racial superiority or hatred or to encourage caste discrimination in any manner shall be allowed.
(5) Any act contrary to clauses (2), (3) and (4) shall be punishable by law.

Page 19, Part 4 Obligations, Directive Principles and Policies of the State, 34. Directive principles of the State:
...(4) The fundamental economic objective of the State shall be to transform the national economy into an independent, self-reliant and progressive economy by preventing the economic resources and means available in the country from being concentrated within a limited section of the society, by making arrangements for the equitable distribution of economic gains on the basis of social justice, by making such provisions as to eliminate economic inequalities and prevent economic exploitation of any caste, sex, class, origin or individuals, and by giving priority and encouragement to national enterprises, both private and public

Gender

Women, girls and gender

Page 2, preamble: ...Pledging to accomplish the progressive restructuring of the State in order to solve the problems existing in the country relating to class, ethnicity, region and gender;...

Page 4, Part 2 Citizenship, 8. Citizenship at the Commencement of the Constitution:...
(2) At the commencement of this Constitution, the following persons who have their permanent domicile in Nepal shall be deemed to be the citizens of Nepal by descent:
...(b) any person whose father or mother was a citizen of Nepal at his or her birth.
(3) Every child who is found within the territory of Nepal and the whereabouts of whose parents are not known shall, until the father or the mother of the child is traced, be deemed to be a citizen of Nepal...
...(6) A woman of foreign nationality who has a matrimonial relationship with a citizen of Nepal may, if she so wishes, acquire the naturalized citizenship of Nepal, pursuant to the laws in force.
(7) Notwithstanding anything contained elsewhere in this Article, in the case of a person born from a woman citizen of Nepal married to a foreign citizen, if such person was born in Nepal, has permanently resided in Nepal and has not acquired the citizenship of a foreign country on the basis of the citizenship of his or her father, he or she may acquire the naturalized citizenship of Nepal, pursuant to the laws in force.

Page 8, Part 3 Fundamental rights, 13. Right to equality:
(2) No discrimination shall be made against any citizen in the application of general laws on grounds of religion, color, sex, caste, tribe, origin, language or ideological conviction or any of these.
(3) The State shall not discriminate against citizens among citizens on grounds of religion, race, caste, tribe, sex, origin, language or ideological conviction or any of these. Provided that nothing shall be deemed to prevent the making of special provisions by law for the protection, empowerment or advancement of women, Dalits, indigenous peoples (Adibasi, Janajati), Madhesi or farmers, workers, economically, socially or culturally backward classes or children, the aged and the disabled or those who are physically or mentally incapacitated.
(4) No discrimination in regard to remuneration social security shall be made between men and women for the same work.

Page 10, Part 3, fundamental rights, 18. Right relating to employment and social security:
18. Right relating to employment and social security:...(2) The women, labor, aged, disabled, incapacitated and helpless citizens shall have the right to social security, as provided in law.

Page 11, Part 3, fundamental rights, 20. Rights of women: (1) No discrimination of any kind shall be made against the women by virtue of sex.
(2) Every woman shall have the right to reproductive health and reproduction.
(3) No woman shall be subjected to physical, mental or any other kind of violence; and such act shall be punishable by law.
(4) Sons and daughters shall have the equal right to ancestral property.

Page 11, Part 3 fundamental rights, 21. Right to social justice: The economically, socially or educationally backward women, Dalits, indigenous peoples, Madhesi communities, oppressed classes, poor farmers and labors[labourers} [sic] shall have the right to take part in the structures of the State on the basis of the principle of 'proportional inclusion' [sic].

Page 16, part 4 Obligations, directive principles and policies of the state, 33. Obligations of the State: The State shall have the following obligations:...(d) To make an inclusive, democratic and progressive restructuring of the State, by ending the existing centralized

Men and boys

Gender→Men and boys→Gender neutral wording
Page 4, Part 2 Citizenship, 8. Citizenship at the Commencement of the Constitution:...
(2) At the commencement of this Constitution, the following persons who have their permanent domicile in Nepal shall be deemed to be the citizens of Nepal by descent:
...(b) any person whose father or mother was a citizen of Nepal at his or her birth.
(3) Every child who is found within the territory of Nepal and the whereabouts of whose parents are not known shall, until the father or the mother of the child is traced, be deemed to be a citizen of Nepal...
...(6) A woman of foreign nationality who has a matrimonial relationship with a citizen of Nepal may, if she so wishes, acquire the naturalized citizenship of Nepal, pursuant to the laws in force.
(7) Notwithstanding anything contained elsewhere in this Article, in the case of a person born from a woman citizen of Nepal married to a foreign citizen, if such person was born in Nepal, has permanently resided in Nepal and has not acquired the citizenship of a foreign country on the basis of the citizenship of his or her father, he or she may acquire the naturalized citizenship of Nepal, pursuant to the laws in force.

Page 8, Part 3 Fundamental rights, 13. Right to equality:
...(4) No discrimination in regard to remuneration social security shall be made between men and women for the same work.

Page 11, Part 3, fundamental rights, 20. Rights of women:
...(4) Sons and daughters shall have the equal right to ancestral property.

LGBTI

No specific mention.

Family

Page 4, Part 2 Citizenship, 8. Citizenship at the Commencement of the Constitution:...
(2) At the commencement of this Constitution, the following persons who have their permanent domicile in Nepal shall be deemed to be the citizens of Nepal by descent:
(a) any person who has acquired citizenship by descent prior to the commencement of this Constitution;
(b) any person whose father or mother was a citizen of Nepal at his or her birth.
(3) Every child who is found within the territory of Nepal and the whereabouts of whose parents are not known shall, until the father or the mother of the child is traced, be deemed to be a citizen of Nepal...
...(6) A woman of foreign nationality who has a matrimonial relationship with a citizen of Nepal may, if she so wishes, acquire the naturalized citizenship of Nepal, pursuant to the laws in force.
(7) Notwithstanding anything contained elsewhere in this Article, in the case of a person born from a woman citizen of Nepal married to a foreign citizen, if such person was born in Nepal, has permanently resided in Nepal and has not acquired the citizenship of a foreign country on the basis of the citizenship of his or her father, he or she may acquire the naturalized citizenship of Nepal, pursuant to the laws in force.

Page 17, Part 4 Obligations, directive principles and policies of the state, 33. Obligations of the State: The State shall have the following obligations:...(p) To make provisions for appropriate relief [sic], recognition and rehabilitation of the family members of those who have died in the course of armed conflicts and those who, being injured in this course, have become disabled and infirm;
(q) To provide relief to the families of the victims who were subjected to disappearance during the course of armed conflict based on the report of the inquiry commission constituted in relation to such persons;

State definition

Nature of state (general)

Page 2, preamble: WE, THE SOVEREIGNTY AND STATE AUTHORITY INHERENT PEOPLE OF NEPAL, Respecting the people's mandate expressed in favour of democracy, peace and progression through historical struggles and people's movements launched by the people of Nepal at various times since before 2007 (1951) to till the date; Pledging to accomplish the progressive restructuring of the State in order to solve the problems existing in the country relating to class, ethnicity, region and gender;

Page 3, Part 1 Preliminary, 2. Sovereignty and State Authority: The sovereignty and the state authority of Nepal shall be vested in the people of Nepal.

Page 3, Part 1 Preliminary, 3. Nation: Having multiethnic, multilingual, multireligious and multicultural characteristics with common aspirations and being united by a bond of allegiance to national independence, integrity, national interest and prosperity of Nepal, all the Nepalese people collectively constitute the nation.

Page 16, part 4 Obligations, directive principles and policies of the state, 33. Obligations of the State: The State shall have the following obligations: (a) To concentrate fully on holding the election to the members of the ..... the year 2064 (12 April 2007), while recognizing the need for the functional realization of the sovereignty inherent in the people of Nepal;

Page 16, part 4 Obligations, directive principles and policies of the state, 33. Obligations of the State: The State shall have the following obligations:...(d) To make an inclusive, democratic and progressive restructuring of the State, by ending the existing centralized and unitary structure of the State so as to address the problems including those of women, Dalit, indigenous people, Madhesi, oppressed, excluded and minority communities and backward regions, while at the same time doing way with discrimination based on class, caste, language, gender, culture, religion and region;

Page 19, Part 4 Obligations, Directive Principles and Policies of the State, 34. Directive principles of the State: 34. Directive principles of the State: (1) The main objective of the State shall be to promote the welfare of the people on the basis of the principles of an open society, by establishing a just system in all aspects of the national life including social, economic and political life while at the same time protecting the lives property, equality and liberty of the people.
(2) The objective of the State shall be to maintain peace and order, protect and promote human rights, promote public welfare in the society, and create opportunities for the maximum participation of the people in the governance by way of self-governance, while at the same time maintaining a system where people can enjoy the fruits of democracy.
(3) Political objective of the State shall be to build prosperous and affluent Nepal by institutionalizing democracy achieved as a result of the struggle by the people of Nepal, while at the same time creating an atmosphere conducive for the enjoyment of the fruits of democracy.
(4) The fundamental economic objective of the State shall be to transform the national economy into an independent, self-reliant and progressive economy by preventing the economic resources and means available in the country from being concentrated within a limited section of the society, by making arrangements for the equitable distribution of economic gains on the basis of social justice, by making such provisions as to eliminate economic inequalities and prevent economic exploitation of any caste, sex, class, origin or individuals, and by giving priority and encouragement to national enterprises, both private and public.
(5) The social objective of the State shall be to establish and develop a healthy social life on the foundation of justice and morality, by eliminating all types of economic and social inequalities and by establishing harmony amongst the various castes, tribes, religions, languages, races, communities and denominations.

State configuration Page 2, preamble:...Expressing our full commitment to democratic values and norms including the competitive multi-party democratic system of governance, civil liberties, fundamental rights, human rights, adult franchise, periodic elections, complete freedom of the press, independent judiciary and concepts of the rule of law;...

Page 3, Part 1 Preliminary, 4. State of Nepal: (1) Nepal is an independent, indivisible, sovereign, secular, inclusive and federal, democratic republican state.

Page 19, Part 4 Obligations, Directive Principles and Policies of the State, 34. Directive principles of the State:...(3) Political objective of the State shall be to build prosperous and affluent Nepal by institutionalizing democracy achieved as a result of the struggle by the people of Nepal, while at the same time creating an atmosphere conducive for the enjoyment of the fruits of democracy.

Page 99, Part 17 Structure of State and Local Self Governance, 138. Progressive restructuring of the State: (1) There shall be made progressive restructuring of the State with inclusive, democratic federal system of governance,97 by doing away with the centralized and unitary structure of the State so as to end discriminations based on class, caste, language, gender, culture, religion and region.
(1a) Recognizing the desire of the indigenous peoples and of the people of backward and other area including Madhesi people towards autonomous provinces Nepal shall be a federal democratic republican state. Provinces shall be autonomous and vested with full authority. The boundaries, number, names and structures, as well as full details of the lists, of autonomous provinces and the center and allocation of means, resources and powers shall be determined by the Constituent Assembly, while maintaining the sovereignty, unity and integrity of Nepal.
(2) There shall be constituted a high level commission to make suggestions on the restructuring of the State as referred to in Clauses (1) and (1a) The composition, function, duty, power and condition of service of such commission shall be as determined by the Government of Nepal.
(3) The final settlement on the matters relating to the restructuring of the State and the form of federal system of governance shall be as determined by the Constituent Assembly.

Self determination No specific mention.

Referendum Page 118, Part 22 Miscellaneous, 157. Power to make decision through referendum: (1) Save as otherwise provided elsewhere in this Constitution, if a two-thirds majority of the total number of the then members of the Constituent Assembly decides that it is necessary to decide any issue of national importance through referendum, such issue may be decided through referendum.
(2) The procedures on making decision through the process as referred to in Clause (1) shall be as determined by law.

State symbols

Page 3, Part 1 Preliminary, 5. Language of the Nation: (1) All the languages spoken as mother tongues in Nepal are the languages of nation.
(2) The Nepali Language in Devanagari script shall be the official language.
(3) Notwithstanding anything contained in Clause (2), nothing shall be deemed to prevent the using of any language spoken as the mother tongue in a local body and office. The State shall maintain records by translating the languages so used in the official language.

Page 4, Part 1 Preliminary, 6. National Flag: The National flag of Nepal, as handed down by tradition, consists of two juxta-posed triangular figures with a crimson-coloured base and deep blue borders, there being a white emblem of the crescent moon with eight rays visible out of sixteen in the upper part and a white emblem of a twelve rayed sun in the lower part. The method of drawing out the flag and other particulars relating thereto shall be as set forth in the Schedule -1.

Page 4, Part 1 Preliminary, 7. National Anthem etc: (1) The national anthem and the coat-of-arms of Nepal shall be as determined by Government of Nepal.
(2) The Rhododendron Arboreum is the national flower, Crimson Colour shall be the national colour, the Cow shall be the national animal and the Lophophorus shall be the national bird of Nepal.

Page 25, Part 4A President and Vice-President, President to take oath: (1) The President shall, prior to assuming his or her duties, take an oath of office and secrecy before the Chief Justice in a form at referred to in Schedule-1A in official Nepali language.
(2) Notwithstanding anything contained in Sub-article (1), if the president wants to take oath in his/her mother tongue spoken in Nepal, he/she shall submit a copy in the format of oath to the office of president by translating it into his/her mother tongue Twenty-Four Hour before the prescribed time for swearing in.

[Summary] Schedule 1 (pp. 124-126) outlines how the flag should be made up.

Independence/ secession

No specific mention.

Accession/ unification

No specific mention.

Border delimitation	Page 3, Part 1 Preliminary, 4. State of Nepal: (2) The territory of Nepal shall comprise of: (a) The territory existing at the commencement of this constitution; and (b) Such other territory as may be acquired after the commencement of this Constitution. Page 117, Part 22 Miscellaneous, 156. Ratification of, accession to, acceptance of or approval of, treaties or agreements: (2) Any law to be made pursuant to Clause (1) shall, inter alia, require that the ratification of, accession to, acceptance of, or approval of, treaties or agreements on the following subjects must be made, by a two- thirds majority of the total number of the then members of the Legislature- Parliament: (a) Peace and friendship; (b) Defense and strategic alliance; (c) Boundaries of the State of Nepal; and (d) Natural resources, and the distribution of their uses. Provided that, out of the treaties or agreements referred to in Sub- clauses (a) and (d), if any treaty or agreement is of an 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 made by a simple majority of the members present in a meeting of the Legislature-Parliament.
Cross-border provision	No specific mention.

Governance

Political institutions (new or reformed)

Governance→Political institutions (new or reformed)→Temporary new institutions

Parts 4A to 9 establish a range of political institutions and their procedures in Nepal.

[Summary Part 4A (pages 24-28) establishes the offices of the President and Vice-president and covers procedures for election to these offices, the term of office, the person criteria for these posts, contingencies should the offices become vacant, oaths, and remuneration and facilities.]

[Summary Part 5 (pp 28-32) invests the executive power in the Council of Ministers. This section covers the formulation of the Council of Ministers, appointment of Ministers of State and Assistant Ministers (including appointment of Non-members of the Legislature-Parliament to these posts), remuneration and facilities, oaths, principles for the conduct of business of the Government of Nepal, and provisions for 'mutatis mutandis' alteration of the council following the establishment of the Constituent Assembly.]

[Summary Part 6 (pp. 32-38) establishes the legislature-parliament. This section covers the summoning and prorogation of sessions, an annual presidential address, the quorum required for decisions; provisions for the conduct of government business where there is a seat vacancy; voting; vote of confidence in the prime minister; members' privileges; conducting government business; opposition party; committees; transfer of power to the constituent assembly following the expiration of the term of the legislature parliament under the interim constitution; restrictions on discussion of matters sub judice (in both the parliament and the constituent assembly); the legislature-parliament secretariat; the posts of secretary general and secretary of the legislature-parliament; and remuneration of key posts.]

[Summary Part 7 (pp. 38-49) establishes the constituent assembly. This section covers constitution of the constituent assembly by election (247 members elected by first past the post, 335 members elected by proportional representation and 26 members appointed by the council of ministers); the term of the assembly; person criteria for membership; procedure for disqualification as a member; oaths; meetings; procedure for the passage of the constitution bill; election of the Chairperson and vice-chairperson of the constituent assembly; contingencies should the Chairperson and vice-chairperson posts become vacant; procedures should a member's position become vacant; quorum; voting; penalties for unauthorized presence/voting; members' privileges; procedures for the conduct of business of the assembly; committees; assembly secretariat; remuneration; dissolution of the assembly (once the formal constitution is passed by the assembly); provision for the constituent assembly to act simultaneously as the constituent assembly and the legislature-parliament.]

[Summary Part 8 (pp. 50-53) outlines the legislative procedure to be followed in the legislature-parliament. This includes the introduction of bills; the passage of bills; the withdrawal of bills; the authentication of bills; and ordinances.]

[Summary Part 9 (pp.53-58) outlines the financial procedure to be followed by the Government of Nepal. This includes a prohibition on levying taxes not in accordance with the law; the establishment of a consolidated fund for Government revenues; an outline of legitimate expenditures from the consolidated fund and fixed expenditures to be charged to the consolidated fund; the development of and annual budget by the minister of finance (estimates of revenues and expenditures); appropriation acts; supplementary estimates from the Minister of Finance; Votes on account bills; special provisions relating to revenues and expenditures; votes on credit bills; the development of a contingency fund; and a committment to develop an act on Financial procedures.]

Elections

page 2, preamble:...Guarantee the basic rights of the people of Nepal to make a constitution for them on their own and to take part in a free and fair election to the Constituent Assembly in an environment without fear;...

Page 16, part 4 Obligations, directive principles and policies of the state, 33. Obligations of the State: The State shall have the following obligations: (a) To concentrate fully on holding the election to the members of the ..... the year 2064 (12 April 2007), while recognizing the need for the functional realization of the sovereignty inherent in the people of Nepal;

Page 38, Part 7 Constituent Assembly, 63. Constitution of Constituent Assembly:...(2) Following the commencement of this Constitution, an election to the Constituent Assembly shall be held on such date as may be appointed by the Government of Nepal.
(3) The Constituent Assembly shall be composed of the following number of members who are elected on the basis of the equality of population, geographical congeniality and specificity, and on the basis of the percentage of the population in Madhes, in accordance with the mixed electoral system, as provided in the law, and who nominated as follows:
(a) The members elected on the basis of first-past-the-post electoral system consisting of one member from each of the two hundred and forty election constituencies delimited by the Election Constituency Delimitation Commission constituted pursuant to Article 154A, based on the population fixed by the national census preceding the election of the Constituent Assembly, while treating an administrative district as an election district, and, as far as possible, maintaining the same proportionality between such districts and the number of members;
(b) Three hundred and thirty five members to be elected on the basis of the proportional electoral system where voters vote for parties, while treating the whole country as a single election constituency; and
(c) Twenty six members to be nominated by the Council of Ministers, on the basis of understanding, from amongst the prominent persons who have rendered outstanding contributions to national life, and the indigenous peoples
which could not be represented through the elections as referred to in Clauses (a) and (b).
(3a) Notwithstanding anything contained in Sub-clause (a) of Clause (3), while delimiting the election constituencies pursuant to that Sub-clause, the number of election constituencies in the administrative districts existing under the laws in force, at the time of the election of the then House of Representatives in 2056 (1999), shall be maintained as it is, and the number of constituencies in the hilly and mountainous areas shall be increased on the basis of the percentage of population growth; and while so delimiting the election constituencies, the number of election constituencies in those administrative districts in Mahesh which have less number of election constituencies in proportion to the percentage of the population of Madhes shall be increased.
(4) In selecting candidates pursuant to Sub-clause (a) of Clause (3), political parties shall take into account the principle of inclusiveness; and in enlisting candidates pursuant to Sub-clause (b), political parties shall ensure proportional representation of the women, Dalit, oppressed communities/ indigenous peoples, backward regions, Madhesi and other Classes, as provided in law.
(5) Notwithstanding anything contained in Clause (4), at least one- third of such total number of candidates nominated shall be women as to be derived by adding the number of candidacies made pursuant to Sub-clause
(a) of Clause (3) and' the number of candidates on the basis of proportional representation pursuant to Sub-clause (b) of Clause (3).
(6) Election to the members of the Constituent Assembly shall held through secret ballots, as provided in law.
(7) For the purpose of the election to the Constituent Assembly, every citizen of Nepal

Electoral commission	Page 102, Part 18 Political Parties, 142. Registration required for securing recognition for the purpose of contesting elections as political party: (1) Every political party wishing to secure recognition from the Election Commission for the purposes of elections shall be required to, register it with the Election Commission in fulfillment of the procedures as determined by the Election Commission. The name of any political party failing to have such registration shall be removed from the list of the Election Commission.
Political parties reform	Governance→Political parties reform→Other political parties reform Page 102, Part 18 Political Parties, 142. Registration required for securing recognition for the purpose of contesting elections as political party: (1) Every political party wishing to secure recognition from the Election Commission for the purposes of elections shall be required to, register it with the Election Commission in fulfillment of the procedures as determined by the Election Commission. The name of any political party failing to have such registration shall be removed from the list of the Election Commission.
Civil society	Page 16, part 4 Obligations, directive principles and policies of the state, 33. Obligations of the State: The State shall have the following obligations:...(c) To adopt a political system fully upholding the universally accepted concepts of basic human rights, competitive multi-party democratic system, sovereignty inherent in the people and supremacy of the people, constitutional checks and balances, rule of law, social justice and equality, independence of judiciary, periodic elections, monitoring by the civil society, complete press freedom, right to information of the people, transparency and accountability in the activities of political parties, public participation and impartial, efficient and fair bureaucracy, and to maintain good governance, while putting an end to corruption and impunity; Page 23, Part 4 Obligations, Directive Principles and Policies of the State, 35. Policies of the State: ...(19) The State shall pursue a special policy of regulating the operation and management of public and non-governmental organizations established in the country. Page 93, Part 15 National Human Rights Commission, 132. Functions, duties and powers of National Human Rights Commission: 2...(d) To coordinate and collaborate with the civil society in order to enhance awareness on human rights; Part 18 (pp.102-104) of the agreement covers the procedures for the establishment and registration of political parties and includes a provision prohibiting the imposition of restrictions on political parties.
Traditional/ religious leaders	No specific mention.

Public administration

Page 16, part 4 Obligations, directive principles and policies of the state, 33. Obligations of the State: The State shall have the following obligations:...(c) To adopt a political system fully upholding the universally accepted concepts of basic human rights, competitive multi-party democratic system, sovereignty inherent in the people and supremacy of the people, constitutional checks and balances, rule of law, social justice and equality, independence of judiciary, periodic elections, monitoring by the civil society, complete press freedom, right to information of the people, transparency and accountability in the activities of political parties, public participation and impartial, efficient and fair bureaucracy, and to maintain good governance, while putting an end to corruption and impunity;

Page 23, Part 4 Obligations, Directive Principles and Policies of the State, 35. Policies of the State: ...(19) The State shall pursue a special policy of regulating the operation and management of public and non-governmental organizations established in the country.

Page 37, Part 6 Legislature-Parliament, 61. Secretariat of Legislature-Parliament: (1) There shall be a Secretariat for the conduct and management of the business of the Legislature- Parliament. The establishment of the Secretariat and other matters related thereto shall be as determined by law.
(2) The Government of Nepal shall provide such employees as required for the conduct and management of the business of the Legislature-Parliament.

Page 37, Part 6 Legislature-Parliament, 61A. Secretary general and secretary of Legislature-Parliament: (1) There shall be one secretary general and one secretary in the Legislature- Parliament.
(2) The President40 shall, on the recommendation of the Speaker of the Legislature-Parliament, appoint the secretary general and the secretary.
(3) The qualification, functions, duties, powers and other terms and conditions of service of the secretary general and the secretary of the Legislature-Parliament shall be as determined by law.

Page 48, Part 7 Constituent Assembly, 80. Secretariat of Constituent Assembly: (1) There shall be a Secretariat for the management of the business of the Constituent Assembly. The establishment of the Secretariat and other matters related thereto shall be as determined by law.
(2) The Government of Nepal shall provide such employees as required for the conduct of the business of the Constituent Assembly.

Page 55, Part 9 Financial Procedure, 92. Expenditures chargeable on Consolidated Fund: The expenditures relating to the following matters shall be charged on the Consolidated Fund:
...(c) the administrative expenses of the Supreme Court, the Commission for the Investigation of Abuse of Authority, the Auditor General, the Public Service Commission, the Election Commission and the National Human Rights Commission;

Page 70, Part 10 Judiciary, 115. Duty to extend cooperation to the Courts: It shall be the duty of the Government of Nepal and all offices or officials subordinate to it to act in aid of the Supreme Court and other Courts in carrying out the functions of dispensing justice.

Page 79, Part 12 Auditor-General, 122. Auditor General:...(7) A person once appointed as the Auditor General shall not be eligible for appointment in any other government service.

Provided that, nothing in this Clause shall be deemed to be a bar to the appointment to any political position or to any position which has the responsibility of making

Constitution

Governance→Constitution→Constitutional reform/making
Summary: The whole agreement represents an interim constitution for the governance of Nepal. In particular, Part 7 of the agreement establishes the procedures for a Constituent Assembly.

Page 2, preamble:...Guarantee the basic rights of the people of Nepal to make a constitution for them on their own and to take part in a free and fair election to the Constituent Assembly in an environment without fear;...
...HEREBY DECLARE, with a view to institutionalizing the achievements made through the re volutions and movements till now, the promulgation of this Interim Constitution of Nepal 2063 (2007), which has been made through a political understanding and to be in force until a new constitution is framed by the Constituent Assembly.

Page 3, Part 1 Preliminary, 1. Constitution as the Fundamental Law: (1) This Constitution is the fundamental law of Nepal. Any laws inconsistent with it shall, to the extent of such inconsistency, be void.
(2) It is the duty of every person to uphold this Constitution.

Page 24, Part 4A President and Vice-President, Term of office of President: The term of office of the President shall be until the commencement of the constitution to be promulgated by the Constituent Assembly.

Page 41, Part 7 Constituent Assembly, 64. Term of Constituent Assembly: Unless dissolved earlier pursuant to a resolution passed by the Constituent Assembly, the term of the Constituent Assembly shall be. Three years after the date on which the first meeting of the Constituent Assembly is held.
Provided that if the making of constitution cannot be completed by the reason of the proclamation of as [a] State of emergency [sic] in the country, the Constituent Assembly may, by a resolution to that effect, extend its term for an additional period not exceeding six months.

Page 43, Part 7 Constituent Assembly, 70. Procedure for passage of constitution bill: (1) The Constituent Assembly shall, in passing a constitution bill submitted to it, pass such bill by way of voting on the preamble and e very article of the bill.
(2) In a voting referred to in Clause (1), the bill shall be passed by consensus of a meeting attended by at least two-thirds of all the then members of the Constituent Assembly.
(3) Failing a consensus on the preamble or any article of the constitution bill pursuant to Clause (2), the parliamentary party leaders of the political parties represented in the Constituent Assembly shall hold mutual consultations in order to reach consensus on such matter.
(4) The holding of consultations pursuant to Clause (3) shall be completed no later than a maximum of fifteen days after the date of failure to reach consensus.
(5) No later than seven days after the holding of consultations, if any, pursuant to Clause (4), the preamble or any article of such bill shall be again put to vote.
(6) Failing the consensus referred to in Clause (2) notwithstanding the voting held pursuant to clause (5), the preamble or the article in respect whereof consensus could not be reached shall be again put to vote; and if, in such voting, the preamble or article is passed by a two-thirds majority of a meeting attended by at least two-thirds of all the then members of the Constituent Assembly, such preamble or article shall be deemed to have been passed.
(7) For the purpose of this Article, if, in a voting on the preamble or any article of the constitution bill introduced in the Constituent Assembly, none of the members does vote against the preamble or any article of such bill, the consensus shall be deemed to have been reached.

Power sharing

Political power sharing

Power sharing→Political power sharing→Executive coalition
State level
Page 24,
36A. President: (1) There shall be a President in Nepal.
(2) The President shall be the head of state of the country, and in that capacity perform his or her functions in accordance with this Constitution and the laws in force.
(3) The main duty of the President shall be to protect and abide by this Constitution.
36B.8 Election to President: (1) The Constituent Assembly shall elect the President on the basis of political understanding.
(2) If political understanding is not made pursuant to Clause (1), a person who secures a majority of the total number of the then members of the Constituent Assembly shall be deemed elected to the office of President.

Page 26,
36i. Other provisions relating to Vice-president: (1) Provisions relating to the qualification,11 election procedure and term of office of the Vice-president shall be the same as those of the President.

Page 28, Part 5 Executive, 38. Formulation of Council of Ministers: (1) The Council of Ministers shall be formed under the chairpersonship of the Prime Minister, on the basis of political understanding.
(2) Failing the understanding as referred to in Clause (1), the Prime Minister shall be elected by a majority of the total number of the then members of the Legislature-Parliament.
(3) The structure and allocation of business of the Interim Council of Ministers shall be settled through mutual consent.
(4) The Council of Ministers shall consist of Deputy Prime Minister and other Ministers, as required.
Explanation: For the purposes of this Article, the expression "Minister" shall include a Minister of State holding an independent portfolio of a Ministry.
(5) The Prime Minister shall, on the recommendation of the concerned parties, appoint Ministers from amongst the members of the Legislature-Parliament.

Page 30, Part 5 Executive, 39. Ministers of State and Assistant Ministers: (1) The Prime Minister may, on the recommendation of the concerned party, appoint a Minister of State from amongst the members of the Legislature-Parliament.
(2) The Prime Minister may, on the recommendation of the concerned party, appoint Assistant Minister from amongst the members of the Legislature-Parliament to assist the Minister in carrying out his or her responsibilities.

Page 31, Part 5 Executive, 40. Appointment of non-member of Legislature-Parliament as Minister: Notwithstanding anything contained in Articles 38 and 39, the Prime Minister may, on the basis of political understanding, appoint a person who is not a member of the Legislature-Parliament as Deputy Prime Minister, Minister, Minister of State or Assistant Minister.

Page 31, Part 5 Executive, 43. Conduct of business of the Government of Nepal: (1) The business of the Government of Nepal shall be conducted in consonance with the spirit of the people's joint movement, political understanding and culture of collaboration. The common minimum program set through mutual consent shall be the policy basis of the operation of the Government of Nepal.
Power sharing→Political power sharing→Proportionality in legislature
State level
Page 38, Part 7 Constituent Assembly, 63. Constitution of Constituent Assembly: 3) The

Territorial power sharing

Power sharing→Territorial power sharing→Federal or similar sub-divided government
Page 99, Part 17 Structure of State and Local Self Governance, 138. Progressive restructuring of the State: (1a) Recognizing the desire of the indigenous peoples and of the people of backward and other area including Madhesi people towards autonomous provinces Nepal shall be a federal democratic republican state. Provinces shall be autonomous and vested with full authority. The boundaries, number, names and structures, as well as full details of the lists, of autonomous provinces and the center and allocation of means, resources and powers shall be determined by the Constituent Assembly, while maintaining the sovereignty, unity and integrity of Nepal.
Power sharing→Territorial power sharing→Local/municipal government
Page 100, Part 17 Structure of State and Local Self Governance, 139. Provisions on local self-governance: (1) The election to local self- governance bodies shall be held based on decentralization and devolution of authority in order to promote the participation of people, to the maximum extent possible, in the system of governance of the country by creating such environment as is conducive to the exercise of sovereignty by the people even from the local level, deliver services to the people at the local level and have institutional development of democracy even from the local level.
(2) Interim local bodies shall be formed at the district, municipal and village levels by the Government of Nepal, with the consent and participation of the political parties which are actively involved at the local level pending the election to the local authorities.
Explanation: For the purpose of this clause, the expression "political parties which are actively involved at the local level" shall mean the political parties which have representation in the Constituent Assembly and filed candidacy in the concerned district under the first-past-the-post electoral system in the election, to that Assembly.
(3) The organizational structure, framework, territorial boundaries and mode of formation of the local self-governance bodies shall be as provided by law.

Page 100, Part 17 Structure of State and Local Self Governance, 140. Arrangement and mobilization of revenue: (1) There shall be mobilization and allocation of responsibilities and revenues between the Government of Nepal and the local self-governance bodies as provided by law in order to make the local self-governance bodies accountable for the identification, formulation and implementation of local level plans, while maintaining equality in the mobilization, appropriation of means and resources and in the balanced and equitable distribution of the fruits of development with a view to strengthening the local self-governance bodies for local development.
(2) While mobilizing and allocating revenues pursuant to Clause (1), special attention shall be accorded to the overall upliftment of those classes and communities who are backward socially and economically in such a manner as to have a balanced and equal development of the country.

Economic power sharing

No specific mention.

Military power sharing

Power sharing→Military power sharing→Proportionality
Page 107, Part 20 Provisions relating to Army, 144. Constitution of the Nepal Army: (3) The President shall, on the recommendation of the Council of Ministers, control, mobilize and manage the Nepal Army in accordance with law. The Council of Ministers shall, with political understanding and on suggestions of the concerned committee of the Legislature-Parliament, prepare and enforce a detailed action plan on the democratization of the Nepal Army.

Page 108, Part 20 Provisions relating to army, 145. National Defence Council: (1) There shall be a National Defence Council of Nepal for making recommendation to the Council of Ministers on the mobilization, operation and use of the Nepal Army, which shall consist of the following as the chairperson and members:
(a) The Prime Minister - Chairperson
(b) The Minister for Defence - Member
(c) The Minister for Home Affairs - Member
(d) Three Ministers so designated by the Prime Minister as to have representation of different parties out of the political parties having representation in the Council of Ministers - Member
Provided that, where there is representation of less than three political parties in the Council of Ministers, nothing shall be deemed to bar the making of designation in such manner as to have representation of less than three political parties.

Page 109, Part 20 Provisions relating to Army, 146. Transitional provisions on combatants: The Council of Ministers shall form a special committee for the supervision, adjustment and rehabilitation of the Maoist army combatants, in such a manner as to consist of representation of major political parties represented in the Constituent Assembly;and the functions, duties and powers of such committee shall be as determined by the Council of Ministers.

Human rights and equality

Human rights/RoL general

Page 2, preamble:...Expressing our full commitment to democratic values and norms including the competitive multi-party democratic system of governance, civil liberties, fundamental rights, human rights, adult franchise, periodic elections, complete freedom of the press, independent judiciary and concepts of the rule of law;...

Page 3, Part 1 Preliminary, 1. Constitution as the Fundamental Law: ... (2) It is the duty of every person to uphold this Constitution.

Page 16, part 4 Obligations, directive principles and policies of the state, 33. Obligations of the State: The State shall have the following obligations:...(c) To adopt a political system fully upholding the universally accepted concepts of basic human rights, competitive multi-party democratic system, sovereignty inherent in the people and supremacy of the people, constitutional checks and balances, rule of law, social justice and equality, independence of judiciary, periodic elections, monitoring by the civil society, complete press freedom, right to information of the people, transparency and accountability in the activities of political parties, public participation and impartial, efficient and fair bureaucracy, and to maintain good governance, while putting an end to corruption and impunity;

Page 19, Part 4 Obligations, Directive Principles and Policies of the State, 34. Directive principles of the State:...(2) The objective of the State shall be to maintain peace and order, protect and promote human rights, promote public welfare in the society, and create opportunities for the maximum participation of the people in the governance by way of self-governance, while at the same time maintaining a system where people can enjoy the fruits of democracy.

Page 23, Part 4 Obligations, Directive Principles and Policies of the State, 35. Policies of the State:...(21) The State shall pursue the foreign policy of Nepal based on the principles of the Charter of the United Nations, non-alignment, the principles of Panchsheel, international law and the norms of world peace.
...(22) The State shall pursue a policy of keeping institutionalizing peace in Nepal through international norms, by promoting cooperative and harmonious relations in the economic, social and other spheres on the basis of equality with neighboring friendly countries and all other countries of the world.

Page 93, Part 15 National Human Rights Commission, 132. Functions, duties and powers of National Human Rights Commission: 2...(g) If it is necessary that Nepal should become a party to any international treaty or agreement on human rights, to make recommendation, accompanied by the reasons therefor, to the Government of Nepal; and monitor whether any such treaty or agreement to which Nepal is already a party has been implemented, and if it is found not to have been implemented, to make recommendation to the Government of Nepal for its implementation;

Page 106, Part 19 Emergency Power, 143. Emergency Power:...(7) The President may, at the time of making a proclamation or order of a state of emergency pursuant to Clause (1), suspend the fundamental rights as provided in Part 3 for as long as the proclamation or order is in operation.
(8) In cases where any Article of this Constitution has been suspended pursuant to Clause (7), no petition may lie in any court for the enforcement of the fundamental right conferred by such Article nor may a question be raised in any court in that respect.

Page 107, Part 20 Provisions relating to Army, 144. Constitution of the Nepal Army:...(4) The action plan to be prepared and enforced pursuant to clause (3) shall include acts of rightsizing Nepal Army, building its democratic structure, national and inclusive character and imparting trainings to the Army in accordance with the values of

Bill of rights/similar	Page 3, PART 3 Fundamental Rights and Duties .... Page 15, Part 3 Fundamental Rights, 32. Right to constitutional remedies: The right to proceed in the manner set forth in Article 107 for the enforcement of the rights conferred by this Part is guaranteed.
Treaty incorporation	Page 16, part 4 Obligations, directive principles and policies of the state, 33. Obligations of the State: ...(m) To effectively implement the international treaties and agreements of which the State is a party;

Civil and political rights

Human rights and equality→Civil and political rights→Life
Page 6, Part 3, fundamental rights, 13 Right to freedom: (1) Every person shall have the right to live with [a] (sic) dignity, and no law shall be made which provides for the death penalty.
Human rights and equality→Civil and political rights→Torture
Page 14, Part 3 Fundamental Rights, 26. Right against torture: (1) No person who is detained during investigation or for trial or for any other reason shall be subjected to physical or mental torture or to cruel, inhuman or degrading treatment.
(2) Any act referred to in Clause (1) shall be punishable by law, and any person so treated shall be provided with such compensation as may be determined by law.
Human rights and equality→Civil and political rights→Equality
Page 6, Part 3, fundamental rights, 13 Right to freedom: (3) Every citizen shall have the following freedoms:...Provided that:

(1) Nothing in Sub-clause (a) shall be deemed to prevent the making of laws to impose reasonable restrictions on any act which may undermine the sovereignty and integrity of Nepal, or which may jeopardize the harmonious relations subsisting among the peoples of various castes, tribes, religions or communities, or on any act of defamation, contempt of court or incitement to an offence, or on any act which may be contrary to public decency or morality.

(2) Nothing in Sub-clause (b) shall be deemed to prevent the making of laws to impose reasonable restrictions on any act which may undermine the sovereignty, integrity or public peace and order of Nepal.

(3) Nothing in Sub-clauses (c) and (d) shall be deemed to prevent the making of laws to impose reasonable restrictions on any act which may undermine the sovereignty and integrity of Nepal, or which may jeopardize the harmonious relations subsisting among the peoples of various castes, tribes, religions or communities, or which may incite violent activities, or which may be contrary to public morality.

(4) Nothing in Sub-clause (e) shall be deemed to prevent the making of laws which are in the interest of the general public, or which are made to impose reasonable restrictions on any act which may jeopardize the harmonious relations subsisting among the peoples of various castes, tribes, religions or communities.

(5) Nothing in Sub-clause (f) shall be deemed to prevent the making of laws to impose restrictions on any act which may be contrary to public health or morality of the general public, to confer on the State the exclusive right to undertake any specific industry, business or service, or to prescribe any condition or qualification for carrying on any industry, trade, profession or employment.

Page 8, Part 3 Fundamental rights, 13. Right to equality: (1) All citizens shall be equal before the law. No person shall be denied the equal protection of the laws.
(2) No discrimination shall be made against any citizen in the application of general laws on grounds of religion, color, sex, caste, tribe, origin, language or ideological conviction or any of these.
(3) The State shall not discriminate against citizens among citizens on grounds of religion, race, caste, tribe, sex, origin, language or ideological conviction or any of these. Provided that nothing shall be deemed to prevent the making of special provisions by law for the protection, empowerment or advancement of women, Dalits, indigenous peoples (Adibasi, Janajati), Madhesi or farmers, workers, economically, socially or culturally backward classes or children, the aged and the disabled or those who are physically or mentally incapacitated.
(4) No discrimination in regard to remuneration social security shall be made between

Socio-economic rights

Human rights and equality→Socio-economic rights→Property
Page 11, Part 3, fundamental rights, 19. Right to property: (1) Every citizen shall, subject to the laws in force, have the right to acquire, own, sell, dispose of, and otherwise deal with, property.
(2) The State shall not, except in the public interest, requisition or acquire, or otherwise create any encumbrance on, the property of any person.
Provided that this Clause shall not apply to any property acquired in an illicit manner.
(3) Compensation shall be provided for any property requisitioned, acquired or encumbered by the State in the course of enforcing a scientific land reform program or in the public interest, in accordance with law. The amount and basis of compensation and the procedure therefor shall be as determined by law.
Human rights and equality→Socio-economic rights→Work
Page 6, Part 3, fundamental rights, 13 Right to freedom: (3) Every citizen shall have the following freedoms:
...(f) Freedom to practice any profession, carry on any occupation, industry and trade.
...Provided that:...(5) Nothing in Sub-clause (f) shall be deemed to prevent the making of laws to impose restrictions on any act which may be contrary to public health or morality of the general public, to confer on the State the exclusive right to undertake any specific industry, business or service, or to prescribe any condition or qualification for carrying on any industry, trade, profession or employment.

Page 10, Part 3, fundamental rights, 18. Right relating to employment and social security: (1) Every citizen shall have the right to employment, as provided in law.

Page 15, Part 3 Fundamental Rights, 30. Right relating to labour: (1) Every worker and employee shall have the right to appropriate labor exercise.
(2) Every worker and employee shall have the right to form and join trade unions and to engage in collective bargaining for the protection of their respective interests, as provided in law.

Page 17, part 4 Obligations, directive principles and policies of the state, 33. Obligations of the State: The State shall have the following obligations:...(h) To pursue a policy of establishing the right of all citizens to education, health, housing, employment and food sovereignty;

Page 21, Part 4 Obligations, Directive Principles and Policies of the State, 35. Policies of the State:...(7) The State shall pursue a policy of ensuring the right to work of the labor force, which remains as the major social and economic strength of the country, by providing them with employment and raising their participation in the management of enterprises, while at the same time protecting their rights and interests.
Human rights and equality→Socio-economic rights→Health
Page 10, Part 3 Fundamental Rights, 16. Right relating to environment and health: (1) Every person shall have the right to live in a healthy environment.
(2) Every citizen shall have the right to basic health services free of cost from the State, as provided in law.

Page 17, part 4 Obligations, directive principles and policies of the state, 33. Obligations of the State: The State shall have the following obligations:...(h) To pursue a policy of establishing the right of all citizens to education, health, housing, employment and food sovereignty;
Human rights and equality→Socio-economic rights→Education
Page 10, Part 3 Fundamental Rights, 17. Right relating to education and culture: (1) Every community shall have the right to get basic education in its own mother tongue, as provided in law.
(2) Every citizen shall have the right to get free education up to the secondary level from

Rights related issues

Citizenship

Rights related issues→Citizenship→Citizens, specific rights
[Summary: The constitution frames provisions with reference to citizens throughout. For example: Page 8, Part 3 Fundamental rights, 13. Right to equality: (1) All citizens shall be equal before the law. No person shall be denied the equal protection of the laws.]

Page 40, Part 7 Constituent Assembly, 63. Constitution of Constituent Assembly:
...(7) For the purpose of the election to the Constituent Assembly, every citizen of Nepal who has attained the age of eighteen years on or before the last day of the month of Mangsir of the year 2063, (15 December 2007) shall be entitled to vote, as provided in law.
...(7a), every Nepalese citizen who has attended the age of eighteen years at the end of Chaitra of the previous year immediate to the election year shall be entitled to vote as proved for in the law

Page 41, Part 7 Constituent Assembly, 65. Qualification for member: In order for a person to become a member of the Constituent Assembly, such person must possess the following qualification:
(a) being a citizen of Nepal;...

Page 63, Part 10 Judiciary, Jurisdiction of the Supreme Court: (1) Any citizen of Nepal may file a petition in the Supreme Court to have any law or any part thereof declared void on the ground of inconsistency with this Constitution because it imposes an unreasonable restriction on the enjoyment of the fundamental rights conferred by this Constitution or on any other ground; and the Supreme Court shall have extra-ordinary power to declare that law to be void either ab initio or from the date of its decision if it appears that the law in question is inconsistent with this Constitution.

Page 64, Part 10 Judiciary, 109. Appointment, qualification, conditions of service and facilities of Judges of Appellate Courts and District Courts [sic]:...(2) Any citizen of Nepal who has a Bachelor's Degree in law and has worked as a Judge of a District Court or in the post of Gazetted First Class of the Judicial Service for at least seven years or has practiced law for at least ten years as a law graduate advocate or senior advocate or who has taught law or done research thereon or worked in any other field of law or justice for at least ten years shall be considered eligible for appointment as the Chief Judge or a Judge of an Appellate Court.
(3) Any citizen of Nepal who has a Bachelor's Degree in law and has worked in the post of Gazetted Second Class of the Judicial Service for at least three years or has practiced law for at least eight years as a law graduate advocate shall be considered eligible for appointment as a District Judge.

Page 103, Part 18 Political Parties, 142. Registration required for securing recognition for the purpose of contesting elections as political party: ...(4) The Election Commission shall not register any political party or organization which discriminates against any citizen of Nepal in becoming its member on the basis merely of religion, caste, tribe, language or sex or the name, objective, insignia or flag of which is of such a nature as to jeopardize the religious and communal unity of the country or to fragment the country or the Constitution or Rules of such party or organization have the objective of protecting and promoting party-less or single party system.

Page 112, Part 22 Miscellaneous, 152. Titles, honors and decorations: ...(2) No citizen of Nepal shall, without the approval of the Government of Nepal, accept any title, honor or decoration from the government of any foreign country.

Page 116, Part 22 Miscellaneous, 155. Provisions relating to hearing about, and citizenship of officials of Constitutional Bodies: ...(2) Only those persons who are citizens

Democracy

Page 2, preamble: Respecting the people's mandate expressed in favour of democracy, peace and progression through historical struggles and people's movements launched by the people of Nepal at various times since before 2007 (1951) to till the date;...

...Expressing our full commitment to democratic values and norms including the competitive multi-party democratic system of governance, civil liberties, fundamental rights, human rights, adult franchise, periodic elections, complete freedom of the press, independent judiciary and concepts of the rule of law;...

...Putting democracy, peace, prosperity, progressive socio-economic transformation and sovereignty, integrity independence and prestige of the country in the center;
Declaring Nepal as a federal, democratic republican state upon duly abolishing the monarchy;

Page 3, Part 1 Preliminary, 4. State of Nepal: (1) Nepal is an independent, indivisible, sovereign, secular, inclusive and federal, democratic republican state.

Page 16, part 4 Obligations, directive principles and policies of the state, 33. Obligations of the State: The State shall have the following obligations:...(c) To adopt a political system fully upholding the universally accepted concepts of basic human rights, competitive multi-party democratic system, sovereignty inherent in the people and supremacy of the people, constitutional checks and balances, rule of law, social justice and equality, independence of judiciary, periodic elections, monitoring by the civil society, complete press freedom, right to information of the people, transparency and accountability in the activities of political parties, public participation and impartial, efficient and fair bureaucracy, and to maintain good governance, while putting an end to corruption and impunity;

Page 19, Part 4 Obligations, Directive Principles and Policies of the State, 34. Directive principles of the State:...(2) The objective of the State shall be to maintain peace and order, protect and promote human rights, promote public welfare in the society, and create opportunities for the maximum participation of the people in the governance by way of self-governance, while at the same time maintaining a system where people can enjoy the fruits of democracy.
(3) Political objective of the State shall be to build prosperous and affluent Nepal by institutionalizing democracy achieved as a result of the struggle by the people of Nepal, while at the same time creating an atmosphere conducive for the enjoyment of the fruits of democracy.

Page 99, Part 17 Structure of State and Local Self Governance, 138. Progressive restructuring of the State: (1) There shall be made progressive restructuring of the State with inclusive, democratic federal system of governance,97 by doing away with the centralized and unitary structure of the State so as to end discriminations based on class, caste, language, gender, culture, religion and region.
(1a) Recognizing the desire of the indigenous peoples and of the people of backward and other area including Madhesi people towards autonomous provinces Nepal shall be a federal democratic republican state. Provinces shall be autonomous and vested with full authority. The boundaries, number, names and structures, as well as full details of the lists, of autonomous provinces and the center and allocation of means, resources and powers shall be determined by the Constituent Assembly, while maintaining the sovereignty, unity and integrity of Nepal.

Page 103, Part 18 Political Parties, 142. Registration required for securing recognition for the purpose of contesting elections as political party: (3) Every political party shall be required to fulfil the following conditions in order to qualify for registration pursuant to

Detention procedures

Page 13, Part 3, fundamental rights, 24. Right relating to justice: (1) No person who is arrested shall be detained in custody without informing him or her of the reasons for such arrest.
(2) Every person who is arrested shall have the right to consult a legal practitioner of his or her choice at the time of such arrest. Any consultation made by such person with his or her legal practitioner and advice given by such practitioner shall be secret; and such person shall not be deprived of the right to be defended by his or her legal practitioner.
Explanation: For the purpose of this Clause, the expression "legal practitioner" shall mean any person who is authorized by law to represent any person in any court.
(3) Every person who is arrested shall be produced before the case trying authority within a period of twenty-four hours of such arrest, excluding the time necessary for the journey from the place of arrest to such authority; and any such person shall not be detained in custody except on the order of such authority.
Provided that nothing in Clauses (2) and (3) shall apply to preventive detention and to a citizen of an enemy state.
(4) No person shall be punished for an act which was not punishable by law when the act was committed nor shall any person be subjected to a punishment greater than that prescribed by the law in force at the time of the commission of the offence.
(5) Every person charged with an Offense shall be presumed innocent until proved guilty of the offense.
(6) No person shall be prosecuted or punished for the same offense in a court more than once.
(7) No person charged with an offense shall be compelled to testify against him/herself .
(8) Every person shall ha ve the right to be informed of any proceedings taken against him or her.
(9) Every person shall have the right to a fair trial by a competent court or judicial body.
(10) Any incapable party shall have the right to free legal aid, as provided in law.

Media and communication

Rights related issues→Media and communication→Media roles

Page 2, preamble:...Expressing our full commitment to democratic values and norms including the competitive multi-party democratic system of governance, civil liberties, fundamental rights, human rights, adult franchise, periodic elections, complete freedom of the press, independent judiciary and concepts of the rule of law;...

Page 9, Part 3 Fundamental Rights, 15. Right relating to publication, broadcasting and press: (1) No publication, broadcasting or printing of any news item, editorial, feature, article or other reading and audio-visual material through any means whatsoever including electronic publication, broadcasting and printing shall be censored.
Provided that nothing shall be deemed to prevent the making of laws to impose reasonable restrictions on any act which may undermine the sovereignty and integrity of Nepal, or which may jeopardize the harmonious relations subsisting among the peoples of various castes, tribes or communities, or on any act of treason, defamation, contempt of court or incitement to an offence, or on any act which may be contrary to public decency or morality.
(2) No radio, television, on-line or other form of digital or electronic equipment, press or other means of communication publishing and broadcasting or printing any material shall be closed nor shall registration thereof be cancelled [sic] by the reason of the publication, broadcasting or printing of such material through any audio, audio-visual or electronic equipment.
(3) No newspaper, periodical or press shall be closed or seized nor shall the registration thereof be cancelled for printing or publishing any news item, editorial, article or other reading material.
(4) No means of communication including the press, electronic broadcasting and telephone shall be interrupted except in accordance with law.

Page 14, Part 3 Fundamental Rights, 27. Right to information: Every citizen shall have the right to demand or receive information on any matter of his or her interest or of public interest.
Provided that nothing shall be deemed to compel any person to provide information on any matter of which secrecy is to be maintained by law.

Page 16, part 4 Obligations, directive principles and policies of the state, 33. Obligations of the State: The State shall have the following obligations:...(c) To adopt a political system fully upholding the universally accepted concepts of basic human rights, competitive multi-party democratic system, sovereignty inherent in the people and supremacy of the people, constitutional checks and balances, rule of law, social justice and equality, independence of judiciary, periodic elections, monitoring by the civil society, complete press freedom, right to information of the people, transparency and accountability in the activities of political parties, public participation and impartial, efficient and fair bureaucracy, and to maintain good governance, while putting an end to corruption and impunity;

Page 34, Part 6 Legislature-Parliament, 56. Privileges:...(3) No comment shall be made about the good faith concerning any proceeding of the Legislature- Parliament, and no publication and broadcasting of any kind shall be made about anything said by any member, intentionally distorting or misinterpreting the meaning of the speech.

Page 47, Part 7 Constituent Assembly, 77. Privileges: (3) No comment shall be made about the good faith concerning any proceeding of the Constituent Assembly, and no publication and broadcasting of any kind shall be made about anything expressed by any member, which intentionally distorts or misinterprets the meaning of the speech.

Mobility/access Page 15, Part 3 Fundamental Rights, 31 [sic] Right against exile: No citizen shall be exiled.

Protection measures

Rights related issues→Protection measures→Protection of civilians
Page 8, Part 3 Fundamental rights, 13. Right to equality: (1) All citizens shall be equal before the law. No person shall be denied the equal protection of the laws.
(2) No discrimination shall be made against any citizen in the application of general laws on grounds of religion, color, sex, caste, tribe, origin, language or ideological conviction or any of these.
Rights related issues→Protection measures→Protection of groups
Page 8, Part 3 Fundamental rights, 13. Right to equality: (1) All citizens shall be equal before the law. No person shall be denied the equal protection of the laws.
Provided that nothing shall be deemed to prevent the making of special provisions by law for the protection, empowerment or advancement of women, Dalits, indigenous peoples (Adibasi, Janajati), Madhesi or farmers, workers, economically, socially or culturally backward classes or children, the aged and the disabled or those who are physically or mentally incapacitated.

Page 15, Part 3 Fundamental Rights, 30. Right relating to labour:...(2) Every worker and employee shall have the right to form and join trade unions and to engage in collective bargaining for the protection of their respective interests, as provided in law.

Page 21-22, Part 4 Obligations, Directive Principles and Policies of the State, 35. Policies of the State:
...
(9) The State shall pursue a policy of making special provision of social security for the protection and progress of the single women, orphans, children, the helpless, the aged, the disabled, incapacitated persons, and tribes on the verge of extinction.
...
Rights related issues→Protection measures→Other
Page 21, Part 4 Obligations, Directive Principles and Policies of the State, 35. Policies of the State:...(5) The State shall make such arrangements as may be required to keep the environment clean. The State shall give priority to the prevention of adverse impacts in the environment from physical development activities, by increasing the awareness of the general public about environmental cleanliness, as well as to the protection of the environment and special safeguard of the rare wildlife. The State shall make arrangements for the protection of, sustainable uses of, and the equitable distribution of benefits derived from, the flora and fauna and biological diversity.

Other No specific mention.

Rights institutions

NHRI	Rights institutions→NHRI→Mentions of NHRI Page 55, Part 9 Financial Procedure, 92. Expenditures chargeable on Consolidated Fund: The expenditures relating to the following matters shall be charged on the Consolidated Fund: ...(c) the administrative expenses of the Supreme Court, the Commission for the Investigation of Abuse of Authority, the Auditor General, the Public Service Commission, the Election Commission and the National Human Rights Commission; Part 15 (pp 86-89) of the agreement establishes a National Human Rights Commission. This section covers criteria for appointment to the commission; the functions, duties and powers of the commission; and a requirement for the commission to produce an annual report on its work. Page 121, Part 23 Transitional Provisions, 163. Provisions relating to Constitutional Bodies and, Officials thereof: (3) The National Human Rights Commission constituted pursuant to the laws in force shall continue to exist pending the constitution of the National Human Rights Commission as provided in this Constitution; and, after the constitute of the National Human Rights Commission as referred to in this Constitution, the petitions and complaints pending before that Commission shall be transferred to this Commission; and the Commission shall deal with such petitions and complaints in accordance with this Constitution and laws made hereunder. Rights institutions→NHRI→New or fundamentally revised NHRI Page 92, Part 15 National Human Rights Commission, 131. National Human Rights Commission: (1) There shall be a National Human Rights Commission of Nepal, which shall consist of the Chairperson and Members, as follows: (a) one person from amongst the retired Chief Justices or Judges of the Supreme Court who have rendered an outstanding contribution to the protection and promotion of human rights or a person who holds a high reputation and has been actively involved in the field of, and rendered an outstanding contribution to the protection and promotion of human rights, or social service. -chairperson (b) Four persons from amongst the persons who hold a high reputation and have been actively involved in the field of, and rendered an outstanding contribution to, the protection and promotion of human rights, or social service. -member 132. Functions, duties and powers of National Human Rights Commission: (1) It shall be the duty of the National Human Rights Commission to ensure the respect for, protection and promotion of human rights and their effective implementation. Page 112, Part 22 Miscellaneous, 154. Constitution of commissions: The Government of Nepal may constitute such commissions as may be required for the protection and promotion of the rights and interests of various sectors Including women, Dalit, indigenous peoples, Madhesi, disabled, labours or farmers. The provisions relating to the formation, functions, duties and powers of such commissions shall be as determined by law.
Regional or international human rights institutions	No specific mention.

Justice sector reform

Criminal justice and emergency law

Justice sector reform→Criminal justice and emergency law→Reform to specific laws

Page 3, Part 1 Preliminary, 1. Constitution as the Fundamental Law: (1) This Constitution is the fundamental law of Nepal. Any laws inconsistent with it shall, to the extent of such inconsistency, be void.

Page 6, Part 3, fundamental rights, 13 Right to freedom: (1) Every person shall have the right to live with [a] (sic) dignity, and no law shall be made which provides for the death penalty.

Page 6, Part 3, fundamental rights, 13 Right to freedom: (3) Every citizen shall have the following freedoms:...Provided that: (1) Nothing in Sub-clause (a) shall be deemed to prevent the making of laws to impose reasonable restrictions on any act which may undermine the sovereignty and integrity of Nepal, or which may jeopardize the harmonious relations subsisting among the peoples of various castes, tribes, religions or communities, or on any act of defamation, contempt of court or incitement to an offence, or on any act which may be contrary to public decency or morality.
(2) Nothing in Sub-clause (b) shall be deemed to prevent the making of laws to impose reasonable restrictions on any act which may undermine the sovereignty, integrity or public peace and order of Nepal.
(3) Nothing in Sub-clauses (c) and (d) shall be deemed to prevent the making of laws to impose reasonable restrictions on any act which may undermine the sovereignty and integrity of Nepal, or which may jeopardize the harmonious relations subsisting among the peoples of various castes, tribes, religions or communities, or which may incite violent activities, or which may be contrary to public morality.

Page 17, part 4 Obligations, directive principles and policies of the state, 33. Obligations of the State: The State shall have the following obligations:...(n) To abolish all discriminatory laws;

Page 93, Part 15 National Human Rights Commission, 132. Functions, duties and powers of National Human Rights Commission: 2...(f) To carry out periodic reviews of the laws in force relating to human rights and make recommendation to the Government of Nepal for necessary improvements in and amendments to, such laws;

[Summary] Part 19 (pp. 105-107) of the agreement details the procedures to be put in place in the event of the need to declare a state of emergency in Nepal. This section allows the President to declare a state of emergency on the recommendation of the council of ministers; provides timelines for a) proclamations and orders made under the state of emergency to be placed before the legislature parliament for approval (1 month), and b) expiration dates for the orders if approved by the legislature parliament (3 months with the possibility to extend for a further 3 months); states that orders issued by the president on the recommendation of the council of ministers during a state of emergency will be viewed as law; permits people to apply in court for compensation for any damage inflicted by an official during a state of emergency (up to 3 months after the revocation of the state of emergency; and allows the president to revoke the state of emergency on the recommendation of the council of ministers at any time during its continuance.

Page 121, Part 23 Transitional Provisions, 164. Existing laws to remain in force: (1) All decisions, acts and proceedings made and carried out by the reinstated House of Representatives shall be deemed to have been made and carried out under this Constitution to the extent that they are not inconsistent with this Constitution.
(2) The laws existing at the time of the commencement of this Constitution shall continue to be in force unless and until such laws are repealed or amended. Provided that, any law which is inconsistent with this Constitution shall ipso facto be

State of emergency provisions

Page 42, 64. Term of Constituent Assembly: Unless dissolved earlier pursuant to a resolution passed by the Constituent Assembly, the term of the Constituent Assembly shall be 49Three years after the date on which the first meeting of the Constituent Assembly is held.
Provided that if the making of constitution cannot be completed by the reason of the proclamation of as State of emergency in the country, the Constituent Assembly may, by a resolution to that effect, extend its term for an additional period not exceeding six months.

Page 103-106, PART 19, Emergency POWER
143. emergency Power: (1) If a grave emergency arises in regard to the sovereignty or integrity of Nepal or the security of any part thereof, whether by war, external aggression, armed rebellion or extreme economic disarray, the President may, on the recommendation of the Government of Nepal Council of Ministers, declare, by proclamation or order, a state of emergency in respect of the whole of Nepal or of any specified part thereof.
(2) Every proclamation or order issued under Clause (1) Shall be laid before a meeting of Legislature-Parliament for approval within a month from the date of issuance of such proclamation or order.
(3) If a proclamation or order laid for approval pursuant to Clause (2) is approved by a two-thirds majority of the members present in the meeting of the Legislature-Parliament, such proclamation or order shall continue in force for a period of three months from the date of its issuance.
(4) If a proclamation or order laid before a meeting of the Legislature-Parliament for approval pursuant to Clause (2) is not approved pursuant Clause (3), such proclamation or order shall ipso facto be deemed to cease to operate.
(5) Before the expiration of the period referred to Clause (3), if a meeting of the Legislate - Parliament, by a two-thirds majority of the members present therein, passes a resolution to the effect that the circumstances referred to in Clause (1) continue to exist, it may extend the period of the proclamation or order of the state of emergency for another one period, not exceeding three months as specified in such resolution.
(6) After a state of emergency has been declared or order issued pursuant to Clause (1), the President may, on the recommendation of the Government of Nepal, Council of Ministers issue such orders as are necessary to meet the exigencies. Orders so issued shall be operative with the same force and effect as law so long as the state of emergency is in operation.
(7) The President may, at the time of making a proclamation or order of a state of emergency pursuant to Clause (1), suspend the fundamental rights as provided in Part 3 for as long as the proclamation or order is in operation.
Provided that clauses (1) and (2) of Article 12 and Sub-clauses (c) and (d) of Clause (3), Articles 13 and 14, Clauses (2) and (3) of Article 15, Articles 16, 17, 18, 20, 21, 22, 23, 24, 26, 29, 30 and 31 and the right to constitutional remedy in relation to such Articles pursuant to Article 32 and the right to the remedy of habeas corpus shall not be suspended.
(8) In cases where any Article of this Constitution has been suspended pursuant to Clause (7), no petition may lie in any court for the enforcement of the fundamental right conferred by such Article nor may a question be raised in any court in that respect.
(9) If during the continuance of a proclamation or order under Clause (1), any damage is inflicted upon any person from any act done by any official in contravention of law or in bad faith, the affected person may, within three months from the date of termination of the proclamation or order file a petition for compensation for the said damage: and if the court finds the claim valid, it shall cause the compensation to be paid.
(10) A proclamation or order of a state of emergency issued pursuant to Clause (1) may be revoked by the President, on the recommendation of the Government of Nepal Council of Ministers at any time during its continuance.

Judiciary and courts

Page 2, preamble:...Expressing our full commitment to democratic values and norms including the competitive multi-party democratic system of governance, civil liberties, fundamental rights, human rights, adult franchise, periodic elections, complete freedom of the press, independent judiciary and concepts of the rule of law; ...

Page 16, part 4 Obligations, directive principles and policies of the state, 33. Obligations of the State: The State shall have the following obligations:
... (c) To adopt a political system fully upholding the universally accepted concepts of basic human rights, competitive multi-party democratic system, sovereignty inherent in the people and supremacy of the people, constitutional checks and balances, rule of law, social justice and equality, independence of judiciary, periodic elections, monitoring by the civil society, complete press freedom, right to information of the people, transparency and accountability in the activities of political parties, public participation and impartial, efficient and fair bureaucracy, and to maintain good governance, while putting an end to corruption and impunity;

Page 23, Part 4 Obligations, Directive Principles and Policies of the State, 36. Questions not to be raised in court:
(1) No question shall be raised in any court as to whether the matters contained in this Part have been implemented or not.
(2) The State shall mobilize, or cause to be mobilized, the means and resources, as required, to implement the principles and policies contained in this Part.

Page 31, Part 5 Executive, 43. Conduct of business of the Government of Nepal:
...(3) No question whether the Rules referred to in Clause (2) have been observed shall be inquired into in any court.

Page 34, Part 6 Legislature-Parliament, 56. Privileges:
...(4) No proceedings shall be initiated in any court against any person in respect of the publication under the authority of the Legislature- Parliament of any document, report, vote or proceeding.

Page 36, Part 6 Legislature-Parliament, 60. Restriction on discussion:
(1) No discussion shall be held in the House on any matter which is sub judice in any court of Nepal and on any judicial act done by a Judge in the course of performance of his or her judicial duties.
Provided that nothing in this Article shall be deemed to bar the expression of opinions about the conduct of a Judge during deliberations held on a motion of impeachment.
(2) The provision of clause (1) shall also apply to the Constituent Assembly.

Page 55, Part 9 Financial Procedure, 92. Expenditures chargeable on Consolidated Fund:
The expenditures relating to the following matters shall be charged on the Consolidated Fund:
...(c) the administrative expenses of the Supreme Court, the Commission for the Investigation of Abuse of Authority, the Auditor General, the Public Service Commission, the Election Commission and the National Human Rights Commission;

[Summary: pp. 59-72, Part 10 Judiciary: This section of the agreement covers the judiciary. This section outlines: the courts' powers; the judicial structure (Supreme court, Appelate court, District Court, plus provision for the establishment of other judicial bodies to try cases of a 'special' nature) and the functions of each respective level of court; procedures and criteria for the appointment of judges; the conditions of service for a chief justices and judges; the conditions under which a chief justice or supreme court judge can be relieved of office; prohibition on engaging judges in other assignments; the respective court jusrisdictions; provisions for the transfer of cases; the

Prisons and detention	No specific mention.
Traditional Laws	No specific mention.

Socio-economic reconstruction

Development or socio-economic reconstruction

Socio-economic reconstruction→Development or socio-economic reconstruction→Socio-economic development

Page 2, preamble: ...Putting democracy, peace, prosperity, progressive socio-economic transformation and sovereignty, integrity independence and prestige of the country in the center;...

Page 16, part 4 Obligations, directive principles and policies of the state, 33. Obligations of the State: The State shall have the following obligations:
...(b) To ensure progressive political, economic and social transformations in the country;
...(e) To set a [sic] common minimum program on socio-economic transformation to do away with feudalism in all its forms, and keep on implementing the program;
...(k) To build a common development concept for the socio-economic transformation of the country and justice as well as for the prosperity and rapid economic progress and prosperity of the country;
...(l) To pursue a policy of extensively increasing opportunities for employment and income generation by increasing investment for promoting industry, trade and export and ensuring the professional rights of labors;
...(r) To launch a special program in order to rehabilitate the displaced persons, provide relief in the case of private and public properties destructed, and reconstruct the infrastructures devastated, during the course of armed conflict;

Page 20, Part 4 Obligations, Directive Principles and Policies of the State, 35. Policies of the State: (1) The State shall pursue a policy of raising the standards of living of the general public through the development of infrastructures such as education, health, housing and employment of the people of all regions, by equitably distributing investment of economic investment for the balanced development of the country.
(2) The State shall pursue a policy of developing economy of the country through the governmental, cooperative and private sectors.

Page 21, Part 4 Obligations, Directive Principles and Policies of the State, 35. Policies of the State:...(8) The State shall pursue a policy of making the women participate, to the maximum extent, in the task of national development, by making special provisions for their education, health and employment.
(13) The State shall pursue a policy of keeping on accelerating the pace of rural development, keeping in view the welfare of the majority of the rural population.
...(16) The State shall pursue a policy of making infrastructures required to impart technical education, training and orientation for the development of that class of people dependent including farmers and workers, to have their participation in the process of development of the State.

Page 100, Part 17 Structure of State and Local Self Governance, 140. Arrangement and mobilization of revenue: (1) There shall be mobilization and allocation of responsibilities and revenues between the Government of Nepal and the local self-governance bodies as provided by law in order to make the local self-governance bodies accountable for the identification, formulation and implementation of local level plans, while maintaining equality in the mobilization, appropriation of means and resources and in the balanced and equitable distribution of the fruits of development with a view to strengthening the local self-governance bodies for local development.
(2) While mobilizing and allocating revenues pursuant to Clause (1), special attention shall be accorded to the overall upliftment of those classes and communities who are backward socially and economically in such a manner as to have a balanced and equal

National economic plan

Page 19, Part 4 Obligations, Directive Principles and Policies of the State, 34. Directive principles of the State:
...(4) The fundamental economic objective of the State shall be to transform the national economy into an independent, self-reliant and progressive economy by preventing the economic resources and means available in the country from being concentrated within a limited section of the society, by making arrangements for the equitable distribution of economic gains on the basis of social justice, by making such provisions as to eliminate economic inequalities and prevent economic exploitation of any caste, sex, class, origin or individuals, and by giving priority and encouragement to national enterprises, both private and public.

Page 21, Part 4 Obligations, Directive Principles and Policies of the State, 35. Policies of the State:...(6) The State shall develop the agriculture sector as an industry by creating conditions for economic progress of the majority of the people who are dependent on agriculture and raising productivity in the agriculture sector through encouragement to the farmers.
...(7) The State shall pursue a policy of ensuring the right to work of the labor force, which remains as the major social and economic strength of the country, by providing them with employment and raising their participation in the management of enterprises, while at the same time protecting their rights and interests.
...(10) The State shall pursue a policy of uplifting the economically and socially backward indigenous peoples, Madhesi, Dalit, marginalized communities, and workers and farmers living below the poverty line, by making a provision of reservation in education, health, housing, food sovereignty and employment, for a certain period of time.
...(11) The State shall, for the progress of the country, pursue a policy of giving priority to the development of science and technology and also pursue a policy of developing local technology.
...(12) The State shall, for the purposes of national development, pursue a policy of attracting foreign capital and technology, while giving priority to indigenous investment.
...(16) The State shall pursue a policy of making infrastructures required to impart technical education, training and orientation for the development of that class of people dependent including farmers and workers, to have their participation in the process of development of the State.
...(18) The State shall pursue a policy of identifying, protecting and modernizing the traditional knowledge, skills and practices existing in the country.
...(20) The State shall pursue a special policy of mobilizing the youthful human resources in the development of the country.

Natural resources

Page 17, part 4 Obligations, directive principles and policies of the state, 33. Obligations of the State: The State shall have the following obligations:...(g) To pursue a policy of protecting and promoting domestic industries and means and resources;
...(o) To use natural means and resources including water resources of the country in the interests of nation;

Page 20, Part 4 Obligations, Directive Principles and Policies of the State, 35. Policies of the State:
...(4) The State shall pursue a policy of according priority to the local communities while mobilizing the natural resources and heritages of the country in such a manner as to be useful and beneficial to the interests of the nation.

Page 117, Part 22 Miscellaneous, 156. Ratification of, accession to, acceptance of or approval of, treaties or agreements: (2) Any law to be made pursuant to Clause (1) shall, inter alia, require that the ratification of, accession to, acceptance of, or approval of, treaties or agreements on the following subjects must be made, by a two- thirds majority of the total number of the then members of the Legislature- Parliament:
... (d) Natural resources, and the distribution of their uses.

Provided that, out of the treaties or agreements referred to in Sub- clauses (a) and (d), if any treaty or agreement is of an 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 made by a simple majority of the members present in a meeting of the Legislature-Parliament.

International funds

No specific mention.

Business

Page 2, preamble:...Expressing our full commitment to democratic values and norms including the competitive multi-party democratic system of governance, civil liberties, fundamental rights, human rights, adult franchise, periodic elections, complete freedom of the press, independent judiciary and concepts of the rule of law;...

Page 6, Part 3, fundamental rights, 13 Right to freedom: (3) Every citizen shall have the following freedoms:...Provided that:
...(5) Nothing in Sub-clause (f) shall be deemed to prevent the making of laws to impose restrictions on any act which may be contrary to public health or morality of the general public, to confer on the State the exclusive right to undertake any specific industry, business or service, or to prescribe any condition or qualification for carrying on any industry, trade, profession or employment.

Page 12, Part 3 fundamental rights, 22. Rights of the child: (1) Every child shall have the right to his or her identity and name.
...(5) No minor shall be employed to work in any factory, mine or engaged in any similar other hazardous work or used in army, police or conflict.

Page 17, part 4 Obligations, directive principles and policies of the state, 33. Obligations of the State: The State shall have the following obligations:...(g) To pursue a policy of protecting and promoting domestic industries and means and resources;
...(l) To pursue a policy of extensively increasing opportunities for employment and income generation by increasing investment for promoting industry, trade and export and ensuring the professional rights of labors;

Page 19, Part 4 Obligations, Directive Principles and Policies of the State, 34. Directive principles of the State:
...(4) The fundamental economic objective of the State shall be to transform the national economy into an independent, self-reliant and progressive economy by preventing the economic resources and means available in the country from being concentrated within a limited section of the society, by making arrangements for the equitable distribution of economic gains on the basis of social justice, by making such provisions as to eliminate economic inequalities and prevent economic exploitation of any caste, sex, class, origin or individuals, and by giving priority and encouragement to national enterprises, both private and public.

Page 21, Part 4 Obligations, Directive Principles and Policies of the State, 35. Policies of the State:...(6) The State shall develop the agriculture sector as an industry by creating conditions for economic progress of the majority of the people who are dependent on agriculture and raising productivity in the agriculture sector through encouragement to the farmers.
...(12) The State shall, for the purposes of national development, pursue a policy of attracting foreign capital and technology, while giving priority to indigenous investment.

Taxation

Socio-economic reconstruction→Taxation→Reform of taxation
Page 50, Part 8 Legislative procedure, 84. Introduction of Bills: ...(2) A Money Bill and a Bill concerning the Nepal Army, Armed Police Force, Nepal Police as well as security body shall be introduced only as a Government Bill.
(3) The expression "Money Bill" shall mean a Bill concerning any or all of the following subjects:
(a) the imposition, collection, abolition, remission, alteration or regulation of taxes;
...Provided that, any Bill shall not be deemed to be a Money Bill by the reason only that it provides for the levying of any charges and fees such as license fee, application fee, renewal fee or for the imposition of fines or penalty of imprisonment or for the le vying of any taxes, charges or fees by any local authority.

Page 53, Part 9 Financial Procedure, 89. No tax to be levied or loan to be raised except in accordance with law:
(1) No tax shall be levied and collected except in accordance with law.
(2) No loan shall be raised and guarantee given by the Government of Nepal except in accordance with law.

Banks

No specific mention.

Land, property and environment

Land reform/rights

Land, property and environment→Land reform/rights→Land reform and management
Page 17, Part 4 Obligations, Directive Principles and Policies of the State, 33. Obligations of the State: The State shall have the following obligations:
...(e) To set a common minimum program on socio-economic transformation to do away with feudalism in all its forms, and keep on implementing the program;
(f) To pursue a policy of implementing a scientific land reform program by doing away with the feudalistic land ownership;
...(i) To pursue a policy of providing socio-economic security including the land to the economically and socially backward classes including the landless, bonded labors, tillers and Harawa-Charawa;

Page 22, Part 4 Obligations, Directive Principles and Policies of the State, 35. Policies of the State:
...(15) The State shall pursue a policy of making provision for, the basic land required for the settlement of the bonded labours, and for their education, after determining the number of such labours.
Land, property and environment→Land reform/rights→Property return and restitution
Page 11, Part 3, fundamental rights, 19. Right to property:
(3) Compensation shall be provided for any property requisitioned, acquired or encumbered by the State in the course of enforcing a scientific land reform program or in the public interest, in accordance with law. The amount and basis of compensation and the procedure therefor[e] [sic] shall be as determined by law.

Pastoralist/ nomadism rights

No specific mention.

Cultural heritage

Land, property and environment→Cultural heritage→Tangible
Page 119, Part 23 Transitional Provisions, Properties to be held in trust: (1) The properties of the then King Birendra, Queen Aishwarya and their families shall be brought under control of the Government of Nepal and held in a trust, to be used for the interests of the nation.
(2) All properties acquired by Gyanendra Shah in capacity of the then King (such as palaces, forests, parks and heritages of historical and archaeological importance situated in various places) shall be nationalized.
Land, property and environment→Cultural heritage→Intangible
Page 3, Part 1 Preliminary, 5. Language of the Nation:...(2) The Nepali Language in Devanagari script shall be the official language.

Page 10, Part 3 fundamental rights, 17. Right relating to education and culture: ...(3) Every community residing in Nepal shall have the right to preserve and promote its language, script, culture, cultural civilization and heritage.
Land, property and environment→Cultural heritage→Promotion
Page 20, Part 4 Obligations, Directive Principles and Policies of the State, 35. Policies of the State: (3) The State shall pursue a policy of strengthening the national unity by maintaining the cultural diversity of the country by developing healthy and cordial social relations amongst the various religions, cultures, castes, communities, denominations, origins and linguistic groups, based on equality and co-existence, and through the equal development of their languages, literatures, scripts, arts and cultures.
(4) The State shall pursue a policy of according priority to the local communities while mobilizing the natural resources and heritages of the country in such a manner as to be useful and beneficial to the interests of the nation.
...(18) The State shall pursue a policy of identifying, protecting and modernizing the traditional knowledge, skills and practices existing in the country.

Environment

Page 10, Part 3 Fundamental Rights, 16. Right relating to environment and health: (1) Every person shall have the right to live in a healthy environment.

Page 21, Part 4 Obligations, Directive Principles and Policies of the State, 35. Policies of the State:...(5) The State shall make such arrangements as may be required to keep the environment clean. The State shall give priority to the prevention of adverse impacts in the environment from physical development activities, by increasing the awareness of the general public about environmental cleanliness, as well as to the protection of the environment and special safeguard of the rare wildlife. The State shall make arrangements for the protection of, sustainable uses of, and the equitable distribution of benefits derived from, the flora and fauna and biological diversity.

Page 57, Part 9 Financial Procedure, 97. Votes of credit: Notwithstanding anything contained elsewhere in this Part, if owing to a local or national emergency due to either natural causes or a threat of external aggression or internal disturbances or other reasons, it' appears to be impractical or inexpedient in view of the security or interest of the State to specify the details required under Article 93, the Minister for Finance may lay before the Legislature-Parliament a Vote of Credit Bill giving only a statement of expenditures.

Water or riparian rights or access	Page 17, part 4 Obligations, directive principles and policies of the state, 33. Obligations of the State: The State shall have the following obligations:...(o) To use natural means and resources including water resources of the country in the interests of nation;

Security sector

Security Guarantees	Page 50, Part 8 Legislative procedure, 84. Introduction of Bills: ...(2) A Money Bill and a Bill concerning the Nepal Army, Armed Police Force, Nepal Police as well as security body shall be introduced only as a Government Bill. Page 57, Part 9 Financial Procedure, 97. Votes of credit: Notwithstanding anything contained elsewhere in this Part, if owing to a local or national emergency due to either natural causes or a threat of external aggression or internal disturbances or other reasons, it' appears to be impractical or inexpedient in view of the security or interest of the State to specify the details required under Article 93, the Minister for Finance may lay before the Legislature-Parliament a Vote of Credit Bill giving only a statement of expenditures. Page 105, Part 19 Emergency Power, 143. Emergency Power: (1) If a grave emergency arises in regard to the sovereignty or integrity of Nepal or the security of any part thereof, whether by war, external aggression, armed rebellion or extreme economic disarray, the President may, on the recommendation of the Government of Nepal Council of Ministers, 103 declare, by proclamation or order, a state of emergency in respect of the whole of Nepal or of any specified part thereof. Page 117, Part 22 Miscellaneous, 156. Ratification of, accession to, acceptance of or approval of, treaties or agreements: (2) Any law to be made pursuant to Clause (1) shall, inter alia, require that the ratification of, accession to, acceptance of, or approval of, treaties or agreements on the following subjects must be made, by a two- thirds majority of the total number of the then members of the Legislature- Parliament: (a) Peace and friendship; (b) Defense and strategic alliance; (c) Boundaries of the State of Nepal; and (d) Natural resources, and the distribution of their uses. Provided that, out of the treaties or agreements referred to in Sub- clauses (a) and (d), if any treaty or agreement is of an 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 made by a simple majority of the members present in a meeting of the Legislature-Parliament.
Ceasefire	No specific mention.

Police

Page 12, Part 3 fundamental rights, 22. Rights of the child: (1) Every child shall have the right to his or her identity and name.
...(5) No minor shall be employed to work in any factory, mine or engaged in any similar other hazardous work or used in army, police or conflict.

Page 50, Part 8 Legislative procedure, 84. Introduction of Bills: ...(2) A Money Bill and a Bill concerning the Nepal Army, Armed Police Force, Nepal Police as well as security body shall be introduced only as a Government Bill.

Page 83, Part 13 Public Service Commission, 126. Functions, duties and powers of Public Service Commission: (1) It shall be the duty of the Public Service Commission to conduct examinations for the selection of suitable candidates to be appointed to the positions in the civil service.
Explanation: For the purposes of this Article, all services or positions in the Government of Nepal, other than the services and positions of army officers or soldiers and of armed police and police personnel and such other services and positions as are excluded by an Act from the civil service or positions thereof, shall be deemed to be the civil service or positions thereof.

Page 85, Part 13 Public Service Commission, 126. Functions, duties and powers of Public Service Commission: ..(5) The Public Service Commission shall be consulted on the general principles to be followed in the course of making appointment and promotion to any position of the military service, armed police service or police service or other government service.

Armed forces

Page 12, Part 3 fundamental rights, 22. Rights of the child: (1) Every child shall have the right to his or her identity and name.
...(5) No minor shall be employed to work in any factory, mine or engaged in any similar other hazardous work or used in army, police or conflict.

Page 50, Part 8 Legislative procedure, 84. Introduction of Bills: ...(2) A Money Bill and a Bill concerning the Nepal Army, Armed Police Force, Nepal Police as well as security body shall be introduced only as a Government Bill.

Page 83, Part 13 Public Service Commission, 126. Functions, duties an d powers of Public Service Commission: (1) It shall be the duty of the Public Service Commission to conduct examinations for the selection of suitable candidates to be appointed to the positions in the civil service.
Explanation: For the purposes of this Article, all services or positions in the Government of Nepal, other than the services and positions of army officers or soldiers and of armed police and police personnel and such other services and positions as are excluded by an Act from the civil service or positions thereof, shall be deemed to be the civil service or positions thereof.

Page 85, Part 13 Public Service Commission, 126. Functions, duties and powers of Public Service Commission: ..(5) The Public Service Commission shall be consulted on the general principles to be followed in the course of making appointment and promotion to any position of the military service, armed police service or police service or other government service.

Page 94, Part 15 National Human Rights Commission, 132. Functions, duties and powers of National Human Rights Commission: (3) In discharging its functions or performing its duties, the National Human Rights Commission may exercise the following powers:...(4) Notwithstanding anything contained elsewhere in this Article, the National Human Rights Commission shall have no jurisdiction over any matter falling within the jurisdiction of the Army Act.
Provided that nothing shall bar the institution of, actions on any matters of the violations of human rights or humanitarian laws.

Part 20 (pp. 107-110) of the agreement covers provisions relating to the army. This section develops a constitution for the the army; establishes a national defence council, and develops a committee for the 'supervision, adjustment and rehabilitation' of Maoist Army Combatants.

DDR

Security sector→DDR→DDR programmes
Page 109, Part 20 Provisions relating to Army, 146. Transitional provisions on combatants: The Council of Ministers shall form a special committee for the supervision, adjustment and rehabilitation of the Maoist army combatants, in such a manner as to consist of representation of major political parties represented in the Constituent Assembly;and the functions, duties and powers of such committee shall be as determined by the Council of Ministers.

Intelligence services

No specific mention.

Parastatal/rebel and opposition group forces	Page 109, Part 20 Provisions relating to Army, 146. Transitional provisions on combatants: The Council of Ministers shall form a special committee for the supervision, adjustment and rehabilitation of the Maoist army combatants, in such a manner as to consist of representation of major political parties represented in the Constituent Assembly;and the functions, duties and powers of such committee shall be as determined by the Council of Ministers.
Withdrawal of foreign forces	No specific mention.
Corruption	Page 16, part 4 Obligations, directive principles and policies of the state, 33. Obligations of the State: The State shall have the following obligations:...(c) To adopt a political system fully upholding the universally accepted concepts of basic human rights, competitive multi-party democratic system, sovereignty inherent in the people and supremacy of the people, constitutional checks and balances, rule of law, social justice and equality, independence of judiciary, periodic elections, monitoring by the civil society, complete press freedom, right to information of the people, transparency and accountability in the activities of political parties, public participation and impartial, efficient and fair bureaucracy, and to maintain good governance, while putting an end to corruption and impunity; ...(j) To pursue a policy of taking severe action and punishing anyone [sic] who earns illicit wealth through corruption while holding a public office of profit; Part 11 of the agreement establishes a commission for the investigation of abuse of authority. This section outlines procedures for the appointment of members to the commission; the functions duties and powers of the commission; and the requirement for the commission to produce an annual report on its work. Part 12 of the agreement establishes the post of Auditor-General of Nepal (AG). This section outlines the procedures and criteria for appointment; the criteria under which the AG can be relieved of office; the length of term to be served (six years); and the functions, duties, and powers of the Auditor General. Page 88, Part 14 Election Commission, 128. Election Commission: (6) The remuneration and other conditions of service of the Chief Election Commissioner and the Election Commissioners shall be as determined by law. The remuneration and other conditions of service of the Chief Election Commissioner and the Election Commissioners shall not, so long as they hold office, be altered to their disadvantage. Page 91, Part 15 National Human Rights Commission, 131. National Human Rights Commission: (7) The remuneration and other conditions of service of the Chairperson and the Members of the National Human Rights Commission shall be as determined by law. The remuneration and other conditions of service of the Chairperson and the Members of the National Human Rights Commission shall not, so long as they hold office, be altered to their disadvantage.
Crime/organised crime	No specific mention.

Drugs	No specific mention.
Terrorism	No specific mention.

Transitional justice

Transitional justice general	No specific mention.
Amnesty/pardon	Transitional justice→Amnesty/pardon→Amnesty/pardon proper Page 112, Part 22, Miscellaneous, 151. Pardons: The President may, on the recommendation of the Council of Ministers,116 grant pardons and suspend, commute or remit any sentence passed by any court, special court, and military court or by any other judicial quasi-judicial or administrative authority or body.
Courts	No specific mention.
Mechanism	Page 17, Part 4 Obligations, Directive Principles and Policies of the State, 33. Obligations of the State:...(q) To provide relief to the families of the victims who were subjected to disappearance during the course of armed conflict based on the report of the inquiry commission constituted in relation to such persons; ...(rl) To develop a culture of resolving major political problems of the country through understanding between, consent of, and collaboration with, major political parties which, having performed [sic] the leading role in the historic people's movement, made an understanding on 2 Kartik 2063 (12 November 2006), as well as other political parties having representation the Constituent Assembly; ...(s) To constitute a high level truth and reconciliation commission to investigate the facts about involved in gross violations of human rights crimes against humanity during the course armed conflict, and to create an environment reconciliation in the society.
Prisoner release	No specific mention.
Vetting	No specific mention.
Victims	Page 17, Part 4 Obligations, Directive Principles and Policies of the State, 33. Obligations of the State:...(p) To make provisions for appropriate relief [sic], recognition and rehabilitation of the family members of those who have died in the course of armed conflicts and those who, being injured in this course, have become disabled and infirm; (q) To provide relief to the families of the victims who were subjected to disappearance during the course of armed conflict based on the report of the inquiry commission constituted in relation to such persons; Page 22, Part 4 Obligations, Directive Principles and Policies of the State, 35. Policies of the State:...(14) The State shall pursue a policy of making a special provision, based on positive discrimination, for the minorities, landless people, landless squatters, bonded labours, the disabled, backward regions and communities and victims of conflict, the women, Dalit, indigenous people, Madhesi and Muslims, as well.

Missing persons

Page 17, Part 4 Obligations, Directive Principles and Policies of the State, 33. Obligations of the State:...(q) To provide relief to the families of the victims who were subjected to disappearance during the course of armed conflict based on the report of the inquiry commission constituted in relation to such persons;
...(rl) To develop a culture of resolving major political problems of the country through understanding between, consent of, and collaboration with, major political parties which, having performed [sic] the leading role in the historic people's movement, made an understanding on 2 Kartik 2063 (12 November 2006), as well as other political parties having representation the Constituent Assembly;
...(s) To constitute a high level truth and reconciliation commission to investigate the facts about involved in gross violations of human rights crimes against humanity during the course armed conflict, and to create an environment reconciliation in the society.

Reparations

Transitional justice→Reparations→Material reparations
Page 8, Part 3 Fundamental Rights, 14. Right against untouchability and racial discrimination: (1) No person shall be discriminated against as untouchable and subjected to racial discrimination in any form, on grounds of caste, race, community or occupation. Such discriminatory treatment shall be punishable, and the victim shall be entitled to such compensation as determined by law.

Page 14, Part 3 Fundamental Rights, 25. Right against preventive detention:
...(2) Any person held under preventive detention shall, if he or she has been held under such detention by the authority making preventive detention contrary to law or in bad faith, have the right to such compensation as may be prescribed by law.

Page 17, Part 4 Obligations, Directive Principles and Policies of the State, 33. Obligations of the State:...(q) To provide relief to the families of the victims who were subjected to disappearance during the course of armed conflict based on the report of the inquiry commission constituted in relation to such persons;
...(rl) To develop a culture of resolving major political problems of the country through understanding between, consent of, and collaboration with, major political parties which, having performed [sic] the leading role in the historic people's movement, made an understanding on 2 Kartik 2063 (12 November 2006), as well as other political parties having representation the Constituent Assembly;
...(s) To constitute a high level truth and reconciliation commission to investigate the facts about involved in gross violations of human rights crimes against humanity during the course armed conflict, and to create an environment reconciliation in the society.

Page 106, Part 19 Emergency Power, 143. Emergency Power:...(9) If during the continuance of a proclamation or order under Clause (1), any damage is inflicted upon any person from any act done by any official in contravention of law or in bad faith, the affected person may, within three months from the date of termination of the proclamation or order file a petition for compensation for the said damage: and if the court finds the claim valid, it shall cause the compensation to be paid.

Reconciliation

Page 17, Part 4 Obligations, Directive Principles and Policies of the State, 33. Obligations of the State:...(s) To constitute a high level truth and reconciliation commission to investigate the facts about involved in gross violations of human rights crimes against humanity during the course armed conflict, and to create an environment reconciliation in the society.

Implementation

UN signatory	Witnessed by Ian Martin, Personal Representative of the Secretary-General United Nations
Other international signatory	No specific mention.
Referendum for agreement	No specific mention.
International mission/force/ similar	No specific mention.
Enforcement mechanism	Page 118, Part 22 Miscellaneous, 158. Power to remove difficulties: If any difficulty arises in connection with the implementation of this Constitution, the President may on the recommendation of the Council of Ministers, issue any orders to remove such difficulty; and such orders shall have to be ratified by the Legislature Parliament …….. within one month.