

Main Features of the Constitution of Nepal, 2015

- 1) Internalization of the people's sovereign right and right to autonomy and self-rule, while maintaining freedom, sovereignty, territorial integrity, national unity, independence and dignity of Nepal.
- 2) Commitment to competitive multi-party democratic governance system, civil liberties, fundamental rights, human rights, adult franchise, periodic elections, complete press freedom, independent, impartial and competent judiciary and the concept of rule of law and build a prosperous nation.
- 3) Resolution to a just society with protection and promotion of social and cultural solidarity, co-existence, harmony, and unity in diversity, while ending all forms of discrimination and oppression, and recalling sacrifice made from time to time by people for national interest, democracy, progressive change the glorious history.
- 4) Constitution as the fundamental law of Nepal, and every person bound to observe it.
- 5) Nepal as an independent, indivisible, sovereign, secular, inclusive, democratic, socialism-oriented, federal democratic republican state.
- 6) Safeguarding of the independence, sovereignty, territorial integrity, nationality, freedom, dignity of Nepal and of the rights of the Nepalese people, border security, economic wellbeing and prosperity as the fundamental tenets of national interest; and any conduct and act contrary to national interest being punishable.
- 7) Nepali language in the Devnagari script as the official language of Nepal and all languages spoken as the mother tongues in Nepal being the languages of the nation.
- 8) The Government of Nepal (GoN), within one year of the commencement of the Constitution, is to constitute a Language Commission with a chairperson and members comprising representation of the States.
- 9) The Language Commission is to recommend GoN on determination of the criteria to be fulfilled for the recognition of the official language, measures to be adopted for the protection, promotion and development of languages, the levels of development of mother tongues on the potentiality of their use in education.
- 10) No citizen of Nepal is to be deprived of the right to obtain citizenship.
- 11) Provision of single federal citizenship with State identity.

- 12) Right of person acquiring citizenship by descent to obtain the citizenship certificate with gender identity by the name of his or her mother or father.
- 13) Provision of the non-residential citizenship of Nepal for a person, who has acquired the citizenship of a foreign country, has resided in a country other than a SAARC member state, and who or whose father or mother, grandfather or grandmother was previously a Nepalese citizen by decent or birth but subsequently acquired a foreign citizenship, thereby entitling such person to economic, social and cultural rights in accordance with the Federal law.
- 14) Various civil, political, economic, social and cultural rights guaranteed as fundamental rights: rights to life with dignity, freedom, equality, communication, justice, property, freedom of religion, information, privacy, language and culture, employment, labor, clean environment, education, health care, food, housing, social justice, social security and constitutional remedy, rights against exploitation, torture, preventive detention, untouchability and discrimination and exile, and rights of women, children, Dalits, senior citizens, consumers and victim of crime.
- 15) The State being bound to provide for legislative measures as required within three years of the commencement of the Constitution for implementation of these rights.
- 16) Provision of affirmative action for the protection, empowerment or development of the citizens including the socially or culturally backward women, Dalit, indigenous, indigenous nationalities, Madhesi, Tharu, Muslim, oppressed class, Pichhada class, minorities, the marginalized, farmers, labours, youths, children, senior citizens, gender and sexual minorities, persons with disabilities, pregnant persons, incapacitated or helpless, backward region and economically indigent *Khas Arya*.
- 17) Duties of citizens to safeguard the nationality, sovereignty and integrity of Nepal being loyal to the nation, abide by the Constitution and law, render compulsory service as and when the State so requires, and protect and promote public and national property.
- 18) The State's political objective is to enhance freedom, sovereignty, territorial integrity and independence of Nepal by mutual cooperative federalism and incorporating the principle of proportional participation in the system of governance on the basis of local autonomy and decentralization.

- 19) The State's social and cultural objective is to consolidate the national unity by maintaining social cohesion, solidarity and harmony, while recognizing cultural diversity and its economic objective is to develop a socialism-oriented independent and prosperous economy.
- 20) Stipulation of policies regarding national unity and national security, political and governance system of State, social, and cultural transformation, economy, industry and commerce, agriculture and land reforms, development, protection, promotion and use of natural resources, basic needs of the citizens, labour and employment, social justice and inclusion, justice and penal system, tourism and international relations.
- 21) The State being obliged to make a prosperous and affluent country by protecting and promoting fundamental rights and human rights, pursuing directive principles of the State and gradually implementing policies of the State keeping intact the freedom, sovereignty, territorial integrity and independence of Nepal.
- 22) GoN is to submit to the President an annual report containing the steps taken and achievements made in the implementation of the directive principles, policies and obligations of the state.
- 23) Main structure of Nepal being of three levels namely, Federation, State and Local.
- 24) Formation of Seven States in the State level and their names and capitals to be determined by two-third majority of the concerned State Assembly.
- 25) The legislative power of the Local level to be vested in the Village Assembly and Municipal Assembly.
- 26) Exclusive and concurrent powers of the Federation, State and Local levels being enumerated in the Schedules, with the residual power being vested in the Federation.
- 27) President, the head of Nepal, is to be elected by an electoral college, consisting of members of the Federal Parliament and the State Assemblies.
- 28) The President and the Vice-President to be of different sex or community.
- 29) A person already elected twice as the President being disqualified to become a candidate for the President.
- 30) A multi-party, competitive, federal democratic republican parliamentary system based on plurality being the form of government.

- 31) The executive power of Nepal being vested in the Council of Ministers in accordance with the Constitution and law.
- 32) The President isto appoint the parliamentary party leader of the political party with the majority in the House of Representatives as the Prime Minister, and a Council of Ministers to be formed in his/her chairpersonship.
- 33) The Federal Council of Ministers not to exceed25 Ministers including the Prime Minister.
- 34) A person defeated in the election to the then House of Representatives not to be qualified to be appointed as Minister during the term of such House of Representatives.
- 35) No-confidence motion not to be moved until first two years of appointment of the Prime Minister and the member proposed for Prime Minister is also tobe mentioned in such motion.
- 36) Federal Legislature consisting of two Houses to be known as the House of Representatives and the National Assembly, called as the Federal Parliament.
- 37) The House of Representatives consisting of 275 members: 165 members elected through the first-past-the-post electoral system, and 110 members through proportional representation electoral system.
- 38) In nominating candidates by political parties for election to the House of Representatives under the proportional electoral system, representation is to be ensured on the basis of a closed list also from women, *Dalit*, indigenous peoples, *Khas Arya*, *Madhesi*, *Tharu*, Muslims and backward regions, on the basis of population, also making geographical and territorial balance.
- 39) At least one third of the total number of members elected from each political party representing in the Federal Parliament are to be women.
- 40) The National Assembly, as a permanent House,consisting of 59 members witheight members, including at least three women, elected from each Statewith 56 in total,and three members, including at least one woman, are to be nominated by the President on recommendation of GoN.
- 41) Election is tobe so held that there is one woman out of the Speaker and the Deputy Speaker of the House of Representatives and one woman out of the Chairperson and the Vice-Chairperson of the National Assembly.
- 42) Provision of an independent, competent and unitary nature of judiciary in Nepal.

- 43) Three tiers of courts: The Supreme Court; one High Court in each State and one District Court in each district.
- 44) The Supreme Court is to consist of a maximum of 20 Judges in addition to the Chief Justice.
- 45) Provision of one Constitutional Bench, in the Supreme Court, consisting of five judges of the Supreme Court including the Chief Justice.
- 46) Each High Court to consist of such number of Judges, in addition to the Chief Judge, as provided by the Federal law.
- 47) Provision for formation of other specialized courts, judicial bodies or tribunals to try and settle specific types and nature of cases.
- 48) Any criminal offence involving imprisonment for a term of more than one year not to be under the jurisdiction of a body other than a court, specialized court, military court or judicial body.
- 49) Provision of form of government in the States similar to that in the Federation.
- 50) Provision of a Chief of State in each State, as a representative of GoN being appointed by the President.
- 51) A leader of the parliamentary party commanding a majority in the State Assembly to be appointed by the Chief of State as the Chief Minister, and the State Council of Ministers to be constituted under his or her chairpersonship.
- 52) The State Council of Ministers not to exceed 20 percent of the total number of members of the State Assembly, including the Chief Minister.
- 53) No-confidence motion not to be presented until two years of appointment of the Chief Minister, and the name of the member proposed for Chief Minister is to be mentioned in the no-confidence motion.
- 54) Provision of unicameral legislature in a State called as the State Assembly.
- 55) Each State Assembly consists of members in a number that is twice as many as the number of members elected to the House of Representatives from the concerned State, through the first past the post electoral system, considered as to be 60 percent, and the rest 40 percent members to be elected through the proportional electoral system.
- 56) The executive power of the Local level being vested in the Village and Municipal Executive.

- 57) Each Village Executive is to consist of a Chairperson, Vice- chairperson, Ward Chairperson, four women members and two members from the Dalit or minority communities elected by Village Assembly.
- 58) Each Municipal Executive is to consist of a Mayor, Deputy Mayor, Ward Chairpersons, five women members and three members from the Dalit or minority communities elected by Municipal Assembly.
- 59) The District Assembly being responsible for coordination between the Village Bodies and Municipalities within the district.
- 60) The District Assembly consisting of Chairpersons and Vice-Chairpersons of the Village Executives, and Mayors and Deputy Mayors of the Municipal Executives within the district.
- 61) The District Assembly is to elect the District Coordination Committee consisting of a maximum of nine Members including one Chief, one Deputy Chief, at least three women and at least one Dalit or minority.
- 62) Each Village Body is to consist of one Village Assembly consisting of the Chairperson and Vice-Chairperson of the Village Executive, Ward Chairpersons and four persons elected from each Ward.
- 63) Provision for representation of at least two women from each ward in the Village Assembly.
- 64) Each Municipal Assembly is to consist of the Mayor and Deputy Mayor of the Municipal Executive, Ward Chairpersons and four persons elected from each Ward.
- 65) Provision for representation of at least two women from each ward in the Municipal Assembly.
- 66) The Federal law is to be applicable to the whole of, or, if required, to any part of Nepal and a State law applicable to the whole of, or as required, to any part of the territory of the State.
- 67) The relation between the Federation, State and Local level is to be based upon principles of cooperation, coexistence and coordination.
- 68) A State is to render assistance in the execution of legal provisions or judicial and administrative decisions or orders of another State.

- 69) Provision of a State to exchange information and consult with another State on matters of common concern and interest, coordinate each other on their activities and legislations and extend mutual assistance.
- 70) A State is to provide, in accordance with its State law, equal security, treatment and facility to residents of another State.
- 71) The Federal Parliament is to make necessary laws in order to maintain coordination between the Federation, State and Local level.
- 72) Prohibition on obstruction to the carriage of goods or extension of services in State or Local levels or by a State or Local level to another State or Local level or on levying of tax, fee or charge thereon or on making any kind of discrimination on the carriage or extension of such services or goods.
- 73) An Inter-State Council is to be formed to settle disputes of political nature between the Federation and State and among the States, consisting of the Prime Minister as its Chairperson and Home Minister, Finance Minister and Chief Ministers of the respective States as its members.
- 74) Provision of Various Constitutional Commissions: National Natural Resources and Fiscal Commission, National Women Commission, National Dalit Commission, National Inclusion Commission, Indigenous Nationalities Commission, Madhesi Commission, Tharu Commission and Muslim Commission, in addition to already existing Commissions: Commission for the Investigation of Abuse of Authority, Auditor General, Public Service Commission, Election Commission and National Human Rights Commission.
- 75) No amendment is to be made to the Constitution in manner to be prejudicial to the sovereignty, territorial integrity, independence of Nepal and sovereignty vested in the people.
- 76) In the case of a Bill on Amendment of Constitution being related with alteration in the borders or power of any State, the Speaker or the Chairperson of the concerned House is to send that Bill to the State Assembly for its consent, within thirty days after its introduction in the Federal Parliament and such Bill only to be submitted in the Federal Parliament if approved by majority in the State Assembly.

- 77) A Bill to amend or repeal any Article of this Constitution introduced in either House of the Federal Parliament is to be published for information to the general public within thirty days of its introduction in that House.
- 78) A person having the citizenship of Nepal by descent only qualified to be elected, nominated or appointed as President, Vice-President, Prime Minister, Chief Justice, Speaker of the House of Representatives, Chief of State, Chief Minister, Speaker of a State Assembly and chief of a security body.
- 79) A citizen of Nepal having a foreign permanent residence permit not being qualified for election, nomination or appointment to an office to be elected, nominated or appointed.
- 80) Appointments to offices of Constitutional Organs and Bodies and Nepalese ambassadors, and special emissaries are to be made on the basis of the principle of inclusion.
- 81) Power to make treaties or agreements being vested in the Federation, in making a treaty or agreement on a matter within the list of State, GoN is to consult the concerned State.
- 82) Power of a State Council of Ministers, with the consent of GoN, to may make contractual agreements on financial and industrial matters.
- 83) The capital of Nepal to be situated in Kathmandu; the capital of a State is to be decided by two-thirds majority of the concerned State Assembly and until that decision, the business of a State is to be conducted through the place as specified by the Government of Nepal.
- 84) *Ipsa facto* conversion of the Constituent Assembly existing at the time of commencement of the Constitution into the Legislature-Parliament after its commencement, and the term of such Legislature-Parliament is to exist until 7 Magh 2074.
- 85) Continuation of services of Judges working in the courts and officials of the Constitutional bodies, existing at the time of commencement of the Constitution.

