

Country/entity	Nepal
Region	Asia and Pacific
Agreement name	Constitution of Nepal 2015
Date	20 Sep 2015
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 negotiations 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	Unsigned but passed by Nepal's Elected Constituent Assembly
Third parties	-
Description	Nepal's final approved constitution. The agreement covers a range of issues including state definition, governance reform, legal and judicial reform, elections, human rights, corruption, finance, and national security.

Agreement document [NP_150920_Nepal Constitution.pdf \(opens in new tab\)](#) | [Download PDF](#)

Groups

Children/youth

Groups→Children/youth→Substantive

Page 7, Part 2, Citizenship, 11. To be deemed citizen of Nepal:

((3) A child of a citizen who has acquired the citizenship of Nepal by birth before the commencement of this Constitution, shall acquire the citizenship of Nepal by descent after becoming adult if his/her father and mother are both citizens of Nepal.

4) Every child who is found in Nepal and whose parents' identity is not known shall, until the father or mother of the child is traced, be deemed citizen of Nepal by descent.

Page 10-11, Part 3 Fundamental Rights and Duties, 18. Right to equality

...

Provided that nothing shall be deemed to bar the making of special provisions by law for the protection, empowerment or advancement of the women lagging behind socially and culturally, Dalits, Adibasi, Madhesi, Tharus, Muslims, oppressed class, backward communities, minorities, marginalized groups, peasants, laborers, youths, children, senior citizens, sexual minorities, persons with disability, pregnant, incapacitated and the helpless persons, and of the citizens who belong to backward regions and financially deprived citizens including the Khas Arya.

Explanation: With reference to this Part and Part 4, "financially deprived" means the person having the income less than prescribed in the Federal law.

Page 17, Part 3 Fundamental Rights and Duties, 39. Right of children:

(1) Each child shall have the right to his/her identity with the family name, and birth registration.

(2) Every child shall have the right to education, health care nurturing, appropriate upbringing, sports, recreation and overall personality development from family and the State.

(3) Every child shall have the right to formative child development, and child participation.

(4) No child shall be employed in factories, mines, or in any other hazardous works.

(5) No child shall be subjected to child marriage, illegal trafficking, kidnapping, or being held hostage.

(6) No child shall be subjected to recruitment or any kind of use in the army, police or armed groups, neglected, or used immorally, or abused physically, mentally, or sexually, or exploited through any other means, in the name of religious or cultural practices.

(7) No child shall be subjected to physical, mental, or any other forms of torture at home, in school, or in any other places or situations.

(8) Every child shall have the right to child friendly justice.

(9) Children who are helpless, orphaned, physically impaired, victims of conflict and vulnerable, shall have the right to special protection and facilities from the State.

(10) Any act contrary to Clause (4), (5), (6) and (7) shall be punishable by law, and children who have suffered from such an act shall have the right to be compensated by the perpetrator as provided for in law.

Page 18, Part 3 Fundamental Rights and Duties, 42. Right to social justice:

(1) Socially backward women, Dalits, Adibasi, Janajati, Adibasi Janajati, Madhesi, Tharu, minority groups, persons with disability, marginalized groups, Muslim, backward classes, gender and sexually minority groups, youths, peasants, laborers, the oppressed and the citizens of backward regions, and economically poor Khas Arya shall have the right to employment in state structures on the basis of the principle of inclusion.

Page 18, Part 3 Fundamental Rights and Duties, 43. Right to social security: Economically poor, physically incapacitated and helpless person, helpless single women, persons with physical impairment, children, persons who cannot look after themselves and the citizens who belong to communities that are on the verge of extinction, shall have the right to social security as provided for by law.

Disabled persons

Groups→Disabled persons→Rhetorical

Page 40, Part 8, Federal Parliament, 84. Constitution of House of Representatives:

...

(3) While filing candidacy by political parties pursuant to clause (2), provision of representation of persons with disability shall also be made.

Page 77, Part 14 Provincial Legislature, 176. Formation of the Provincial Assembly:

...

(7) While filing of candidacy by political party pursuant to clause (6), representation of the persons with disability shall also be made.

Groups→Disabled persons→Anti-discrimination

Page 10, Part 3 Fundamental Rights and Duties, 18. Right to equality

...(2) There shall be no discrimination in the application of general laws on the grounds of origin, religion, race, caste, tribe, sex, physical conditions, disability, health condition, matrimonial status, pregnancy, economic condition, language or geographical region, or ideology or any other such grounds.

Page 13, Part 3 Fundamental Rights and Duties, 24. Right against untouchability and discrimination:

(1) No person shall be treated with any kind of untouchability or discrimination in any private or public place on grounds of caste, ethnicity, origin, community, occupation, or physical condition.

Page 13, Part 3 Fundamental Rights and Duties, 24. Right against untouchability and discrimination:

...(3) Racial discriminations shall not be encouraged in any way, or there shall not be any behavioral attitude to exhibit high or low status on grounds of a particular caste, ethnicity or community, or physical condition of a person, or there shall not be any behavioral attitude that justifies social discrimination based on caste, ethnicity, or untouchability, or encouragement for the propagation of attitudes based on caste superiority and untouchability, or hatred.

Groups→Disabled persons→Substantive

Page 10-11, Part 3 Fundamental Rights and Duties, 18. Right to equality

...Provided that nothing shall be deemed to bar the making of special provisions by law for the protection, empowerment or advancement of the women lagging behind socially and culturally, Dalits, Adibasi, Madhesi, Tharus, Muslims, oppressed class, backward communities, minorities, marginalized groups, peasants, laborers, youths, children, senior citizens, sexual minorities, persons with disability, pregnant, incapacitated and the helpless persons, and of the citizens who belong to backward regions and financially deprived citizens including the Khas Arya.

Explanation: With reference to this Part and Part 4, "financially deprived" means the person having the income less than prescribed in the Federal law.

Page 15, Part 3 Fundamental Rights and Duties, 31. Right to education

...(3) The physically impaired and citizens who are financially poor shall have the right to free higher education as provided for in law.

(4) The visually impaired person shall have the right to free education with the medium of brail script.

Page 18, Part 3 Fundamental Rights and Duties, 42. Right to social justice: (1) Socially backward women, Dalits, Adibasi, Janajati, Adibasi Janajati, Madhesi, Tharu, minority groups, persons with disability, marginalized groups, Muslim, backward classes, gender and sexually minority groups, youths, peasants, laborers, the oppressed and the citizens of backward regions, and economically poor Khas Arya shall have the right to

employment in state structures on the basis of the principle of inclusion

Elderly/age

Groups→Elderly/age→Substantive

Page 10-11, Part 3 Fundamental Rights and Duties, 18. Right to equality:

...Provided that nothing shall be deemed to bar the making of special provisions by law for the protection, empowerment or advancement of the women lagging behind socially and culturally, Dalits, Adibasi, Madhesi, Tharus, Muslims, oppressed class, backward communities, minorities, marginalized groups, peasants, laborers, youths, children, senior citizens, sexual minorities, persons with disability, pregnant, incapacitated and the helpless persons, and of the citizens who belong to backward regions and financially deprived citizens including the Khas Arya.

Explanation: With reference to this Part and Part 4, “financially deprived” means the person having the income less than prescribed in the Federal law.

Page 18, Part 3 Fundamental Rights and Duties, 41. Right of senior citizens: Senior citizens shall have the right to special protection and social security from the State.

Page 122, Part 27 Other Commissions, 259. Functions, duties and powers of National Inclusion Commission: (1) Functions, duties and powers of National Inclusion Commission shall be as follows:-

(a) To carry out research and studies for protecting rights and welfare of Khash Arya, backward class, persons with disability, senior citizens, laborers, peasants, marginalized and minority communities, people of Karnali region and economically disadvantaged people,

(b) To review the policies of the Government of Nepal for inclusion of the persons as mentioned in section (a) above and their implementation, and to forward necessary recommendation to the government for reform,

(c) To conduct study about the rightful representation of the persons as mentioned in section (a) above in the state mechanisms, and to forward a recommendation to the Government of Nepal to review the provision to ensure their representation therein,

(d) To study whether protection, empowerment and development of the persons as mentioned in section (a) is satisfactory and to forward a recommendation to the Government of Nepal regarding the policies to be adopted for the future,

...

[Summary: For general mechanisms and procedures relating to constitutional bodies see NHRI.]

Page 160, Schedule 8 (related to 57 (4), 214 (2), 221 (2), and 226 (1)), List of powers/ jurisdiction for local level:

...16. Management of senior citizens, people with physical disability and disabled

Migrant workers

Groups→Migrant workers→Substantive

Page 26-27, Part 4 Directive Principles, Policies and Responsibilities of the State, 51. State policies: The State shall pursue the following policies:

...

(i) Policies regarding labor and employment:

...(5) Regulating and managing foreign employment in order to make this sector exploitation free, safe and well-managed to guarantee laborers' right and employment.

(6) Encouraging the use of the capital, skill, technology and the experience gained in foreign employment in the productivity sector of the country.

**Racial/ethnic/
national group**

Groups→Racial/ethnic/national group→Rhetorical

Page 4, Preamble:...Embracing multi-caste, multi-lingual, multi-cultural and diverse geographical specificities, by ending discriminations relating to class, caste, region, language, religion and gender discrimination including all forms of racial untouchability, in order to protect and promote unity in diversity, social and cultural solidarity, tolerance and harmonious attitudes, we also express our determination to create an egalitarian society on the basis of the principles of proportional inclusion and participation, to ensure equitable economy, prosperity and social justice,

Page 5, Part 1 Preliminary, 3. Nation: Having multi-ethnic, multi-lingual, multi-religious, multi-cultural characteristics with common aspirations of people living in diverse geographical regions, and being committed to and united by a bond of allegiance to national independence, territorial integrity, national interest and prosperity of Nepal, all the Nepali people collectively constitute the nation.

Page 152, Schedule 2 (related to clause (1) Article 9) National Anthem of Nepal:...Of many races, languages, religions, and cultures of incredible sprawl. This progressive nation of ours, all [sic] hail Nepal.

Groups→Racial/ethnic/national group→Anti-discrimination

Page 10, Part 3 Fundamental Rights and Duties, 18. Right to equality: ...(2) There shall be no discrimination in the application of general laws on the grounds of origin, religion, race, caste, tribe, sex, physical conditions, disability, health condition, matrimonial status, pregnancy, economic condition, language or geographical region, or ideology or any other such grounds.

(3) The state shall not discriminate among citizens on grounds of origin, religion, race, caste, tribe, sex, economic condition, language or geographical region, ideology and such other matters.

Provided that nothing shall be deemed to bar the making of special provisions by law for the protection, empowerment or advancement of the women lagging behind socially and culturally, Dalits, Adibasi, Madhesi, Tharus, Muslims, oppressed class, backward communities, minorities, marginalized groups, peasants, laborers, youths, children, senior citizens, sexual minorities, persons with disability, pregnant, incapacitated and the helpless persons, and of the citizens who belong to backward regions and financially deprived citizens including the Khas Arya.

Explanation: With reference to this Part and Part 4, “financially deprived” means the person having the income less than prescribed in the Federal law.

Page 11, Part 3 Fundamental Rights and Duties, 19. Right to communication: (1) There shall be no prior censorship of publications and broadcasting, or information dissemination, or printing of any news item, editorial, article, feature, or other reading material, or the use of audio-visual material by any medium, including electronic publication, broadcasting and printing.

Provided that nothing shall be deemed to prevent the making of laws to impose reasonable restriction on any act which may undermine the nationality, sovereignty, and indivisibility of Nepal, or the good relations between federal units, or jeopardizes the harmonious relations subsisting among different caste groups and tribes, or communities, or an act of treason, or defamation of social dignity of individuals through the publication and dissemination of false material, or contempt of court, or material that incites criminal offence, or an act that is contrary to decent public behavior and morality, or disrespects labor, or incites untouchability or gender discriminations.

Page 13, Part 3 Fundamental Rights and Duties, 24. Right against untouchability and discrimination: (1) No person shall be treated with any kind of untouchability or discrimination in any private or public place on grounds of caste, ethnicity, origin, community, occupation, or physical condition.

Religious groups

Groups→Religious groups→Rhetorical

Page 5, Part 1 Preliminary, 3. Nation: Having multi-ethnic, multi-lingual, multi-religious, multi-cultural characteristics with common aspirations of people living in diverse geographical regions, and being committed to and united by a bond of allegiance to national independence, territorial integrity, national interest and prosperity of Nepal, all the Nepali people collectively constitute the nation.

Page 147, Part 34 Definitions and Interpretations, 306. Definitions and Interpretations: (1) Unless the subject or context otherwise requires, in this Constitution:-

(a) "Minority" means those caste, language, and religious communities, whose population is less than that determined by the law, and who has their own specialties, and who aim to protect them; it also signifies those groups who have faced discrimination and harassed.

Page 147, Part 34 Definitions and Interpretations, 306. Definitions and Interpretations: (1) Unless the subject or context otherwise requires, in this Constitution:-

...(l) "Constitutional body" means Commission for Investigation of Abuse of Authority, Auditor General, Public Service Commission, Election Commission, National Human Rights Commission, National Natural Resources and Finance Commission [sic], National Women Commission, National Dalit Commission, National Inclusion Commission, Adibasi Janajati Commission, Madheshi Commission, Tharu Commission and Muslim Commission established in accordance with this Constitution.

Page 152, Schedule 2 (related to clause (1) Article 9) National Anthem of Nepal:...Of many races, languages, religions, and cultures of incredible sprawl. This progressive nation of ours, all [sic] hail Nepal.

Groups→Religious groups→Anti-discrimination

Page 4, Preamble:...Embracing multi-caste, multi-lingual, multi-cultural and diverse geographical specificities, by ending discriminations relating to class, caste, region, language, religion and gender discrimination including all forms of racial untouchability, in order to protect and promote unity in diversity, social and cultural solidarity, tolerance and harmonious attitudes, we also express our determination to create an egalitarian society on the basis of the principles of proportional inclusion and participation, to ensure equitable economy, prosperity and social justice,...

Page 9, Part 3 Fundamental Rights and Duties, 17. Right to Freedom: (2) Every citizen shall have the following freedoms:

...Provided that,

(1) Nothing in section (a) shall be deemed to prevent the making of an Act to impose reasonable restrictions on any act which may undermine the nationality, sovereignty, independence and indivisibility of Nepal, or federal units, or jeopardizes the harmonious relations subsisting among the people of various caste, ethnicity, religion, or communities, or incites racial discrimination, or untouchability, or disrespects labor, or any act of defamation, or contempt of court, or an incitement of offence, or is contrary to decent public behavior or morality.

...(3) Nothing in section (c) shall be deemed to prevent the making of an Act to impose reasonable restrictions on any act which may undermine the nationality, sovereignty, indivisibility or Nepal, or an act of espionage against the nation, or disclosing national secrets, or helping foreign state or organization that may jeopardize Nepal' security, or an act of treason, or an act that undermines the harmonious relations subsisting between federal units, or instigates communal animosity, or jeopardizes the harmonious relations subsisting among different caste, ethnicity, religious groups and communities, or an act of acquiring or depriving the membership of a political party only on the grounds of caste, language, religion, community or gender, or the formation of a political party that creates discrimination against citizens, or an act that incites violence, or is

Indigenous people Groups→Indigenous people→Anti-discrimination

Page 10, Part 3 Fundamental Rights and Duties, 18. Right to equality: ... (2) There shall be no discrimination in the application of general laws on the grounds of origin, religion, race, caste, tribe, sex, physical conditions, disability, health condition, matrimonial status, pregnancy, economic condition, language or geographical region, or ideology or any other such grounds.

(3) The state shall not discriminate among citizens on grounds of origin, religion, race, caste, tribe, sex, economic condition, language or geographical region, ideology and such other matters.

Provided that nothing shall be deemed to bar the making of special provisions by law for the protection, empowerment or advancement of the women lagging behind socially and culturally, Dalits, Adibasi, Madhesi, Tharus, Muslims, oppressed class, backward communities, minorities, marginalized groups, peasants, laborers, youths, children, senior citizens, sexual minorities, persons with disability, pregnant, incapacitated and the helpless persons, and of the citizens who belong to backward regions and financially deprived citizens including the Khas Arya.

Explanation: With reference to this Part and Part 4, “financially deprived” means the person having the income less than prescribed in the Federal law.

Groups→Indigenous people→Substantive

Page 18, Part 3 Fundamental Rights and Duties, 42. Right to social justice: (1) Socially backward women, Dalits, Adibasi, Janajati, Adibasi Janajati, Madhesi, Tharu, minority groups, persons with disability, marginalized groups, Muslim, backward classes, gender and sexually minority groups, youths, peasants, laborers, the oppressed and the citizens of backward regions, and economically poor Khas Arya shall have the right to employment in state structures on the basis of the principle of inclusion.

Page 27, Part 4 Directive Principles, Policies and Responsibilities of the State, 51. State policies: The State shall pursue the following policies:

...

(j) Policies regarding social justice and inclusion:

... (8) Making special arrangements to ensure the rights of Adivasi Janajatis (indigenous ethnic groups) to lead a dignified life with their respective identities, and making them participate in decision making processes that concern them, and preserving and maintaining the traditional knowledge, skill, experience, culture and social practices of Adivasi Janajatis and local communities.

Page 40, Part 8, Federal Parliament, 84. Constitution of House of Representatives:

... (2) Provision shall be made according to Federal law for the representation of political parties to file candidacy for the election of the House of Representatives for proportional representation system through closed list of women, Dalit, Adibasi Janajati, Khas Arya, Madhesi, Tharu, Muslim, and backward regions. Balance in geography and province shall be considered for such candidacy.

Page 77, PART 14 Provincial Legislature, 176. Formation of the Provincial Assembly:

... (6) The representation of women, Dalit, indigenous, indigenous nationalities, Khas Arya, Madhesi, Muslim, backward region and minorities community on the basis of geography and population in the nominations filed by the political parties for the election to be held for the Provincial Assembly through the proportional representation (PR) election system shall be made on the basis of closed list in accordance with Federal law.

Page 123, Part 27 Other Commissions, 261. Adibasi Janajati Commission: (1) There shall be an Adibasi Janajati Commission in Nepal consisting of Chairperson and as many as four other members.

(2) The President shall, on the recommendation of Constitutional Council, appoint the

Other groups

Groups→Other groups→Rhetorical

Page 4, Preamble:...Embracing multi-caste, multi-lingual, multi-cultural and diverse geographical specificities, by ending discriminations relating to class, caste, region, language, religion and gender discrimination including all forms of racial untouchability,...

Groups→Other groups→Anti-discrimination

Page 10, Part 3 Fundamental Rights and Duties, 18. Right to equality: ...(2) There shall be no discrimination in the application of general laws on the grounds of origin, religion, race, caste, tribe, sex, physical conditions, disability, health condition, matrimonial status, pregnancy, economic condition, language or geographical region, or ideology or any other such grounds.

(3) The state shall not discriminate among citizens on grounds of origin, religion, race, caste, tribe, sex, economic condition, language or geographical region, ideology and such other matters.

Provided that nothing shall be deemed to bar the making of special provisions by law for the protection, empowerment or advancement of the women lagging behind socially and culturally, Dalits, Adibasi, Madhesi, Tharus, Muslims, oppressed class, backward communities, minorities, marginalized groups, peasants, laborers, youths, children, senior citizens, sexual minorities, persons with disability, pregnant, incapacitated and the helpless persons, and of the citizens who belong to backward regions and financially deprived citizens including the Khas Arya.

Groups→Other groups→Substantive

Page 18, Part 3 Fundamental Rights and Duties, 42. Right to social justice: (1) Socially backward women, Dalits, Adibasi, Janajati, Adibasi Janajati, Madhesi, Tharu, minority groups, persons with disability, marginalized groups, Muslim, backward classes, gender and sexually minority groups, youths, peasants, laborers, the oppressed and the citizens of backward regions, and economically poor Khas Arya shall have the right to employment in state structures on the basis of the principle of inclusion.

Page 122, Part 27 Other Commissions, 259. Functions, duties and powers of National Inclusion Commission: (1) Functions, duties and powers of National Inclusion Commission shall be as follows:-

(a) To carry out research and studies for protecting rights and welfare of Khash Arya, backward class, persons with disability, senior citizens, laborers, peasants, marginalized and minority communities, people of Karnali region and economically disadvantaged people,

(b) To review the policies of the Government of Nepal for inclusion of the persons as mentioned in section (a) above and their implementation, and to forward necessary recommendation to the government for reform,

(c) To conduct study about the rightful representation of the persons as mentioned in section (a) above in the state mechanisms, and to forward a recommendation to the Government of Nepal to review the provision to ensure their representation therein,

(d) To study whether protection, empowerment and development of the persons as mentioned in section (a) is satisfactory and to forward a recommendation to the Government of Nepal regarding the policies to be adopted for the future.

Refugees/displaced persons Groups→Refugees/displaced persons→Rhetorical

Page 18, Part 3 Fundamental Rights and Duties, (5) The families of martyrs who sacrificed their lives in the people's movements, armed conflicts and revolutions for a democratic progressive change in Nepal, the families of those who were disappeared, persons who fought for democracy, victims of conflict and the displaced, persons who were physically maimed, the wounded and the victims, shall have the right with priority, as provided for by law, to education, health, employment, housing and social security, with justice and appropriate respect.

Social class

Groups→Social class→Rhetorical

Page 4, Preamble:...Embracing multi-caste, multi-lingual, multi-cultural and diverse geographical specificities, by ending discriminations relating to class, caste, region, language, religion and gender discrimination including all forms of racial untouchability, in order to protect and promote unity in diversity, social and cultural solidarity, tolerance and harmonious attitudes, we also express our determination to create an egalitarian society on the basis of the principles of proportional inclusion and participation, to ensure equitable economy, prosperity and social justice,...

Groups→Social class→Anti-discrimination

Page 9, Part 3 Fundamental Rights and Duties, 17. Right to Freedom: (2) Every citizen shall have the following freedoms:

...Provided that,

(1) Nothing in section (a) shall be deemed to prevent the making of an Act to impose reasonable restrictions on any act which may undermine the nationality, sovereignty, independence and indivisibility of Nepal, or federal units, or jeopardizes the harmonious relations subsisting among the people of various caste, ethnicity, religion, or communities, or incites racial discrimination, or untouchability, or disrespects labor, or any act of defamation, or contempt of court, or an incitement of offence, or is contrary to decent public behavior or morality.

Page 10, Part 3 Fundamental Rights and Duties, 18. Right to equality: ...(2) There shall be no discrimination in the application of general laws on the grounds of origin, religion, race, caste, tribe, sex, physical conditions, disability, health condition, matrimonial status, pregnancy, economic condition, language or geographical region, or ideology or any other such grounds.

(3) The state shall not discriminate among citizens on grounds of origin, religion, race, caste, tribe, sex, economic condition, language or geographical region, ideology and such other matters.

Provided that nothing shall be deemed to bar the making of special provisions by law for the protection, empowerment or advancement of the women lagging behind socially and culturally, Dalits, Adibasi, Madhesi, Tharus, Muslims, oppressed class, backward communities, minorities, marginalized groups, peasants, laborers, youths, children, senior citizens, sexual minorities, persons with disability, pregnant, incapacitated and the helpless persons, and of the citizens who belong to backward regions and financially deprived citizens including the Khas Arya.

Explanation: With reference to this Part and Part 4, “financially deprived” means the person having the income less than prescribed in the Federal law.

Groups→Social class→Substantive

Page 9, Part 3 Fundamental Rights and Duties, 17. Right to Freedom: (2) Every citizen shall have the following freedoms:

...Provided that,...(3) Nothing in section (c) shall be deemed to prevent the making of an Act to impose reasonable restrictions on any act which may undermine the nationality, sovereignty, indivisibility or Nepal, or an act of espionage against the nation, or disclosing national secrets, or helping foreign state or organization that may jeopardize Nepal' security, or an act of treason, or an act that undermines the harmonious relations subsisting between federal units, or instigates communal animosity, or jeopardizes the harmonious relations subsisting among different caste, ethnicity, religious groups and communities, or an act of acquiring or depriving the membership of a political party only on the grounds of caste, language, religion, community or gender, or the formation of a political party that creates discrimination against citizens, or an act that incites violence, or is contrary to decent public behavior.

(4) Nothing in section (d) shall be deemed to prevent the making of an Act to impose reasonable restrictions on any act which may undermine the nationality, sovereignty, indivisibility or Nepal, or an act of espionage against the nation, or disclosing national secrets, or helping foreign state or organization that may jeopardize Nepal' security, or



Gender

Women, girls and gender

Page 4, Preamble:...Embracing multi-caste, multi-lingual, multi-cultural and diverse geographical specificities, by ending discriminations relating to class, caste, region, language, religion and gender discrimination including all forms of racial untouchability, in order to protect and promote unity in diversity, social and cultural solidarity, tolerance and harmonious attitudes, we also express our determination to create an egalitarian society on the basis of the principles of proportional inclusion and participation, to ensure equitable economy, prosperity and social justice,

Page 7, Part 2 Citizenship, 11. To be deemed citizen of Nepal:

(2) At the commencement of this Constitution, the following persons who have their permanent domicile in Nepal shall be deemed citizens of Nepal by descent:

...(b) Any person whose father or mother was a citizen of Nepal at the birth of such person.

(3) A child of a citizen who has acquired the citizenship of Nepal by birth before the commencement of this Constitution, shall acquire the citizenship of Nepal by descent after becoming adult if his/her father and mother are both citizens of Nepal.

(4) Every child who is found in Nepal and whose parents' identity is not known shall, until the father or mother of the child is traced, be deemed citizen of Nepal by descent.

(5) A person, born in Nepal to a Nepali citizen mother, who has domicile in Nepal and whose father is not identified, shall be granted citizenship of Nepal by descent.

Provided that in case his/her father is proved to be a foreign citizen the citizenship of such a person shall be converted into naturalized citizenship as provided for by the federal law.

(6) If a foreign woman married to a Nepali citizen so wishes, she may acquire naturalized citizenship of Nepal as provided for by the federal law.

Page 8, Part 2 Citizenship, 11. To be deemed citizen of Nepal: (7) Notwithstanding anything contained elsewhere in this Article, in case of a person born to a Nepali woman citizen married to a foreign citizen, who has permanent domicile in Nepal and has not acquired citizenship of a foreign country, he/she may acquire naturalized citizenship of Nepal as provided for by the federal law.

Provided that at the time of acquisition of citizenship, both his/her mother and father are citizens of Nepal such person born in Nepal may acquire citizenship of Nepal by descent.

Page 8, Part 2 Citizenship, 12. Citizenship based on descent and gender identity:

According to this Constitution, a person who acquires citizenship of Nepal by descent may obtain citizenship certificate of Nepal in the name of his/her mother or father with gender identity

Page 8, Part 2 Citizenship, 14. Non-resident Nepali citizenship may be granted: A person who has acquired citizenship of a foreign country and who resides in a country other than a country member of South Asian Association for Regional Cooperation and who previously himself or herself or his/her father or mother, grandfather or grandmother was a citizen of Nepal by descent or by birth and who later acquired the citizenship of a foreign country may be granted non-resident citizenship of Nepal allowing him/her to enjoy the economic, social and cultural rights as provided for by the federal law.

Page 9, Part 3 Fundamental Rights and Duties, 17. Right to Freedom: (3) Nothing in section (c) shall be deemed to prevent the making of an Act to impose reasonable restrictions on any act which may undermine the nationality, sovereignty, indivisibility or Nepal, or an act of espionage against the nation, or disclosing national secrets, or helping foreign state or organization that may jeopardize Nepal' security, or an act of treason, or an act that undermines the harmonious relations subsisting between federal units, or instigates communal animosity, or jeopardizes the harmonious relations subsisting among different caste, ethnicity, religious groups and communities, or an act

Men and boys

Gender→Men and boys→Gender neutral wording

Page 7, Part 2 Citizenship, 11. To be deemed citizen of Nepal: (2) At the commencement of this Constitution, the following persons who have their permanent domicile in Nepal shall be deemed citizens of Nepal by descent:

...(b) Any person whose father or mother was a citizen of Nepal at the birth of such person.

Page 7, Part 2 Citizenship, 11. To be deemed citizen of Nepal: (3) A child of a citizen who has acquired the citizenship of Nepal by birth before the commencement of this Constitution, shall acquire the citizenship of Nepal by descent after becoming adult if his/her father and mother are both citizens of Nepal.

Page 7, Part 2 Citizenship, 11. To be deemed citizen of Nepal: (4) Every child who is found in Nepal and whose parents' identity is not known shall, until the father or mother of the child is traced, be deemed citizen of Nepal by descent.

Page 7, Part 2 Citizenship, 11. To be deemed citizen of Nepal: (4) Every child who is found in Nepal and whose parents' identity is not known shall, until the father or mother of the child is traced, be deemed citizen of Nepal by descent.

Page 7, Part 2 Citizenship, 11. To be deemed citizen of Nepal: (4) Every child who is found in Nepal and whose parents' identity is not known shall, until the father or mother of the child is traced, be deemed citizen of Nepal by descent.

Page 8, Part 2 Citizenship, 11. To be deemed citizen of Nepal: (7) Notwithstanding anything contained elsewhere in this Article, in case of a person born to a Nepali woman citizen married to a foreign citizen, who has permanent domicile in Nepal and has not acquired citizenship of a foreign country, he/she may acquire naturalized citizenship of Nepal as provided for by the federal law.

Provided that at the time of acquisition of citizenship, both his/her mother and father are citizens of Nepal such person born in Nepal may acquire citizenship of Nepal by descent.

Page 8, Part 2 Citizenship, 12. Citizenship based on descent and gender identity: According to this Constitution, a person who acquires citizenship of Nepal by descent may obtain citizenship certificate of Nepal in the name of his/her mother or father with gender identity.

Page 8, Part 2 Citizenship, 14. Non-resident Nepali citizenship may be granted: A person who has acquired citizenship of a foreign country and who resides in a country other than a country member of South Asian Association for Regional Cooperation and who previously himself or herself or his/her father or mother, grandfather or grandmother was a citizen of Nepal by descent or by birth and who later acquired the citizenship of a foreign country may be granted non-resident citizenship of Nepal allowing him/her to enjoy the economic, social and cultural rights as provided for by the federal law.

Page 18, Part 3 Fundamental Rights and Duties, 40. Right of Dalits: (7) The facilities provided to the Dalit community according to this Article, shall have to be justly distributed to Dalit women and men and all the Dalit communities living in different parts of the country, ensuring that all Dalits receive the facilities proportionally.

LGBTI

Gender→LGBTI→LGBTI (positive)

Page 10, Part 3 Fundamental Rights and Duties, 18. Right to equality: ...Provided that nothing shall be deemed to bar the making of special provisions by law for the protection, empowerment or advancement of the women lagging behind socially and culturally, Dalits, Adibasi, Madhesi, Tharus, Muslims, oppressed class, backward communities, minorities, marginalized groups, peasants, laborers, youths, children, senior citizens, sexual minorities, persons with disability, pregnant, incapacitated and the helpless persons, and of the citizens who belong to backward regions and financially deprived citizens including the Khas Arya.

Explanation: With reference to this Part and Part 4, “financially deprived” means the person having the income less than prescribed in the Federal law.

Page 18, Part 3 Fundamental Rights and Duties, 42. Right to social justice: (1) Socially backward women, Dalits, Adibasi, Janajati, Adibasi Janajati, Madhesi, Tharu, minority groups, persons with disability, marginalized groups, Muslim, backward classes, gender and sexually minority groups, youths, peasants, laborers, the oppressed and the citizens of backward regions, and economically poor Khas Arya shall have the right to employment in state structures on the basis of the principle of inclusion.

Family

Page 7, Part 2 Citizenship, 11. To be deemed citizen of Nepal: (2) At the commencement of this Constitution, the following persons who have their permanent domicile in Nepal shall be deemed citizens of Nepal by descent:

(a) A person who has acquired the citizenship of Nepal by descent before the commencement of this Constitution.

(b) Any person whose father or mother was a citizen of Nepal at the birth of such person.

Page 7, Part 2 Citizenship, 11. To be deemed citizen of Nepal: (3) A child of a citizen who has acquired the citizenship of Nepal by birth before the commencement of this Constitution, shall acquire the citizenship of Nepal by descent after becoming adult if his/her father and mother are both citizens of Nepal.

Page 7, Part 2 Citizenship, 11. To be deemed citizen of Nepal: (4) Every child who is found in Nepal and whose parents' identity is not known shall, until the father or mother of the child is traced, be deemed citizen of Nepal by descent.

Page 7, Part 2 Citizenship, 11. To be deemed citizen of Nepal: (5) A person, born in Nepal to a Nepali citizen mother, who has domicile in Nepal and whose father is not identified, shall be granted citizenship of Nepal by descent.

Provided that in case his/her father is proved to be a foreign citizen the citizenship of such a person shall be converted into naturalized citizenship as provided for by the federal law.

Page 7, Part 2 Citizenship, 11. To be deemed citizen of Nepal: (6) If a foreign woman married to a Nepali citizen so wishes, she may acquire naturalized citizenship of Nepal as provided for by the federal law.

Page 8, Part 2 Citizenship, 11. To be deemed citizen of Nepal: (7) Notwithstanding anything contained elsewhere in this Article, in case of a person born to a Nepali woman citizen married to a foreign citizen, who has permanent domicile in Nepal and has not acquired citizenship of a foreign country, he/she may acquire naturalized citizenship of Nepal as provided for by the federal law.

Provided that at the time of acquisition of citizenship, both his/her mother and father are citizens of Nepal such person born in Nepal may acquire citizenship of Nepal by descent.

Page 8, Part 2 Citizenship, 14. Non-resident Nepali citizenship may be granted: A person who has acquired citizenship of a foreign country and who resides in a country other than a country member of South Asian Association for Regional Cooperation and who previously himself or herself or his/her father or mother, grandfather or grandmother was a citizen of Nepal by descent or by birth and who later acquired the citizenship of a foreign country may be granted non-resident citizenship of Nepal allowing him/her to enjoy the economic, social and cultural rights as provided for by the federal law.

Page 10, Part 3 Fundamental Rights and Duties, 18. Right to equality: (2) There shall be no discrimination in the application of general laws on the grounds of origin, religion, race, caste, tribe, sex, physical conditions, disability, health condition, matrimonial status, pregnancy, economic condition, language or geographical region, or ideology or any other such grounds.

Page 10, Part 3 Fundamental Rights and Duties, 18. Right to equality: (5) There shall be no gender discrimination regarding the right to parental property with regard to all family members.



State definition

**Nature of state
(general)**

Page 4, Preamble: We, the people of Nepal, in exercise of the sovereign powers inherent in us,

Page 4, Preamble:...Embracing the sovereign right of the people and the right to autonomy and self-rule, by maintaining Nepal's independence, sovereignty, geographical integrity, national unity, freedom and dignity,

Page 4, Preamble:...Ending all forms of discriminations and oppression created by the feudal, autocratic, centralized and unitary system,

Page 5, Part 1 Preliminary, 2. Sovereignty and state authority: The sovereignty and state authority of Nepal are vested in Nepali people. The use of which shall be as provided for in this constitution.

Page 5, Part 1 Preliminary, 3. Nation: Having multi-ethnic, multi-lingual, multi-religious, multi-cultural characteristics with common aspirations of people living in diverse geographical regions, and being committed to and united by a bond of allegiance to national independence, territorial integrity, national interest and prosperity of Nepal, all the Nepali people collectively constitute the nation.

Page 5, Part 1 Preliminary, 4. State of Nepal: (1) Nepal is an independent, indivisible, sovereign, secular, inclusive democratic, socialism-oriented federal democratic republican state.

Explanation: For the purpose of this article, 'secular' means protection of religion and culture being practiced since ancient times and religious and cultural freedom.

Page 5, Part 1 Preliminary, 5. National interest: Independence, sovereignty, territorial integrity, nationality, autonomy, self-respect, protection of rights and interests of Nepali people, protection of boundaries, and economic progress and prosperity, shall be the fundamental subjects of Nepal's national interest.

(2) Act and character against national interest shall be punishable by Federal law.

Page 7, Part 2 Citizenship, 10. Not to be denied of citizenship: ...(2) There shall be a provision of single federal citizenship with provincial identity in Nepal.

Page 20, Part 4 Directive Principles, Policies and Responsibilities of the State, 49. To be the Guiding Principles: (1) The Directive Principles, Policies and Responsibilities of the State mentioned in this Part shall remain as guidelines for the governance of the State. (2) The State shall mobilize or have it mobilized, the required resources and means for the implementation of the principles, policies and responsibilities mentioned in this Part.

Page 20, Part 4 Directive Principles, Policies and Responsibilities of the State, 50. Directive Principles: (4) The international relations of the State shall be directed towards maintaining international relations based on sovereign equality, protecting sovereignty, independence, territorial integrity and national interest of the country, and promoting national prestige in the international community.

Page 21, Part 4 Directive Principles, Policies and Responsibilities of the State, 51. State policies: The State shall pursue the following policies:

(a) Policies regarding national unity and national security:

(1) Maintaining national unity intact by protecting independence, sovereignty, territorial integrity and autonomy of the country

Page 28, Part 4 Directive Principles, Policies and Responsibilities of the State, 52

State configuration Page 4, Preamble:...Expressing commitment to create the bases of socialism by adopting democratic norms and values, including peoples' competitive multi-party democratic governance system, civil liberty, fundamental rights, human rights, adult franchise, periodic elections, complete press freedom and an independent, impartial and competent judiciary, and the concept of rule of law,

Page 4, Preamble:...NOW THEREFORE, in order to fulfill the aspirations for perpetual peace, good governance, development and prosperity through the medium of federal democratic republican system of governance, hereby promulgate this Constitution through the Constituent Assembly.

Page 5, Part 1 Preliminary, 4. State of Nepal: (1) Nepal is an independent, indivisible, sovereign, secular, inclusive democratic, socialism-oriented federal democratic republican state.

Explanation: For the purpose of this article, 'secular' means protection of religion and culture being practiced since ancient times and religious and cultural freedom.

Page 20, Part 4 Directive Principles, Policies and Responsibilities of the State, 50.

Directive Principles: (1) It shall be the political objective of the State to strengthen a federal democratic republican system to ensure an atmosphere where democratic rights are exercised by acknowledging sovereignty, independence and integrity of the country to be of utmost importance; by protecting freedom, equality, property and all citizens through rule of law; by embracing the norms and values of fundamental rights and human rights, gender equality, proportional inclusion, participation and social justice; and by maintaining a just system in all spheres of national life in order to establish a government system aimed at public welfare, while maintaining relations between federal units on the basis of cooperation between them, and internalizing the principle of inclusion in the governance system on the basis of local autonomy and decentralization,

Page 21, Part 4 Directive Principles, Policies and Responsibilities of the State, 51. State policies: The State shall pursue the following policies:

(a) Policies regarding national unity and national security:

...(2) Promoting national unity by developing relations of mutual cooperation between federal units by maintaining mutual understanding, tolerance, and solidarity among various caste, ethnic, religious, linguistic and cultural groups and communities.

[Summary: pp. 30-32, Part 5, Restructuring of the State and the distribution of State Power: This section outlines the new federal structure of Nepal including the distribution of state power, fiscal power, and sources of revenue within the federal system. For specific provisions see territorial and economic power sharing.]

Page 36, Part 7, Federal Executive, 74. Form of governance: The form of governance of Nepal shall be a multi-party, competitive, federal democratic republican parliamentary system based on plurality.

Page 96, Part 20 Interrelationship between the federation, Provinces and Local Levels, 232. Relations between the Federation, Provinces and local level: (1) The Federation, Provinces and the local level shall enjoy relations based on the principles of cooperative, coexistence and coordination.

(2) The Government of Nepal may issue necessary directives, pursuant to the constitution and prevalent laws, to all the Provinces on matters of national importance and on matters to be coordinated among the Provinces and it shall be the duty of the respective Province to abide by such directives.

(3) If any Province indulges in an act that would have a serious effect on Nepal's sovereignty, territorial integrity or independence, autonomy, the President shall

Self determination No specific mention.

Referendum Page 109, Part 24 Election Commission, 246. Functions duties and, powers of Election Commission:
...(2) The Election Commission shall hold referendum on subject of national importance as per this Constitution and Federal laws.

[Summary: For general mechanisms and procedures relating to constitutional bodies see NHRI.]

Page 133, Part 32 Miscellaneous, 275. Provision relating to Referendum: (1) If the two third majority of the total members in the federal legislature take a decision that it is necessary to make a decision on any matters of national importance through referendum, a decision may be reached on such matters through referendum.
(2) The procedures pertaining to referendum shall be as determined by the Federal law.

State symbols

Page 5, Part 1 Preliminary, 6. Language of the nation: All the mother tongues spoken in Nepal shall be the national language.

Page 5, Part 1 Preliminary, 7. Language of official transaction: (1) The Nepali language written in Devanagiri script shall be the language of official business in Nepal.
(2) In addition to Nepali language, a province shall select one or more national language that is spoken by majority of people in that province as the language of official business, as provided for by the provincial law.
(3) Other matters concerning language shall be as decided by the Government of Nepal on the recommendation of the Language Commission.

[Summary: For general mechanisms and procedures relating to constitutional bodies see NHRI.]

Page 6, Part 1 Preliminary, 8. National flag: (1) The national flag of Nepal, consists of two juxtaposed triangular figures with a crimson colored 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.
(2) The method of drawing the flag and other particulars relating thereto shall be as set out in Schedule-1.

Page 6, Part 1 Preliminary, 9. National anthem, etc.: (1) The national anthem of Nepal shall be as set out in Schedule-2.
(2) The coat-of-arms of Nepal shall be as set out in Schedule-3.
(3) The Rhododendron Arboreum is the national flower, Crimson is the national color, the cow is the national animal and the Lophophorus is the national bird of Nepal.

Page 137, Part 32 Miscellaneous, 287. Language Commission:
...(6) Powers, duties and powers of the Language Commission shall be as follows:-
...(a) To determine the basis for a language to acquire status of official language and forward a recommendation to the Government of Nepal,
...(c) To measure the standards for development of mother language, and to forward a recommendation to the Government of Nepal regarding its potentials for use in education,

Page 137, Part 32 Miscellaneous, 288. Capital: (1) The capital of Nepal shall remain in Kathmandu.
(2) The capital of the provinces under this Constitution shall be decided by the two-thirds majority of the then members of the Provincial Assembly.
(3) Unless decided according to clause (2), the operations of the province shall be carried from the location determined by the Government of Nepal.

Page 150, Schedule 1 (related with clause (2) of Article 8), (A) Method of Making the shape inside the Border:
(1) On the lower portion of a crimson cloth, draw a line AB of the required length from left to right.
(2) From A draw a line AC perpendicular to AM making AC equal to AB plus one third AB. From AC mark off D making the line AD equal to line AB. Join BD.
(3) From BD mark off E making BE equal to AB.
(4) Touching E draw a line FG, starting from the point F on line AC, parallel to AB to the right hand-side. Mark off FG equal to AB.
(5) Join CG.

**Independence/
secession** No specific mention.

**Accession/
unification** No specific mention.

Border delimitation Page 5, Part 1 Preliminary, 4. State of Nepal:...(2) The territory of Nepal shall comprise:
(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 5, Part 1 Preliminary, 5. National interest: Independence, sovereignty, territorial integrity, nationality, autonomy, self-respect, protection of rights and interests of Nepali people, protection of boundaries, and economic progress and prosperity, shall be the fundamental subjects of Nepal's national interest.

Page 8, Part 2 Citizenship, 11. To be deemed citizen of Nepal: (10) In case any territory is acquired by Nepal by way of merger, persons having domicile in such territory shall be citizens of Nepal subject to federal law.

Page 133, Part 32 Miscellaneous, 279. Ratification of, accession to, acceptance of or approval of treaties or agreement:
...(2) The laws to be made pursuant to clause (1) shall, inter alia, require that the ratification of, accession to, acceptance or approval of treaty or agreement on the following subjects be done by two thirds majority of the total members in both houses of federal legislature:-
...(c) the boundaries of Nepal, and

Page 156, Schedule 5 (related to article 57(1) and 109) List of Federal Powers/
Jurisdiction:

1.Related to defense and army

a) Protection of national unity and territorial integrity

...17. International treaties and agreements, extradition, mutual legal assistance and international border, international border river

**Cross-border
provision** No specific mention.

Governance

Political institutions (new or reformed)

Governance→Political institutions (new or reformed)→General references
[Summary: pp. 30-32, Part 5, Restructuring of the State and the distribution of State Power: This section outlines the new federal structure of Nepal including the distribution of state power, fiscal power, and sources of revenue between the federal, provincial and local governance institutions. For specific provisions see territorial and economic power sharing.]

Page 30, Part 5 Restructuring of the State and the distribution of State power, 56.
Structure of the State:

...(4) Under the local level, there shall be Village Council, Municipal Council and District Assembly. The number of wards in a Village council and Municipal Council shall be as provided for in a Federal law.

[Summary: pp. 33-35, Part 6, President and vice-President: This section establishes the political offices of President and Vice-president of Nepal. Issues covered here include the establishment of the President as the head of state; the election of the President and Vice-President (by electoral college); the term of office of the President; the qualifications required to be eligible to become President or Vice-President; the circumstances in which the President or Vice president will cease to hold office; the functions duties and powers of the President; the requirement for the President and Vice-President to be of different genders or from different communities; the oath of Office for the President and Vice-President; and the provision of civil service personnel to assist the works of the offices of the President and Vice-President.]

[Summary: pp.36-38, Part 7, Federal Executive: This section details the executive governance arrangements for Nepal. Executive power is invested in a Prime Minister and a Council of Ministers. The section outlines provisions for the appointment of the Prime Minister and the Council of Ministers; circumstances under which the Prime Minister or other Ministers will cease to hold office; conditions regarding appointment of ministers who are not members of the Federal Parliament; remuneration and privileges of ministerial posts; the oath of office; working procedures between the President and Prime Minister; and the working procedure of the government of Nepal. For specific provisions see state definition, democracy, elections, political power sharing, and judiciary/Courts.]

[Summary: pp.40-49, Part 8, Federal Parliament: This section details the structure of the legislature for Nepal. The section provides for the establishment of a federal parliament with two houses: a House of Representatives and a National Assembly. Issues covered in this section include the Composition of the House of Representatives and the National Assembly; the term of the House of Representatives; provision for political parties to file candidacy for elections; procedures for parliamentary business; procedures for the tabling of a vote of no confidence in the Prime Ministers; impeachment procedures; and penalties for unauthorised presence or voting in the parliament. For specific provisions see elections, gender, citizenship, groups (disability, religion, ethnic/racial/national, social class), civil and political rights (vote), political power sharing, corruption, judiciary/courts, criminal justice reform, media, constitution reform/making, and public administration.]

[Summary: pp. 50-53, Part 9, Federal Legislative Procedure: This section outlines the legislative procedures for the Federal Parliament. Issues covered include procedures for the introduction, passing, withdrawal and certification of Bills; and the issuing of presidential ordinances. For specific provisions see Armed forces, police, taxation, and criminal justice.]

[Summary: pp 54-56, Part 10, Federal Financial Procedure: This section outlines the

Elections

Page 4, Preamble:...Expressing commitment to create the bases of socialism by adopting democratic norms and values, including peoples' competitive multi-party democratic governance system, civil liberty, fundamental rights, human rights, adult franchise, periodic elections, complete press freedom and an independent, impartial and competent judiciary, and the concept of rule of law,

Page 37, Part 7, Federal Executive, 76. Formation of the Council of Ministers:

...(7) If the Prime Minister appointed according to clause (5) fails to get the vote of confidence or if any member fails to be appointed as Prime Minister, the President shall, on the recommendation of Prime Minister, dissolve the House of Representatives and fix a date to conduct another election within six months.

Page 40, Part 8, Federal Parliament, 84. Constitution of House of Representatives: (1) The House of Representatives shall consist of two hundred and seventy five members as follows:-

(a) One hundred and sixty five members elected through the first-past-the-post electoral system consisting of one member from each of the one hundred and sixty five electoral constituencies formed by dividing Nepal into 165 constituencies based on geography, and population.

(b) One hundred and ten members elected from proportional representation electoral system where voters vote for parties, while treating the whole country as a single electoral constituency.

(2) Provision shall be made according to Federal law for the representation of political parties to file candidacy for the election of the House of Representatives for proportional representation system through closed list of women, Dalit, Adibasi Janajati, Khas Arya, Madhesi, Tharu, Muslim, and backward regions. Balance in geography and province shall be considered for such candidacy.

...(4) The election for the members of House of Representatives pursuant to clause (1) shall be held through secret ballots as provided in the law.

...(6) Subject to law, any Nepali citizen, who is entitled to vote in election for House of Representatives, and who meets the requirements under Article 87, shall be allowed to file candidacy from any constituency.

Provided that the same person shall not be a candidate in more than one electoral constituency at the same time.

(7) In case of vacancy of a seat of a member in House of Representatives, while still ahead of six months of its terms, such vacancy shall be filled through process by which said member had been elected.

(8) Notwithstanding anything contained elsewhere in this Article, women should account for at least one third of total members elected from each party in Federal Parliament. In case, one-third percentage of women are not elected while being elected under section (a) of clause (1), and section (a), clause (2) of Article 84, the party that fails to ensure one-third representation shall have to elect at least one-third of total numbers as woman in the Federal Parliament while electing members under section (b) of clause (1).

(9) Election of House of Representatives and other matters thereto shall be pursuant to Federal laws.

Page 75, Part 13 Provincial Executive, 170. Appointment of non-member of Provincial Assembly as Minister, State Minister or Assistant Minister:

...(4) Notwithstanding anything contained in Clause (1) a person who lost in the elections of the existing Provincial Assembly shall not be eligible for appointment to the post of Minister, State Minister or Assistant Minister pursuant to Clause (1) during the term of the same Provincial Assembly.

Page 77, Part 14 Provincial Legislature, 166. Formation of the Provincial Assembly: (1)

Every Provincial Assembly shall consist of the following number of members:

**Electoral
commission**

Page 108, Part 24 Election Commission, 245. Election Commission: (1) There shall be an Election Commission in Nepal consisting of a Chief Election Commissioner and four other Election Commissioners. The Chief Election Commissioner shall act as the Chairperson of the Election Commission.

Page 108, Part 24 Election Commission, 245. Election Commission: (2) The President shall, on the recommendation of the Constitutional Council, appoint the Chief Election Commissioner and the Election Commissioners.

Page 108, Part 24 Election Commission, 245. Election Commission: (3) The term of office of the Chief Election Commissioner and the Election Commissioners shall be six years from the date of appointment.

Page 108, Part 24 Election Commission, 245. Election Commission: (4) Notwithstanding anything mentioned in Clause (3), the office of the Chief Election Commissioner and Election Commissioner shall be deemed vacant in the following circumstances:

- (a) if she/he submits a written resignation to the President,
- (b) if she/he attains the age of sixty-five,
- (c) if a resolution of impeachment is passed against her/him as per Article 101,
- (d) If she/he is removed by the President on the recommendation of Constitutional Council for being unable to discharge the duties of her/his office due to physical or mental illness.
- (e) if she/he dies.

Page 108, Part 24 Election Commission, 245. Election Commission: (5) The Chief Commissioner and commissioner appointed pursuant to clause (2) shall not be eligible for reappointment.

Provided that nothing in this Clause shall be deemed to be a bar to the appointment of a commissioner of the Election Commission as Chief Commissioner thereof, and when a Commissioner is so appointed as the Chief Commissioner, her/his term of office shall be computed so as to include her/his tenure as Commissioner as well.

(6) Any person who possesses the following qualifications is eligible to be appointed as the Chief Election Commissioner or an Election Commissioner:-

- (a) holds a Bachelor's Degree from a recognized university,
- (b) is not a member of any political party immediately before the appointment;
- (c) has attained the age of forty five, and
- (d) possesses high moral character.

Page 109, Part 24 Election Commission, 245. Election Commission: (7) 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.

Provided that this provision shall not apply in the case of declaration of a State of Emergency due to extreme economic breakdown.

Page 109, Part 24 Election Commission, 245. Election Commission: (8) A person who has been the Chief Election Commissioner or the Election Commissioner shall not be eligible for appointment in other Government Services.

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 investigations, inquiries or findings on any subject, or to any position which has the responsibility of submitting advice or opinion or recommendation after carrying out a study or research on any subject.

Political parties reform

Governance→Political parties reform→Other political parties reform

Page 127, Part 29 Provision relating to Political Parties, 269. Constitution, registration and operation of Political Parties: (1) Persons who are committed to a common political ideology, philosophy and program shall, subject to the laws under section (b), clause (2) of the Article (17), be entitled to form and operate the political parties and to generate or cause to be generated publicity in order to secure public support and cooperation from the general public for their ideology, philosophy and program, and to carry out any other activities for that purpose.

(2) The political parties formed under clause (1) shall be required to register their names under the Election Commission in accordance with the procedure determined by law.

(3) While submitting application for registration pursuant to clause (2) above, the political parties shall be required to submit the documents relating to constitution of the party, annual auditing report and other documents as required by law.

(4) While applying for the registration of the parties pursuant to clause (2) above, the political parties shall have to meet the following conditions:-

(a) The constitution and rules of the political party should be democratic,

(b) There should be the provision, in the constitution of the political party, of the election of the office bearers in the federal and provincial levels, at least once in five years.

Provided that in case election of the office bearers could not be held within five years due to situation arising out of special circumstance, there shall be no hindrance to make provision in the statute of a political party to hold such election within a period of six months.

(c) There should be the provision of proportional participation so as to reflect the diversity of Nepal, in the executive committees at various levels of the party.

(5) No political party shall be registered if its name, objective, symbol and flag is of a character that may disturb the country's religious or communal unity or is divisive in character.

Page 127, Part 29 Provision relating to Political Parties, 270. Prohibition on the imposition of restrictions on political parties: (1) Any provision, law or the decision that prohibits formation, registration and operation of political parties under Article 269, and generate or cause to be generated publicity in order to secure public support and cooperation from the general public for ideology, philosophy and program of the parties, shall be deemed against this constitution and shall ipso facto be void.

(2) Any law, arrangement or decision which allows for participation or involvement of only a single political party or persons having a single political ideology, philosophy or programs in the election, political system of the country or conduct of states affairs shall be considered against this constitution and shall ipso facto be void.

Page 128, Part 29 Provision relating to Political Parties, 271. Registration required for securing recognition for the purpose of contesting elections as a Political Party: (1) Any political party, formed under Article 264, wishing to secure recognition from the Election Commission for the purpose of elections, shall be required to register its name with the Election Commission in accordance with the procedures determined by the law.

(2) While applying for registration pursuant to clause (1), a political party shall have to clarify the details under clause (3) of Article 269, submit annual audit report, and also meet the conditions set in clause (4) of the same article.

Page 128, Part 29 Provision relating to Political Parties, 272. Other provisions relating to Political Party: Other provisions relating to formation, registration, operation and facilities of the political parties shall be as provided in Federal law.

Civil society

Page 22, Part 4 Directive Principles, Policies and Responsibilities of the State, 51. State policies: The State shall pursue the following policies:

...

(c) Policies regarding social and cultural transformation:

...(3) Community development by promoting local participation through the promotion and mobilization of creativity of local communities in social, cultural and charitable works.

Page 24, Part 4 Directive Principles, Policies and Responsibilities of the State, 51. State policies: The State shall pursue the following policies:

...

(f) Development policy:

...(3) Increasing the participation of local people in development process.

Page 28, Part 4 Directive Principles, Policies and Responsibilities of the State, 51. State policies: The State shall pursue the following policies:

...

(j) Policies regarding social justice and inclusion:

...(14) Involving NGOs and INGOs only in the areas of national needs and priority, by adopting a one-door policy for the establishment, endorsement, engagement, regulation and management of such organizations, and by making the investment and role of such organizations accountable and transparent.

Page 112, Part 25 National Human Rights Commission, 249. Functions, duties and powers of National Human Rights Commission:

...(2) In order to perform the duty pursuant to Clause (1), the National Human Rights Commission may carry out the following functions:-

...(d) work jointly and in a coordinated manner with civil society to enhance awareness of human rights,

Page 127, Part 29 Provision relating to Political Parties, 269. Constitution, registration and operation of Political Parties: (1) Persons who are committed to a common political ideology, philosophy and program shall, subject to the laws under section (b), clause (2) of the Article (17), be entitled to form and operate the political parties and to generate or cause to be generated publicity in order to secure public support and cooperation from the general public for their ideology, philosophy and program, and to carry out any other activities for that purpose.

Page 127, Part 29 Provision relating to Political Parties, 270. Prohibition on the imposition of restrictions on political parties: (1) Any provision, law or the decision that prohibits formation, registration and operation of political parties under Article 269, and generate or cause to be generated publicity in order to secure public support and cooperation from the general public for ideology, philosophy and program of the parties, shall be deemed against this constitution and shall ipso facto be void.

Traditional/ religious leaders

No specific mention.

**Public
administration**

Page 13, Part 3 Fundamental Rights and Duties, 23. Right against preventive detention: (3) If an official is found to have held any person under preventive detention against the law and with malicious intention, such person shall be entitled for compensation as per the law.

Page 17, Part 3 Fundamental Rights and Duties, 40. Right of Dalits: (1) Dalit shall have the right to participate in all agencies of the state based on the principle of proportional inclusion. There shall be special legal provision of empowerment, representation, and participation of Dalit community for employment in other area also including the public service.

Page 18, Part 3 Fundamental Rights and Duties, 42. Right to social justice: (1) Socially backward women, Dalits, Adibasi, Janajati, Adibasi Janajati, Madhesi, Tharu, minority groups, persons with disability, marginalized groups, Muslim, backward classes, gender and sexually minority groups, youths, peasants, laborers, the oppressed and the citizens of backward regions, and economically poor Khas Arya shall have the right to employment in state structures on the basis of the principle of inclusion.

Page 21, Part 4 Directive Principles, Policies and Responsibilities of the State, 51. State policies: The State shall pursue the following policies:

(a) Policies regarding national unity and national security:

...(7) Utilizing the knowledge, skills and experience of the ex- bureaucrats, army men and policemen in an appropriate way.

Page 21, Part 4 Directive Principles, Policies and Responsibilities of the State, 51. State policies: The State shall pursue the following policies:

...(b) Policies regarding political and governance system:

...(4) Guaranteeing good governance by ensuring equal and easy access of people to services provided by the State and making public administration clean, competent, impartial, transparent, accountable and participatory.

Page 28, Part 4 Directive Principles, Policies and Responsibilities of the State, 51. State policies: The State shall pursue the following policies:

...(k) Policies regarding justice and punishment:

...(3) Adopting effective methods in controlling corruption and irregularities in all sectors, including politics, judicial sector, administration and the social sector.

Page 35, Part 6, President and vice-President, 73. Office of the President and the Vice-President: (1) Separate offices shall be set up to assist the works of the President and the Vice-President.

(2) The Government of Nepal shall provide necessary personnel and make other arrangements for the management of the works of the offices pursuant to clause (1).

Page 49, Part 8, Federal Parliament, 106. Secretary General and Secretary of Federal Parliament: (1) Secretary of the House of Representatives shall be appointed on the recommendation of its Speaker, the Secretary of the National Assembly shall be appointed on the recommendation of its Chairperson, the secretary-general appointed in consultation with both the Speaker and the Chairperson.

(2) The qualifications, duties, functions, rights and other services of Secretary General the Secretary of the National Assembly, and the Secretary of Federal House of Representatives shall be as determined by law.

Page 49, Part 8, Federal Parliament, 107. Secretariat of Federal Parliament: A Secretariat shall be established for the purpose of conducting the business of Parliament. Other matters related thereto shall be as determined by law.

Constitution

Governance→Constitution→Constitutional reform/making

Summary: The whole agreement establishes a permanent constitution for Nepal.

Page 5, Part 1 Preliminary, 1. Constitution as the fundamental law: (1) This constitution is the fundamental law of Nepal. All laws inconsistent with this constitution shall, to the extent of such inconsistency, be void.

(2) It shall be the duty of every person to uphold this constitution.

Page 18, Part 3 Fundamental Rights and Duties, 46. Right to constitutional remedy: There shall be right to constitutional remedy pursuant to the Articles 133 or 144 in course of implementation of rights granted in this part.

Page 18, Part 3 Fundamental Rights and Duties, 47. Implementation of fundamental rights: For the enforcement of the rights conferred in this Part, the State shall make legal provisions, as required, within three years of the commencement of this constitution.

Page 19, Part 3 Fundamental Rights and Duties, 48. Duties of citizens: Each person shall the following duties:

...(b) Abide by the constitution and law,

Page 33, Part 6, President and vice-President, 61. President:

...(2) The President shall be the head of the State. He/she shall perform his/her duties according to this Constitution and Federal laws.

(4) Compliance and protection of the constitution shall be the main duties of the President.

Page 48, Part 8, Federal Parliament, 104. Procedures relating to the Conduct of Business:

(1) Each House of Federal Parliament shall, subject to the provisions of this Constitution, frame rules for conducting its business, maintaining order during its meetings and regulating the constitution, functions and procedures of the committees or any other matter of the Federal Parliament or committees. The Federal Parliament shall determine its own conduct of business until such rules are framed.

Page 60, Part 11, Judiciary, 137. Formation of the Constitutional Bench: (1) There shall be a Constitutional Bench in the Supreme Court. The Bench shall comprise of the Chief Justice and other four Justices appointed by the Chief Justice on the recommendation of Judicial Council.

(2) The Bench under clause (1) shall hear and decide on the following cases in addition to the petitions filed according to clause (1) of Article (133):

(a) Related to disputes over the jurisdiction between the Federation and Province, among Provinces, between a Province and local level and among the local levels (of government),

(b) Related to disputes concerning the election of members of the Federal Parliament or Provincial Assembly, and ineligibility of the member of the Federal Parliament or Provincial Assembly.

(3) Notwithstanding anything written in Article (133), the Chief Justice may allocate any cases under consideration at Supreme Court containing question of serious constitutional explanation to the Bench under clause (1).

(4) Other arrangements related to the procedures of the Constitutional Bench shall be as determined by the Supreme Court.



Power sharing

Political power sharing

Power sharing→Political power sharing→General

State level

Sub-state level

Page 74, Part 13, Provincial Executive, 168. Constitution of the Provincial Council of Ministers:

...(9) The Provincial Head shall, on the recommendation of the Chief Minister, constitute from among the members of the Provincial Assembly the Provincial Council of Ministers on the basis of the principles of Inclusion and not exceeding more than twenty per cent of the total number of members of the Provincial Assembly, including the Chief Minister.

Power sharing→Political power sharing→Executive coalition

State level

Page 37, Part 7, Federal Executive, 76. Formation of the Council of Ministers:

...(9) The President shall, on the recommendation of the Prime Minister, form a council of ministers consisting of members not exceeding twenty five in number from among the members of the Federal Parliament on the basis of the principle of inclusion.

Page 141, Part 33 Transitional Provisions, 297. Provisions relating to the President and Vice-President: (1) The President and Vice President in office during the time of this constitution coming into effect shall continue to hold office till the time new elections for their posts are conducted pursuant to this Article.

(2) If the session of the Legislature Parliament is ongoing at the time of commencement of this constitution, then from the date of the commencement of the constitution; and if the parliament is not in session, then from the date of the summoning of the session under Clause (6) of Article 296; within one month, the President and Vice President shall be elected on the basis of political understanding by the Legislature-Parliament pursuant to Clause (1) of Article 296.

(3) If political understanding cannot be reached as per clause (2), the President and vice President shall be elected by simple majority of the Legislature-Parliament.

Page 142, Part 33 Transitional Provisions, 298. Provision relating to Constitution of Council of Ministers:

...(2) If the session of the Legislature Parliament is ongoing at the time of commencement of this constitution, then from the date of the commencement of the constitution; and if the parliament is not in session, then from the date of the summoning of the session under Clause (6) of Article 296; within seven days the Prime Minister shall be elected on the basis of political understanding.

(3) If political understanding cannot be reached as per clause (2), the Prime Minister shall be elected by simple majority of the Legislature Parliament.

(4) Structure and division of portfolio in the Council of Ministers to be formed as per this Article shall be conducted as per mutual understanding.

...(6) When appointing Minister as per clause (5), the Prime Minister, at the recommendation of related political party, shall appoint from among the members of the Legislature Parliament

Power sharing→Political power sharing→Proportionality in legislature

State level

Sub-state level

Page 41, Part 8, Federal Parliament, 86. Constitution of National Assembly and terms of members:

...(2) There shall be fifty-nine members in the National Assembly as follows:-

(a) Fifty six members elected from an Electoral College comprising members of Provincial Assembly and chairpersons and vice- chairpersons of Village councils and Mayors and Deputy Mayors of Municipal councils, with different weights of votes for each, with eight members from each province, including at least three women, one Dalit, one person with disability or minority;

(b) Three members, including at least one woman, to be nominated by the President on

Territorial power sharing

Power sharing→Territorial power sharing→Federal or similar sub-divided government
Page 21, Part 4 Directive Principles, Policies and Responsibilities of the State, 51. State policies: The State shall pursue the following policies:

...

(b) Policies regarding political and governance system:

...(6) Expanding and developing a harmonious and cooperative relations between federal units through partnerships in the management of resources and means, administration and responsibilities.

Page 30, Part 5 Restructuring of the State and the distribution of State power, 56.

Structure of the State: (1) The Federal Democratic Republic of Nepal shall have three main levels of structure: federal, provincial and local.

(2) The State powers of Nepal shall be used by the federal, provincial and the local level in accordance with this constitution.

(3) There shall be the provinces with the districts listed in Schedule-4 that prevail at the commencement of this Constitution in Nepal.

...(5) Special, protected and autonomous regions may be created for socio- cultural protection or economic development according to Federal law.

(6) The Federation, provinces and local levels shall protect Nepal's independence, sovereignty, territorial integrity, autonomy, national interests, overall development, multi-party competitive democratic republic and federal system of governance, human rights and fundamental rights, rule of law, separation of powers and check and balance, equitable society based on plurality and equality, and inclusive representation and identity.

57. Distribution of State power: (1) The power of the federation shall be relating to the subjects mentioned in Schedule-5, and such authority shall be exercised in accordance with this Constitution and the Federal law.

(2) The power of the province shall be relating to the subjects mentioned in Schedule-6, and the exercise of such authority shall be done in accordance with this Constitution and the Federal law.

(3) The concurrent/shared power of the federation and the province shall be relating to the subjects mentioned in Schedule-7, and the exercise of such authority shall be done in accordance with this constitution and the laws made by the Federal Parliament and Provincial Assembly.

...(5) Concurrent list of powers of the Federation, province and local level shall be as mentioned in Schedule-9 and exercise of such powers shall be according to this constitution, and Federal law, provincial law and laws formulated by the local level.

(6) While making law by Provincial Assembly, village council and municipal council pursuant to clause (5), they shall have to make laws without being inconsistent to Federal law and if such laws formulated by Provincial legislature, village council and municipal council is inconsistent with the Federal law, such law shall, to the extent of its being inconsistent, be void.

(Page 31)

58. Residual powers: Powers relating any subject that are not mentioned in the list of powers of the federation, province or the local level entity, or in the concurrent/shared powers of federation and the province, or not stated in this Constitution, shall rest with the federation as residual powers.

Page 72, Part 13 Provincial Executive, 162. Provincial executive power: (1) The executive power of the Province shall, pursuant to this Constitution and laws, be vested in the Council of Ministers of the Province.

Provided that the executive power of the Province shall be exercised by the Provincial Head in case of absence of the Provincial Executive in a State of Emergency or enforcement of Federal rule

Economic power sharing

Power sharing→Economic power sharing→Sharing of resources

Page 31, Part 5 Restructuring of the State and the distribution of State power,

59. Use of fiscal power: (1) The federal, provincial and the local entities shall enact law, make annual budget, make necessary decisions, formulate policies and planning, and implement them in regard to the subjects related to the fiscal power mentioned in their respective loss [sic] of powers.

(2) The federation may make basic laws regarding necessary policies and criteria related to the subjects included in the list of concurrent/shared power and in other areas of fiscal authority, which may also be implemented in provinces.

(3) The federation, province and the local level entity shall make budgets of their respective levels, and the budget shall be presented in accordance with the Federal law.

(4) The federation, province and the local level entity shall have to make arrangements for equitable distribution of the benefits from the development of natural resources. A certain portion of such benefit, royalty, services or objects, shall have to be distributed in areas affected by projects and to the local communities as provided for by law.

...(7) The management of budget deficit of the federation, province and the local level entity and the arrangements regarding fiscal discipline shall be in accordance with Federal law.

60. Distribution of sources of revenue:(1) The federation, province and the local level entity shall impose tax on subjects within their fiscal jurisdiction and collect revenue from such sources. Provided that with regard to the source that are not included in the concurrent/shared list or in any list at any level, it shall be as determined by the Government of Nepal.

(2) The Government of Nepal shall make necessary arrangements to equitably distribute the revenue generated by it from its sources, between the federation, province and the local level entities.

(3) The amount of the fiscal transfer, the province and the local level entities are to receive shall be as recommended by the National Natural Resources and Fiscal Commission.

(4) The Government of Nepal shall distribute fiscal equalization grants to province and local level entity on the basis of their need for expenditure, their capacity in generating revenue and the efforts made by them.

(5) The province shall distribute fiscal equalization grants received from the Government of Nepal and the revenue generated from its sources, to the local level entities under it on the basis of need for their expenditures and their capacity to generate revenue, in accordance with provincial law.

...(7) The distribution of revenue between the federal, provincial and the local level entity shall be transparent.

(8) While enacting the Federal Act regarding revenue distribution, the matters that need to be included are: national policy, national needs, the autonomy of provinces and local level entities, the service delivery of the provinces and local level entities and the fiscal rights given to them; their capacity to generate revenue; feasibility and use of revenues; their contribution to development works; regional imbalance; poverty and inequality; exclusion, emergency works and the support of meet temporary needs.

Page 115, Part 26 National Natural Resources and Fiscal Commission, 251. The functions, duties and powers of National Natural Resources and Fiscal Commission: (1) The functions, duties and powers of the National Natural Resources and Fiscal Commission shall be as follows:

(a) Determine extensive grounds and measures, regarding the distribution of revenue from the federal consolidated fund to the federal, provincial and local level governments according to the constitution and law,

(b) Making recommendations, according to law, on distribution of the equalization grants to provincial and local governments from the federal consolidated fund,

(c) Conducting research and studies with regard to making a basis for distribution of

Military power sharing

No specific mention.

Human rights and equality

**Human rights/RoL
general**

Page 4, Preamble:...Expressing commitment to create the bases of socialism by adopting democratic norms and values, including peoples' competitive multi-party democratic governance system, civil liberty, fundamental rights, human rights, adult franchise, periodic elections, complete press freedom and an independent, impartial and competent judiciary, and the concept of rule of law,

Page 5, Part 1 Preliminary, 5. National interest: Independence, sovereignty, territorial integrity, nationality, autonomy, self-respect, protection of rights and interests of Nepali people, protection of boundaries, and economic progress and prosperity, shall be the fundamental subjects of Nepal's national interest.

Page 10, Part 3 Fundamental Rights and Duties, 18. Right to equality: (1) All citizens shall be equal before law. No person shall be denied the equal protection of law.

Page 20, Part 4 Directive Principles, Policies and Responsibilities of the State, 50. Directive Principles: (1) It shall be the political objective of the State to strengthen a federal democratic republican system to ensure an atmosphere where democratic rights are exercised by acknowledging sovereignty, independence and integrity of the country to be of utmost importance; by protecting freedom, equality, property and all citizens through rule of law; by embracing the norms and values of fundamental rights and human rights, gender equality, proportional inclusion, participation and social justice; and by maintaining a just system in all spheres of national life in order to establish a government system aimed at public welfare, while maintaining relations between federal units on the basis of cooperation between them, and internalizing the principle of inclusion in the governance system on the basis of local autonomy and decentralization,

Page 21, Part 4 Directive Principles, Policies and Responsibilities of the State, 51. State policies: The State shall pursue the following policies:

...

(b) Policies regarding political and governance system:

...(2) Maintaining rule of law by protecting and practicing human rights.

Page 28, Part 4 Directive Principles, Policies and Responsibilities of the State, 51. State policies: The State shall pursue the following policies:

...

(m) Policy regarding international relations:

(1) Pursuing an independent foreign policy considering national interest to be of utmost importance, on the basis of the UN Charter, non- alignment, principle of Panchasheel, international law and universal norms, and by remaining active to defend the sovereignty, indivisibility, national independence and national interest.

Page 28, Part 4 Directive Principles, Policies and Responsibilities of the State, 52. Obligation of the State [sic]: It shall be the obligation of the State to maintain Nepal's independence, sovereignty, territorial integrity, autonomy of Nepal, protecting and promoting fundamental rights and human rights, and to observe the directive principles of the State and gradually implementing the policies.

Page 30, Part 5 Restructuring of the State and the distribution of State power, 56.

Structure of the State:

...(6) The Federation, provinces and local levels shall protect Nepal's independence, sovereignty, territorial integrity, autonomy, national interests, overall development, multi-party competitive democratic republic and federal system of governance, human rights and fundamental rights, rule of law, separation of powers and check and balance, equitable society based on plurality and equality, and inclusive representation and

Bill of rights/similar [Summary: Part 3 (pp.9-19) of the constitution creates a de facto bill of rights for Nepal. Universal rights are coded below. Some specific group rights are also included in the bill; these have been coded under the relevant group category. For the group rights provisions see women, girls and gender; children; social class; and the elderly.]

Page 19, Part 3 Fundamental Rights and Duties, 46. Right to constitutional remedy: There shall be right to constitutional remedy pursuant to the Articles 133 or 144 in course of implementation of rights granted in this part.

Page 19, Part 3 Fundamental Rights and Duties, 47. Implementation of fundamental rights: For the enforcement of the rights conferred in this Part, the State shall make legal provisions, as required, within three years of the commencement of this constitution.

Treaty incorporation

Page 21, Part 4 Directive Principles, Policies and Responsibilities of the State, 51. State policies: The State shall pursue the following policies:

(b) Policies regarding political and governance system:

...(3) Implementing international treaties and agreements to which Nepal is a State party.

Page 112, Part 25 National Human Rights Commission, 249. Functions, duties and powers of National Human Rights Commission:

...(2) In order to perform the duty pursuant to Clause (1), the National Human Rights Commission may carry out the following functions:-

...(g) recommend with reasons to the Government of Nepal that it become a party to any international treaties and agreements on human rights, if it is desirable to do so, and to monitor the implementation of the international treaties and agreements on human rights to which Nepal is a party and if found not to be implemented, forward recommendations to the Government of Nepal for effective implementation of such agreements,

Page 118, Part 27 Other Commissions, 253. Functions, duties and powers of the National Women Commission:

...(b) To review whether or not statutes related to women's welfare are executed, and whether the international covenant signed by Nepal, as a signatory, has been executed, and to forward a recommendation to the Government of Nepal in case they are found not to have been executed,

Page 120, Part 27 Other Commissions, 256. Functions, duties and powers of National Dalit Commission:

...(d) To review or monitor the Government of Nepal, so as to ensure that the Government of Nepal submits the report as a signatory to the international treaties and agreement, as provisioned by those treaties,

Page 133, Part 32 Miscellaneous, 278. Right to enter into treaty: (1) The right to enter into treaty or agreement shall rest in the Federation.

(2) The Government of Nepal shall have to consult respective province while making the treaties or agreement on matters under provincial list.

(3) The Council of Ministers of a province may enter into a contractual agreement on industrial and economic issues after taking approval from the Government of Nepal.

Page 133, Part 32 Miscellaneous, 279. Ratification of, accession to, acceptance of or approval of treaties or agreement: (1) The ratification of, accession to, acceptance of or approval of treaties or agreement to which the State of Nepal or the Government of Nepal is to become a party shall be as determined by the law.

(2) The laws to be made pursuant to clause (1) shall, inter alia, require that the ratification of, accession to, acceptance or approval of treaty or agreement on the following subjects be done by two thirds majority of the total members in both houses of federal legislature:-

(a) peace and friendship,

(b) security and strategic alliance,

(c) the boundaries of Nepal, and

(d) natural resources and the distribution of their uses.

Provided that simple majority of the present members of House of Representatives can ratify, accede to, accept or approve ordinary type of treaty or agreement under section (a) and (d) that do not have wide, grave or long term impact on the nation

(3) No agreement or treaty to be done after the commencement of this constitution shall be implemented by the Government of Nepal or State of Nepal so long as it is not ratified, acceded, accepted or approved according to this Article.

(4) Notwithstanding anything contained in clause (1) and (2), there shall be no

Civil and political rights

Human rights and equality→Civil and political rights→Life

Page 9, Part 3 Fundamental Rights and Duties, 16. Right to live with dignity: ... (2) No law shall be made for capital punishment.

Human rights and equality→Civil and political rights→Torture

Page 12, Part 3 Fundamental Rights and Duties, 22. Right against torture: (1) No person in detention shall be subjected to physical or mental torture, or be treated in a cruel, inhuman or degrading manner.

(2) Any such act pursuant to clause (1) shall be punishable by law and a victim of such an act shall have the right to compensation as provided for by law.

Human rights and equality→Civil and political rights→Equality

Page 4, Preamble: ...Ending all forms of discriminations and oppression created by the feudal, autocratic, centralized and unitary system,

Page 4, Preamble:...Embracing multi-caste, multi-lingual, multi-cultural and diverse geographical specificities, by ending discriminations relating to class, caste, region, language, religion and gender discrimination including all forms of racial untouchability, in order to protect and promote unity in diversity, social and cultural solidarity, tolerance and harmonious attitudes, we also express our determination to create an egalitarian society on the basis of the principles of proportional inclusion and participation, to ensure equitable economy, prosperity and social justice,

Page 4, Preamble:...Expressing commitment to create the bases of socialism by adopting democratic norms and values, including peoples' competitive multi-party democratic governance system, civil liberty, fundamental rights, human rights, adult franchise, periodic elections, complete press freedom and an independent, impartial and competent judiciary, and the concept of rule of law,

Page 9, Part 3 Fundamental Rights and Duties, 17. Right to Freedom: (2) Every citizen shall have the following freedoms:

...Provided that,

(1) Nothing in section (a) shall be deemed to prevent the making of an Act to impose reasonable restrictions on any act which may undermine the nationality, sovereignty, independence and indivisibility of Nepal, or federal units, or jeopardizes the harmonious relations subsisting among the people of various caste, ethnicity, religion, or communities, or incites racial discrimination, or untouchability, or disrespects labor, or any act of defamation, or contempt of court, or an incitement of offence, or is contrary to decent public behavior or morality.

...(3) Nothing in section (c) shall be deemed to prevent the making of an Act to impose reasonable restrictions on any act which may undermine the nationality, sovereignty, indivisibility or Nepal, or an act of espionage against the nation, or disclosing national secrets, or helping foreign state or organization that may jeopardize Nepal' security, or an act of treason, or an act that undermines the harmonious relations subsisting between federal units, or instigates communal animosity, or jeopardizes the harmonious relations subsisting among different caste, ethnicity, religious groups and communities, or an act of acquiring or depriving the membership of a political party only on the grounds of caste, language, religion, community or gender, or the formation of a political party that creates discrimination against citizens, or an act that incites violence, or is contrary to decent public behavior.

...(6) Nothing in section (f) shall be deemed to prevent the making of an Act to impose reasonable restrictions on any act which may undermine the good relations between federal units, or restricting an act which may have negative impact on public health, decent behavior and morality, or the particular industries, trade, business or services which only the state may engage in, or setting conditions or eligibility to engage in industries, trade, business, livelihoods or occupation.

Socio-economic rights

Human rights and equality→Socio-economic rights→Property

Page 10, Part 3 Fundamental Rights and Duties, 18. Right to equality: (5) There shall be no gender discrimination regarding the right to parental property with regard to all family members.

Page 13-14, Part 3 Fundamental Rights and Duties, 25. Right to property: (1) Every citizen shall, subject to laws, have the right to acquire, enjoy own, sell, have professional gains, and otherwise utilize, or dispose of property.

Explanation: For the purpose of this Article, "property" means all type of movable and immovable property and the word also includes intellectual property.

Provided that the state may impose tax on property and income of a person according to the norms of progressive tax.

(2) The State shall not, except in the public interest, acquire, requisition, or create any encumbrance on the property of any person.

Provided that this clause shall not be applicable to property acquired through illegal means.

(3) In the case when the land of a person is acquisitioned by the State according to clause (2), the basis of compensation and the relevant procedure shall be as prescribed by Act.

Page 19, Part 3 Fundamental Rights and Duties, 48. Duties of citizens: Each person shall the following duties:

...(d) To protect and conserve public property.

Human rights and equality→Socio-economic rights→Work

Page 9, Part 3 Fundamental Rights and Duties, 17. Right to Freedom: (2) Every citizen shall have the following freedoms:

...(f) freedom to engage in any occupation or be engaged in employment, establish and operate industry, trade and business in any part of Nepal.

...Provided that,

...(6) Nothing in section (f) shall be deemed to prevent the making of an Act to impose reasonable restrictions on any act which may undermine the good relations between federal units, or restricting an act which may have negative impact on public health, decent behavior and morality, or the particular industries, trade, business or services which only the state may engage in, or setting conditions or eligibility to engage in industries, trade, business, livelihoods or occupation.

Page 15, Part 3 Fundamental Rights and Duties, 33. Right to employment: (1) Every citizen shall have the right to employment. Terms and conditions of employment and unemployment benefits shall be as determined by Federal law.

(2) Every citizen shall have the right to select employment.

Page 16, Part 3 Fundamental Rights and Duties, 34. Right regarding labor: (1) Every laborer shall have the right to proper work practices.

Explanation: For the purpose of this Article, "laborer" means a worker or laborer who offers physical or mental work for an employer for remuneration.

Page 26, Part 4 Directive Principles, Policies and Responsibilities of the State, 51. State policies: The State shall pursue the following policies:

...

(i) Policies regarding labor and employment:

...(2) Guaranteeing social security by ensuring the basic rights of all laborers in accordance with the concept of dignity of labor.

Human rights and equality→Socio-economic rights→Health

Page 16, Part 3 Fundamental Rights and Duties, 35. Right to health care: (1) Every citizen shall have the right to seek basic health care services from the state and no citizen shall be deprived of emergency health care.



Rights related issues

Citizenship

Rights related issues→Citizenship→Citizen, general

[Summary: The constitution frames provisions with reference to citizens throughout. For example: Page 25, Part 4 Directive Principles, Policies and Responsibilities of the State, 51. State policies: The State shall pursue the following policies:

...(h) Policies regarding the basic needs of citizens:

(1) Making education scientific, technical, professional, skill-oriented, and employment and people oriented in order to prepare the human resources to be competent, competitive, moral, and committed to national interest. For specific provisions see, in particular: civil and political rights, socio-economic rights, and development/socio-economic reconstruction.]

Page 24, Part 4 Directive Principles, Policies and Responsibilities of the State, 51. State policies: The State shall pursue the following policies:

...

(f) Development policy:

...(7) Developing an integrated national identity management information system, and manage it in an integrated way for all kinds of information and statistics relating to citizens, and integrate it to the services and facilities provided by the State and the national development planning.

Rights related issues→Citizenship→Citizens, specific rights

Page 13, Part 3 Fundamental Rights and Duties, 23. Right against preventive detention:

(2) Family member or close relative of the person in preventive detention pursuant to clause (1) shall have to be immediately informed about his/her condition as provided for by law.

Provided that this clause shall not be applicable to a citizen of an enemy state.

Page 17, Part 3 Fundamental Rights and Duties, 39. Right of children: (1) Each child shall have the right to his/her identity with the family name, and birth registration.

Page 19, Part 3 Fundamental Rights and Duties, 45. Right against exile: No citizen shall be exiled.

Page 40, Part 8, Federal Parliament, 84. Constitution of House of Representatives:

...(4) The election for the members of House of Representatives pursuant to clause (1) shall be held through secret ballots as provided in the law.

(5) Every Nepali citizen who has attained the age of eighteen years, as provided in law, shall be entitled to vote in any constituency.

Page 41, Part 8, Federal Parliament, 87. Qualifications for Members: (1) Persons who meet the following requirement shall be considered eligible to be the member of Federal Parliament:-

(a) citizen of Nepal,

Page 59, Part 11, Judiciary, 133. Jurisdiction of the Supreme Court: (1) Any Nepali citizen 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, or any law formulated by the Provincial Assembly is inconsistent with the law formulated by Federal Parliament or any law formulated by Municipal Assembly or Village Assembly is inconsistent with the law formulated by Federal Parliament or Provincial Assembly, and extra-ordinary power shall rest with the Supreme Court to declare that law void either ab initio or from the date of its decision if it appears that the law in question is inconsistent.

Page 59, Part 11, Judiciary, 140. The appointment and qualifications of the Chief Judge

Democracy

Page 4, Preamble: ...Remembering the glorious history of historical peoples' movements and armed struggles time and again and the sacrifice made by people for national interest, democracy, progressive change, and recognizing the martyrs, the disappeared citizens and the victims,

Page 4, Preamble:...Expressing commitment to create the bases of socialism by adopting democratic norms and values, including peoples' competitive multi-party democratic governance system, civil liberty, fundamental rights, human rights, adult franchise, periodic elections, complete press freedom and an independent, impartial and competent judiciary, and the concept of rule of law,

Page 5, Part 1 Preliminary, 4. State of Nepal: (1) Nepal is an independent, indivisible, sovereign, secular, inclusive democratic, socialism-oriented federal democratic republican state.

Explanation: For the purpose of this article, 'secular' means protection of religion and culture being practiced since ancient times and religious and cultural freedom.

Page 18, Part 3 Fundamental Rights and Duties, (5) The families of martyrs who sacrificed their lives in the people's movements, armed conflicts and revolutions for a democratic progressive change in Nepal, the families of those who were disappeared, persons who fought for democracy, victims of conflict and the displaced, persons who were physically maimed, the wounded and the victims, shall have the right with priority, as provided for by law, to education, health, employment, housing and social security, with justice and appropriate respect.

Page 20, Part 4 Directive Principles, Policies and Responsibilities of the State, 50.

Directive Principles: (1) It shall be the political objective of the State to strengthen a federal democratic republican system to ensure an atmosphere where democratic rights are exercised by acknowledging sovereignty, independence and integrity of the country to be of utmost importance; by protecting freedom, equality, property and all citizens through rule of law; by embracing the norms and values of fundamental rights and human rights, gender equality, proportional inclusion, participation and social justice; and by maintaining a just system in all spheres of national life in order to establish a government system aimed at public welfare, while maintaining relations between federal units on the basis of cooperation between them, and internalizing the principle of inclusion in the governance system on the basis of local autonomy and decentralization,

Page 20, Part 4 Directive Principles, Policies and Responsibilities of the State, 50.

Directive Principles: (2) It shall be the socio-cultural objective of the State to build a civilized and egalitarian society by ending all forms of discrimination, oppression and injustice based on religion, culture, cultural practices, customs, traditional practices, or on any other grounds; develop socio-cultural values based on national pride, democracy, people orientation, dignity of labor, entrepreneurship, discipline, dignity and tolerance, by respecting cultural diversity and maintaining communal harmony, solidarity and amity.

Page 30, Part 5 Restructuring of the State and the distribution of State power, 56.

Structure of the State:

...(6) The Federation, provinces and local levels shall protect Nepal's independence, sovereignty, territorial integrity, autonomy, national interests, overall development, multi-party competitive democratic republic and federal system of governance, human rights and fundamental rights, rule of law, separation of powers and check and balance, equitable society based on ~~plurality and~~ equality, and inclusive representation and identity.

**Detention
procedures**

No specific mention.

Media and communication

Rights related issues→Media and communication→Media roles

Page 4, Preamble:...Expressing commitment to create the bases of socialism by adopting democratic norms and values, including peoples' competitive multi-party democratic governance system, civil liberty, fundamental rights, human rights, adult franchise, periodic elections, complete press freedom and an independent, impartial and competent judiciary, and the concept of rule of law,

Page 11, Part 3 Fundamental Rights and Duties, 19. Right to communication: (1) There shall be no prior censorship of publications and broadcasting, or information dissemination, or printing of any news item, editorial, article, feature, or other reading material, or the use of audio-visual material by any medium, including electronic publication, broadcasting and printing.

Provided that nothing shall be deemed to prevent the making of laws to impose reasonable restriction on any act which may undermine the nationality, sovereignty, and indivisibility of Nepal, or the good relations between federal units, or jeopardizes the harmonious relations subsisting among different caste groups and tribes, or communities, or an act of treason, or defamation of social dignity of individuals through the publication and dissemination of false material, or contempt of court, or material that incites criminal offence, or an act that is contrary to decent public behavior and morality, or disrespects labor, or incites untouchability or gender discriminations.

(2) If there is any broadcasting, publishing or printing, or dissemination of news, article, editorial, feature, or other material through the medium of electronic equipment or the use of visuals or audio-visuals, no radio, television, online publication or any kind of digital or electronic equipment, or press, or other kind of media outlet, shall be closed, seized, or their registration cancelled for publishing, or transmitting, or broadcasting such material.

Provided that nothing in this clause shall be deemed to prevent the making of Acts to regulate radio, television, online or the use of any other kind of digital or electronic equipment, printing press or other medium of communication.

(3) No means of communication including the press, electronic broadcasting and telephone shall be obstructed except in accordance with law.

Page 21, Part 4 Directive Principles, Policies and Responsibilities of the State, 51. State policies: The State shall pursue the following policies:

...

(b) Policies regarding political and governance system:

...(5) Making necessary provisions to make the mass media clean, healthy, impartial, dignified, responsible and professional.

Page 47, Part 8, Federal Parliament, 103. Privileges:

...(3) No comment shall be made about the good faith concerning any proceeding of either House of Parliament and no publication of any kind shall be made about anything said by any member which intentionally distorts or misinterprets the meaning of the speech.

...(5) No proceedings shall be initiated in any court against any person for publication of any document, report, vote or proceeding which is made under authority given by a House of Parliament.

Page 81, Part 14 Provincial Legislature, 187. Privileges of Provincial Assembly:

...(3) No comment shall be made about the good faith of any proceedings of the Provincial Assembly, and no person shall make or disseminate anything about the comments or suggestion made by any member, deliberately misinterpreting or distorting their meaning.

...(5) No proceedings shall be initiated in any court against any person for publication made under authority given by the Provincial Assembly of any document, report, vote or

Mobility/access

Page 95, Part 19 Local Financial Procedure, 228. No tax to be levied or loan to be raised:
...(2) The local level shall impose tax in areas within its jurisdiction, without causing any adverse impact on the national economic policy, transportation of goods, services, capital and labor, and on neighboring Province or local levels.

Page 97, Part 20 Interrelationship between the federation, Provinces and Local Levels, 236. Interprovincial Trade: No obstruction of any kind or levying of taxes or discrimination shall be made in the export and import of goods or services from one Province or local level to another Province or local level and in the transportation of any goods or services through the territory of any province or local level to another province or local level of Nepal.

Page 136, Part 32 Miscellaneous, 286. Constituency Delimitation Commission:
...(6) While delimiting the constituencies pursuant to clause (5), attention shall be paid to population density of the constituency, geographical conditions, administrative and transportation proximity, and the communal and cultural characteristics of the people living in such districts.

Protection measures

Rights related issues→Protection measures→Protection of groups

Page 5, Part 1 Preliminary, 4. State of Nepal: (1) Nepal is an independent, indivisible, sovereign, secular, inclusive democratic, socialism-oriented federal democratic republican state.

Explanation: For the purpose of this article, 'secular' means protection of religion and culture being practiced since ancient times and religious and cultural freedom.

Page 10-11, Part 3 Fundamental Rights and Duties, 18. Right to equality

...

Provided that nothing shall be deemed to bar the making of special provisions by law for the protection, empowerment or advancement of the women lagging behind socially and culturally, Dalits, Adibasi, Madhesi, Tharus, Muslims, oppressed class, backward communities, minorities, marginalized groups, peasants, laborers, youths, children, senior citizens, sexual minorities, persons with disability, pregnant, incapacitated and the helpless persons, and of the citizens who belong to backward regions and financially deprived citizens including the Khas Arya.

Page 17, Part 3 Fundamental Rights and Duties, 39. Right of children:

(9) Children who are helpless, orphaned, physically impaired, victims of conflict and vulnerable, shall have the right to special protection and facilities from the State.

Page 18, Part 3 Fundamental Rights and Duties, 41. Right of senior citizens: Senior citizens shall have the right to special protection and social security from the State.

Page 122, Part 27 Other Commissions, 259. Functions, duties and powers of National Inclusion Commission: (1) Functions, duties and powers of National Inclusion Commission shall be as follows:-

(a) To carry out research and studies for protecting rights and welfare of Khash Arya, backward class, persons with disability, senior citizens, laborers, peasants, marginalized and minority communities, people of Karnali region and economically disadvantaged people,

Page 27, Part 4 Directive Principles, Policies and Responsibilities of the State, 51. State policies: The State shall pursue the following policies:

...

(j) Policies regarding social justice and inclusion:

...(2) Making women self reliant who are vulnerable, victims of conflict, excluded by family and the society, by making necessary arrangements of rehabilitation, protection and empowerment for them.

Page 27, Part 4 Directive Principles, Policies and Responsibilities of the State, 51. State policies: The State shall pursue the following policies:

...

(j) Policies regarding social justice and inclusion:

...(9) Making special arrangements for minority communities to exercise their social and cultural rights by maintaining their identity

...(10) Making special arrangements for the Madhesi community to have equal distribution of benefits of economic, social and cultural opportunities, and also for the protection, progress, empowerment and development of the very poor and backward classes within the Madhesi community.

Page 27, PART 4 Directive Principles, Policies and Responsibilities of the State, 51. State policies, Policies regarding social justice and inclusion:(1)

...(12) Giving priority to the very poor within all communities, regions, and gender, while providing social security and social justice

Other

No specific mention.

Rights institutions

NHRI

Rights institutions→NHRI→New or fundamentally revised NHRI

Page 47, Part 8, Federal Parliament, 101. Impeachment:

...(8) There shall be no obstruction in taking action as per the law against a person who is discharged of duty after the approval of impeachment motion as per this article if such a person is found to have committed crime whether such person was President or vice President, chief justice or supreme court judges, members of judicial council or chiefs or members of constitutional bodies.

Page 54, Part 10 Federal Financial Procedure, 118. Expenditure chargeable on the Federal Consolidated Fund:

The expenditures related to the following matters shall be charged on the consolidated fund and the approval of the Federal Parliament shall not be necessary for such expenses:

...(d) amount required as remuneration and benefits payable to the Heads and office-bearers of Constitutional bodies,

...(f) the administrative expenses of the office of the President and the Vice- President, Supreme Court, Judicial Council and constitutional bodies and office of the Provincial Head,

Page 103, Part 22 Auditor General, 241. Functions, duties and powers of the Auditor

General: (1) The accounts of the Office of the President and Vice-President, Supreme Court, the Federal Parliament, Provincial Assemblies, Provincial Governments, Constitutional bodies or their offices, courts, the Office of the Attorney General and the Nepal Army, Nepal Police and Armed Police as well as of all other government offices and courts shall be audited by the Auditor General in the manner determined by law, with due consideration given to the regularity, economy, efficiency, effectiveness and the propriety thereof.

Page 110, Part 25 National Human Rights Commission, 248. National Human Rights Commission: (1) There shall be a National Human Rights Commission in Nepal consisting of the following Chairperson and four other members:

Page 110, Part 25 National Human Rights Commission, 248. National Human Rights Commission: (2) The President shall, on the recommendation of the Constitutional Council, appoint the Chairperson and the Members of the National Human Rights Commission.

Page 110, Part 25 National Human Rights Commission, 248. National Human Rights Commission: (3) The term of office of the Chairperson and Members of the National Human Rights Commission shall be six years from the date of appointment.

Page 110, Part 25 National Human Rights Commission, 248. National Human Rights Commission: (4) The Chairperson and members appointed pursuant to clause (2) shall not be eligible for reappointment.

Provided that nothing in this Clause shall be deemed to be a bar to the appointment of a member of the Commission as chairperson thereof, and when a member is so appointed as the Chairperson, her/his term of office shall be computed so as to include her/his tenure as member as well.

Page 110, Part 25 National Human Rights Commission, 248. National Human Rights Commission: (5) Notwithstanding anything contained in Clause (3), the office of the

Chairperson or the Members of the National Human Rights Commission shall be deemed vacant in the following circumstances:

(a) if she/he submits a written resignation to the President,

(b) if a resolution of impeachment is passed against her/him as per Article 101

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 9, Part 3 Fundamental Rights and Duties, 16. Right to live with dignity: ...(2) No law shall be made for capital punishment.

[Summary: Page 9, Part 3 Fundamental Rights and Duties, 17. Right to Freedom; Page 11, Part 3 Fundamental Rights and Duties, 19. Right to communication; Both articles contain the following similar caveat:

Provided that nothing shall be deemed to prevent the making of laws to impose reasonable restriction on any act which may undermine the nationality, sovereignty, and indivisibility of Nepal, or the good relations between federal units, or jeopardizes the harmonious relations subsisting among different caste groups and tribes, or communities, or an act of treason, or defamation of social dignity of individuals through the publication and dissemination of false material, or contempt of court, or material that incites criminal offence, or an act that is contrary to decent public behavior and morality, or disrespects labor, or incites untouchability or gender discriminations.]

Page 13, Part 3 Fundamental Rights and Duties, 24. Right against untouchability and discrimination: (5) All forms of untouchability or discrimination contrary to this provision shall be punishable by law as a serious social crime, and the victim of such an act shall have the right to compensation as provided for by law.

Page 14, Part 3 Fundamental Rights and Duties, 26. Right to religious freedom: (3) While exercising the right as provided for by this Article, no person shall act or make others act in a manner which is contrary to public health, decency and morality, or behave or act or make others act to disturb public law and order situation, or convert a person of one religion to another religion, or disturb the religion of other people. Such an act shall be punishable by law.

Page 14, Part 3 Fundamental Rights and Duties, 29. Right against exploitation:...(3) No person shall be subjected to human trafficking or bonded labor, and such an act shall be punishable by law.

(4) No person shall be subjected to forced labor.

Provided that nothing in this clause shall prevent the enactment of a law requiring citizens to be engaged in compulsory service for public purposes.

(5) Any act contrary to clause (3) and (4) shall be punishable by law and the victim of such an act shall have the right to compensation from the perpetrator.

Page 47, Part 8, Federal Parliament, 101. Impeachment:

...(8) There shall be no obstruction in taking action as per the law against a person who is discharged of duty after the approval of impeachment motion as per this article if such a person is found to have committed crime whether such person was President or vice President, chief justice or supreme court judges, members of judicial council or chiefs or members of constitutional bodies.

Page 47, Part 8, Federal Parliament, 103. Privileges: (1) Subject to the provisions of this Constitution there shall be full freedom of speech in both Houses of Parliament and no member shall be arrested, detained or prosecuted in any court for anything said or any vote cast in the House.

...(6) No member of Parliament shall be arrested between the date of issuance of the summons for a session and the date on which that session closes:

Provided that nothing in this clause shall be deemed to prevent the arrest under any law of any member on a criminal charge. If any member is so arrested, the official making such arrest shall forthwith inform the person chairing the concerned House.

...(8) If a person is in contempt of either House of Parliament, the Chairperson of the concerned House may, after a decision by the House to that effect, admonish, warn or

State of emergency provisions

Page 37, 85. Term of House of Representatives: (1) Except when dissolved earlier, the term of House of Representatives shall be five years.

(2) Notwithstanding anything in clause (1), provided that the situation when the order for the state of emergency is made and when such state of emergency exists, the term of House of Representatives may be extended, not exceeding one year in accordance with Federal law.

(3) The term extended under clause (2) shall, ipso facto, end within six months of the end of state of emergency.

Page 52, 123. Votes of credit: Notwithstanding anything contained elsewhere in this Part, if owing to a local or national emergency due to either natural causes, a threat of external aggression or internal disturbances or other reasons, and it is impractical or inexpedient in view of the security or interest of the State to specify the details required under Clause (1) of Article 119, the Finance Minister may present a Vote of Credit Bill before the House of Representatives giving only a description of the proposed expenditure.

[Page 54, 61, 94, 98, 101, 105, 107, 111, 114, 116, 118] Summary, the following is stated in regards to rulings by judicial figures, "this provision shall not apply in case of a declaration of a state of emergency due to severe economic breakdown."

Page 56, Part 10 Federal Financial Procedure, 123. Votes of credit: Notwithstanding anything else contained elsewhere in this Part, if owing to a local or national emergency due to either natural causes, a threat of external aggression or internal disturbances or other reasons, and it is impractical or expedient in view of the security or interest of the state to specify details required under Clause (1) of Article 119, the Finance Minister may present a Vote of Credit Bill before the House of Representatives giving only a description of the proposed expenditure.

Page 68, PART-13, Provincial Executive, 162. Provincial executive power: (1) The executive power of the Province shall, pursuant to this Constitution and laws, be vested in the Council of Ministers of the Province.

Provided that the executive power of the Province shall be exercised by the Provincial Head in case of absence of the Provincial Executive in a State of Emergency or enforcement of Federal rule.

Page 74, PART-14, Provincial Legislature, 177. Term of Provincial Assembly: (1) Unless dissolved earlier pursuant to this Constitution, the term of the Provincial Assembly shall be five years.

(2) Provided that the term of the Provincial Assembly may be extended by a maximum of one year as per the Provincial Act, in the event of the declaration of a State of Emergency.

(3) The term of Provincial Assembly extended according to clause (2) shall, ipso facto, come to an end after six months of the date of annulment of the declaration of the State of Emergency.

Page 86, Part 16 financial Procedures of the Province, 221. Votes of credit:

Notwithstanding anything else contained elsewhere in this Part, if owing to a provincial emergency due to either natural causes, a threat of external aggression or internal disturbances or other reasons, and it is impractical or expedient in view of the security or interest of the province to specify details required under Clause (1) of Article 1207, the Finance Minister may present a Vote of Credit Bill before the Provincial Assembly giving only a description of the proposed expenditure.

[Summary] Page 102, Part 22 Auditor General, Page 105, Part 23 Public Service Commission; Page 111, Page 25 National Human Rights commission, pp. 118-122, Part 27 Other Commissions; All section listed include a provision specifying that remuneration

Judiciary and courts

[Summary: pp. 57-68, Part 11, Judiciary: This section outlines the judicial structure of Nepal. Issues covered include the court structure (supreme court - including a constitutional bench, high court district court); appointment, conditions of service, and responsibilities of Judges; court jurisdictions; and the establishment of a judicial council and a judicial service commission. For specific provisions not coded here see constitution reform/making, public administration and criminal justice.]

Page 17, Part 3 Fundamental Rights and Duties, 39. Right of children: (8) Every child shall have the right to child friendly justice.

Page 28, Part 4 Directive Principles, Policies and Responsibilities of the State, 51. State policies: The State shall pursue the following policies:

...(k) Policies regarding justice and punishment:

(1) Making judicial administration swift, competent, easily available, economical, impartial, effective and accountable to people.

...(3) Adopting effective methods in controlling corruption and irregularities in all sectors, including politics, judicial sector, administration and the social sector.

Page 29, Part 4 Directive Principles, Policies and Responsibilities of the State, 55.

Questions not to be raised in court: No question shall be raised in any court as to whether any of the provisions contained in this Part is implemented or not.

Page 39, Part 7, Federal Executive, 82. The working procedure of the government of

Nepal: (1) The division of works and work performance of the government of Nepal shall be in accordance with the regulations passed by the Government of Nepal.

(2) No question shall be raised in any court as to whether or not the regulations under clause (1) were abided by.

Page 42, Part 8, Federal Parliament, 90. Decision as to Disqualification of Members: If a

question arises as to whether a Member of Parliament is disqualified or has ceased to possess any of the qualifications set forth in Article 91 the final decision shall be made by the Constitutional bench of the Supreme Court.

[Summary: Page 46, Part 8, Federal Parliament, 101. Impeachment: This article outlines the criteria and procedure for the impeachment of the Chief Justice or any other Judge of Supreme Court, member of Judicial Council and Head or official of Constitutional Bodies by the House of Representatives.]

Page 47, Part 8, Federal Parliament, 103. Privileges:

...(2) Subject to the provisions of this Constitution, each- House of Parliament shall have full power to regulate its internal business, and it shall be, the exclusive right of the House concerned to decide whether or not any proceeding of the House is regular. No question shall be raised in any court in this behalf.

...(5) No proceedings shall be initiated in any court against any person for publication of any document, report, vote or proceeding which is made under authority given by a House of Parliament.

Page 48, Part 8, Federal Parliament, 105. Restriction on discussion: No discussion shall be held in either House of Federal Parliament on a matter which is under consideration in any court of Nepal, and about anything done by a Judge in course of performance of his duties.

Provided that nothing in this Article shall be deemed to bar the expression of opinion about the conduct of a Judge during deliberations on a motion of impeachment.

Page 54, Part 10 Federal Financial Procedure, 118. Expenditure chargeable on the Federal

Prisons and detention

No specific mention.

Traditional Laws

Page 16, Part 3 Fundamental Rights and Duties, 38. Right of women: (3) There shall not be any physical, mental, sexual or psychological or any other kind of violence against women, or any kind of oppression based on religious, social and cultural tradition, and other practices. Such an act shall be punishable by law and the victim shall have the right to be compensation as provided for in law.

Page 20, Part 4 Directive Principles, Policies and Responsibilities of the State, 50. Directive Principles: (2) It shall be the socio-cultural objective of the State to build a civilized and egalitarian society by ending all forms of discrimination, oppression and injustice based on religion, culture, cultural practices, customs, traditional practices, or on any other grounds; develop socio-cultural values based on national pride, democracy, people orientation, dignity of labor, entrepreneurship, discipline, dignity and tolerance, by respecting cultural diversity and maintaining communal harmony, solidarity and amity.

Page 22, Part 4 Directive Principles, Policies and Responsibilities of the State, 51. State policies: The State shall pursue the following policies:

...

(c) Policies regarding social and cultural transformation:

...(5) Put an end to all forms of discrimination, and injustice in the name of religion, culture, tradition, practices and rites.

Socio-economic reconstruction

Development or socio-economic reconstruction

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

Page 4, Preamble:...NOW THEREFORE, in order to fulfill the aspirations for perpetual peace, good governance, development and prosperity through the medium of federal democratic republican system of governance, hereby promulgate this Constitution through the Constituent Assembly.

Page 15, Part 3 Fundamental Rights and Duties, 30. Right regarding clean environment: (3) Provided that this Article shall not be deemed to obstruct the making of required legal provisions to strike a balance between environment and development for the use of national development works.

Page 17, Part 3 Fundamental Rights and Duties, 39. Right of children: (2) Every child shall have the right to education, health care nurturing, appropriate upbringing, sports, recreation and overall personality development from family and the State.

Page 20, Part 4 Directive Principles, Policies and Responsibilities of the State, 50. Directive Principles: (3) It shall be the economic objective of the State to make the national economy self-reliant, independent, and developing it towards socialism oriented economy with equitable distribution of resources and means, by ending all forms of economic exploitation and inequality, with maximum utilization of available resources and means through the participation of cooperatives, and public and private sector for sustainable development, and to build an exploitation-free society by fair distribution of the achievements made so far.

Page 21, Part 4 Directive Principles, Policies and Responsibilities of the State, 51. State policies: The State shall pursue the following policies:

(a) Policies regarding national unity and national security:
...(4) Guaranteeing an all-round human security system.

Page 21, Part 4 Directive Principles, Policies and Responsibilities of the State, 51. State policies: The State shall pursue the following policies:

(b) Policies regarding political and governance system:
(1) Guaranteeing people's welfare and all-round-progress through economic, social and cultural transformation, while defending and strengthening political achievements and their development.

Page 22, Part 4 Directive Principles, Policies and Responsibilities of the State, 51. State policies: The State shall pursue the following policies:

...
(c) Policies regarding social and cultural transformation:
...(3) Community development by promoting local participation through the promotion and mobilization of creativity of local communities in social, cultural and charitable works.

Page 22, Part 4 Directive Principles, Policies and Responsibilities of the State, 51. State policies: The State shall pursue the following policies:

...
(d) Policies regarding finance, industry and commerce:
...(5) Fair distribution of the fruits of development and available means and resources.
...(12) Utilizing the knowledge, skill, technology and capital of the non- resident Nepalese for national development.

(13) Providing mobility to economic development by establishing coordination among provinces and between province and federation regarding industrial corridors, special economic zones, national projects and foreign investment projects

National economic plan No specific mention.

Natural resources Page 24, Part 4 Directive Principles, Policies and Responsibilities of the State, 51. State policies: The State shall pursue the following policies:

...

(g) Policy regarding the conservation, management and use of natural resources:

(1) The State shall pursue a policy of conserving the natural resources available in the country by imbibing the norms of inter-generation judicious use of it and for the national interest. It shall also be about its sustainable use in an environmental friendly way. The policy shall ensure the fair distribution of the benefits generated by it by giving local people the priority and preferential rights.

Page 31, Part 5 Restructuring of the State and the distribution of State power, 59. Use of fiscal power:

...(4) The federation, province and the local level entity shall have to make arrangements for equitable distribution of the benefits from the development of natural resources. A certain portion of such benefit, royalty, services or objects, shall have to be distributed in areas affected by projects and to the local communities as provided for by law.

(5) When the federal, provincial and local level entity utilize natural resources, they shall have to give priority to local communities to make certain percentage of investment if they wish to do that in view of the nature and percentage in the investment.

Page 32, Part 5 Restructuring of the State and the distribution of State power, 60.

Distribution of sources of revenue:

...(3) The amount of the fiscal transfer, the province and the local level entities are to receive shall be as recommended by the National Natural Resources and Fiscal Commission.

Page 114, Part 26 National Natural Resources and Fiscal Commission, 250. National Natural Resources and Fiscal Commission: (1) There shall be a National Natural Resources and Fiscal Commission in Nepal consisting of a Chairperson and members not exceeding five in number.

Page 114, Part 26 National Natural Resources and Fiscal Commission, 250. National Natural Resources and Fiscal Commission:(2) The President shall, on the recommendation of the Constitutional Council, appoint Chairperson and members of the National Natural Resources and Fiscal Commission.

Page 114, Part 26 National Natural Resources and Fiscal Commission, 250. National Natural Resources and Fiscal Commission:(3) The tenure of office of the Chairperson and members of the National Natural Resources and Fiscal Commission shall be for six years from the date of appointment.

Page 114, Part 26 National Natural Resources and Fiscal Commission, 250. National Natural Resources and Fiscal Commission:(4) Notwithstanding anything contained in Clause (3), the office of the Chairperson and members of the National Natural Resources and Fiscal Commission shall be deemed vacant in the following circumstances:

- (a) If a written resignation is tendered to the President,
- (b) If he/she attains the age of 65 years;
- (c) If an impeachment motion against him/her is passed as per Article 101,
- (d) If she/he is removed by the President on the recommendation of Constitutional Council for being unable to discharge the duties of her/his office due to physical or mental illness.
- (e) If he/she dies.

International funds Page 22, Part 4 Directive Principles, Policies and Responsibilities of the State, 51. State policies: The State shall pursue the following policies:

...

(d) Policies regarding finance, industry and commerce:

...(11) Foreign aid shall be based on national needs and priority, and it shall be made transparent. The amount received as foreign aid shall be included in the national budget.

Page 31, Part 5 Restructuring of the State and the distribution of State power, 59. Use of fiscal power:

...(6) The government of Nepal shall have the right to seek foreign aid and loan. The economic stability of the country as a whole shall have to be maintained in doing so.

Page 156, Schedule 5 (related to article 57(1) and 109) List of Federal Powers/Jurisdiction:

...3. Central planning, central bank, financial policy, currency and banking, monetary policy, foreign grants, aids and loan.

Page 158, Schedule 6 (related with article 57 (2), 162 (4), 197, 231 (3), 232 (7), 274 (4) and 296 (4)), List of Provincial Powers/Jurisdiction:

...2. Banks and operation of financial institutions according to the policy of Nepal Rastra Bank, cooperatives, and foreign grants and aids with consent from the center

Business

Page 9, Part 3 Fundamental Rights and Duties, 17. Right to Freedom: (2) Every citizen shall have the following freedoms:

...(f) freedom to engage in any occupation or be engaged in employment, establish and operate industry, trade and business in any part of Nepal.

...Provided that,

...(6) Nothing in section (f) shall be deemed to prevent the making of an Act to impose reasonable restrictions on any act which may undermine the good relations between federal units, or restricting an act which may have negative impact on public health, decent behavior and morality, or the particular industries, trade, business or services which only the state may engage in, or setting conditions or eligibility to engage in industries, trade, business, livelihoods or occupation.

Page 10, Part 3 Fundamental Rights and Duties, 18. Right to equality: (4) There shall not be any gender discriminations regarding remuneration for the same work and social security.

Page 17, Part 3 Fundamental Rights and Duties, 39. Right of children: (4) No child shall be employed in factories, mines, or in any other hazardous works.

Page 17, Part 3 Fundamental Rights and Duties, 40. Right of Dalits: (4) Dalit community shall have the right to use, preserve and develop their traditional occupation, knowledge, skill and technology. The State shall give priority to modern profession of Dalits in relation to their traditional occupation, by providing them with necessary skill and resources.

Page 20, Part 4 Directive Principles, Policies and Responsibilities of the State, 50.

Directive Principles: (3) It shall be the economic objective of the State to make the national economy self-reliant, independent, and developing it towards socialism oriented economy with equitable distribution of resources and means, by ending all forms of economic exploitation and inequality, with maximum utilization of available resources and means through the participation of cooperatives, and public and private sector for sustainable development, and to build an exploitation-free society by fair distribution of the achievements made so far.

Page 22, Part 4 Directive Principles, Policies and Responsibilities of the State, 51. State policies: The State shall pursue the following policies:

...

(d) Policies regarding finance, industry and commerce:

(1) Diversifying and expanding markets Strengthening national economy through the participation and free development of public sector, cooperative sector and private sector.

(2) Achieving economic prosperity with the maximum utilization of available resources and means by stressing on the roles of private sector in the economy;

(3) Promoting cooperatives with its maximum utilization for national development.

(4) Providing for regulation to maintain fairness, accountability and competitive atmosphere in all activities of economic sector to promote and mobilize them for the overall national development;

...(6) for productions and services through the development and expansion of industries and promotion of exports by identifying the areas of comparative advantages.

(7) Protecting consumer rights by maintaining discipline and business fairness by controlling anomalies and malpractices such as black-marketing, monopoly, artificial scarcity and unhealthy competition and making national economy competitive.

(8) Prioritizing domestic investment based on Nepali labor, skill and raw material for the development of the economy of the country through the protection and promotion of national industries and resources and means

Taxation

Socio-economic reconstruction→Taxation→Power to tax

Page 31, Part 5 Restructuring of the State and the distribution of State power, 60.

Distribution of sources of revenue: (1) The federation, province and the local level entity shall impose tax on subjects within their fiscal jurisdiction and collect revenue from such sources. Provided that with regard to the source that are not included in the concurrent/shared list or in any list at any level, it shall be as determined by the Government of Nepal.

Page 95, Part 19 Local Financial Procedure, 228. No tax to be levied or loan to be raised:

(1) No tax shall be levied and collected except in accordance with law.

(2) The local level shall impose tax in areas within its jurisdiction, without causing any adverse impact on the national economic policy, transportation of goods, services, capital and labor, and on neighboring Province or local levels.

Page 97, Part 20 Interrelationship between the federation, Provinces and Local Levels,

236. Interprovincial Trade: No obstruction of any kind or levying of taxes or discrimination shall be made in the export and import of goods or services from one Province or local level to another Province or local level and in the transportation of any goods or services through the territory of any province or local level to another province or local level of Nepal.

Page 156, Schedule 5 (related to article 57(1) and 109) List of Federal Powers/Jurisdiction:

...5. Customs, excise-duty, value added tax (VAT), corporate income tax, individual income tax, tax on remuneration, passport fee, visa fee, tourism fee, service charge, penalties and fines

Page 158, Schedule 6 (related with article 57 (2), 162 (4), 197, 231 (3), 232 (7), 274 (4) and 296 (4)), List of Provincial Powers/Jurisdiction:

...4. Land and house registration fee, vehicle tax, entertainment tax, advertisement tax, tax on tourism and agricultural income, service charge and penalties and fines

Page 160, Schedule 8 (related to 57 (4), 214 (2), 221 (2), and 226 (1)), List of powers/jurisdiction for local level:

...4. Local tax (property tax, house rent tax, fee on registration of houses and land, vehicle tax), service fee, tourism fee, advertisement tax, business tax, land tax (land revenue), fines, entertainment tax

Page 161, Schedule 9 (related to 57 (5), 162 (4), 197, 214 (2), 221 (2) and 226 (1)), List of concurrent powers/jurisdiction for federation, province and local level:

...6. Service fee, registration fee, fine, tourism fee and royalty received from natural resources

Socio-economic reconstruction→Taxation→Reform of taxation

Page 13, Part 3 Fundamental Rights and Duties, 25. Right to property: (1) Every citizen shall, subject to laws, have the right to acquire, enjoy own, sell, have professional gains, and otherwise utilize, or dispose of property.

Explanation: For the purpose of this Article, “property” means all type of movable and immovable property and the word also includes intellectual property.

Provided that the state may impose tax on property and income of a person according to the norms of progressive tax.

Page 50, Part 9 Federal Legislative Procedure, 110. The procedure of introducing a Bill:

...(3) “Finance Bill” means a Bill concerning all or any of the following subjects:

(a) the imposition, collection, abolition, remission, alteration of taxes or regulation of tax system

Banks

Socio-economic reconstruction→Banks→Central bank

Page 105, Part 23 Public Service Commission, 243. Functions, duties and powers of the Public Service Commission: (2) In addition to the Civil Service, provisions shall be made in the law for the Public Service Commission to conduct the written examinations for the recruitment in the Nepalese Army, Nepal Police or Armed Police Force, or federal government services or corporate bodies.

Explanation: For the purpose of this Article, the words "corporate bodies" shall mean any corporate body including corporation, company, bank, committee, commissions to be formed under a Federal law, authority, academy, board, center, council and similar institution in which the Government of Nepal owns and controls more than fifty percent of the shares or assets, other than a University and Teachers Service Commission.

Page 156, Schedule 5 (related to article 57(1) and 109) List of Federal Powers/
Jurisdiction:

...3. Central planning, central bank, financial policy, currency and banking, monetary policy, foreign grants, aids and loan.

...31. Security press

Page 158, Schedule 6 (related with article 57 (2), 162 (4), 197, 231 (3), 232 (7), 274 (4) and 296 (4)), List of Provincial Powers/Jurisdiction:

...2. Banks and operation of financial institutions according to the policy of Nepal Rastra Bank, cooperatives, and foreign grants and aids with consent from the center

Socio-economic reconstruction→Banks→Personal or commercial banking

Page 158, Schedule 6 (related with article 57 (2), 162 (4), 197, 231 (3), 232 (7), 274 (4) and 296 (4)), List of Provincial Powers/Jurisdiction:

...2. Banks and operation of financial institutions according to the policy of Nepal Rastra Bank, cooperatives, and foreign grants and aids with consent from the center

...21. Guthi (community trust/endowment) management

Socio-economic reconstruction→Banks→International finance

Page 31, Part 5 Restructuring of the State and the distribution of State power, 59. Use of fiscal power:

...(6) The government of Nepal shall have the right to seek foreign aid and loan. The economic stability of the country as a whole shall have to be maintained in doing so.

Page 156, Schedule 5 (related to article 57(1) and 109) List of Federal Powers/
Jurisdiction:

...3. Central planning, central bank, financial policy, currency and banking, monetary policy, foreign grants, aids and loan.

Land, property and environment

Land reform/rights Land, property and environment→Land reform/rights→Land reform and management
Page 14, Part 3 Fundamental Rights and Duties, 26. Right to religious freedom: (2) Every religious denomination shall, maintaining its independent existence, have the right to manage and protect its religious places and religious trusts in accordance with law. Provided that it shall not be deemed to have hindered to make law to operate and protect a religious place or religious trust and to manage trust property and regulate land management.

Page 14, Part 3 Fundamental Rights and Duties, 25. Right to property: (4) The provisions of clauses (2) and (3) shall not obstruct the state in carrying out land reforms, management and regulation by law in order to increase the production and productivity of land, modernize the agriculture and make it professional, environment protection and managed housing and urban development.

Page 23, Part 4 Directive Principles, Policies and Responsibilities of the State, 51. State policies: The State shall pursue the following policies:
... (e) Policies regarding agriculture and land reform:
(1) Introducing scientific land reform by ending dual ownership of land for the benefit of farmers.
(2) Increasing produce and productivity through land plotting and by discouraging absentee land ownership.

Page 23, Part 4 Directive Principles, Policies and Responsibilities of the State, 51. State policies: The State shall pursue the following policies:
... (e) Policies regarding agriculture and land reform:
... (3) Protecting and promoting rights and interests of peasants and utilizing the land use policy for increasing production and productivity of agriculture and for commercialization, industrialization, diversification and modernization of agriculture;
(4) Making proper utilization of land through proper regulation and management on the basis of productivity of land, its nature, and also by maintaining environmental balance.

Page 26, Part 4 Directive Principles, Policies and Responsibilities of the State, 51. State policies: The State shall pursue the following policies:
... (h) Policies regarding the basic needs of citizens:
...(11) Developing well-planned and organized settlement areas by managing the unplanned settlements.

Page 27, Part 4 Directive Principles, Policies and Responsibilities of the State, 51. State policies: The State shall pursue the following policies:
... (j) Policies regarding social justice and inclusion:
...(6) Rehabilitation of kamaiya (bonded laborers), kamlari, haruwa, charuwa, haliya, the landless and the squatters by identifying them, and making arrangements of housing, or providing small plot of land or house, employment, or arable land for their livelihoods.

Page 157, Schedule 5 (related to article 57(1) and 109) List of Federal Powers/
Jurisdiction:
...29. Land use policy, housing development policy, tourism policy, environment adaptation

Page 158, Schedule 6 (related with article 57 (2), 162 (4), 197, 231 (3), 232 (7), 274 (4) and 296 (4)), List of Provincial Powers/Jurisdiction:
...4. Land and house registration fee, vehicle tax, entertainment tax, advertisement tax, tax on tourism and agricultural income, service charge and penalties and fines
...16. Land management, record-keeping of the land

**Pastoralist/
nomadism rights**

No specific mention.

Cultural heritage

Land, property and environment→Cultural heritage→Tangible

Page 14, Part 3 Fundamental Rights and Duties,

26. Right to religious freedom: (2) Every religious denomination shall, maintaining its independent existence, have the right to manage and protect its religious places and religious trusts in accordance with law.

Provided that it shall not be deemed to have hindered to make law to operate and protect a religious place or religious trust and to manage trust property and regulate land management.

Page 18, Part 3 Fundamental Rights and Duties,

42. Right to social justice:

... (4) Each peasant shall have the right to access to land as provided for in law for agricultural purposes, along with the right to choose and preserve traditionally adopted and used endemic seeds and agricultural species.

Page 22, Part 4 Directive Principles, Policies and Responsibilities of the State, 51. State policies: The State shall pursue the following policies:

...(2) Conducting studies, research and archaeological excavations and dissemination of information about them for the protection, maintenance and development of historical, archaeological and cultural heritage.

...(4) Stressing on the development of art, literature and music that are in the form of national heritage

...(6) To preserve and develop the language, texts, culture, literature, arts motion pictures and property of different castes and communities, on the basis of equity, while also maintaining the country's cultural diversity.

Page 25, Part 4 Directive Principles, Policies and Responsibilities of the State, 51. State policies: The State shall pursue the following policies:

...(7) Protecting and promoting Nepal's traditional medicinal system such as the Ayurveda, natural medicines and homeopathy;

Page 28, Part 4 Directive Principles, Policies and Responsibilities of the State, 51. State policies: The State shall pursue the following policies:

... (l) Policies regarding tourism: Developing environment friendly tourism industry as an important basis of national economy by identifying, protecting, promoting and publicizing the historical, cultural, religious, archaeological and natural heritage sites of the country, and prioritizing local people in the distribution of benefits of the tourism industry.

Page 157, Schedule 5 (related to article 57(1) and 109) List of Federal Powers/ Jurisdiction:

...27. National and international ecology management, national parks, wildlife reserves and wetlands, national forest policy, carbon services

...34. Ancient monuments and places of archaeological importance

Page 159, Schedule 7 (related to article 57 (3), 109, 162 (4) and 197) List of Concurrent (federal and provincial) powers/jurisdiction:

...23. Inter-provincial forest, wildlife, birds, mountains, national parks and water uses

Page 160, Schedule 8 (related to 57 (4), 214 (2), 221 (2), and 226 (1)), List of powers/ jurisdiction for local level:

...22. Preservation and development of language, culture and fine arts

Environment

Page 14, Part 3 Fundamental Rights and Duties, 25. Right to property: (4) The provisions of clauses (2) and (3) shall not obstruct the state in carrying out land reforms, management and regulation by law in order to increase the production and productivity of land, modernize the agriculture and make it professional, environment protection and managed housing and urban development.

Page 15, Part 3 Fundamental Rights and Duties, 30. Right regarding clean environment:
(1) Each person shall have the right to live in a healthy and clean environment.
(2) The victim of environmental pollution and degradation shall have the right to be compensated by the pollutant as provided for by law.
(3) Provided that this Article shall not be deemed to obstruct the making of required legal provisions to strike a balance between environment and development for the use of national development works.

Page 18, Part 3 Fundamental Rights and Duties, 42. Right to social justice: (4) Each peasant shall have the right to access to land as provided for in law for agricultural purposes, along with the right to choose and preserve traditionally adopted and used endemic seeds and agricultural species.

Page 23, Part 4 Directive Principles, Policies and Responsibilities of the State, 51. State policies: The State shall pursue the following policies:
... (e) Policies regarding agriculture and land reform:
...(3) Protecting and promoting rights and interests of peasants and utilizing the land use policy for increasing production and productivity of agriculture and for commercialization, industrialization, diversification and modernization of agriculture;
(4) Making proper utilization of land through proper regulation and management on the basis of productivity of land, its nature, and also by maintaining environmental balance.

Page 24, Part 4 Directive Principles, Policies and Responsibilities of the State, 51. State policies: The State shall pursue the following policies:
...(f) Development policy:
...(2) Prioritizing under-developed regions while going for balanced, environment-friendly, qualitative and sustainable physical infrastructure development.

Page 24, Part 4 Directive Principles, Policies and Responsibilities of the State, 51. State policies: The State shall pursue the following policies:
... (g) Policy regarding the conservation, management and use of natural resources:
(1) The State shall pursue a policy of conserving the natural resources available in the country by imbibing the norms of inter-generation judicious use of it and for the national interest. It shall also be about its sustainable use in an environmental friendly way. The policy shall ensure the fair distribution of the benefits generated by it by giving local people the priority and preferential rights.
...(5) The State shall pursue a policy of making a sustainable use of biodiversity through the conservation and management of forests, fauna and flora, and by minimizing the negative impacts of industrialization and physical development by promoting public awareness on environmental cleanliness and protection.
(6) The State shall pursue a policy of keeping necessary landmass as forest area in order to strike an environmental balance.
(7) The State shall pursue a policy of adopting appropriate ways of minimizing or stopping negative effects on environment if it is there, or if there is a possibility of such an impact on nature, environment, or biodiversity.
(8) The State shall formulate policies and enact laws on the basis of the principle of sustainable environment development based on pre-warning and pre-informed agreements regarding environmental protection.

Water or riparian rights or access

Page 16, Part 3 Fundamental Rights and Duties, 35. Right to health care: (4) Each citizen shall have the right to access to clean water and hygiene.

Page 24, Part 4 Directive Principles, Policies and Responsibilities of the State, 51. State policies: The State shall pursue the following policies:

...

(g) Policy regarding the conservation, management and use of natural resources:

...(2) The State shall pursue a policy of prioritizing national investment in water resources based on people's participation and making a multi- utility development of water resources.

...(4) Developing a sustainable and dependable irrigation system by controlling water-related natural disasters with the management of the river systems.

Page 156, Schedule 5 (related to article 57(1) and 109) List of Federal Powers/ Jurisdiction:

...7. Policies and criteria related protection and multi-dimensional use of water resources

...14. International trades, exchange, ports and quarantines

...17. International treaties and agreements, extradition, mutual legal assistance and international border, international border river

Page 158, Schedule 6 (related with article 57 (2), 162 (4), 197, 231 (3), 232 (7), 274 (4) and 296 (4)), List of Provincial Powers/Jurisdiction:

...19. Management of national forest, water resources and ecology within the province

Page 159, Schedule 7 (related to article 57 (3), 109, 162 (4) and 197) List of Concurrent (federal and provincial) powers/jurisdiction:

...13. Province border rivers, waterways, environment protection, biodiversity

...18. Tourism, drinking water and sanitation

...23. Inter-provincial forest, wildlife, birds, mountains, national parks and water uses

Page 160, Schedule 8 (related to 57 (4), 214 (2), 221 (2), and 226 (1)), List of powers/ jurisdiction for local level:

...19. Drinking water, small electricity projects, alternative energy

...21. Conservation of Watershed, wetland, wildlife, mines and minerals

Page 161, Schedule 9 (related to 57 (5), 162 (4), 197, 214 (2), 221 (2) and 226 (1)), List of concurrent powers/jurisdiction for federation, province and local level:

...5. Services like electricity, drinking water, irrigation

Security sector

**Security
Guarantees**

Page 9, Part 3 Fundamental Rights and Duties, 17. Right to Freedom: (2) Every citizen shall have the following freedoms:

...Provided that,

...(3) Nothing in section (c) shall be deemed to prevent the making of an Act to impose reasonable restrictions on any act which may undermine the nationality, sovereignty, indivisibility or Nepal, or an act of espionage against the nation, or disclosing national secrets, or helping foreign state or organization that may jeopardize Nepal' security, or an act of treason, or an act that undermines the harmonious relations subsisting between federal units, or instigates communal animosity, or jeopardizes the harmonious relations subsisting among different caste, ethnicity, religious groups and communities, or an act of acquiring or depriving the membership of a political party only on the grounds of caste, language, religion, community or gender, or the formation of a political party that creates discrimination against citizens, or an act that incites violence, or is contrary to decent public behavior.

(4) Nothing in section (d) shall be deemed to prevent the making of an Act to impose reasonable restrictions on any act which may undermine the nationality, sovereignty, indivisibility or Nepal, or an act of espionage against the nation, or disclosing national secrets, or helping foreign state or organization that may jeopardize Nepal' security, or an act of treason, or an act that undermines the harmonious relations subsisting between federal units, or instigates communal animosity, or jeopardizes the harmonious relations subsisting among different caste groups, ethnicity, religious groups and communities, or an incitement of violence, or an act which is contrary to public morality.

Page 21, Part 4 Directive Principles, Policies and Responsibilities of the State, 51. State policies: The State shall pursue the following policies:

(a) Policies regarding national unity and national security:

...(3) Management of law and order situation by developing a national security system.

Page 133, Part 32 Miscellaneous, 279. Ratification of, accession to, acceptance of or approval of treaties or agreement:

...(2) The laws to be made pursuant to clause (1) shall, inter alia, require that the ratification of, accession to, acceptance or approval of treaty or agreement on the following subjects be done by two thirds majority of the total members in both houses of federal legislature:-

...(b) security and strategic alliance,

Page 156, Schedule 5 (related to article 57(1) and 109) List of Federal Powers/ Jurisdiction:

1. Related to defense and army

...b) Related to national security

2. Central police, armed police force, national intelligence and investigation, peace and security

...23. War and defense

24. Factory and production of arms and ammunitions

Page 159, Schedule 7 (related to article 57 (3), 109, 162 (4) and 197) List of Concurrent (federal and provincial) powers/jurisdiction:

...3. Preventive detention, jail and custody management on the matters of national security and management of law and orders

Ceasefire

No specific mention.

Police

Page 17, Part 3 Fundamental Rights and Duties, 39. Right of children: (6) No child shall be subjected to recruitment or any kind of use in the army, police or armed groups, neglected, or used immorally, or abused physically, mentally, or sexually, or exploited through any other means, in the name of religious or cultural practices.

Page 21, Part 4 Directive Principles, Policies and Responsibilities of the State, 51. State policies: The State shall pursue the following policies:

(a) Policies regarding national unity and national security:

...(5) Making the army, police, armed police and other security organs strong, capable, professional, inclusive and accountable to people on the basis of national security system.

...(7) Utilizing the knowledge, skills and experience of the ex- bureaucrats, army men and policemen in an appropriate way.

Page 50, Part 9 Federal Legislative Procedure, 110. The procedure of introducing a Bill:

...(2) The finance Bill and Bills concerning the security agencies, including the Nepal Army, Nepal Police, Armed Police, shall be introduced only as a government Bill.

Page 103, Part 22 Auditor General, 241. Functions, duties and powers of the Auditor General: (1) The accounts of the Office of the President and Vice-President, Supreme Court, the Federal Parliament, Provincial Assemblies, Provincial Governments, Constitutional bodies or their offices, courts, the Office of the Attorney General and the Nepal Army, Nepal Police and Armed Police as well as of all other government offices and courts shall be audited by the Auditor General in the manner determined by law, with due consideration given to the regularity, economy, efficiency, effectiveness and the propriety thereof.

Page 105, Part 23 Public Service Commission, 243. Functions, duties and powers of the 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 Civil Service positions.

Explanation: For the purposes of this Article, "Civil Service positions" shall mean positions of all services of the Government of Nepal, except Army and Federal Police or Armed Police, and such other services and positions as are excluded from the Civil Service or positions by Act.

Page 105, Part 23 Public Service Commission, 243. Functions, duties and powers of the Public Service Commission: (2) In addition to the Civil Service, provisions shall be made in the law for the Public Service Commission to conduct the written examinations for the recruitment in the Nepalese Army, Nepal Police or Armed Police Force, or federal government services or corporate bodies.

Explanation: For the purpose of this Article, the words "corporate bodies" shall mean any corporate body including corporation, company, bank, committee, commissions to be formed under a Federal law, authority, academy, board, center, council and similar institution in which the Government of Nepal owns and controls more than fifty percent of the shares or assets, other than a University and Teachers Service Commission.

Page 105, Part 23 Public Service Commission, 243. Functions, duties and powers of the Public Service Commission: (3) Consultation with the Public Service Commission shall be made on matters concerning general principles to be followed while promoting a person holding a position of Nepal Army, Nepal police, Armed Police Force, Nepal and of other federal government services.

Page 126, Part 28 Provision regarding National Security, 268. Provision relating to Nepal Police, Armed Police Force, Nepal and National Investigation Organization: (1) There shall

Armed forces

Page 17, Part 3 Fundamental Rights and Duties, 39. Right of children: (6) No child shall be subjected to recruitment or any kind of use in the army, police or armed groups, neglected, or used immorally, or abused physically, mentally, or sexually, or exploited through any other means, in the name of religious or cultural practices.

Page 19, Part 3 Fundamental Rights and Duties, 48. Duties of citizens: Each person shall the following duties:

...(c) Compulsorily enlist when the state needs the service.

Page 21, Part 4 Directive Principles, Policies and Responsibilities of the State, 51. State policies: The State shall pursue the following policies:

(a) Policies regarding national unity and national security:

...(5) Making the army, police, armed police and other security organs strong, capable, professional, inclusive and accountable to people on the basis of national security system.

(6) Making citizens capable and ready for national service according to the need of the nation.

...(7) Utilizing the knowledge, skills and experience of the ex- bureaucrats, army men and policemen in an appropriate way.

Page 50, Part 9 Federal Legislative Procedure, 110. The procedure of introducing a Bill:

...(2) The finance Bill and Bills concerning the security agencies, including the Nepal Army, Nepal Police, Armed Police, shall be introduced only as a government Bill.

Page 103, Part 22 Auditor General, 241. Functions, duties and powers of the Auditor General: (1) The accounts of the Office of the President and Vice-President, Supreme Court, the Federal Parliament, Provincial Assemblies, Provincial Governments, Constitutional bodies or their offices, courts, the Office of the Attorney General and the Nepal Army, Nepal Police and Armed Police as well as of all other government offices and courts shall be audited by the Auditor General in the manner determined by law, with due consideration given to the regularity, economy, efficiency, effectiveness and the propriety thereof.

Page 105, Part 23 Public Service Commission, 243. Functions, duties and powers of the 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 Civil Service positions.

Explanation: For the purposes of this Article, "Civil Service positions" shall mean positions of all services of the Government of Nepal, except Army and Federal Police or Armed Police, and such other services and positions as are excluded from the Civil Service or positions by Act.

Page 105, Part 23 Public Service Commission, 243. Functions, duties and powers of the Public Service Commission: (2) In addition to the Civil Service, provisions shall be made in the law for the Public Service Commission to conduct the written examinations for the recruitment in the Nepalese Army, Nepal Police or Armed Police Force, or federal government services or corporate bodies.

Explanation: For the purpose of this Article, the words "corporate bodies" shall mean any corporate body including corporation, company, bank, committee, commissions to be formed under a Federal law, authority, academy, board, center, council and similar institution in which the Government of Nepal owns and controls more than fifty percent of the shares or assets, other than a University and Teachers Service Commission.

Page 105, Part 23 Public Service Commission, 243. Functions, duties and powers of the Public Service Commission: (3) Consultation with the Public Service Commission shall be

DDR

No specific mention.

Intelligence services

Page 9, Part 3 Fundamental Rights and Duties, 17. Right to Freedom: (2) Every citizen shall have the following freedoms:

...Provided that,

...(3) Nothing in section (c) shall be deemed to prevent the making of an Act to impose reasonable restrictions on any act which may undermine the nationality, sovereignty, indivisibility or Nepal, or an act of espionage against the nation, or disclosing national secrets, or helping foreign state or organization that may jeopardize Nepal' security, or an act of treason, or an act that undermines the harmonious relations subsisting between federal units, or instigates communal animosity, or jeopardizes the harmonious relations subsisting among different caste, ethnicity, religious groups and communities, or an act of acquiring or depriving the membership of a political party only on the grounds of caste, language, religion, community or gender, or the formation of a political party that creates discrimination against citizens, or an act that incites violence, or is contrary to decent public behavior.

(4) Nothing in section (d) shall be deemed to prevent the making of an Act to impose reasonable restrictions on any act which may undermine the nationality, sovereignty, indivisibility or Nepal, or an act of espionage against the nation, or disclosing national secrets, or helping foreign state or organization that may jeopardize Nepal' security, or an act of treason, or an act that undermines the harmonious relations subsisting between federal units, or instigates communal animosity, or jeopardizes the harmonious relations subsisting among different caste groups, ethnicity, religious groups and communities, or an incitement of violence, or an act which is contrary to public morality.

Page 156, Schedule 5 (related to article 57(1) and 109) List of Federal Powers/ Jurisdiction:

...2. Central police, armed police force, national intelligence and investigation, peace and security

Parastatal/rebel and opposition group forces

Page 17, Part 3 Fundamental Rights and Duties, 39. Right of children: (6) No child shall be subjected to recruitment or any kind of use in the army, police or armed groups, neglected, or used immorally, or abused physically, mentally, or sexually, or exploited through any other means, in the name of religious or cultural practices.

Withdrawal of foreign forces

No specific mention.

Corruption

Page 21, Part 4 Directive Principles, Policies and Responsibilities of the State, 51. State policies: The State shall pursue the following policies:

(b) Policies regarding political and governance system:

...(4) Guaranteeing good governance by ensuring equal and easy access of people to services provided by the State and making public administration clean, competent, impartial, transparent, accountable and participatory.

Page 22, Part 4 Directive Principles, Policies and Responsibilities of the State, 51. State policies: The State shall pursue the following policies:

...

(d) Policies regarding finance, industry and commerce:

...(4) Providing for regulation to maintain fairness, accountability and competitive atmosphere in all activities of economic sector to promote and mobilize them for the overall national development;

...(7) Protecting consumer rights by maintaining discipline and business fairness by controlling anomalies and malpractices such as black-marketing, monopoly, artificial scarcity and unhealthy competition and making national economy competitive.

...(11) Foreign aid shall be based on national needs and priority, and it shall be made transparent. The amount received as foreign aid shall be included in the national budget.

Page 28, Part 4 Directive Principles, Policies and Responsibilities of the State, 51. State policies: The State shall pursue the following policies:

...

(j) Policies regarding social justice and inclusion:

...(14) Involving NGOs and INGOs only in the areas of national needs and priority, by adopting a one-door policy for the establishment, endorsement, engagement, regulation and management of such organizations, and by making the investment and role of such organizations accountable and transparent.

Page 28, Part 4 Directive Principles, Policies and Responsibilities of the State, 51. State policies: The State shall pursue the following policies:

...

(k) Policies regarding justice and punishment:

...(3) Adopting effective methods in controlling corruption and irregularities in all sectors, including politics, judicial sector, administration and the social sector.

Page 32, Part 5 Restructuring of the State and the distribution of State power, 60.

Distribution of sources of revenue:

...(7) The distribution of revenue between the federal, provincial and the local level entity shall be transparent.

Page 41, Part 8, Federal Parliament, 87. Qualifications for Members: (1) Persons who meet the following requirement shall be considered eligible to be the member of Federal Parliament:-

...(e) not holding an office of profit.

Explanation: "Office of profit" in this section means any position, other than a political position which is to be filled by election or nomination, for which a remuneration or economic benefit is paid out of a government fund. (2) No person shall be a member of both Houses at the same time.

Page 99, Part 21 Commission for the Investigation of Abuse of Authority, 238.

Commission for the Investigation of Abuse of Authority: (1) There shall be a Commission for the Investigation of Abuse of Authority in Nepal, consisting of a Chief Commissioner and four other Commissioners. The Chief Commissioner shall act as the Chairperson of the Commission for the Investigation of Abuse of Authority.

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→Power to amnesty
Page 133, Part 32 Miscellaneous, 276. Pardon: The President may grant pardons to persons convicted, and suspend, commute, or reduce any sentence imposed by any court, judicial or quasi-judicial bodies or administrative officer or authority.

Courts No specific mention.

Mechanism No specific mention.

Prisoner release No specific mention.

Vetting No specific mention.

Victims

Page 12, Part 3 Fundamental Rights and Duties, 21. Right of victim of crime: (1) The victim of crime shall have the right to be informed about the investigation and proceedings of the case regarding his/her victimization.

(2) The victim of crime shall have the right to social rehabilitation and justice with compensation as provided for by law.

Page 12, Part 3 Fundamental Rights and Duties, 22. Right against torture: (2) Any such act pursuant to clause (1) shall be punishable by law and a victim of such an act shall have the right to compensation as provided for by law.

Page 13, Part 3 Fundamental Rights and Duties, 24. Right against untouchability and discrimination: (5) All forms of untouchability or discrimination contrary to this provision shall be punishable by law as a serious social crime, and the victim of such an act shall have the right to compensation as provided for by law.

Page 18, Part 3 Fundamental Rights and Duties, (5) The families of martyrs who sacrificed their lives in the people's movements, armed conflicts and revolutions for a democratic progressive change in Nepal, the families of those who were disappeared, persons who fought for democracy, victims of conflict and the displaced, persons who were physically maimed, the wounded and the victims, shall have the right with priority, as provided for by law, to education, health, employment, housing and social security, with justice and appropriate respect.

Page 27, Part 4 Directive Principles, Policies and Responsibilities of the State, 51. State policies: The State shall pursue the following policies:

...

(j) Policies regarding social justice and inclusion:

...(2) Making women self reliant who are vulnerable, victims of conflict, excluded by family and the society, by making necessary arrangements of rehabilitation, protection and empowerment for them.

Page 111, Part 25 National Human Rights Commission, 249. Functions, duties and powers of National Human Rights Commission:

...(2) In order to perform the duty pursuant to Clause (1), the National Human Rights Commission may carry out the following functions:-

(a) conduct inquiries into, and investigations of, and recommendation for action against the perpetrator of, instances of violation or abetment of violation the human rights of any person or a group of persons, upon a petition or complaint presented to the Commission by the victim herself/himself or any person on her/his behalf or upon information received from any sources, or on its own initiative,

Missing persons

Page 18, Part 3 Fundamental Rights and Duties, (5) The families of martyrs who sacrificed their lives in the people's movements, armed conflicts and revolutions for a democratic progressive change in Nepal, the families of those who were disappeared, persons who fought for democracy, victims of conflict and the displaced, persons who were physically maimed, the wounded and the victims, shall have the right with priority, as provided for by law, to education, health, employment, housing and social security, with justice and appropriate respect.

Reparations

Transitional justice→Reparations→Material reparations

Page 12, Part 3 Fundamental Rights and Duties, 21. Right of victim of crime: (2) The victim of crime shall have the right to social rehabilitation and justice with compensation as provided for by law.

Page 12, Part 3 Fundamental Rights and Duties, 22. Right against torture: (2) Any such act pursuant to clause (1) shall be punishable by law and a victim of such an act shall have the right to compensation as provided for by law.

Page 13, Part 3 Fundamental Rights and Duties, 23. Right against preventive detention: (3) If an official is found to have held any person under preventive detention against the law and with malicious intention, such person shall be entitled for compensation as per the law.

Page 13, Part 3 Fundamental Rights and Duties, 24. Right against untouchability and discrimination: (5) All forms of untouchability or discrimination contrary to this provision shall be punishable by law as a serious social crime, and the victim of such an act shall have the right to compensation as provided for by law.

Page 14, Part 3 Fundamental Rights and Duties, 25. Right to property: (3) In the case when the land of a person is acquisitioned by the State according to clause (2), the basis of compensation and the relevant procedure shall be as prescribed by Act.

Page 15, Part 3 Fundamental Rights and Duties, 29. Right against exploitation: (5) Any act contrary to clause (3) and (4) shall be punishable by law and the victim of such an act shall have the right to compensation from the perpetrator.

Page 15, Part 3 Fundamental Rights and Duties, 30. Right regarding clean environment: (2) The victim of environmental pollution and degradation shall have the right to be compensated by the pollutant as provided for by law.

Page 16, Part 3 Fundamental Rights and Duties, 38. Right of women: (3) There shall not be any physical, mental, sexual or psychological or any other kind of violence against women, or any kind of oppression based on religious, social and cultural tradition, and other practices. Such an act shall be punishable by law and the victim shall have the right to be compensation as provided for in law.

Page 17, Part 3 Fundamental Rights and Duties, 39. Right of children: (10) Any act contrary to Clause (4), (5), (6) and (7) shall be punishable by law, and children who have suffered from such an act shall have the right to be compensated by the perpetrator as provided for in law.

Page 18, Part 3 Fundamental Rights and Duties, 44. Right of consumers: (2) A person who has suffered from sub-standard object or service shall have the right to be compensated as provided for by law.

Page 18, Part 3 Fundamental Rights and Duties, (5) The families of martyrs who sacrificed their lives in the people's movements, armed conflicts and revolutions for a democratic progressive change in Nepal, the families of those who were disappeared, persons who fought for democracy, victims of conflict and the displaced, persons who were physically maimed, the wounded and the victims, shall have the right with priority, as provided for by law, to education, health, employment, housing and social security, with justice and appropriate respect. Page 85 of 86

Reconciliation Page 22, Part 4 Directive Principles, Policies and Responsibilities of the State, 51. State policies: The State shall pursue the following policies:
 ...
 (c) Policies regarding social and cultural transformation:
 (1) Building a society based on harmonious social relations by developing a healthy and civilized culture.

Page 28, Part 4 Directive Principles, Policies and Responsibilities of the State, 51. State policies: The State shall pursue the following policies:
 ...
 (k) Policies regarding justice and punishment:
 ...(2) Adopting alternative methods such as reconciliation and mediation for the settlement of disputes of ordinary nature.

Page 33, Part 6, President and vice-President, 61. President:
 ...(3) The President shall promote national unity of Nepal.

Implementation

UN signatory No specific mention.

Other international signatory No specific mention.

Referendum for agreement No specific mention.

International mission/force/similar No specific mention.

Enforcement mechanism Page 28, Part 4 Directive Principles, Policies and Responsibilities of the State, 53. Submitting report: An annual report regarding the works of the government including the achievements made in the implementation of the directive principles, policies and responsibilities mentioned in this Part, shall be presented to the President. The President shall make arrangements to send such reports to the Federal Legislature through the Prime Minister.

Page 29, Part 4 Directive Principles, Policies and Responsibilities of the State, 54. Provision regarding monitoring: (1) There shall be a committee in the Parliament as provided for in law to monitor the progressive implementation of the directive principles, policies and responsibilities of the state as mentioned in this Part.