

# Government of Nepal Act, 2004

## PREAMBLE

Whereas, by virtue of the Supreme Power vested through the instruments of their sacred *Panjabpatras* by *Shree Panch Maharajadhiraja* of Nepal, dating from the year of 1903 BS onward, delegating all powers of the State upon the contemporaneous *Shree 3 Maharajas*, whereas it is our fervent desire, through all social, economic and political developments to bring Nepal, this sacred country of Lord *Pashupatinath*, in line with the advanced nation of the world and grant our beloved motherland her rightful place in the comity of nations

And, whereas through the resurrection of our ancient ideals of the *Panchayat* and other similar institutions, it is our declared policy to provide for the increasingly closer association of our beloved people in every branch of administration and thus bring about enhanced prosperity and happiness to our people,

And, whereas progress in giving effect of this policy can only be achieved by successive stages and must be guided by the cooperation received from those to whom, new opportunities have been offered and by the extent to which further confidence can be reposed upon their sense of responsibilities,

And, whereas we consider it is expedient that immediate steps in this direction should now be taken, I, *Maharaja* Padma Shamsher Jung Bahadur Rana, Supreme-Commander-In-Chief, do hereby ordain and promulgate this Governance Act in the thirty-sixth year of the reign of His Majesty the King Trivuban Bir Bikram Shah.

## **PART I** **PRELIMINARY**

1. This declaration shall be referred as the 'Government of Nepal Act', of the year of 2004 BS
2. This Act shall come into force on 1<sup>st</sup> *Baisakh*, 2005 BS.

Provided that, if it appears to His Highness *Sri 3 Maharaja* that it will not be convenient that all the provisions of this Law should come into operation simultaneously on that date because of local circumstances or other causes, he shall, fix an earlier or later date for the coming into operation, either generally or for particular purposes or areas, of any particular provisions of this Law. All provisions of this Law shall, however, come into force throughout the Kingdom before the end of the year 2005 BS.

3. The rule of succession relating to succession of throne of His Majesty the King and His Highness *Sri 3 Maharaja* shall continue as hereto force in accordance with the laws, customs and usages on their behalf and shall for all time be inalienable and unchangeable.

## **PART II** **FUNDAMENTAL RIGHTS**

4. By not violating the principles of public morality, in accordingly to the existing and new Act and rules to be made hereunder, is given fundamental rights to the citizens of Nepal that of Personal Liberty, Freedom of Speech, Freedom of Publication, Freedom of Assembly or Organization, Freedom of Religion, Equality before the laws, Cheap and Speedy Justice, Free and Compulsory Primary Education through out the country, adult franchise, Right to Protection of Private Property.

5. Subject to this physical, mental and economic capacity, it shall be the duty of every citizen to promote public welfare, to contribute to public funds, to be in readiness to work physically and mentally for the safety and well being of the Realm and bear true loyalty to His Majesty the King and His Highness *Sri 3 Maharaja* and be faithful to the State and its legal system

### **PART III** **THE EXECUTIVE ASSEMBLY**

6. In accordance to this Law, as the executive power of Nepal is vested with His Highness *Sri 3 Maharaja*, he shall exercise the power either by directly or through the officers subordinate to him.

7.

(a) There shall be a Council of Ministers to help and to advise His Highness *Sri 3 Maharaja* to exercise the executive power of the State, are appointed from among the members of the Legislative Assembly.

(b) The Council shall consist of such member of ministers, not being less than five, of which at least two shall be appointed from among the elected members of the Legislature, as His Highness *Sri 3 Maharaja* shall determine in time to time.

(c) The Chairman and Vice-Chairman of *Panchayat*, shall be ex-officio members of the Legislative Assembly, also be regarded as the elected members.

8. (a) His Highness *Sri 3 Maharaja* or in his absence the Commander-in-Chief shall preside the meetings of the Council of Ministers. The Ministers shall be responsible to His Highness *Sri 3 Maharaja* in accordance to the rules issued by him.

(b) His Highness *Sri 3 Maharaja* shall fix portfolios and hierarchy among his ministers.

9. (a) The Ministers appointed by His Highness *Sri 3 Maharaja* shall be sworn as members of the Council and shall hold office for a term of four years.

(b) If any member of council of ministers before the time:

(a) Submits his resignation to His Highness *Sri 3 Maharaja*;

(b) Not performed with the confidence of His Highness *Sri 3 Maharaja's* will;

(c) He, himself confessed or is passed through secret ballot of the Council of Ministers for wrong doing, only then revoked from his works.

(c) Provided that, revoked member under sub-section (a) or (b) as mentioned above shall remain in legislature until their time of office.

10. The Ministers shall be entitled to receive salaries and allowances as prescribed by His Highness *Sri 3 Maharaja* time to time.

11. (a) The Council of Ministers shall perform all executive business of the State. It shall, however, be its special responsibility to give particular attention to all matters not falling within the purview of the Legislature, to lay down the general policy of the State, to scrutinize the budget of the various departments, to give final consideration to the Government bills to be placed before the Legislature, and to bring about coordination and cooperation.

(b) Within the framework of the policy laid down by the Council of Ministers under this Law, the minister shall, in their own discretion, administer the department. They shall be responsible to the Council of Ministers for all the duties of their department and His Highness *Sri 3 Maharaja* for such information and explanation as he may require.

12. (a) There shall be an Chief Government Legal Advisor appointed by His Highness *Sri 3 Maharaja* to give advice to the government in legal matters in time to time as per the needs of the Government.

(b) Chief Government Legal Advisor shall have the rights of pleading before each court on behalf of government.

(c) His tenure and salary, allowances shall be as prescribed by His Highness *Sri 3 Maharaja*.

13. His Highness shall set up different Governance Committees among the members of Legislative Assembly to help and give advice to the various departments of the executive and associated thereby with the intention that to be functioned of government policy also with opinion of the Legislative Assembly.

14. (a) These Committees shall deal with other departments as assigned to them by His Highness, *Sri 3 Maharaja* whether these departments fall within the purview of the Legislative Assembly.

(b) A Committee, shall be set up by His Highness *Sri 3 Maharaja* from *Rastra Sabha* [National Assembly] to select the members of Legislative Assembly for Government Committees.

(c) There shall be at least four members in each Governance Committee, the Chairman of the committee shall be the minister of the concerned department for which the Committee has been constituted.

(d) The Governance committee shall deal with all matters of governance policies and measures as delegated authority to them. Provided that, line minister shall have the full power of day to day works, appointment-retirement and in role.

15. Functions and rules of these Committees shall be framed by the Government.

## **PART IV**

### **The Legislative Assembly**

#### **A. The *Panchayat* Assembly**

16. There shall be a '*Village Panchayat*' in each village or group thereof, which shall form an unit as specified by rules as prescribed by the Government in this regard, consisting of 5 to 15

members elected by the vote of all adults with necessary qualification, who will elect their own *Pradhan Panch* [chief of village].

17. There shall be a 'Town *Panchayat*' for every town or group thereof consisting of 10 to 50 members elected by the vote of all adults with necessary qualifications, who will elect their own *Pradhan Panch* [Chief of Twon] in accordance with the rules as prescribed by the Government in this regard.

18. The *Pradhan Panch* of each Village *Panchayat* and Town *Panchayat* shall elect 15 to 20 members from among them and if necessary from among their other members, There shall be each District *Panchayat* as accordance to the rules as prescribed by the government along with the participation of special. It shall elect its own Chief *Panch*.

19. It shall be the duty of the village, town *Panchayats*, within the limits of the funds at their disposal and subject to the control of the Government and in the case of a Village *Panchayat*, to that of the District *Panchayat* as well, to attend to all matters relating to the education, welfare and prosperity of the people and the territory under their charge particularly justice, water supply, sanitation, construction and maintenance of roads, drains, bunds, bridges and public buildings. grazing lands, basic education, unemployment relief through cottage industries and other measures, which are likely to promote the health, safety, education, comfort and the social and economic well being of the people.

20. The District *Panchayats* shall receive fund as allotted by the Government. They shall retain half of the fund for their own use and distribute the other half among the Village *Panchayats* within their respective jurisdiction in proportion to the amount contributed by the areas concerned.

21. The District *Panchayat* shall coordinate the activities of the village and town *Panchayats* within its jurisdiction and shall support and advice the *Bada Hakim* [main officer] of District on the mater of policy, for the welfare of the District. It shall also perform other functions as prescribed by the government time to time.

## **B. Central Assembly**

22. (a) There shall be the Legislative Assembly of Nepal which comprises with His Highness *Sri 3 Maharaja*, the *Rastra Sabha* [National Assembly] and the *Bharadari Sabha* [Advisory Assembly].

(b) The *Rastra Sabha* shall consist of not less than 60 and not more than 70 members, both elected and nominated, as per the Schedule "A" of this Act. The ratio between nominated and elected members should be in the proportion of 2:3 as approximating to that proportion as much as possible.

(c) The *Bharadari Sabha* shall consist of not less than 20 and not more than 30 members, nominated by *Sri 3 Maharaja* with keeping in mind to include all organisations, professions, employments and personalities who contributed for national proud, as far as possible.

(d) One-fourth members of the legislature thereof shall retire every year and new members to be elected or nominated in their places. In the beginning of the first 3 years-session, the list of yearly-retire-member shall be fixed by the President.

**23.** (a) The Session of the both houses of Legislative Assembly shall be summoned at least in twice a year.

(b) Subject to the provisions of this section, *Sri 3 Maharaja* may in his discretion to Summon the both or either house to meet at such time and place as he thinks fit, and prorogue the house.

**24.** His Highness *Sri 3 Maharaja* shall, in his discretion address or send message to either or both houses. The Legislative Assembly shall with all convenient dispatch consider any matter which required to take into consideration in such address or messages.

**25.** Each minister or the Chairman of the Management Committee or in his absence the Departmental Secretary and the Government Legal Advisors shall have the right to speech in and otherwise to take part in the proceedings of either house and any Committee of the Legislative Assembly. Provided that he shall only be entitled to vote in that house, where he is a member.

**26.** (a) The Chairman of the *Rastra Sabha* shall be nominated by the His Highness *Sri 3 Maharaja* and Vice-Chairman shall be elected by the house among its all member. In case of absence or vacancy of the Chairman or the Vice-Chairman, nomination or election shall be done as what to be done.

(b) (i) The Chairman and the Vice-Chairman shall resign to His Highness *Sri 3 Maharaja*. He shall be removed from office by the order of His Highness *Sri 3 Maharaja* if there seen the reasons as prescribed by rules. Any vacancy occurring there, shall be fulfilled by nomination or election as what to be done.

(ii) They shall give up their office in case of leaving the membership of the house. They shall be removed from their office by resolution passed by two-third of the total number of members of the house and passed by the same majority vote of the members.

(c) The Commander-in-Chief shall be the President of the *Bharadari Sabha* and the Vice-President thereof shall be nominated by His Highness *Sri 3 Maharaja*.

**27.** (a) As this Act expressly provided, decisions of all the questions in a house or a Joint session of the houses, shall be fixed on majority votes of the members. President or the person acting as such, who shall not vote in the first instance, however, shall have the right to cast a decisive vote in the case of the vote equal.

(b) Either House shall have the power to act notwithstanding any vacancy in the membership thereof and any proceedings in the House or in the joint sitting of the houses shall be valid notwithstanding that it is come into notice subsequently that some person who was not entitled to do so, sat or voted or otherwise took part in the proceedings.

(c) If any time during the meeting of house of the Legislature or at a joint sitting of the both houses, less than one-fourth of the total member the Houses or Chamber is present, it shall be the duty of the President or person acting as such, either to adjourn the meeting or suspend it until the required number of members is present.

**28.** Each member of the Legislature shall, before taking his seat, be taken an oath of office in the form and manner as prescribed by rules under this Act.

**29.**

- (a) No person shall be a member of both houses.
- (b) In case of disqualification under the Sec. 30 of this Act or submitted his resignation to His Highness *Sri 3 Maharaja*, it shall be deemed that the seat of the member is vacant
- (c) If any member of the house, for two consecutive sessions of either session or for 45 days running, without permission of the president thereof, shall be deemed to vacant of his seat.

**30. (a)** Following persons shall be disqualified for being elected or a member of either House-

(i) In case of bearing the governmental post other than as prescribed by the government;

(ii) Mentally disordered;

(iii) Bankrupts ;

(iv) A person who violated rules of election issued by the government. Provided that the limitation for disqualification shall be.

(v) Before or after promulgating this Act passing of this Act, he has been convicted, any person who is sentenced to imprisonment for not less than one year or the discharge from such imprisonment for five years or earlier, Government may remove disqualification after his discharge;

(vi) In case of dismissal from civil or military services;

(b) Such person shall not be eligible for being elected as a member of either house, while he has been passing sentence of imprisonment.

(c) In case of facing charge of disqualification, he shall remain vacant until final decision has been taken place on the subject by the court or authority concerned.

(d) Under the section (a) (i) above mentioned, following things are to be deemed to :

(1) The Chief of any Governmental Office;

(2) to hold the post or get allowances other than the Governmental;

(3) any positions like to receives small freeholds or concessions, of government jobs to work in the village.

**31.** In case of an unauthorized or non-voting or disqualified person has attended or caste the vote in a meeting of either house shall be liable for fine of Rs 100/ per day and to be recovered as a debt to the Government.

**32.**

(a) All the members shall exercise the freedom of expression in the meeting, being under the limitation of this Act and House rules. No member shall be charged for anything expressed in or for any vote cast or publicize for anything in accordance to rules of either house or committees.

(b) No member of house shall be detained during the meetings for any cases or to any proceedings of civil cases during the whole period of any particular session of the house.

(c) Chairperson shall not take any action against the members expect expel for infringing the rules or behaving in a disorderly manner.

**33.** Members shall be entitled to receive salaries and allowances as determined by the government for the first instance and thereafter as prescribed Legislative Assembly.

**34.** (a) Subject to the provisions of this Act, any member of the house shall ask questions, move resolutions and introduce draft bill for the welfare and administration of the whole Kingdom of Nepal or any part thereof and for the subjects of Nepal, wherever its people may be residing. Provided that His Highness *Sri 3 Maharaja* shall restrict or repeal for putting of any question, moving of any resolution, and submission or consideration of any bill, at any circumstances of the house, if he feels that such motion may harm the public interest.

(b) Any proposal, or draft bill or discussion in any matters that may infringe His Majesty the King, successor of His highness *Sri 3 Maharaja*, title, Portfolio and relating to their special rights being established from the tradition, usages, is prohibited.

(c) No question shall be raised or discussed in the Legislative Assembly about the personal character of any individual, or in respect to the conduct of any judge while discharging his duties.

**35.** (a) Subject to the provisions of this Act in respect to financial and other Bills, a Bill may originate in either house by any member of the House.

(b) No Bill shall be deemed to have been passed by the meetings of the Legislative Assembly, unless it has been agreed by both the houses.

**36.**

(a) In case of a Bill or any other issues have been passed by one house and transfer to another house-

- (i) If bill is accepted by another house,
- (ii) If the houses have different opinion in regards to amend the,
- (iii) Even if not submitted for assent of His Highness *Sri 3 Maharaja* within a year elapse from the date of the reception, His Highness *Sri 3 Maharaja* may summon the Chambers to meet for a joint meeting for the purpose of voting and decision on the proposal.

(b) Any proposal passed in the joint meeting of two Houses, shall be deemed to have agreed under this Act.

(c) In the joint meeting the president of the *Bharadari Sabha* or in case of his absence, person as prescribed by His Highness *Sri 3 Maharaja* shall preside the meeting.

**37.** All bills passed by the Legislative Assembly shall become Law only after being authenticated by His Highness *Sri 3 Maharaja* and receiving his formal "Seal".

**38.**

(a) His Highness *Sri 3 Maharaja* shall order to submit the estimated Budget of the year before both houses.

(b) The statement shall be in detail of amount separately as following: -

- (i) the sums of every year required to meet expenditure upon the income of the State.
- (ii) the sums required to meet other expenditure proposed to be met from the revenues of the State.

(c) The following amounts shall be kept under the above mentioned expenditures-

- (i) Pay role amount of His Majesty the King and of His Highness *Sri 3 Maharaja* for every year.
- (ii) Military expenses.

(iii) Salary, pension and allowances of public servants appointed by His Highness *Sri 3 Maharaja*.

(iv) Expenses of foreign affairs, including matters governed by existing or hereafter to be made treaties or agreement.

(v) Expenses for the purpose of the discharge by the government of its special responsibilities with respect to the prevention of any grievances to the peace and tranquility of the country or any part thereof, the safeguarding of the financial stability and credit of the Government, the protection of the weak and depressed from oppression and with respect to items of expenditure, if any that may be classified for being spent at the exclusive discretion of His Highness *Sri 3 Maharaja*.

(vi) Salaries and allowances of member of the Council of Ministers, the Government Legal Advisor, and Auditor General.

(vii) Expenses of religious Trusts

(viii) Interest on Loans and charges on account of Sinking Fund.

(ix) Any other expenses charged by this Act or any other law to be charged.

(d) Any issues whether proposed budget falls within a class of expenditure charged upon the revenue of the State shall be decided by His Highness *Sri 3 Maharaj*.

**39.** (a) Estimated budget as relate to expenditure charged upon the revenue of the State shall not be the subject of discussion or vote of the legislative assembly. Provided that discussion shall be allowed as referred by Section. 38 (c) (vii), (viii) and (ix).

(b) Legislative Assembly shall not reduce the estimated amount granted to *Panchayats* for their works.

(c) The budget detail under Sec. 38 (b), shall be submitted firstly in the *Rastra Sabha* and then the *Bharadari Sabha*. Either house shall have power to accept, refuse or amendment after discussion.

(d) No estimated amount shall be submitted with out ascent of His Highness *Sri 3 Maharaja*.

**40.** His Highness *Sri 3 Maharaja* shall authenticate by a signature all grants made and voted upon by the Legislative Assembly and no expenditure shall be deemed lawful unless so duly authenticated.

**41.** If in respect of any financial year, other expenditure becomes necessary over and above the expenditure there to fore authorized for that year a supplementary grant may be obtained from the Legislative Assembly in accordance with the process and provisions mentioned above.

**42.** (a) Only the government shall submit the draft bill or amendments on its behalf in following subjects:

(I) Imposing or altering any tax;

(ii) Government coinage and currency;

(iii) Borrow of foreign or national loan by the government;

(iv) Keeping and using of weapons;

(b) Any proposal affecting the religious rites or thoughts of any caste or institution, shall be deemed to have passed only if two-thirds of the members present and vote in favor on it.

**43.**

(a) Government rules shall be made for the purpose to smooth and speedy conduct of business of the Legislative Assembly.



(b) In case of half members of submitted their opinion that create the problems in smoothly conduction of their business, the Government [His Highness *Sri 3 Maharaja*] shall give his consideration to change such rules.

44. All proceedings of the Legislative Assembly shall be in Nepali national language.

45.

(a) The validity of any proceedings in the Legislature or the conduct of an officer doing his rightful duty according to law shall not be subject to the jurisdiction of any court of law.

(b) The validity of any proceedings in the Legislature shall not be called in question on the ground of any alleged irregularity procedure.

46. His Highness the Maharaja in consultation with Council may promulgate such emergency regulations as are necessary for the preservation of law and order in the country or any part thereof. Any such regulation shall be valid for a period not exceeding six months and His Highness may be annul those emergency regulation anytime if he considers that the situation no longer warrants the continuation of these regulations.

47. (a) If, at any time, His Highness is satisfied that a situation has arisen in which, for the prevention of disorder and lawlessness in the country, the Government can not be carried on in accordance with the provisions of this Act, may, by proclamation-

(i) Assume to himself all and any of the powers vested by this Act in any body or authority;

(ii) Declare that such functions as are defined in this Act shall be conducted in the manner prescribed by him in his discretion.

(b) Any such proclamation may be revoked or varied by a subsequent proclamation.

(c) Within six months of such proclamation, His Highness shall summon the same last legislature another legislature in his discretation.

## **PART V**

### **ADMINISTRATION OF JUSTICE**

48. Justice shall be provided in cheap and speedy way. Village *Panchayat* shall administer trial hearing of civil and criminal cases under the limitation and observation as prescribed by the laws.

49. Judges of the public courts that established for the purpose of justice shall administer the Justice. The courts shall be counted court of first instance and court of appeal.

50. As prescribed by this Act, the constitution and organization of courts, jurisdiction and business among the courts and judges, the method of recruitment, terms of service and all other matters relating to the administration of justice shall be regulated by the laws.

51. Special court shall be established by His Highness *Sri 3 Maharaja* in extraordinary circumstances if he considers that the general procedure of ordinary court would not be adequate to ensure public law and order.

52.

(a) His Highness shall establish a judicial committee from among the members of the Legislative Assembly, which shall consist of not more than 12 members including 2 members with special qualifications from outside the Legislature.

- (b) The Committee shall have the following power-
- (i) to make necessary rules and regulations with considering the how number of the judges shall need to hear and discharge the effective justice for all.
  - (ii) To act as specified in Section 67 of this Act.

(c) Under this Act, rules regarding the composition and functions of such Committees shall be made by the Government in time to time.

**53.**

(a) There shall be an Apex Court [Pradhan Nyayalaya] in Nepal.

(b) The Apex Court shall consist of a Chief Justice and other judges, not exceeding 12 in number, as His Highness *Sri 3 Maharaja* shall appoint time to time deem to its necessity.

Provided that His Highness *Sri 3 Maharaja* Shall, on the recommendation of the Chief Justice, appoint to additional judges of the Apex Court, for the period of not exceeding two years. The judges appointed under this method shall have all the powers as to the other judges of the Apex Court.

**54.** Each and every permanent judge of the Apex Court shall hold office until he attains the age of 65 years. However,

(a) The Judge shall himself leave his office by giving resignation before His Highness *Sri 3 Maharaja*;

(b) Until a proposal passed by the joint session of the legislative assembly for misbehavior or incapacity, his Highness *Sri 3 Maharaja* shall not remove any judge.

(c) His Highness *Sri 3 Maharaja* on the ground of gross misbehavior or infirmity, physical or mental incapacity, if the Judicial committee of the Legislative Assembly refers so, a judge may remove by His Highness.

(d) The judges of the Apex Court shall receive remuneration as prescribed by his Highness *Sri 3 Maharaja*. However, the remuneration shall be altered during their continuance in office.

**55.** The Apex Court shall be responsible to keep record and fix the branch of the cases and shall have power of administration of justice, as prescribed by the law.

**56.** The High court shall be a superior over all courts for the time being subject to its jurisdiction, and shall do any of the following things:

(a) hear or order to hear of any case of from subordinate court; ;

(b) transfer of any suit or appeal from any subordinate court to any other court of equal or superior jurisdiction;

(c) enact and enforce the rules for subordinate courts;

(d) shall fix the rules to keep record of the cases and accounts;

Provided that such rules and forms shall be consistent with the provisions of any existing law.

**57.** Existing laws and regulations shall be in continue until such rules come into force for the administration of justice.

**58.** Complete laws shall be made for the protection of judges and other officers of court to fulfill their duties and use the power in good faith as provided by law.

59. Anything contained in this Act shall not affect the right of His Highness *Sri 3 Maharaja* to grant pardons, reprieves, respites, or reduction of punishments.

**PART VI**  
**MISCELLANEOUS**

60. As soon as possible after the commencement of this Act as expedient, the Government shall provide free and compulsory primary education, and technical and higher education shall be provided by the State to the extent to prepare necessary candidates for wide opportunities of service of the people of Nepal. At the same time, shall do for reducing illiteracy as much as possible. The main aim of education shall be for good moral, personal qualification and working capacity, nationality and international friendliness.

61. The Government shall take loans for the progress of and at the times of emergency in country. Provided that it shall be notify to the legislative assembly in its next meeting.

62. (a) His Highness *Sri 3 Maharaja* shall appoint a Chief Auditor to check out the income and expenditure of the country in accordance to rules issued by the government. He shall salaries and allowances as His Highness *Sri 3 Maharaja* determined. His appointment and retirement shall be as same to the Judge of the Apex Court.

(b) The Chief Auditor shall submit the detail annual report of country's income and expenditure to his Highness *Sri 3 Maharaja* to produce the both houses of the Legislative Assembly.

63. All acts and contracts done by the Council of Ministers shall be deemed as done on behalf of the Government of Nepal.

64. (a) The Government shall make the rules to enforce this Act, in regards to fundamental rights, *Panchayat*, judicial management, audits, education, recruitment, promotions and transfers and the protection of interest of the civil and military services, and for all other matters not express in this Act and to be executed of.

(b) The Government shall make the rules governing the qualifications of the voters and candidates of each class, delimitations of electoral areas, and other matters relating to election.

65. (a) His Highness *Sri 3 Maharaja* shall establish a 'Application Council' to recruit qualified civil servants throughout the country.

(b) It shall comprise with the members appointed by His Highness *Sri 3 Maharaja*, as his discretion and a representative of concerned department where vacancy has to be occurred.

(c) It shall recommend to the government if any application comes for civil service under related rules, by examining the fitness and qualifications of the candidates.

66. If any difficulty arises in regards to the election system in first instance or any other works, His Highness *Sri 3 Maharaja* shall remove difficulties by issuing an order to implement the intention carried by the laws.

67. Any dispute arises in the interpretation of any the provision of this Act or rules framed there under, government employees or any concerned person shall complaint before Apex Judicial

Committee by an application. Complaint shall be a decided within two months of application and such judgment shall be deemed as final.

68. (a) After 7 years from the commencement of this Act or if His Highness *Sri 3 Maharaja* thinks earlier in his sole discretion, His Highness *Sri 3 Maharaja* shall form a Commission. The Legislative Assembly shall elect approximately half of the member of the commission. The Commission shall report that what extent needs to amend in existing governance or change as it feels appropriate. The Commission shall also inquire into and report any other matter, which may be referred to the Commission by His Highness *Sri 3 Maharaja*. His highness *Sri 3 maharaja 3*, deemed necessary, shall consider the recommendation of the report made by the commission and shall act for the implementation.

**SCHEDULE A**  
**Composition of *Rastra Sabha* [National Assembly]**

**1. Elected Members:**

(a) The *Pradhan Panch* of the following District *Panchayats*:

- I. EastNo.1.
2. EastNo.2.
3. EastNo.3,
4. East No.4.
5. Dhankuta.
6. Ilam.
7. WestNo. 1.
8. West No.2.
9. WestNo.3.
10. West No.4.
11. Palpa.
12. Gulmi.
13. Salyana.
14. Piuthan
15. Dailekh.
16. Doti.
17. Dandeldhum.
18. Baitadi.
19. Jumla.
20. Chisapani
21. The Valley proper
- 22 Bara Parsa
23. Rauhat
24. Mahotari.
25. Sarlahi
26. Saptari
27. Siraha
28. Morang, Jhapa
29. Palhi and Majhkhand.
30. Khajhani & Seoraj.
31. Banke and Bardiya
32. Kailali & Kanchanpur.

(b) The *Pradhan Pancha* of the following Town *Panchayats*:

33. Kathmandu

- 34. Patan
- 35. Bhaktapur
- 36. Birgunj

Note: Taking into consideration of the boundaries of constituencies the areas and population be redrawn so as to give equal representation as far as possible, the number of total seats may be varied,

(C) List of the members from the special representative throughout the country based on their special role and capacity is as following:

- (i) Merchants and traders: Those paying Rs. 100 or more to the Government as customs duty shall elect one representative from among themselves.
- (ii) Those owing 20 *Ropanis* or 10 *Bighas* of land or their equivalent in the hill districts or more those paying Rs. 1,000 or more to Government as land revenue shall elect one representative from among themselves.
- (iii) Intelligentsia: Matriculates or *Madhyama* or those with higher Qualifications shall elect at least a graduate or an *Acharya* or those having equivalent qualification in Nepali.
- (iv) Government servants
- (v) Labor

Note: Rules and regulations concerning Sections (iv) and (v) shall be framed by Government.

#### VI. Nominated members

His Highness the Maharaja will nominate these.