

## Constituent Assembly Rules, 2065 (2008)

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### **Amendment:**

Constituent Assembly (First Amendment) Rules, 2065 2065.9.14 (Dec. 29, 2008)

**Preamble:** Upon exercising the powers conferred to it by Article 78 of the Interim Constitution of Nepal, 2063 (2006), the Constituent Assembly has framed these Rules for operation of the Constituent Assembly; maintaining the order of the Sitting; regulating the formation, functions, proceedings of Committees and other matters of the Constituent Assembly and its Committees.

### **Chapter 1**

#### **Preliminary**

1. **Short Title and Commencement:** (1) These Rules may be called “Constituent Assembly Rules, 2065 (2008)”.  
(2) These Rules shall come into force immediately.
2. **Definitions:** Unless the subject or context otherwise requires, in these Rules-
  - (a) “Constitution” means “the Interim Constitution of Nepal, 2063 (2006).”
  - (b) “Constituent Assembly” means the Constituent Assembly pursuant to Article 63 of the Interim Constitution of Nepal, 2063.
  - (c) “Chairperson” means the Chairperson of the Constituent Assembly.
  - (d) “Vice-Chairperson” means the Vice-Chairperson of the Constituent Assembly.
  - (e) “Member” means a member of the Constituent Assembly.
  - (f) “Committee” means the Committee of the Constituent Assembly.
  - (g) “Committee Chairperson” means the Chairperson of the Committee.
  - (h) “Minister” means the Prime Minister, Deputy Prime Minister,

Minister, State Minister and Assistant Minister of the Government of Nepal.

- (i) “Secretary General” means the Secretary General of the Constituent Assembly, and this expression also includes an officer level employee of the Constituent Assembly Secretariat designated by the Chairperson to function as a Secretary General in absence of the Secretary General.
- (j) “Secretary” means the Secretary of the Constituent Assembly and this term also includes an officer level employee of the Constituent Assembly Secretariat designated by the Chairperson to function as a Secretary in absence of the Secretary.
- (k) “Official” means the Chairperson, Vice-Chairperson, the Leader, Deputy Leader of a political party represented in the Constituent Assembly, and the Secretary General and the Secretary of the Constituent Assembly.
- (l) “Assembly” or “Sitting” means the assembly or Sitting of the Constituent Assembly.
- (m) “Motion” means any motion submitted before the Constituent Assembly for consideration.
- (n) “Presenter of the motion” means the member who presents the Constituent Assembly with a motion or Bill.
- (o) “Expert” means an advisor and expert from whom the Secretariat receives, on the decision of the Conduct of Business Advisory Committee, as per the prevailing law, expert services for assistance in the Constituent Assembly pursuant to Sub-rule (4) of Rule 165 and the word also includes a person who is invited as an expert by a Committee seeking suggestions on how to fulfill its responsibilities

- (p) “Sitting Chamber” means the Chamber where the Constituent Assembly takes place, as well as to the audience Chamber and veranda adjoined the Sitting Chamber.
- (q) “Table” means the table of the Assembly.
- (r) “Bulletin” means the Constituent Assembly’s Bulletin, containing the following matters:
  - (1) Notice relating to the proceedings of the Sitting,
  - (2) Summary of the proceedings of the Sitting,
  - (3) Notice relating to the Committee, and
  - (4) Other matters deemed necessary
- (s) “Precincts” means the entire premises of the building, including the Sitting Chamber of the Constituent Assembly, the galleries and the audience Chamber and this expression also includes any other place as the Chairperson may from time to time specify as the precincts.

## **Chapter 2**

### **Notice of Sitting, Attendance of Members and Seating Arrangements**

3. **Notice of Sitting:** (1) Sitting of the Constituent Assembly shall be summoned on the date and at the time and venue fixed by the Chairperson. The Chairperson shall provide Notice of such details to the members at the end of each Sitting.
- (2) In case a Sitting has been adjourned without fixing a date for the next Sitting pursuant to Sub-rule (1), the subsequent Sitting shall be called by the Secretary General or the Secretary by giving a Notice to the members at least Three days in advance.
- (3) In case a Sitting of the Constituent Assembly has been called pursuant to Sub-Article (2) of Article 69 of the Constitution, the Secretary General or the Secretary shall publish a Notice to that effect in the Nepal Gazette, and also transmit it through the public media.

4. **Presence of the members:** Each member shall sign on the Roll of Members maintained outside the Sitting Chamber, before taking the Seat.
5. **Seating arrangement:** (1) Each member shall take his/her seat in a place and order as assigned by the Chairperson.
  - (2) In the case of the members with disability, the Chairperson may, having assigned seating places and order, also permit one assistant to take a seat beside such a member.
  - (3) Notwithstanding anything contained in this Rule, the Chairperson may permit members of the Council of Ministers who are not the members of the Constituent Assembly to take their seats in places and orders like other members of the Council of Ministers.

### **Chapter 3**

#### **Conduct and Adjournment of Sitting of the Constituent Assembly**

6. **Conduct of the Sitting and Adjournment:** (1) Subject to these Rules, a Sitting of the Constituent Assembly shall take place on days fixed by the Chairperson, in consideration of the workload of the Constituent Assembly.
  - (2) Unless ordered otherwise by the Chairperson, a Sitting of the Constituent Assembly shall commence at 11 hours and adjourn at 17 hours.
  - (3) In case there is a change in the date, time and programme of a Sitting for any reason, Notice of the same shall be posted on the Notice Board of the Constituent Assembly, including explanation for the change. Having posted the Notice in this way, it shall be deemed that all members have been duly notified of the change.
  - (4) The Chairperson shall announce the commencement and adjournment of each Sitting.
  - (5) Officials of all parties representing to in the Constituent Assembly shall cooperate in the conduct of the Constituent Assembly Sitting.

## Chapter 4

### **Election of Chairperson and Vice-Chairperson and Nomination of the Panel of Chairpersons**

7. **Election of the Chairperson:** (1) The election of the Chairperson shall take place on the prescribed date and the Secretary General shall publish a notice thereof.

(2) In case there has been a political consensus in the election of the Chairperson pursuant to Sub-Article (1) of Article 71 of the Constitution within the time prescribed in the programme published pursuant to Sub-rule (1), any member may, with the support of other member, submit a motion to the Chairperson along with a memo of the said consensus.

(3) In case the motion referred to in Sub-rule (2) has been received, the Chairperson shall permit the proposing member to introduce the motion in the Sitting prescribed for the election of the Chairperson.

(4) At the beginning of the Sitting, the supporting member shall support the motion following the proposing member introduces the motion in the Sitting. After the statement of the supporting member, the Chairperson shall declare that the member so proposed has been elected to the office of Chairperson of the Constituent Assembly on the basis of political consensus.

(5) In case no election of the Chairperson could be held on the basis of political consensus pursuant to Sub-rule (2), any member may, within the time determined in the programme published pursuant to Sub-rule (1), give notice of a motion to the Secretary General that any other member be elected to the office the Chairperson. Such a notice shall have to be accompanied with a statement of consent of the proposed member that, "if elected, I agree to carry out the work of the Chairperson."

(6) After the proposing member introduces a notice of motion referred to in Sub-rule (5) in the Sitting, the supporting member shall

support it. In case only one of such notice of the motion has been received, the person presiding over shall, upon completion of the statement by the supporting member, declare that the proposed member has been elected unopposed to the office of the Chairperson.

(7) In case more than one notices of motion have been received pursuant to Sub-rule (5), the proposing members shall introduce and supporting members shall support their respective motions on the order of registration and thereafter, discussion shall be held on all the motions and thereafter, the person presiding over shall present the motions for decision one by one.

(8) In case more than one notice of motion have been received and presented for decision pursuant to Sub-rule (7), the member proposed in the motion passed by the majority of the total members in the Constituent Assembly for the time being shall be deemed to have been elected to the office of the Chairperson of the Constituent Assembly.

(9) Among the more than one motion submitted for decision to the Assembly pursuant to Sub-rule (7), the member proposed in motion which has been passed by the majority of the total members present in the Constituent Assembly shall be deemed to have been elected to the office of the Chairperson of the Constituent Assembly and the rest of the motions need not be presented for decision.

(10) The decision of the Constituent Assembly on the motion received pursuant to Sub-rule (5) to elect one member to the office of the Chairperson shall be taken through division of votes. In case none of the motions submitted for election of the Chairperson could be passed by the majority required under Sub-Article (1A) of Article 71 of the Constitution, the Chairperson shall have to call the next Sitting for resubmission of those motions for decision. The procedure referred to in this Sub-rule shall be followed until any of those motions is passed by the majority required

under Sub-Article (1A) of Article 71 of the Constitution.

(11) In case the member presiding over the first Sitting has been proposed to the office of the Chairperson, the second eldest member who has not been proposed to the office of the Chairperson shall preside over the Sitting on that day.

(12) In case the office of the Chairperson falls vacant for any reason whatsoever, it shall be fulfilled by an election in accordance with the procedures referred to in this Rule.

8. **Oath of Office by the Chairperson:** The Chairperson shall, prior to assuming the office, take an oath of office and secrecy before the President as in the format referred to in Schedule 1.

9. **Election of the Vice-Chairperson:** (1) The election of the Vice-Chairperson shall take place on the date fixed by the Chairperson.

(2) For the election of the Vice-Chairperson too, the procedures referred to in Rule 7 for the election of the Chairperson shall be followed.

(3) In case the office of the Vice-Chairperson falls vacant for any reason whatsoever, it shall be fulfilled by an election pursuant to this Rule.

10. **Oath of Office by the Vice-Chairperson:** The Vice-Chairperson shall, prior to assuming the office, take an oath of office and secrecy before the Chairperson as in the format referred to in Schedule-1.

11. **Nomination of the Panel of Chairpersons:** (1) The Chairperson may nominate up to Twenty Seven members from time to time to chair Sittings in the event of absence of both the Chairperson and the Vice-Chairperson.

(2) The Vice-Chairperson and the member nominated pursuant to Sub-rule (1) may exercise all powers to be exercised by the Chairperson while chairing the Sitting.

## Chapter-5

### **Election of President and Vice-President**

**12. Election of President and Vice-President:** The election for the President shall take place on the date and at the time prescribed by the Chairperson.

(2) The Chairperson may designate the Secretary General of the Constituent Assembly as an Election Officer to conclude the election of the President and to submit the result of the election.

(3) The Election Officer may seek assistance of the employees of the Secretariat as may be necessary for completion of the election.

**13. Publication of Election Programmeme:** (1) The Election Officer shall prepare the programme of the election and publish it in public manner at least before Twenty Four hours of the date prescribed for election of the President.

(2) In the programme published pursuant to Sub-rule (1), the programmes such as publication of the voter's list, complaint and objection against it, publication of the final voter's list, the time, methods and venue for filing the candidacy, the time for publication of the name list of the candidates, the time duration for withdrawing the candidacy, the time for publication of the final list of the candidates and the programmes for voting and counting of votes shall, among other things, also be clearly stated.

**14. Publication of Voter's List:** (1) The Election Officer shall publish the voter's list having included the names of the members who have administered the oath of office as a member of the Constituent Assembly in an alphabetical order within the time prescribed in the programme published pursuant to Rule 13.

(2) In case a member reveals that any member having his/her name included in the voter's list published pursuant to Sub-rule (1) is or has become ineligible to be a voter in the election of the President, s/he may file an objection before the Election Officer within the time prescribed

having stated ground(s) thereof.

(3) In the event of filing an objection pursuant to Sub-rule (2), the Election Officer shall have to decide on the matter having conducted an inquiry on it. The Election Officer shall publish the voter's list maintained as per such decision as the final voter's list

(4) In case no objection has been filed pursuant to Sub-rule (2), the voter's list published pursuant to Sub-rule (1) shall be deemed to be the final voter's list.

**15. Political Consensus and Election:** (1) In case there has been a political consensus as to any person having met the qualifications pursuant to Article 36D. of the Constitution with regard to the election of the President pursuant to Sub-Article (1) of Article 36B. of the Constitution, the nomination form in the format referred to in Schedule-2 has to be filled in having stated all the necessary details along with a memo of the said consensus that the person be elected to the office of President on the basis of political consensus and the nomination form has to be filed with the Election Officer within the time prescribed pursuant to Rule 13 having proposed by one member and seconded by another member along with their respective signatures and along with a copy of Nepali Citizenship certificate of the person so proposed.

(2) While filing the nomination on the basis of the political consensus pursuant to Sub-rule (1), the memo in the format as referred to in Schedule-3 containing the consent of the concerned candidate that s/he agrees to work in the office of the President shall also be enclosed.

(3) In case the nomination has been filed pursuant to Sub-rule (1) that one be elected to the office of the President on the basis of political consensus, the Election Officer shall forthwith submit the contents thereof to the Chairperson.

(4) In case the Election Officer submits the contents to the

Chairperson that a nomination has been filed that one be elected to the office of the President on the basis of political consensus, the Chairperson shall declare in the Sitting of the Constituent Assembly convened immediately thereafter that the concerned person has been unanimously elected to the office of President on the basis of political consensus and the notice thereof shall be published in the Nepal Gazette.

(5) In case no proposal of the political consensus is filed within the prescribed time in accordance with this Rule, the Election Officer shall initiate the other process of the election pursuant to Sub-Article (3) of Article 36B. of the Constitution on the basis of these Rules.

**16. Procedures for Registering Nomination Form:** (1) The nomination form in the format referred to in Schedule-2 stating that any person having met the qualifications pursuant to Article 36D. of the Constitution be elected to the office of the President shall be submitted to the Election Officer within the time prescribed pursuant to Rule 13 having stated all necessary details and having proposed and signed by one member of the Constituent Assembly and having seconded and signed by another member of the Constituent Assembly along with a copy of Nepali Citizenship certificate of the person so proposed.

(2) While filing the nomination form pursuant to Sub-rule (1), the memo in the format as referred to in Schedule-3 containing the consent of the concerned candidate that s/he agrees to work in the office of the President shall also be enclosed.

**17. Examination of Nomination Form and Publication of Name-List:** The Election Officer shall examine the nomination forms submitted by the candidates registered within the time prescribed for the election of President pursuant to Rule 16 and publish the names of all candidates in an alphabetical order.

**18. Objection:** (1) Any candidate may file an objection against any other

candidate within the prescribed time having his/her name included in the name list of the candidates published pursuant to Rule 17.

(2) While filing an objection pursuant to Sub-rule (1), the clear grounds and reason/s thereof shall be stated.

(3) The Election Officer shall examine with regard to the objection filed pursuant to Sub-rule (1) and in case the objection is found to be reasonable and according to law, s/he may invalidate the nomination form of such candidate citing the reason thereof.

**19. Withdrawal of Candidacy and Publication of Final Name-List:** (1)

After publication of the name-list pursuant to Rule 17, the candidate having his/her name included in such name list may, within the duration prescribed pursuant to Sub-rule (2) of Rule 13, submit a written submission for withdrawal of the candidacy being present in person before the Election Officer in case s/he desires to withdraw his/her candidacy.

(2) The Election Officer shall forthwith prepare the final list of candidates maintained upon completion of the time for withdrawal of the candidacy pursuant to Sub-rule (1) in an alphabetical order and publish it.

(3) In case only one nomination letter duly filled in has been filed within the time prescribed for the election of the President or only one nomination letter is retained after cancellation of the nomination letters of other candidates pursuant to Sub-rule (3) of Rule 18 or in case other candidates have withdrawn their nominations and nomination letter of only one candidate is retained, the Election Officer shall submit the information to the Chairperson that such candidate has been elected unopposed to the office of President.

**20. Voting:** (1) In case there are more than one candidate in the final name list of candidates published pursuant to Rule 19, the election shall be conducted on the basis of secret voting.

(2) For the purpose of Sub-rule (1), the Election Officer shall

prepare the ballot paper having included the name of all candidates maintained pursuant to Rule 19.

(3) The member having his/her name included in the voter's list shall, within the time prescribed for voting, take the ballot paper having the signature of the Election Officer and mark the sign (√) in the box for indicating the vote before the name of the candidate of his/her choice and drop the ballot paper in the ballot box.

(4) Other procedures relating to voting shall be as prescribed by the Election Officer.

**21. Conditions for Ballot Paper to be Invalid:** (1) In any of the following conditions, the ballot paper shall be declared invalid:-

- (a) In case the voting sign (√) is marked in the boxes of more than one candidate;
- (b) In case the marked voting sign (√) is different from the prescribed sign one;
- (c) In case vote has been casted on the ballot paper having no signature of the Election Officer;
- (d) In case voting sign has been marked in such a manner that it could not be differentiated to which candidate the vote has been caste.

(2) In case any dispute arises whether the ballot paper is valid or not, the decision made by the Election Officer shall be final.

**22. Counting of Votes:** (1) Immediately after completion of the voting, the Election Officer shall begin the counting of votes in presence of the candidate or his/her representative.

(2) Upon completion of the voting, the Election Officer shall prepare a deed to that effect and submit the election result forthwith to the Chairperson.

**23. Declaration of Election Result:** (1) The Chairperson shall declare the election result submitted by the Election Officer pursuant to Sub-rule (3) of Rule 19 or Sub-rule (2) of Rule 22 at the Sitting of the Constituent Assembly to be convened immediately thereafter.

(2) While declaring the election result pursuant to Sub-rule (1), it shall be clearly declared that whether the candidate has been elected unopposed or elected by securing the majority vote pursuant to Sub-Article (2) of Article 36B. of the Constitution and the Notice thereof shall be published in the Nepal Gazette.

(3) In case it is found from the result of the election submitted by the Election Officer pursuant to Sub-rule (2) that no candidate could have secured majority vote that has to be secured pursuant to Sub-Article (2) of Article 36B. of the Constitution, the Chairperson shall determine in the same Sitting the date of voting between the two candidates securing highest number of votes.

(4) The Election Officer shall conduct the election pursuant to Rule 20 on the date determined again pursuant to Sub-rule (3) and complete the vote counting pursuant to Rule 22 and submit the result of such election to the Chairperson.

(5) The Chairperson shall declare the result of the re-election received pursuant to Sub-rule (4) at the Sitting of the Constituent Assembly to be convened immediately thereafter and the Notice thereof shall be published in the Nepal Gazette.

(6) The procedures referred to in this Rule shall continue until a candidate secures the majority to be secured pursuant to Sub-Article (2) of Article 36B. of the Constitution.

(7) In case the office of the President falls vacant for any reason whatsoever, it shall be fulfilled in accordance with the procedures referred to in this Rule.

**24. Election of Vice-President:** (1) The election of the Vice-President shall be held on the day and at the time prescribed by the Chairperson and the Secretary General shall publish the Notice thereof.

(2) The procedures of the election of the Vice-President shall be like that of the President.

(3) In case the office of the Vice-President falls vacant for any reason whatsoever, it shall be fulfilled in accordance with the procedures referred to in this Rule.

**25. To be deemed Internal Proceedings:** The acts done and procedure followed under these Rules in connection with the election of the President and Vice-President shall be deemed to be internal proceedings of the Constituent Assembly as referred to in Sub-Article (2) of Article 77 of the Constitution.

## **Chapter-6**

### **General Procedures of Sitting**

**26. Daily List of Business:** (1) The Secretary General or the Secretary shall prepare a list of business for each day of the Sitting as per the direction of the Chairperson. One copy of this list shall be provided to each member normally one day prior to the Sitting.

Provided that, in special circumstances, an amended list of business may be prepared one hour prior to the Sitting as per the Chairperson's direction and one copy of it may be provided to each member.

(2) Save as otherwise provided for in these Rules, no subject that has not been included in the list of business for the day shall be discussed on that day without the permission of the Chairperson.

(3) Except the Chairperson has directed otherwise, no matter that requires notification 17 shall be included on the list of business without fulfilling the necessary timeframe and other processes.

**27. The Conduct of Business Advisory Committee:** (1) In order to conduct a

Sitting of the Assembly in an orderly manner including determining the priorities and time limit of the matters to be submitted before the Sitting and to furnish advices to the Chairperson on other matters as the Chairperson may deem necessary, there may be formed a Conduct of Business Advisory Committee under the chairpersonship of the Chairperson having representation of members of all political parties representing to the Constituent Assembly not exceeding forty nine members altogether.

(2) The Vice-Chairperson and the Minister of Law, Justice and Constituent Assembly Affairs shall respectively be the *ex-officio* Vice-Chairperson and member of the Committee.

(3) Notwithstanding anything contained in Sub-rule (1), the Chairperson may invite to the Sitting of the Conduct of Business Advisory Committee any member that s/he deems fit as an invited member.

**28. Allotment of time limit:** (1) The Chairperson shall allot the time limit for discussion on any issue submitted before the Sitting.

(2) After completion of the time limit allotted pursuant to Sub-rule (1), the Chairperson shall, save as otherwise provided in these Rules, submit all questions in the Sitting for decision in order to settle the matter without any further discussion on it.

**29. Method of Furnishing Notice:** Save as otherwise mentioned in these Rules, a member shall give Notice to the Secretary General or the Secretary only between 10.00 hours to 14 hours. Notice given thereafter shall be considered to have been given on the next working day.

**30. Amendment to Notice:** In case the Chairperson finds that a notice contains any unsuitable, satirical, unnecessary, unfit or irrelevant words or phrases, s/he may amend to or cause to amend to such notice before it is disseminated.

**31. Distribution of documents:** (1) The Secretary General or Secretary shall

provide all necessary documents and information to members.

(2) The Secretary General or Secretary shall, as directed by the Chairperson, make arrangements to place all documents and information to be provided to members in pigeonholes that bears the name of each member, in the office of the Constituent Assembly party. Documents and other information placed in this way shall be considered to have been received by the concerned member.

Provided that, for the members nominated by the Council of Ministers and independent members, the Secretary General or the Secretary shall make arrangements to install pigeonholes in the place determined by the Chairperson within the Secretariat compound and the information thereof shall be furnished to the concerned member.

**32. Commencement of the Sitting:** The Sitting shall be commenced once the Chairperson enters into the Sitting Chamber and the national anthem is played.

**33. Norms to be Observed in the sittings of the Assembly:** Members shall observe the following norms whilst the Assembly is sitting:-

- (a) When the Chairperson enters into the Sitting Chamber, all must stand up to express respect;
- (b) The Chairperson must take the chair having expressed honour to the Sitting;
- (c) Other members shall leave the Sitting Chamber only after the Chairperson gets out of the Assembly following the adjournment of the Sitting;
- (d) Assembly member while speaking in the Sitting shall address the Chairperson and save as otherwise ordered by the Chairperson shall stand up while speaking;
- (e) While the Chairperson is addressing to the Sitting, no member shall move from his/her place and shall listen to the statement of the

Chairperson quietly;

- (f) No one shall walk pass in between the chair of the Chairperson and the member who is speaking;
- (g) No one shall disturb peace or breach the honour of the Sitting or commit any act creating disorder in the Sitting;
- (h) No one must walk across in front of the Chairperson in the Sitting Chamber or sit having his/her back towards the seat of the Chairperson;
- (i) Except the subject concerned directly with the business of the Sitting, no one must read the books, newspapers or other documents on other subjects;
- (j) Mobile phone must be switched off in the Sitting Chamber while the Sitting is in progress;

**34. Norms to be followed by the Members Taking Part in Discussion:** The members taking part in discussion in the Sitting shall abide by the following norms:-

- (a) One shall stand up to call the attention of the Chairperson, and shall speak only after getting an indication or having his/her name called;
- (b) Except in course of the discussion on a motion that the Chairperson has not behaved as per the dignity of office, one shall not criticize conduct of the Chairperson;
- (c) No one shall discuss on the subjects restricted by Article 60 of the Constitution;
- (d) No one shall be blamed at personal level;
- (e) No one shall speak on any matter within the purview of the Legislature-Parliament;
- (f) No one must speak immodest, vulgar, insulting or contestable words;
- (g) Except speaking on the motion that any decision of the Assembly or of the Chairperson be invalidated, no one shall criticize the decision

of the Assembly or the Chairperson;

- (h) The right to expression shall not be misused with the intention of disrupting the proceedings of the Sitting.

**35. Order of Speaking in Discussion:** The order of speaking and giving answers in the Sitting shall be as follows:-

- (a) After the member moving the motion has spoken, the member whose name has been called upon or who has been indicated to speak by the Chairperson may speak.
- (b) Except otherwise provided in these Rules, no member shall be entitled to speak more than once on the same motion without permission of the Chairperson.
- (c) The member introducing the motion may speak again by way of reply at the end of the discussion. Irrespective of whether or not one has taken part with regard to the motion, once the proposing member replies, one shall not be allowed to speak without permission of the Chairperson.
- (d) The member moving amendment to the motion shall not have right to reply without permission of the Chairperson.
- (e) Once the member introducing the motion replies, the discussion shall be deemed to be concluded.

**36. Relevancy:** (1) The matter spoken by the member shall be relevant to the matter under consideration of the Constituent Assembly.

(2) In case any member continues to speak on an irrelevant issue or frequently repeats his/her own arguments or arguments of anyone else, the Chairperson may draw attention of the Sitting towards his/her behaviour and direct him/her to stop speaking. Upon such direction the member shall forthwith stop speaking and take his/her seat.

**37. Seeking or Offering of explanation:** (1) In case any member deems it necessary to seek an explanation on the concerned matter while discussion

is taking place, s/he may seek the explanation through the Chairperson.

(2) Notwithstanding anything contained in Sub-rule (1), a member may, with the permission of the Chairperson, give an explanation on any other matter relating to him/her for information of the Sitting.

Provided that, no controversial matter may be raised while giving such explanation and no discussion shall be allowed on such explanation.

**38. Motion for Closure of Discussion:** (1) Unless otherwise provided for in these Rules, any member may, with the permission of the Chairperson, move at any time a motion that the discussion be closed in respect of motion introduced to, or under consideration of, the Assembly.

(2) In case the Chairperson deems that there has been sufficient discussion on the original motion, s/he may place the motion before the Constituent Assembly for decision to the effect of ending the discussion.

(3) There shall be no amendment to or discussion on the motion to end discussion. In case such a motion is passed, the Chairperson shall, without allowing for additional discussion, submit the original motion to the Constituent Assembly for decision.

(4) In case the Chairperson deems that any discussion is being prolonged unnecessarily, s/he may, having taken into account the opinion of the Sitting, fix a timeframe for ending the discussion and in case such timeframe has been fixed, s/he may deem that the discussion is completed and s/he may submit all necessary issues to the Sitting for making decision of the Constituent Assembly on the main motion.

**39. Points of Order:** (1) In case any member considers that there has been a breach of any Rule on the matter that is currently under consideration of the Assembly, s/he may raise a Point of Order indicating the Rule so breached.

(2) When the member raising the Point of Order gets an expression or gesture of approval from the Chairperson, the member who is currently speaking shall stop speaking.

(3) The member raising the Point of Order shall speak clearly and precisely on the issue of the Point of Order and its grounds and after raising the Point of Order, s/he shall take his/her seat.

(4) The Chairperson shall decide on the Point of Order raised and his/her decision shall be the final.

## Chapter 7

### **Methods of Decision-Making in the Assembly**

**40. Deciding through Questions:** The Chairperson shall, while submitting a motion under consideration of the Constituent Assembly for decision, submit it in the form of a question.

**41. Methods of Submitting a Question for Decision:** (1) Once the discussion on a motion is over, the Chairperson shall present questions one by one, asking members who support the motion to audibly say “Yes”; those who oppose the motion to say “No”, and those who prefer to remain neutral to say “abstain”.

(2) Upon submission of the motion for decision pursuant to Sub-rule (1), the Chairperson shall announce the side whichever s/he deems to have received the majority among those saying “Yes” or “No” and in case there is no objection to the view of the Chairperson pursuant to Rule 42, the Chairperson’s announcement shall be the decision of the Constituent Assembly. A record of the votes stating “Yes”, “No” and “abstain” in response to the motion submitted for decision shall be maintained having identified their respective number.

(3) Once the Chairperson submits a particular motion for decision, no discussion or submission of an amendment or postponement motion shall be moved on the motion.

**42. Division:** (1) In case a minimum of Sixty one members express their disapproval by standing up from their seats pursuant to Sub-rule (2) of Rule 41, the Chairperson shall collect the votes having divided the members

saying “Yes”, “No” or “abstain” in one of the following methods:-

- (a) By asking each member to pronounce the word “Yes”, “No” or “abstain”;
- (b) By distributing “Yes”, “No” and “abstain” slips,
- (c) By getting the members saying “Yes”- and “No”- voting members to enter the lobby through different doors, and having the “abstain” voting members to remain in their seats, or
- (d) By operating the automatic vote-recording machine.

(2) Notwithstanding anything contained in Sub-rule (1), if the Chairperson deems that a demand for division is unnecessary, s/he may, before giving an order for division, ask the members voting “Yes”, “No” and “abstain” to stand up from their seats respectively, and determine the decision of the Constituent Assembly having counted them.

(3) While distributing the “Yes”, “No” and “abstain” slips pursuant to Sub-rule (1), the slips shall be in green, red and blue colour respectively and the Members shall sign on the slip stating his/her serial number and name.

(4) Where an automatic vote-recording machine has been used for collecting votes pursuant to Sub-rule (1):-

- (a) In case the Chairperson considers that a member is unable to operate the machine for any reason, s/he may, prior to announcing the decision of the Constituent Assembly, count the vote of that member by asking the member;
- (b) In case a member happens to press the wrong button of the automatic-vote recording machine and thereby wrong vote is cast, such member may call the Chairperson’s attention to the matter prior to the

announcement of the Constituent Assembly decision, and correct the vote.

(5) The Chairperson shall forthwith announce the results of the votes collected pursuant to Sub-rule (1) or (2), and no member shall be allowed to express his/her disagreement.

(6) The Chairperson shall have the power to split a motion into different parts in the form of more than one question and to submit them for decision. The Chairperson shall also have the powers to designate the vote collectors and to determine other procedures of division.

## Chapter 8

### Maintenance of Order in the Assembly

43. **Warning**: The Chairperson may warn a member committing misbehaviour in the Sitting to control his/her behaviour, and after getting such warning, the member shall have to control his/her behaviour.
44. **Expulsion**: (1) The Chairperson may order any member who does not comply with the warning issued pursuant to Rule 29 to leave the Sitting Chamber. Upon getting such an order, such member shall have to go out of the Sitting Chamber forthwith and s/he shall not be allowed to take part in the remaining duration of the Sitting of that day.
- (2) In case such member does not go out of the Sitting Chamber forthwith even after getting the order referred to in Sub-rule (1), Chairperson may get the member out having used force with the help of a Marshal. The member so expelled shall not be allowed to take part in a Sitting of the Assembly or Committee for three consecutive days thereafter. The Secretary General or the Secretary shall inform all Committees regarding such expulsion.
45. **Suspension of Members**: (1) The Chairperson may note by name any member who disrespects the chair of the Chairperson, or who knowingly disturbs the proceedings of the Constituent Assembly, or who repeatedly

misbehaves or knowingly breaches or dishonors the Constitution or these Regulations.

(2) In case a member introduces a motion for suspension of the member who has been noted pursuant to Sub-rule (1), the Chairperson shall forthwith submit the motion before the Sitting for decision and no motion of amendment or adjournment of this motion shall be brought for and have discussion.

(3) In case the motion referred to in Sub-rule(2) is passed, such a member shall be deemed to be suspended, and the member so suspended shall not be allowed to attend in Sitting of the Assembly or Committee for a period of Fifteen days thereafter.

(4) The member who has been suspended pursuant to Sub-rule (3) shall forthwith leave the Assembly Chamber.

(5) In case the suspended member does not forthwith leave pursuant to Sub-rule (4), the Chairperson may order a Marshal to get him/her out.

(6) In case a member has been suspended or such suspension is no longer in effect, the Secretary General or Secretary shall furnish the information thereof to all Committees.

(7) In case a motion pre-informed by the member who has been suspended pursuant to Sub-rule (3) or Rule 32 has to be introduced while s/he is in suspension, the Chairperson may authorize any other member to introduce such motion.

**46. Special Powers of the Chairperson to Maintain Order:** (1)

Notwithstanding anything contained in the foregoing paragraphs in this Chapter, in case any member disrupts or tries to disrupt peace, order or discipline in the Assembly building; or in case any member shows destructive tendencies, uses force or is about to use force inside the Assembly, tarnishing the dignity of the Constituent Assembly, the Chairperson may order the Marshals to remove the member forthwith by

use of force. The Chairperson may suspend such an expelled member for up to Ten days.

(2) The member suspended pursuant to Sub-rule (1) shall not be entitled to attend the Sittings of the Assembly or any Committee during the period of the suspension.

(3) In case a member has been suspended or such suspension is no longer in effect, the Secretary General or Secretary shall furnish the information thereof to all Committees.

**47. Granting Pardon:** Notwithstanding anything contained elsewhere in this Chapter, if a member expelled or suspended acknowledges his/her fault and begs for a pardon, the Chairperson may, having regard to the opinion of the Sitting, grant a pardon to such a member.

**48. Powers to Adjourn the Sitting:** In case an obstacle arises or about to arise because of disorder created in the Sitting Chamber thereby causing hindrance in conducting business of the Assembly, the Chairperson may adjourn the Sitting for a certain time of that day or until the time to be fixed by him/her. No member shall raise question against such adjournment.

## Chapter 9

### Motions and Procedures Relating Thereto

**49. No Discussion without Motion:** (1) Save otherwise provided in the Constitution and these Rules, no discussion on any issue shall take place in the Sitting without prior motion.

(2) Motions to be introduced to the Sitting shall be approved by the Chairperson. The Chairperson may, in consultation with the proposing member, bring necessary amendment to the motion without tampering the main spirit of the motion.

**50. Conditions for motions:** No motion containing any of the following matter shall be admissible:-

(a) Having the issue beyond the purview of the Constituent Assembly;

- (b) Having included more than one issue;
  - (c) Containing vague, uncertain or unimportant subject matter;
  - (d) Containing crude reasons, inferences, ironical expressions, irrelevant, imputations or any other hypothetical or objectionable matter;
  - (e) Containing an issue within the competence of the Legislature-Parliament
- 51. Decision on Admissibility of Motion:** The Chairperson shall decide whether or not a motion or a part thereof is admissible, and while so deciding, s/he may disallow any motion or part thereof citing reason(s) therefor.
- 52. Allotment of Day and Duration of Discussion:** (1) The Chairperson may, having taken into account the business in the Constituent Assembly, allot the day and the duration of discussion on a motion.
- (2) After completion of the time allotted for discussion, the discussion shall terminate, and unless otherwise provided in these Rules, the Chairperson shall put every question necessary to dispose of the matter in respect of the main issue for decision in the Sitting.
- 53. Lapse of Motion:** (1) Any motion not moved in a Sitting even after being permitted therefor shall *ipso facto* be lapsed.
- (2) Except otherwise provided in these Rules, no matter substantially raising the same question which has already been discussed or decided during the current session of the Constituent Assembly shall be allowed to be raised again in the form of a new motion or amendment.
- 54. Prior Discussion on Motion Debarred:** Where a time has been allotted to a motion for discussion in the Constituent Assembly, no other motion or amendment for discussion on the same matter shall be allowed prior to such allotted time.
- 55. Withdrawal of Motion:** (1) The proposer may withdraw a motion already

filed with the Constituent Assembly Secretariat through a written request and with the approval of the Chairperson.

Provided that, the motion already raised in the Constituent Assembly may not be withdrawn without the permission of the Constituent Assembly, and if any amendment has been moved in respect thereof, such a motion may not be withdrawn until such amendment has been decided upon.

(2) In case more than one Member has submitted more than one motion substantially on the same matter, discussion shall be held on only one motion determined through a lottery.

- 56. Notice of Motion:** Assembly Member intending to move a motion shall submit a notice in writing to the Secretary General or Secretary.
- 57. Procedures Relating to Motion:** In respect of the motion to be moved under other Chapters of these Rules, the procedures mentioned in those Chapters shall apply, and in respect of the matters not mentioned in those Chapters, the procedures as provided in this Chapter and Chapter -8 shall apply.
- 58. Prohibition on Submission of Other Motions:** Except the motions under Rule 59, no other motion may be moved under this Chapter.
- 59. Motion may be introduced without notice:** (1) Notwithstanding anything contained in this Chapter, any of the following motions may be moved even without a notice, if the Chairperson so allows, and no matter of controversy may be raised through such a motion:-
- (a) Motion of thanks;
  - (b) Motion of adjournment;
  - (c) Motion to withdraw any motion or amendment;
  - (d) Motion of congratulation or condolence;
  - (e) Motion of adjournment of discussion;
  - (f) Motion to extend the period of discussion;
  - (g) Motion to extend the duration of sittings; or

(h) Motion of closure of discussion.

(2) After submission to the Sitting upon approval of the Chairperson as to the motion referred to in Sub-rule (1), the Chairperson shall submit such a motion for decision of the Sitting.

## Chapter -10

### Amendments to Motions

**60. Conditions Relating to Amendments:** (1) Amendment with regard to any motion may be put forward subject to the following conditions: -

- (a) it must not be contrary to principles of the main motion;
- (b) it must be relevant to and be confined within the matter and working areas of the main motion;
- (c) it must not be contradictory to the earlier decision of the Sitting;
- (d) Must not be vague, futile or trivial.

(2) The member intending to submit an amendment pursuant to Sub-rule (1) shall have to state the reason(s) for the amendment to be made to the motion and what sort of amendment has to be made to which subject.

**61. Notice of Amendment:** (1) Any Member intending to move an amendment shall submit a notice thereof to the Secretary General or Secretary Twenty Four hours in advance of the day fixed for deliberation on the motion.

Provided that, a notice of an amendment may be put forward at any time before the beginning of the discussion with the permission of the Chairperson.

(2) Upon receipt of the amendment notice, a copy of each of the amendments shall be made available to all Members.

(3) In case an amendment has been put forward without a notice as referred to in Sub-rule (1), any Member may raise an objection.

**62. Powers to Accept or Reject Amendments:** (1) The Chairperson shall have

the power to accept or reject any amendment to a motion.

(2) The Chairperson may, for the purposes of accepting or rejecting an amendment, require the concerned Member to clarify the purpose of the amendment.

- 63. Moving the Amendment:** The Chairperson shall read out the amendment or the amended motion or the original motion so accepted by him/her to the Sitting, prior to putting it for decision. While putting for decision, the Chairperson may, if there is more than one amendment, put forth in priority any one of the amendments or the amended motion or the motion in original form as deemed appropriate by him/her.

## Chapter 11

### Committees of the Constituent Assembly

- 64. Committees may be formed:** In order to assist in the Constitution-making function and other procedural activities relating thereto, there may be formed Constitutional Committee, Thematic Committees and Procedural Committees under the Constituent Assembly.

- 65. Constitutional Committee:** (1) There shall be a Constitutional Committee in the Assembly.

(2) After the submission of the preliminary draft reports of the Thematic committees referred to in Rule 66 along with the concept paper on the subjects within their respective working areas, it shall be the main duty of the Committee formed pursuant to Sub-rule (1) to prepare a draft of the Constitution on the basis of report received from such Committees, suggestions and directives given by the Assembly upon having discussion on those reports, and to introduce a draft to the Constituent Assembly.

(3) Notwithstanding anything contained in Sub-rule (2), the responsibility to prepare the preliminary draft of the preamble of the Constitution and to identify such subjects as are not covered within the

working areas of any of the committees but that need to be incorporated in the Constitution; to prepare the preliminary draft report on such subjects along with the concept paper; and to introduce them in the Assembly shall rest with the Constitutional Committee.

(4) There shall be Sixty Three<sup>•</sup> members in the Constitutional Committee and while nominating members to the said Committee, proportional inclusion shall be made on the basis of political structure in the Assembly and the presence in the Assembly of women, indigenous/tribal people, *Madhesi*, *Dalit*, backward regions, Muslims and other minority communities having made representation of all political parties representing to the Assembly.

(5) The Chairperson shall propose for formation of the Constitutional Committee along with the names of the members in the Committee before the Assembly.

(6) The members of the Committee shall elect the Chairperson of the Committee from among themselves.

(7) The tenure of office of the Constitutional Committee shall be throughout the term of office of the Assembly.

(8) The Constitutional Committee may, having specified the works to be carried out for performing certain function under its responsibility and the time duration required for it, form taskforces or sub-committees as may be required.

(9) The work of drafting of the Constitution by the Constitutional Committee shall be carried out in confidential manner. Prior to beginning their work, the members of the Constitutional Committee shall take an oath of secrecy before the Chairperson in the format referred to in Schedule-4.

(10) In addition to whatever provided for in these Rules, other

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<sup>•</sup> Amended by First Amendment .

procedures of the Constitutional Committee shall be as determined by the Committee itself.

**66. Thematic Committees:** There shall be the following thematic committees in the Constituent Assembly in order to prepare the preliminary draft along with concept paper on the subjects assigned to individual Committee among the various subjects to be incorporated into the Constitution.

The name and working areas of the committees shall be as follows:-

S.N.	Name of Committee	Working areas
1.	Committee on Fundamental Rights and Directive Principles	<ul style="list-style-type: none"><li>• Identification of fundamental rights</li><li>• Grounds of restrictions on fundamental rights</li><li>• Provisions relating to implementation of fundamental rights</li><li>• Directive principles and policies of the state</li><li>• Provision relating to special protection of rights of all minority communities including women, children, youths, laborers, peasants, <i>madhesi</i>, indigenous/ tribal communities, <i>dalit</i>, backward regions, incapacitated persons, Muslims</li><li>• Provisions relating to citizenship</li><li>• Other necessary matters relating to the working areas of the Committee</li></ul>

S.N.	Name of Committee	Working areas
2.	Committee for Protection of Fundamental Rights of Minority and Marginalized Communities	<ul style="list-style-type: none"> <li>• Definition of minority and marginalized communities</li> <li>• Identification of down trodden, isolated or excluded groups including tribal communities</li> <li>• Provisions for the protection of minority and marginalized communities</li> <li>• Measures for inclusion in the system of state affairs</li> <li>• Other necessary matters relating to the working areas of the Committee</li> </ul>
3.	Committee for Restructuring of the State and Distribution of State Powers	<ul style="list-style-type: none"> <li>• The structure in the federal democratic republican form of the state</li> <li>• The principles and grounds for determining the areas of the federal units</li> </ul>

S.N.	Name of Committee	Working areas
		<ul style="list-style-type: none"> <li>• Delimiting the boundaries and naming of each of the federal units</li> <li>• Division of legislative, executive and judicial powers among the governments in various levels of federal units</li> <li>• Determining the contents of working areas of federal units of various levels and the common subjects</li> <li>• Determination of interrelationship of legislative, executive and judicial powers among federal units</li> <li>• Mechanism for adjudication of disputes that may arise between the federal units</li> <li>• Other necessary matters relating to the working areas of the Committee</li> </ul>
4.	Committee on Determination of the Form of the Legislative Organs	<ul style="list-style-type: none"> <li>• Structure and methods of formation of the legislature in the various federal units.</li> <li>• Inter-relationship among the legislatures of various levels of federal units</li> <li>• Legislative procedures.</li> <li>• Financial management procedures.</li> <li>• Additional issues related to the working areas of the Committee</li> </ul>

S.N.	Name of Committee	Working areas
5.	Committee on Determination of Form of Governance of the State	<ul style="list-style-type: none"> <li>• Nature and outlines of system of governance</li> <li>• Election system</li> <li>• Format of executive organ at various levels</li> <li>• Division of executive powers at various levels</li> <li>• Inter-relationship between governments at various levels</li> <li>• Formation and Functioning of government services.</li> <li>• Bases of good governance.</li> </ul>
		<ul style="list-style-type: none"> <li>• Other necessary matters relating to the working areas of the Committee</li> </ul>
6.	Committee on Judicial System	<ul style="list-style-type: none"> <li>• Format of the judicial structure</li> <li>• Tiers, forms and jurisdiction of judiciary</li> <li>• Appointment, Dismissal, other terms and conditions of service, powers, duties and responsibilities of the judges, and additional issues relating thereto</li> <li>• Constitutional status, powers and duties of Attorney General</li> <li>• Other necessary matters relating to the working areas of the Committee</li> </ul>

S.N.	Name of Committee	Working areas
7.	Committee on Determination of Structure of Constitutional Bodies	<ul style="list-style-type: none"> <li>• Identification of Constitutional bodies required for operation of the system of governance and determination of their forms</li> <li>• Formation, functions, powers and duties of Constitutional bodies.</li> <li>• Relationship of the Constitutional bodies with various levels of governments.</li> <li>• Other necessary matters relating to the working areas of the Committee</li> </ul>
8.	Committee on Division of Natural Resources, Financial Powers and Revenue	<ul style="list-style-type: none"> <li>• Division of subject-matters of financial sources.</li> <li>• Measuring criteria for the division of income sources.</li> <li>• Financial relationships between governments at various levels.</li> <li>• Other necessary matters relating to the working areas of the Committee</li> </ul>
9.	Committee on Determination of Bases for Cultural and Social Solidarity	<ul style="list-style-type: none"> <li>• The functional government languages in the federal units of various levels.</li> <li>• Preservation of other national languages and cultures.</li> <li>• Other issues related to language.</li> </ul>
		<ul style="list-style-type: none"> <li>• Determination of bases of social solidarity.</li> </ul>

S.N.	Name of Committee	Working areas
		<ul style="list-style-type: none"> <li>• Other necessary matters relating to the working areas of the Committee</li> </ul>
10.	Committee for Protection of National Interests	<ul style="list-style-type: none"> <li>• Identification and definition of national interests of Nepal.</li> <li>• Measures for Constitutional protection of sovereignty, integrity and national unity.</li> <li>• Management of international boundaries of Nepal.</li> <li>• Preservation of national heritage.</li> <li>• International relations.</li> <li>• International treaties.</li> <li>• National security.</li> <li>• Duties of the Nepal Army and its operation.</li> <li>• Other necessary matters relating to the working areas of the Committee</li> </ul>

**67. Procedural committees:** The following procedural Committees may be set up to support administrative work necessary for the effective running of the Constituent Assembly's Constitution-formation activities. The title and working areas of these Committees shall be as follows:-

S.N.	Title	Working Areas
1.	Committee on Civic Relations	<ul style="list-style-type: none"> <li>• Establishment of a mechanism for easy access of citizens to the Constituent Assembly, and its implementation.</li> <li>• Provision of an effective system for Civic Relations dissemination of information to citizens about the Constituent Assembly, the Constitution-making process and its general activities, and coordination with other collaborators.</li> <li>• Monitoring and evaluation of all activities conducted by government agencies, NGOs and INGOs, civil society, media, with regard to the Constituent Assembly, Constitution-making processes and its regular activities.</li> <li>• Informing citizens on the process for participation in the Constitution-making.</li> <li>• Monitoring of the media centre.</li> </ul>
2.	Committee on Collection and Coordination of Public Opinions	<ul style="list-style-type: none"> <li>• Publicity through various means of communication of the draft of the Constitution for collection of public opinion and suggestions on the draft Constitution.</li> <li>• Conducting or causing to conduct public hearings on the draft of the Constitution.</li> <li>• Organization of interaction programmes, seminars and workshops.</li> </ul>

S.N.	Title	Working Areas
		<ul style="list-style-type: none"><li>• Maintaining record and manage the suggestions obtained through various means from within the country or abroad derived on personal or institutional manner.</li><li>• Preparing a report of the suggestions and to submit to the Constituent Assembly.</li></ul>
3.	Committee on Capacity Development and Resources Managements	<ul style="list-style-type: none"><li>• Organizing interaction programmes for Constituent Assembly members on the Constitution and Constitution-making process.</li><li>• Conducting studies and researches on the Constitutional subject matters.</li><li>• Making provision of resource materials for members and their distribution.</li><li>• Developing and managing a resource centre.</li></ul>

**68. Assigning Additional Subjects:** The Chairperson may assign the subjects not covered within the working areas of the Committees referred to in Rules 65, 66 and 67 to be included in the working areas of such Committee as s/he may deem appropriate.

**69. Formation of Committees:** (1) The Chairperson shall, with the consent of the Assembly, nominate forty-three members in maximum in each of the committees referred to in Rules 66 and 67.

(2) While nominating members to each of the committees, proportional representation shall be made on the basis of political structure in the Assembly and the presence in the Assembly of women, indigenous/tribal people, *Madhesi*, *Dalit*, backward regions, Muslims and other minority communities having representation of all political parties representing to the Assembly.

(3) No member shall be nominated to more than one Committee at

the same time.

(4) Notwithstanding anything contained in Sub-rule (3), in case any member desires to attend and take part, in sittings of the Committee in which s/he is not a member as may be necessary, s/he may be present in the Sitting having given an information thereof at least one day in advance of the date of the Sitting to the Chairperson of the concerned Committee.

Provided that, s/he shall not have voting right in such Committee.

**70. Election of the Committee Chairperson:** (1) The election of a Committee Chairperson shall be held on the day fixed by the Chairperson, and notice to this effect shall be published by the Secretary General or Secretary forty eight hours in advance.

(2) For the election of a Committee Chairperson, a member may furnish the notice of the motion to the Secretary General or secretary by 5.00 pm of the day before the day of election having proposed another member to be elected as the Committee Chairperson and having been seconded by another member. Such a notice shall have to be accompanied with a statement of consent of the proposed member that, "if elected, I agree to carry out the functions of the Committee Chairperson."

(3) After the proposing member introduces a notice of motion referred to in Sub-rule (2) in the Sitting, the supporting member shall support it.

(4) In case only one of such notice of the motion referred to in Sub-rule (2) has been received, the person presiding over shall, upon completion of the statement by the supporting member, declare that the proposed member has been elected unopposed to the office of the Committee Chairperson. In case there have been received more than one notice of motion, the proposing members shall introduce and supporting members shall support their respective motions on the order of registration and thereafter, discussion shall be held on all the motions and thereafter, the

person presiding over shall present the motions for decision one by one.

(5) While submitting a motion for decision pursuant to Sub-rule (4), the members in favour of the motion shall be asked to pronounce the word “yes” and the members against the motion to pronounce “no” and the member securing majority shall be declared to be elected.

(6) In case more than one motion are submitted for decision to the Assembly pursuant to Sub-rule (4), after any of such motions is approved, the member proposed in the said motion shall be deemed to have been elected to the office of the Committee Chairperson and the rest of the motions need not be submitted for decision.

(7) The senior most member currently presiding over the Sitting shall also have the voting right. In case of equal division of votes, it shall be decided on the basis of lottery.

(8) No minister shall be elected to the office of the Committee Chairperson and to preside over a Sitting of a Committee.

(9) In case there is no Committee Chairperson or s/he is absent, the senior most member from among the members present in the Sitting shall preside over the Sitting.

(10) In case the member presiding over the first Sitting has been proposed to the office of the Chairperson, the second eldest member who has not been proposed to the office of the Chairperson shall preside over the Sitting on that day.

(11) The member elected to the office of the Committee Chairperson shall take an oath of office in the format referred to in Schedule-5.

**71. Tenure of Committee:** The tenure of the Committees referred to in Rules 66 and 67 shall be for the tenure of the Constituent Assembly. The Chairperson may, with the consent of the Assembly, change or alter in the members of the committees.

**72. Circumstances for Vacancy of Office of Chairperson or Member: (1)**

The office of the Committee Chairperson shall fall vacant in any of the following circumstances:-

- (a) In case s/he is no longer a member of the Constituent Assembly,
- (b) If s/he is appointed to as a minister;
- (c) If s/he has tendered resignation;

(2) The office of member of a Committee shall fall vacant in any of the following circumstances:-

- (a) In case s/he is no longer a member of the Constituent Assembly;
- (b) If s/he has tendered resignation from the office of a Committee member;
- (c) If s/he is no longer a member owing to alteration in members pursuant to Rule 71.

(3) In case the office of the Committee Chairperson falls vacant, it shall be filled according to Rule 56 and in case the office of a Committee member falls vacant, it shall be fulfilled pursuant to Sub-rule (1) of Rule 69, and the tenure of such committee Chairperson shall be only up to the rest of the period.

(4) In case the office of the Committee Chairperson falls vacant pursuant to Sub-rule (2), it shall be fulfilled within a month pursuant to Rule 70.

**73. Functions, Duties and Powers of the Thematic Committees: (1) The**

functions, duties and powers of each of the Thematic Committees, within the working areas determined by these Rules, shall be as follows:-

- (a) To prepare a list of activities to be carried out on the concerned subject under the working areas of the

Committee, and prepare a work schedule of the same;

- (b) To collect relevant materials on the subjects under the working areas of the Committee, and to conduct discussions and studies;
- (c) To seek technical advice from specialists on the subject under the working areas of the Committee, to conduct public hearings, collect suggestions, organize seminars and workshops, and to conduct field visits with the approval of the Chairperson.
- (d) To prepare a preliminary draft, including a concept paper on the subject under the working areas of the Committee, and to submit its report to the Constitutional Committee.
- (e) To form sub-Committees and determine their functions, duties and powers in order to carry out studies, research and related activities on the subject under the working areas of the Committee, whenever required.

(2) Notwithstanding anything contained elsewhere in these Rules, all members of the Committee shall have to sign on the reports of the Committee.

(3) In case it is not possible to have joint signature pursuant to Sub-rule (2), at least majority of the members shall have to sign on the report.

(4) In case any member desires to sign with his/her dissenting opinion, the Committee Chairperson shall make necessary provision for signature along with a note of dissent.

**74. Functions, Duties and Powers of Procedural Committees:** (1) Subject to the scope of the working areas determined by these Rules, the functions, duties and powers of each of the Procedural Committees shall be as

follows:-

- (a) To prepare a work list on the activities to be carried out on the concerned subjects under the Committee's working areas, and to prepare a work schedule for the same;
- (b) To form sub-Committees and determine their functions, duties and powers in order to carry out studies, researches and other relevant activities on the concerned subjects under the working areas of the Committee as may be required;
- (c) To complete all works entrusted to it within the allotted time and in the manner specified, and to submit a report thereof to the Assembly.
- (d) To carry out other works as assigned by the Assembly.

(2) Notwithstanding anything contained elsewhere in these Rules, all members of the Committee shall have to sign on the reports of the Committee.

(3) In case it is not possible to have joint signature pursuant to Sub-rule (2), at least majority of the members shall have to sign on the report.

(4) In case any member desires to sign with his/her dissenting opinion, the Committee Chairperson shall make necessary provision for signature along with notes of dissent.

**75. Sitting of Committee:** (1) The Committee Secretary shall call a Sitting of the Committee as directed by the Committee Chairperson. The Committee Chairperson shall specify the time, venue and agenda of the Sitting.

(2) The Committee shall meet as may be required.

(3) The Sitting shall be presided over by the Committee Chairperson or in his/her absence, the member chosen by the Committee members from among themselves shall preside over the Sitting;

(4) While presiding over the Sitting by any member other than Committee Chairperson, s/he may exercise all powers which is vested in the Committee Chairperson.

(5) The Committee Chairperson shall inform the Chairperson in advance in case the Committee has to sit outside the Secretariat compound.

**76. Quorum:** (1) The quorum of the Committee shall be One-Fourth of the total number of members in the Committee.

(2) The Committee Chairperson may postpone the Sitting for sometime or days if the required quorum is not constituted.

(3) In case the Sitting needs to be put off for Two consecutive times due to lack of the required quorum as referred to in Sub-rule (2), the Committee Chairperson shall furnish information thereof to the Chairperson.

**77. Actions on Continuous Absence:** The Chairperson may, on the recommendation of the Committee Chairperson, expel any member who remains absent in the Sitting of the Committee for Four consecutive times without permission of the Committee Chairperson and information thereof shall be given to the Assembly.

**78. Decision of Committee:** (1) Decisions made by the majority of Committee members at the Sitting shall be considered to be the decision of the Committee itself. In case of a tie of votes, the member presiding over the Sitting shall exercise a casting vote.

(2) The Committee Chairperson and the Secretary shall authenticate the decision of the Committee.

**79. Formation of sub-Committees:** (1) In case the Committee Chairperson deems it appropriate, s/he may form a sub-Committee comprising of the Committee members in order to study on a particular subject under the Committee's working areas and to submit report thereof.

(2) While forming a sub-Committee, the works of the sub-Committee and the time duration for completing such works shall be specified. The concerned specialists may also be invited to a sub-Committee as may be required. In case invited such specialists have to be present in the sub-Committee.

(3) In case the Members need to visit places or conduct Sittings of the sub-Committee outside of the Secretariat compound in order to conduct studies and to submit report pursuant to Sub-rule (1), a prior approval of the Chairperson shall be obtained through the Committee Chairperson.

**80. Entry of Concerned Official or Expert:** (1) Committee Chairperson may, if deems necessary having regard to the nature of the subject, instruct the concerned official of the Government of Nepal or an Expert who could provide authentic and clear information on the subject at hand to attend a Committee Sitting. It shall be the duty of the concerned official or expert to be present at the Committee and to furnish accurate information on the required matter.

(2) The Committee may, if it deems necessary, invite the concerned stakeholders, pressure group, beneficiary group or experts to attend the Committee Sitting in order to discuss with them on the issues under consideration.

(3) It shall be the duty of the concerned official or expert or concerned expert to be present at the Committee as referred to in Sub-rule (2) and to furnish accurate information on the required matter.

**81. Discussion to be made short:** Whether or not the time is allocated for having discussion, in case the Committee Chairperson deems that the discussion in the Committee is prolonged unnecessarily, s/he may shorten the discussion.

**82. Committee report:** (1) The Committee Chairperson or in absence of the Committee Chairperson, the Member assigned by him/her shall submit the

report of the Committee.

(2) While submitting the report pursuant to Sub-rule (1), the Committee Chairperson or the Member may give a short statement about the report, if he/she so desires.

(3) The Chairperson may, if s/he deems necessary, order to print the report of the Committee which could not have been submitted to the Assembly for not convening of the Sitting for the time being. Such order and the report shall be submitted to the Assembly once the Sitting has been resumed.

(4) The Chairperson shall allot time for having necessary discussion on the reports submitted to the Assembly.

(5) The concerned Committee Chairperson may, within two days of the date of submission of such report to the Assembly, give notice to the Chairperson for having discussion on the report submitted to the Assembly.

(6) In case the notice referred to in Sub-rule (5) is received, the Chairperson shall give permission to the concerned Committee Chairperson to submit a motion for having discussion on the report in any Sitting to be held at any time after two days.

(7) The concerned Committee Chairperson may deliver a short statement while submitting the proposal. Thereafter, the Chairperson shall fix the duration of time for discussion.

(8) The concerned Committee Chairperson or the member designated by him/her shall give replies to the questions raised during the discussion.

(9) Upon completion of discussions in the Assembly on the reports relating to the preliminary draft along with conceptual note on the Constitution submitted by the Constitutional Committee and the sectoral committees, all reports and the suggestions of the Assembly, if any, shall be passed by the Assembly and be forwarded to the Constitutional Committee.

**83. Powers to Maintain Good Order and Discipline in the Committee: (1)**

The Committee Chairperson shall have all powers vested in the Chairperson pursuant to Chapter-8 and Rule 163 in order to maintain peace and order as well as discipline in order for the smooth running of Committee sittings.

(2) While exercising the powers referred to in Sub-rule (1), if any Member is suspended or expelled, the Committee Chairperson shall inform the matter to the Chairperson.

Provided that, if any Member is expelled or suspended, he/she shall not be considered to be expelled or suspended from other Committee of the Assembly.

**84. Informing About Absence: The member remaining absent for five consecutive days in the sittings of the Committee shall have to furnish the information thereof along with its reasons to the Committee Chairperson and in case of the absence of the longer time, the information thereof shall be given to the Chairperson and get it approved by the Chairperson.**

**85. Secretariat of the Committees: (1) There shall be a Secretariat for each Committee under the Constitution Assembly Secretariat.**

(2) The Secretary shall be an *ex-officio* secretary of each of the Committees.

(3) The Secretary may assign any officer under him/her to carry out function as Secretary of any Committee of the Assembly.

Provided that, these Rules shall not be deemed to have barred the Secretary General to assign an officer under him /her to act as Secretary of the Committee in case the office of the Secretary falls vacant.

(4) The Committee Secretariat shall, under the control and direction of the Secretary General, manage for human resources including draftspersons, specialists and physical resources and means.

**86. Determination of Working Areas of Committees:** (1) Prior to carrying out functions upon formation of Committee, each Committee shall prepare a works list of the works to be performed on the subjects within its working areas and the Committee shall also prepare the works schedule for completion of such works.

(2) With regard to the works list of each of the Committee prepared pursuant to Sub-rule (1), discussion shall be held having called the Sitting of Chairpersons of all committees as referred to in Rule 88 under the Chairpersonship of the Chairperson. In case it seems from the discussion that the subject-matters must be more clarified or duplication must be avoided or uniformity must be maintained, the works lists shall be finalized having completed such processes.

(3) In case confusion arises as to the working areas of any committee while having discussion pursuant to Sub-rule (2), the decision of the Chairperson shall be final.

**87. Joint Sittings of the Committees:** The Chairperson may call joint Sittings of two or more Committees to conduct discussion on any common issue, if required. Such Sittings shall be presided over by the Committee Chairperson assigned by the Chairperson. Decisions made by the joint Sittings shall be incorporated into the reports of both Committees.

**88. Sittings of the Committee Chairpersons:** Sittings of the Committee Chairpersons shall be held from time to time to evaluate the performance and effectiveness of the Committees under the chairpersonship of the Chairperson as may be necessary. The Committee secretaries may take part in such Sittings.

**89. Other Committees may be formed:** Notwithstanding anything contained elsewhere in this Chapter, the Chairperson may, with the consent of the Assembly, form Committee in other nature as may be necessary for assisting in the functions of the Constituent Assembly in addition to the

committees referred to in this Chapter and determine the working areas of such a Committee.

## Chapter 12

### Procedures for Passing the Bill of Constitution

**90. Notice for Request to Present the First Draft Bill of Constitution:**

Subject to the Constitution and these Rules, the Chairperson of the Constitutional Committee or the member designated by him/her shall introduce to the Assembly the first draft Bill of the Constitution. The member presenting the Bill shall furnish the Secretary General or Secretary a notice thereof having enclosed therewith the objectives and reasons of introducing the Bill. Unless otherwise directed by the Chairperson, such a notice shall be furnished at least seven days in advance.

**Explanation:** For the purpose of this Chapter, “Draft Bill of the Constitution” refers to a complete document including the Preamble, Articles, Sub-Articles, Clauses and Schedules.

**91. Motion Seeking permission to submit the first draft of the Bill:** (1) The

Chairperson of the Constitutional Committee or a member of the same Committee designated by him/her shall ask for the Chairperson’s permission to introduce the first draft Bill of the Constitution to the Assembly.

(2) After receiving permission to introduce the first draft Bill of the Constitution pursuant to Sub-rule (1), the Chairperson of the Constitutional Committee or a member of the same Committee designated by him/her shall forthwith introduce the first draft of the said Bill before the Assembly, and after introduction of the first draft of the Bill, s/he shall introduce the following motions:-

- (a) That approval in principle be given to the first draft Bill of the Constitution and it be made public having been published in the Nepal Gazette in order to elicit

public opinion; and

- (b) That the draft Constitution be handed over to the Committee on Public Opinions Collection and Coordination Committee in order to transmit and publicize the first draft of the Bill, to collect suggestions and to submit a report thereof.

(3) A copy of the first draft Bill shall be made available to each of the members at least Four days before submitting the motion in accordance with Sub-rule (2).

**92. Procedures for Obtaining Opinions of General Public:** (1) After approval of the motion that the first draft Bill of the Constitution be publicized for collection of opinion of people, the Chairperson of the Committee on Public Opinions Collection and Coordination shall prepare a plan of actions to publicize the draft of the Bill, and also to collect public opinion on it and shall submit the plan of action to the Assembly for approval.

(2) The plan of actions approved pursuant to Sub-rule (1) shall be published in public newspapers and works shall be completed within the time referred to in the plan of actions and report thereof shall be submitted to the Assembly.

**93. Procedures after receiving of Public Opinion:** After opinion of people has been received pursuant to Rule 92, and after the report of Committee on the Public Opinions Collection and Coordination has been submitted to the Assembly, the Assembly shall conduct discussion on the report and send the first draft Bill of the Constitution, the report relating to people's opinion, and directives of the Assembly to the Constitutional Committee along with necessary directives for submission of the revised Bill of the Constitution to the Assembly.

- 94. Motion that the revised Bill be considered:** (1) The Constitutional Committee shall make necessary revision on the Bill of the Constitution according to the directives given by the Assembly pursuant to Rule 93 having conducted discussion on the report received pursuant to Rule 92 and after such revision is over, the Chairperson of the Constitutional Committee or a member of the same Committee designated by him/her shall, with the approval of the Chairperson, introduce the revised draft Bill of the Constitution to the Constituent Assembly.
- (2) A copy of the revised draft Bill of the Constitution that has been introduced to the Assembly pursuant to Sub-rule (1) shall be made available to each of the members at least three days before having general discussion in the Assembly.
- 95. General Discussion on Bill:** (1) After the Bill of the Constitution is introduced pursuant to Rule 94, the Chairperson shall specify the time and date for having general discussion on the draft Bill.
- (2) During general discussion, only the principles of the draft Bill shall be taken into consideration. While having discussion in such a manner, no discussion shall take place on Articles of the Bill unless it seems necessary to clarify in the fundamental structure of the Bill of the Constitution and no amendment may be allowed to the Bill.
- 96. Authorization for Presentation of Motion:** In case the Chairperson is satisfied that the Committee Chairperson is unable to submit the draft Bill in person, any member of the Committee assigned by the Chairperson may introduce a motion with regard to the Bill.
- 97. Notice to amend the draft Bill:** Any member desiring to bring an amendment to the draft Bill shall, within one week from the date of completion of general discussion over the Bill, furnish a notice to the Secretary General or Secretary along with the amendment s/he is willing to bring.

**98. Conditions Relating to Amendment:** (1) An amendment to the Bill may be brought subject to the following conditions:-

- (a) The amendment shall be related to the subject of the Bill and shall be within the scope of the Bill.
- (b) The amendment shall not be against the underlying principles of the Bill.
- (c) The amendment shall not be unclear, meaningless or insignificant.
- (d) The amendment brought to any Article shall be related to the subject dealt in that particular Article.
- (e) The amendment shall not be against the report of the Committee related to the concept adopted by the Assembly pursuant to Sub-rule (9) of Rule 82 and the principles approved pursuant to Sub-rule (2) of Rule 95.
- (f) It shall be clearly stated that which provision or Clause in which Article or Sub-Article or Part of the Bill has to be replaced with the suggested provision or Clause.

(2) Subject to this Rule, the Chairperson shall have powers to accept or refuse any amendment or to call upon the concerned Member to make improvement thereon, or to accept them by consolidating more than one amendments of the same intention into a single amendment.

**99. Order of amendments:** The amendments approved by the Chairperson shall be kept in an order in the amendment list.

**100. Procedures after Completion of General Discussion:** After general discussion on the amended Bill is completed, the presenting Chairperson may propose to pass the Bill having gone through Clause by Clause discussion in the Assembly.

**101. Discussion on Articles with Amendments:** (1) While considering over the amendments, it shall, normally, be considered on the order of Articles of the Bill of the Constitution and the member whose name has been called by the Chairperson or the member authorized by him/her shall submit the amendment.

(2) For each of the Articles remained as it is or amended to upon discussion on an amendment, the Chairperson shall put a motion for decision stating, “let this Article form a part of the Bill.”

Provided that, in order to avoid duplication in discussions for saving time, permission may be given to have discussion together with one Article or amendments interrelated thereto and in the course of discussion on various Articles, any part of the Bill or Article may be put for discussion having them rearranged or any part or Article of the Bill may be put pending with a condition to have discussions on it later on.

**102. Withdrawal of an Amendment:** The member presenting an amendment may withdraw it with the approval of the Sitting.

**103. Discussion on Schedules:** Unless the Chairperson otherwise decides, discussions on the schedules and amendments received thereto shall begin immediately upon completion of discussion on the concerned Article and the questions to be put in course of decision of the Sitting shall also be presented in the same order.

**104. Presentation of Preamble and Short Title:** Only after having decision on all other Articles and schedules in the Bill of the Constitution, the Chairperson shall submit the motion at the last to make the Preamble of the Constitution and its short title as an organ of the Bill as it is in the original form or in amended form.

**105. Motion to approve the draft Bill:** The presenting member shall propose to approve the draft Bill, after the Clause by Clause discussion has concluded.

**106. Procedures to Approve the Bill of Constitution:** The Constituent

Assembly shall, while passing the Bill of the Constitution, follow the procedures referred to in Article 70 of the Constitution.

**107. Chairperson's Power to Make Consequential Improvements:** The Chairperson may, in case s/he deems it necessary as per the recommendation of the Committee referred to in Sub-rule (2), rearrange the serial number of the Articles of the Bill adopted by the Assembly and make necessary consequential improvements on it.

(2) There shall be a Committee as follows in order to make recommendation to the Chairperson in order to rearrange the serial number of Articles in the Bill of the Constitution and to make consequential improvements in case some errors are found in the Bill and in some other minor subjects:-

- (a) Chairperson of the Constitutional Committee -Ex officio Chairperson
- (b) Four members nominated by the Chairperson on the recommendation of the Conduct of Business Advisory Committee Members

(3) In case any member finds any subject which requires consequential improvements in the Bill of the Constitution adopted by the Assembly, s/he may give the notice thereof to the Committee formed pursuant to Sub-rule (2).

**108. Authentication of the Bill:** (1) Each member of the Constituent Assembly shall sign on the end of the Bill approved by the Constituent Assembly.

(2) The Bill of the Constitution that has been approved by the Constituent Assembly and signed by the members pursuant to Sub-rule (1) shall, upon authentication by the Chairperson, be in the form of the Constitution.

Provided that, authentication of the Bill of the Constitution shall not be hindered merely on the ground that any member has yet to sign on it.

(3) The Constituent Assembly shall organize a formal national ceremony on the date fixed for the commencement of the Constitution in the Constitution authenticated pursuant to Sub-rule (2) and the Chairperson shall submit to the President a copy of the Constitution so adopted and the President shall, through the same ceremony, declare the commencement of the new Constitution having made the Constitution public to Nepali people.

(4) One copy of the Constitution authenticated pursuant to Sub-rule (2) shall be kept in the archive of the Constituent Assembly Secretariat, and one copy of it shall be sent to the Office of the President, Office of the Prime Minister and Council of Ministers and the Ministry of Law, Justice and Constituent Assembly Affairs each.

### **Chapter 13**

#### **Privileges Committee**

**109. Formation of the Privileges Committee:** (1) There shall be a Privileges Committee in the Assembly. The Chairperson shall nominate up to Twenty Nine members for this Committee with the consent the Assembly.

Provided that, no Minister shall be allowed to be a member of the Privilege Committee.

(2) While nominating members to the Privileges Committee, due attention shall be paid to knowledge, experience of the member and the party, gender, ethnic and regional structure in the Assembly.

(3) The members of the Committee shall elect the Chairperson of the Privileges Committee from among themselves.

(4) The tenure of the Chairperson and members of the Committee shall be throughout the tenure of the Constituent Assembly.

(5) The member elected to the office of Chairperson of the Committee shall take an oath of office in the presence of the Chairperson in the format referred to in Schedule-5.

**110. Regulations to apply:** With regard to the provisions of falling vacant the office of the Chairperson or of a member of the Privileges Committee, of fulfilling the vacant office, of presiding over the Sitting by the senior most member, of the quorum, of the Committee's Sittings and decisions; the Rules referred to in Chapter 11 shall be applicable *mutatis mutandis*.

**111. Notice on Questions Relating to Privileges:** (1) In case any member deems that privileges of the Constituent Assembly has been violated, the member shall furnish the Secretary General or the Secretary a written notice stating therein basis of the question of violation of the privileges. In case such a notice has been furnished on the basis of a document, such document itself be produced and in case s/he could not get such document, the contents of the violation and the place of the location of the document shall be stated in the notice.

(2) The Secretary General or the Secretary shall furnish information about the notice received pursuant to Sub-rule (1) to the Chairperson and the Chairperson of the Privileges Committee as soon as possible and the Sitting shall be called as per the directive of the Chairperson of the Committee.

**112. Conditions for raising the question of Privileges:** The questions regarding to the violation of privileges shall be directly related to incident happened after adjournment of the last Sitting or during the current Sitting.

**113. Preliminary investigations into the question of Privileges:** (1) The Privileges Committee shall carry out preliminary investigations on the violation of privileges in question.

(2) During the preliminary investigation, the Privileges Committee may conduct simple enquiries with the concerned people, as well as collect documentary evidence.

(3) While conducting preliminary investigations, in case Privileges Committee finds a *prima facie* case and deems appropriate to raise the

question of violation of privileges, it shall submit a preliminary report thereof to the Assembly; and in case it finds that it is not appropriate to allow to raise the question of violation of privileges, it shall give the information thereof to the Chairperson and the concerned member along with the reasons thereof.

**114. Methods of Raising Question of Privileges:** (1) The member desiring to raise a question of violation of privileges may, having obtained permission of the Chairperson upon submission of the report of the Privileges Committee, ask for permission of the Sitting having given brief information on the question raised.

(2) In case any member opposes that the question of violation of privileges be not brought into discussion, the Chairperson shall order the members desiring to give permission to stand up and in case Sixty one or more members, excluding the members of the Privileges Committee, stand up, it shall be deemed that the permission of the Sitting has been obtained and in case less than that number of members stand up, it shall be deemed that the permission of the Sitting has not been obtained.

**115. Forwarding the question to the Privileges Committee:** (1) In case a permission has been obtained from the meeting pursuant to Rule 114 in order to raise the question of violation of privileges, any member may introduce a motion that the Assembly itself consider on such a question or it be referred to the Privileges Committee.

(2) After introduction of the motion pursuant to Sub-rule (1), the Chairperson shall fix the time for discussion on the motion.

(3) Upon completion of the discussion pursuant to Sub-rule (2), the member proposing the question may, with the consent of the Constituent Assembly, withdraw it if s/he so desires. In case no motion has been withdrawn, the Chairperson shall submit the motion to the Sitting for decision.

(4) In case the motion that the question of privileges be considered by the Assembly has been approved, the Assembly may, having exercised the powers referred to in Sub-rules (3), (4) or (5) of Rule 116, decide on the said question. In this regard, the Chairperson may follow appropriate procedures.

(5) In case the motion that the question of privileges be referred to the Privileges Committee has been approved, the Chairperson may send the approved motion along with necessary documents to the Committee to investigate into the matter and to submit the report thereof.

**116. Procedures and Powers of the Privileges Committee:** (1) The Privileges Committee shall take action immediately after the documents along with the approved motion are made available.

(2) The Privileges Committee Chairperson may manage the procedures of the Committee under the direction of the Chairperson.

(3) The Privileges Committee may, in the course of the investigation, issue an arrest warrant or summon against the accused person, summon the witness, examine evidence, require submitting document or recording a statement.

(4) The Privileges Committee may take actions against the accused person having detained him/her in custody if it deems necessary. In case the Privileges Committee has detained any one in such a manner, information thereof shall be furnished to the Assembly. In case the Assembly invalidates the said action, the detained person shall be released as soon as possible.

(5) The Privileges Committee may seek cooperation from the officials other than that of the Constituent Assembly Secretariat.

**117. Report of Privileges Committee:** (1) The Privileges Committee shall, having conducted investigation into each of the questions forwarded to it by the Constituent Assembly and having provided a reasonable opportunity to

the person against whom the charge has been made to defend himself/herself and having considered over all the relevant facts, decide whether or not the privilege has been violated and submit a report to the Assembly having stated the causes and bases thereof along with recommendations.

(2) A copy of the report shall be distributed to each of the members at least one day prior to the date on which the discussion is going to be held on the report referred to in Sub-rule (1).

**118. Consideration on Report:** (1) After submission of the report of the Privileges Committee to the Assembly, the Chairperson of the Privileges Committee or in his/her absence, the senior most member of the Committee shall submit a motion that the report be considered over on the date and at time specified by the Chairperson.

(2) After submission of the motion that the report be considered over, there shall be discussion on the report in the Sitting.

**119. Amendment may be Submitted:** (1) While having discussion on the report pursuant to Sub-rule (2) of Rule 118, an amendment motion may be submitted as per the procedures determined by the Chairperson or stating that the report be sent to the Privileges Committee for conducting investigation again on any special matter.

(2) After having brief discussion on the amendment submitted pursuant to Sub-rule (1), it shall be submitted for decision of the Constituent Assembly.

(3) In case the amendment that the report be sent back to the Privileges Committee referred to in Sub-rule (1) has been approved, the said report shall be sent back to the Committee. After the report has been returned back in such manner, the Committee shall conduct investigation again and send its report to the Assembly within seven days.

**120. Motion that the Report be approved:** (1) Upon completion of discussion on the report pursuant to Sub-rule (2) of Rule 118 or upon submission of the report from the Privileges Committee pursuant to Sub-rule (3) of Rule 119 again, any member may introduce a motion that the recommendations referred to in the report be approved.

(2) After submission of the motion pursuant to Sub-rule (1), if any member desires to submit an amendment motion, s/he may submit the amendment motion in the manner deemed appropriate by the Chairperson.

(3) After having brief discussion on the motion submitted pursuant to Sub-rule (1) or the amendment motion submitted pursuant to Sub-rule (2), the Chairperson shall cause to make decision on the amendment and submit the question of violation of the privilege for decision of the Constituent Assembly.

**121. Pardon or Remission of Punishment:** (1) In case the accused has been punished on the offence of breach of privilege as per the decision of the Constituent Assembly, such person may submit petition through the Chairperson with an apology.

(2) Any petition received pursuant to Sub-rule (1) shall be presented to the Assembly by the Chairperson and if the Assembly is satisfied with the apology made by the accused, it may grant a pardon or remit the punishment imposed on him/her.

#### **Chapter 14**

##### **Motion of Impeachment against President or Vice-President**

**122. Motion of Impeachment against the President or Vice-President:** (1) In case any Member desires to move a motion of impeachment in the Assembly against the President or Vice-President pursuant to Article 36E. or 36H. of the Constitution stating that the President or the Vice-President has committed serious violation of the Constitution, s/he shall furnish the notice of introducing such motion to the Secretary General having acquired

the concurrence of One Fourth of the members of the Constituent Assembly and having stated the causes and bases of moving such a motion.

(2) Upon receipt of the motion under Sub-rule (1), the Secretary General shall present it to the Chairperson. The date and time for having discussion on such motion in the Assembly shall be prescribed within Seven days from the date of filing of such motion.

(3) After being called upon by the Chairperson on the date and time prescribed pursuant to Sub-rule (2), the Member moving the motion shall introduce the motion of impeachment in the Assembly and s/he may, if s/he so desires, give a statement prior to introducing such a motion.

(4) After the motion referred to in Sub-rule (3) is introduced, the Chairperson shall fix the time for having discussion on the motion and after such discussion is over, the Member moving the motion may, if s/he desires, withdraw the motion with permission from the Constituent Assembly.

(5) In case the motion is not withdrawn pursuant to Sub-rule (4), the Chairperson shall move a motion to the Assembly to constitute an Inquiry Committee consisting of a maximum of Fifteen Members. While moving such a motion, powers including the powers of seeking an explanation from the person against whom the charge is made, of examining evidences, and of issuing a summon for that purpose shall also be mentioned therein.

(6) Any Member may move an amendment to the motion referred to in Sub-rule (5).

(7) After deciding upon the amendments submitted on the motion, the Chairperson shall put the motion for constituting the Inquiry Committee or the amended motion for decision.

(8) In case the motion constituting the Inquiry Committee moved pursuant to Sub-rule (7) is adopted, the Chairperson shall send the motion of impeachment, along with the relevant documents, to the Inquiry

Committee and send the information thereof to the body and the official concerned.

(9) The Members of the Inquiry Committee shall select the Chairperson of the Committee from among themselves.

**123. Tenure of Inquiry Committee:** (1) Unless otherwise decided by the Chairperson, the tenure of the Inquiry Committee shall be of twenty one days in maximum from the date of its formation.

(2) In case the Committee could not complete its works within the prescribed period, it may request the Assembly through the Chairperson stating the reasons thereof for an extension of the time limit and the Assembly may extend a time of seven days in maximum.

**124. Procedures of the Inquiry Committee:** (1) The Inquiry Committee shall commence its works as soon as possible upon receipt of the approved motion of impeachment along with the relevant documents.

(2) The Chairperson of the Committee shall regulate the procedures of the Committee subject to the direction of the Chairperson.

(3) The Committee may seek an assistance of other officials, as may be necessary, in addition to that of the Constituent Assembly Secretariat.

**125. Report of the Inquiry Committee:** (1) The Committee shall investigate into each of the charges having given a reasonable opportunity to the official against whom the motion has been instituted to defend him/herself and thereafter, consider upon all of the facts involved thereto and decide as to whether or not the charges for impeachment is proved, and the Committee shall submit its report to the Assembly having stated the grounds and reasons thereof along with its recommendations.

(2) The report shall be distributed to all Members at least Two days in advance of the day on which discussion is going on in the Assembly on the report referred to in Sub-rule (1).

**126. Consideration on the Report:** (1) On the date and at the time prescribed by the Chairperson, the Chairperson of the said Committee or in his/her absence, another Member designated by the Chairperson, shall introduce a motion to the Assembly to consider over the Committee report.

(2) Upon introduction of the motion referred to in Sub-rule (1), there shall be discussion over the report in the Sitting.

(3) While having discussion pursuant to Sub-rule (2), any Member may submit an amendment to the report in a manner deemed appropriate by the Chairperson or to send the report back to the Committee for having conducted an inquiry again on any special matter.

(4) In case the motion requiring sending the report back to the Committee pursuant to Sub-rule (3) is passed, the report shall be sent to the Committee and the Committee shall send the report again to the Assembly having conducted an inquiry within seven days.

**127. Motion Calling for Approval of the Report:** (1) Upon completion of discussion on the report pursuant to Sub-rule (2) of Rule 126 or upon receipt of the report of Inquiry Committee to the Assembly pursuant to Sub-rule (4) of the same Rule, the Chairperson of the Committee, or in his/her absence, another Member designated by him/her, shall introduce a motion to the Assembly for consideration over the Committee report.

(2) Upon introduction of the motion referred to in Sub-rule (1), any Member may, as per the procedures determined by the Chairperson, bring an amendment to the report.

(3) Upon completion of brief discussion on the report introduced pursuant to Sub-rule (1) or the amendment introduced pursuant to Sub-rule (2), the Chairperson shall submit all amendments to the Assembly for decision and thereafter s/he shall submit the recommendations referred to in the report for decision in the Assembly.

(4) On the motion of impeachment, the decision of the Assembly

shall be taken through division.

- 128. Deemed to be Relieved from Office Automatically:** In case the motion of impeachment introduced against the President or Vice-President under this Chapter has been adopted by two third majority of the current total number of members of the Constituent Assembly, the concerned official shall, ipso facto, be deemed to have been relieved of the office.

### **Chapter-15**

#### **Motion on Conduct of Chairperson or Vice-Chairperson Incompatible to Position**

- 129. Motion on Conduct of Chairperson or Vice-Chairperson Incompatible to Position:** (1) In case any member deems that the conduct of Chairperson or the Vice-Chairperson is not compatible to his position, s/he may, having garnered support of one fourth of the total number of members of the Constituent Assembly, introduce a motion relating thereto. The notice to introduce such a motion shall be furnished to the Secretary General.

(2) Upon receipt of the motion referred to in Sub-rule (1), the Secretary General shall submit the motion to the Chairperson if it is against the Vice-Chairperson, to the Vice-Chairperson if it is against the Chairperson and to the senior most member from among the persons nominated to preside over the Sitting pursuant to Rule 11 if it is against the Chairperson and the vice-Chairperson both. The date and time shall be specified in such a manner that discussion on it could be held within Seven days of the date of registration of the motion.

(3) Copies of the motion referred to in Sub-rule (1) shall be made available to all the members at least One day prior to the date specified to have discussion on it.

- 130. Presiding over the Sitting:** The Vice-Chairperson shall preside over the Sitting of the Constituent Assembly if the motion received pursuant to Rule 129 is against the Chairperson. In case of submission of the motion against

the Chairperson and the vice-Chairperson both at the same time, the eldest member from among the members nominated for presiding over the Sitting pursuant to Rule 11 shall preside over the Sitting.

**131. Discussion on Motion and Approval:** (1) On the date and time allotted for discussion, the proposing member shall, upon his/her name is called by the person presiding over the Constituent Assembly, submit the motion and s/he may give a statement prior to submitting the motion, if s/he so desires. In the discussion, the alleged official may also take part and vote.

(2) After the motion has been submitted pursuant to Sub-rule (1), the member presiding over the Constituent Assembly shall specify the time duration for having discussion and upon completion of the said time duration, the Chairperson or vice-Chairperson alleged to have not acted as per the conduct of the office shall give a statement in defense of the allegations charged against him/her. After giving the statement in defense, the member proposing the motion may, if s/he desires, withdraw the motion with a permission of the Assembly. In case the proposing member does not desire to withdraw or the Assembly does not give permission to withdraw the motion, the said motion shall be submitted for decision.

(3) For the purpose of Sub-rule (2), the decision of the Constituent Assembly shall be made by division.

(4) In case motion referred to in Rule 129 has been adopted by Two third majority of the total number of members of the Constituent Assembly, the concerned official shall, *ipso facto*, be relieved from the office.

## **Chapter 16**

### **Notice on Absence, Resignation and Vacant Posts**

**132. Notice on absence:** (1) A member shall give prior notice to the Chairperson if he/she is going to be absent for Ten or more consecutive Sittings.

(2) A member shall give prior notice to the Chairperson if one is going to remain absent for less than Ten consecutive Sittings. In case one

is unable to inform the Chairperson beforehand for any valid reason, s/he shall give notification of the same within three days of when s/he returns to the Assembly.

(3) In the notification pursuant to Sub-rule (1) or (2), the member shall clearly state the duration of the absence and the reason for being absent.

(4) In case the notification is made according to Sub-rule (1), the Chairperson shall inform the Assembly; if it is according to Sub-rule (2), the Chairperson shall approve it himf/herself.

(5) The Secretary General or the Secretary shall notify the concerned member of the decision of the Constituent Assembly as soon as possible.

**133. Resignation:** (1) The Chairperson may tender his/her resignation addressing to the Vice-Chairperson. The Vice-Chairperson or a member of the Assembly may tender his/her resignation addressing to the Chairperson.

(2) Resignation tendered according to Sub-rule (1) shall be read out during the Sitting by the presiding member. During the time when there are no sessions, the resignation shall be displayed on the notice board, and also be publicized.

**134. Notice of Vacancy of Posts:** (1) In case office of any member falls vacant, the Chairperson shall inform the Assembly of the same.

(2) During times when there are no sessions, notice of the same shall be displayed on the notice board, and also be publicized.

(3) The Secretary General or secretary shall publish the notice of vacancy of the office pursuant to Sub-rule (1) in the *Nepal Gazette* and inform the Council of Ministers, Government of Nepal and the Election Commission for the purpose of fulfilling the vacant office.

## Chapter 17

### **Offices of the Constituent Assembly Party and Provisions Relating to**

#### **Defection**

**135. Constituent Assembly Party offices:** (1) The Constituent Assembly Party Offices of all political parties representing to the Constituent Assembly shall be located within the premises of the Constituent Assembly Secretariat at Singh Durbar.

(2) In case of the political parties having representation to the Legislature-Parliament and having the Legislature-Parliament Party Offices, the concerned party may continue to operate the same office as the office of the Constituent Assembly Party Office.

(3) The Secretariat shall, on the direction of the Conduct of Business Advisory Committee, make other provisions relating to operation of the offices of the Constituent Assembly Party.

**136. Filling in Description Forms:** Each member of the Constituent Assembly shall, within seven days from the date of commencement of these Rules, fill in the personal description forms as referred to in Schedule-6 and submit to the Constituent Assembly Secretariat.

**137. Descriptions to be provided by political parties represented in the Constituent Assembly:** (1) The political parties representing to the Constituent Assembly shall, within seven days from the date of commencement of these Rules, submit the following descriptions to the Constituent Assembly Secretariat: -

- (a) The names and descriptions of the members of the party and name and specimen of signature of Two members in maximum who have been authorized to make correspondence to the Constituent Assembly Secretariat on behalf of the party – in the form as referred to in schedule-7;

- (b) A copy of the statute or Rules of the concerned political party; and
- (c) A copy of the separate statute or Rules of the concerned Constituent Assembly party, if any.

**Explanation:** The “leader of political party” referred to in this Chapter means the member who has been selected by the concerned party as the leader of the party and the words also include the member authorized by the concerned party to carry out the functions which a leader has to perform in the Constituent Assembly.

(2) In case only one member of a party is present in the Constituent Assembly, it shall be enough to furnish the information referred to in Rule 136 having enclosed a copy as referred to in Clause (b) of Sub-rule (1).

(3) Notwithstanding anything contained in Sub-rule (2), in case another member is added to in any political organization or party having only one member, the said party shall have to furnish the information referred to in Sub-rule (1).

(4) In case a party is formed during the tenure of the Constituent Assembly, the leader of that party shall, normally within Seven days of the organization of that party, provide information pursuant to Sub-rule (1).

(5) In case there is any change in information referred to in Sub-rule (1), the party leader shall inform about the changes to the Constituent Assembly Secretariat within Seven days of the change.

**138. Publication of description:** A summary of description given to the Constituent Assembly Secretariat under Rules 136 and 137 shall be published in the bulletin.

**139. Defection from Party to be Deemed:** In case any member does any of the following acts, the concerned party may deem that the said member has

defected the party:-

- (a) Tendering resignation from the party's membership in writing;
- (b) Obtaining membership of another party, or
- (c) Forming another party being himself/herself a member thereof;
- (d) Doing any act that is deemed to have defected the party as per the laws in force for the time being.

**140. Defection from Party not to be Deemed:** Notwithstanding anything contained in Rule 139, a member shall not be deemed to have defected the party in any of the following circumstances:-

- (a) In case the Chairperson or the Vice-Chairperson resigns from the concerned party;
- (b) In case at least Forty percent of a party's Central Executive Committee members leave the party to form a new party and join to the newly formed party or another existing party.

Provided that the members once divided shall not be entitled to enjoy this benefit for more than once during the entire tenure of the Constituent Assembly.

**141. Notification of Defection from the party may be given:** (1) In case any member defects a party pursuant to Rule 139, the concerned party may furnish the information thereof to the Chairperson.

(2) Prior to furnishing the information of defecting the party to the Chairperson pursuant to Sub-rule (1), the concerned party shall have to provide a reasonable opportunity to such a member to defend him/herself.

(3) While furnishing the information of defecting the party to the Chairperson pursuant to Sub-rule (1), the concerned party shall have to follow the following procedures:-

- (a) The decision to furnish information of defection to the

Chairperson shall be taken by the central executive Committee of the concerned party;

- (b) The designation of the official certifying the decision referred to in Clause (a) shall have to be disclosed;
- (c) The official referred to in Clause (b) shall also have to submit a copy of the decision of the Central Executive Committee and the documents relating to evidences of providing an opportunity to defend pursuant to Sub-rule (2) and other documents and evidences.

**142. Investigation may be conducted:** In case of receipt of the information of defection and documents relating thereto pursuant to Rule 141, the Chairperson may conduct or cause to conduct an investigation as to whether or not the concerned party has fulfilled the procedures and met the terms and conditions that have to be fulfilled or met as per these Rules. 143. **Informing the Sitting or Publishing a Notice:** In case it seems, upon investigating pursuant to Rule 142 as to the information furnished pursuant to Rule 141, that the concerned party has fulfilled and met the terms and conditions that have to be fulfilled or met as per these Rules, the Chairperson shall, within 15 days of the date of receipt of the notice of defection, furnish the information to the Sitting of the Constituent Assembly and during the time of adjournment of the Sitting, provision shall be made to publish the notice on the notice board of the secretariat.

**143. Informing the Sitting or Publishing a Notice:** In case it seems, upon investigating pursuant to Rule 142 as to the information furnished pursuant to Rule 141, that the concerned party has fulfilled and met the terms and conditions that have to be fulfilled or met as per these Rules, the Chairperson shall, within Fifteen days of the date of receipt of the Notice of defection, furnish the information to the Sitting of the Constituent Assembly and during the time of adjournment of the Sitting, provision shall

be made to publish the Notice on the Notice Board of the Secretariat.

- 144. Seat to be deemed to be Vacant:** In case the information of defection from the party has been given to the Sitting of the Constituent Assembly or such notice has been published in the notice board pursuant to Rule 143, the seat of such a member shall be deemed to be vacant.

## **Chapter 18**

### **Code of Conduct of Members and Provision**

#### **Relating to Monitoring Thereof**

- 145. Code of Conduct to be Abide by:** (1) The officials and members of the Constituent Assembly shall, in order to fulfill their responsibilities in accordance with the Constitution and to maintain public confidence in their functions and activities, abide by the following Codes of Conduct:-

- (a) To attain the objectives of the Constituent Assembly and for that purpose, to fully abide by these Rule;
- (b) To always behave in consistency with public morality and norms of conduct prevailing in the society;
- (c) To regularly attend to and take part in the plenary Sitting of the Assembly or the Sitting of the Committee in which one is a member and to exercise one's voting right;
- (d) To take part in the functions and activities of Government of Nepal or relevant organization and associations including the civil society organizations and to consider over their opinions with regard to the new Constitution;
- (e) To discharge duties by the members free of selfishness and with honesty and objectivity and in responsible manner;
- (f) To accord importance to public interest in each of the

functions or activities related to Constitution-making and the Assembly and in case of conflict between public and private interests, to clearly stand for the cause of public interest;

- (g) Not to speak, vote or take part in any proceedings of the Assembly having taken any personal, financial benefits or fees or remuneration or reward for that;
- (h) To use the confidential information acquired in the capacity of a member of the Assembly for the purpose of the Assembly only and not to make such information a subject of give and take with any person or institution for financial benefits;
- (i) In case there is personal or private interest of a member attached to any subject that is under consideration of the Committee or the Assembly in which s/he is a member, s/he shall voluntarily inform the Committee or the Assembly about it in a clear manner to remain aloof from the discussions to be held on such subject.

(2) The code of conduct under this Rule shall be applicable in all aspects of public life of the officials and members.

Provided that, the code of conduct shall not be deemed to affect the work or behaviour that is fully concerned with personal or private life of the officials and members.

**146. Formation of Conduct Monitoring Committee:** (1) There shall be a Conduct Monitoring Committee in the Assembly.

(2) The formation of the Committee referred to in Sub-rule (1) shall be as follows:-

- (a) Chairperson - ex-officio  
Chairperson
- (b) Vice-Chairperson - ex-officio  
Vice-  
Chairperson
- (c) Twenty Seven members, nominated by - Member  
the Chairperson from among those  
chosen by the leaders of the parties  
represented in the Constituent  
Assembly  
The Secretary General of the - Secretary  
Constituent Assembly

**147. Functions, Duties and Powers of the Committee:** (1) The functions, duties and powers of the Conduct Monitoring Committee shall be as follows:-

- (a) To begin the function of required investigation on the basis of the question publicly raised about violation of code of conduct referred to in Sub-rule (1) of Rule 145 by any member or on the basis of information given by any one to the Committee;
- (b) To acquire necessary information from the concerned member and other persons on the questions raised with regard to code of conduct;
- (c) To obtain information from the person, institution or media raising the question on the conduct;
- (d) To decide whether or not, from the facts collected during the investigation in the questions with regard to the conduct of members, the concerned member has

found to have violated the code of conduct and to submit the report thereof to the Assembly.

- (e) The Conduct Monitoring Committee may form a sub-Committee consisting of specialists.

(2) The Conduct Monitoring Committee shall itself determine its other procedures.

(3) It shall be a duty of each of the members to render necessary assistance in case an inquiry has been initiated against any member pursuant to this Rule.

(4) In case an inquiry has been initiated against any member pursuant to this Rule, the Conduct Monitoring Committee shall provide a reasonable opportunity to the concerned member to defend himself/herself.

(5) The report submitted to the Assembly by the Conduct Monitoring Committee pursuant to Clause (d) of Sub-rule (1) shall be kept in the record of the Assembly.

## **Chapter 19**

### **Miscellaneous**

**148. Confidential Sitting of the Constituent Assembly:** (1) In case at least Sixty one members of the Assembly make a written request to the Chairperson that discussion on any subject of the Constituent Assembly be held in a secret Sitting and in case the Chairperson deems the request reasonable, s/he may decide to conduct discussion on such subject in a secret Sitting.

(2) No one shall be allowed to sit in at the chamber or lobby while a secret Sitting of Constituent Assembly is in progress.

Provided that, this provision shall not be applicable to the persons permitted by the Chairperson.

(3) The Chairperson may maintain and make public a brief description of the proceedings or decision of a secret Sitting as he/she

deems appropriate. Except the Chairperson or the person authorized by him/her, no one shall be allowed to keep such records, publicize or let anyone else know about them.

(4) The procedures of the secret Sitting shall be as determined by the Chairperson.

(5) In case it is felt that the proceedings of the Sitting need not to be kept secret any longer, the Chairperson may make a proposal to the Assembly that proceedings of the Sitting no longer be in secret.

(6) Upon approval of the proposal by the Assembly, the Sitting of the Constituent Assembly shall be made open.

**149. Determining the Calendar of Operation of the Constituent Assembly:**

(1) The Constituent Assembly shall, within Seven days from the commencement of these Rules, discuss the functions the Assembly and its various Committees have to perform, the time limit for it and the Calendar of Operation for the activities relating thereto.

(2) The Chairperson shall prepare the Calendar of Operation of the Constituent Assembly in consultation with the Conduct of Business Advisory Committee and propose to the Assembly.

(3) The Calendar of Operation approved by the Assembly shall be an inseparable part of these Rules.

(4) In case of need to bring any alteration in the Calendar of Operation approved pursuant to this Rule, a proposal thereof shall be submitted to the Assembly and it shall be done as per the decision of the Assembly.

**150. Procedures for Taking Decisions of Referendum:** (1) In case a resolution

has been approved that decision on any subject has to be made through the process of a referendum pursuant to Sub-Article (1) of Article 157 of the Constitution, the Chairperson shall certify it. The Secretary General or Secretary shall furnish the information thereof to the Council of Ministers,

Government of Nepal.

(2) The decision derived through the referendum shall be mandatory for the Constituent Assembly.

**151. Opinion of Attorney General may be Obtained:** (1) In case the Chairperson deems it necessary to seek legal advice of the Attorney General, s/he may allow the Attorney General to express opinion being present in the Assembly.

(2) There shall be no discussion on the opinion expressed pursuant to Sub-rule (1).

(3) The procedures as to expressing the opinion pursuant to Sub-rule (1) shall be as determined by the Chairperson.

**152. Language:** (1) The proceedings of the Constituent Assembly or its various Committees shall be in Nepali language. In case any Member has spoken in his/her mother tongue, provision shall be made to maintain record thereof.

(2) Notwithstanding anything contained in Sub-rule (1), in case of the Member with statement disability, the Chairperson may permit to express his/her opinion in symbolic language and allow his/her assistant to interpret and read out to the Sitting.

**153. Emblem of the Constituent Assembly:** (1) Members shall wear the emblem of the Constituent Assembly while attending to any of the Sitting relating to the works of the Constituent Assembly.

(2) Members may use the emblem of the Constituent Assembly.

(3) The format and procedures of making the emblem shall be as determined by the Chairperson in consultation with the Conduct of Business Consultative Committee. The format and procedures of making the emblem and other necessary matters shall be published in the Nepal Gazette.

**154. Records of Proceedings:** (1) The Secretary General or the Secretary shall, as per the direction of the Chairperson, make provisions of keeping records

of the proceedings of each of the Sittings of the Constituent Assembly and prepare a brief note on them and distribute to each of the members.

(2) One copy of the brief note of the proceedings of each Constituent Assembly Sittings prepared pursuant to Sub-rule (1) shall be made available to the Office of the President and information thereof shall also be made available to the means of mass media through the information unit of the Secretariat.

**155. Records and Authentication of Decisions:** (1) The Secretary General or the Secretary shall prepare minutes of each Sitting of the Constituent Assembly. These minutes shall become the records of the decisions of the Constituent Assembly.

(2) The Secretary General or the Secretary shall have the powers to authenticate the decisions and proceedings of the Constituent Assembly.

**156. Objectionable terms:** (1) In case any word or a part of a sentence used during discussion in any Sitting of the Constituent Assembly is found to be indecent, objectionable or against the dignity and decorum of the Constituent Assembly, the Chairperson may order to delete such word or words from the records of the proceedings of the Sitting.

(2) The stricken sections shall be asterisked and, in a footnote on the same page, a note shall be added recording that this section has been removed as per instructions from the Chairperson.

**157. Delegation of power:** Any official of the Constituent Assembly may, in case s/he becomes unable to perform the functions of his/her office for falling ill or for any other reason(s), delegate any or all authority vested in him/her to any of the subordinate officials in written form subject to these Rules and the Constitution.

**158. Special Powers of the Secretary General:** The Secretary General shall be entitled to enter into any Sitting of the Constituent Assembly or of any Committee or sub-Committee thereof and to instruct or control the

Secretary or other officer on duty in the Sitting, and s/he may give advises relating to the procedures solicited by the Sittings.

**159. Security of Records:** (1) The Secretary General shall cause to keep the records of decisions and documents of the proceedings of the Constituent Assembly and its Committees.

(2) The Secretary General shall not allow anyone to take out from the building of the Constituent Assembly the records to be maintained pursuant to Sub-rule (1) without an order of the Chairperson.

**160. Information on Arrest of a Member:** (1) In case information is received about an arrest of any member of the Constituent Assembly pursuant to the proviso to Sub-Article (5) of Article 77 of the Constitution, the Chairperson shall forthwith give the information thereof to the Constituent Assembly.

(2) In case information referred to in Sub-rule (1) is received while the Sitting of the Constituent Assembly has been adjourned, the Chairperson shall cause to paste the notice thereof on the notice board of the secretariat and cause to publicize it through other means of communication.

**161. Legal Opinion and Advice:** In case any legal question is raised regarding the procedures of the proceedings of the Constituent Assembly or its Committees, the advice of the legal advisor at the Secretariat shall be sought and the legal advisor also shall represent the Constituent Assembly and its Committees in a case involving the Constituent Assembly or any of its Committee as party.

Provided that, this Rule shall not be deemed to have hindered soliciting advices or suggestions of other experts on the subject of Constitutional law and principles.

**162. Power to Regulate Entrance:** (1) Normally, a Sittings of the Constituent Assembly shall remain open.

(2) The Chairperson shall have power to regulate and control the

entrance, taking into consideration the convenience of persons going to observing the proceedings of the Constituent Assembly. The Chairperson may also make or cause to be made provisions for entrance passes as may be necessary.

(3) The person entering into the Sitting House with the entrance pass shall abide by the terms and conditions printed on the pass and in case any person does not abide by those terms and conditions may be expelled from the Sitting House at the order of the Chairperson.

**163. Maintaining Order within Constituent Assembly Premises:** (1) The Chairperson shall have full powers with regard to maintaining order within the premises of the Constituent Assembly.

(2) No Sit-in, hunger strikes, picketing, postering, pamphleting, distributing hand Bills or any other activity tending to disturbs tranquility within the premises of the Constituent Assembly shall be allowed.

(3) No person within the premises of the Constituent Assembly shall be arrested without an order of the Chairperson.

**164. Restrictions on using the Assembly House:** Except permission from the Chairperson, the Assembly House shall not be used for any purpose other than for conducting Sittings of the Constituent Assembly or any of its Committees or for conducting Sitting as in the capacity of the Legislature-Parliament or any Committee thereof or for any other work that is directly related to the Constituent Assembly.

**165. Secretariat of Constituent Assembly:** (1) The Legislature-Parliament Secretariat, established pursuant to Article 61 of the Constitution, shall act as the Constituent Assembly Secretariat.

(2) The officials and employees engaged in the Legislature-Parliament Secretariat shall be deemed to be the officials and employees of the Constituent Assembly Secretariat.

(3)The Government of Nepal shall make available on deputation the

extra employees as may be necessary for performing the works of the Constituent Assembly secretariat in an effective and well-managed manner.

(4) The Constituent Assembly Secretariat may, as per the decision of the Conduct of Business Advisory Committee, receive an assistance of required advisors and experts in accordance with the laws in force.

(5) Other provisions relating to operation of the Secretariat shall be in accordance with the laws in force.

- 166. Suspension of Rules:** Assembly Member may, with the permission from the Chairperson, introduce a motion for suspension of a particular Rule under these Rules that the Rule be not applied to a particular matter which is currently before the Assembly for consideration. In case approved, such a Rule shall be considered suspended for the time being.
- 167. Power to Remove Difficulties:** In case any difficulty arises while working in accordance with these Rules, the Chairperson may, in consultation with the Conduct of Business Advisory Committee, remove such difficulty having made necessary and appropriate provisions for it.
- 168. Interpretation of these Rules:** The Chairperson shall have powers to interpret these Rules, and his/her decision shall be final.
- 169. Functions of Secretary General may be Carried out:** In the absence of the Secretary General, the official delegated by the Chairperson shall perform all functions to be performed by the Secretary General under these Rules.
- 170. Functions of Secretary may be Carried out:** In the absence of the Secretary, the official delegated by the Chairperson shall carry out the functions prescribed to be carried out by the Secretary under these Rules.
- 171. Amendment to these Rules:** (1) The Assembly may bring necessary amendments to these Rules.
- (2) In case a Member deems an amendment necessary, s/he may notify the Chairperson of the proposal to amend these Rules along with

reasons for the amendment.

(3) The Member may introduce a proposal asking the Assembly with due permission of the Chairperson, for approval to set up an Amendment Committee, including suggested names, if the Chairperson deems it necessary.

(4) The Committee formed pursuant to Sub-rule (3) shall consist of Members as needed, and the Members shall select the Chairperson among themselves.

(5) Upon submission of the report by the Committee to the Assembly, the motion relating to an amendment shall be adopted having followed the appropriate procedures determined by the Chairperson.

**172. Repeal and Saving:** (1) The following procedures have been repealed:-

(a) Interim Procedures of the Constituent Assembly, 2065 (2008).

(b) The Procedures Relating to the Election of the President and Vice-President, 2065 (2008).

(2) The activities carried out in accordance with the Procedures referred to in Sub-rule (1) shall be deemed to have been carried out under these Rules.

**Schedule-1**

(Relating to Rules 8 and 10)

Oath of office of the Chairperson/ Vice-Chairperson of Constituent Assembly

I ....., being completely loyal to the country and people, do hereby solemnly resolve/swear in the name of God that I shall, with genuine loyalty towards the Interim Constitution of Nepal, 2006, which ensures that state authority and sovereignty is vested in the people of Nepal, truthfully and impartially carry out my duties and responsibilities as the Chairperson/Vice-Chairperson of the Constituent Assembly, putting myself strictly within the limits of the existing laws, always thinking the good of the country and the people in high esteem, without fear, biasness, prejudice or ill-will and maintaining the confidentiality of the office.

Name.....

Date.....

Signature.....

**Schedule-2**

(Relating to Sub-rule (1) of Rule 15 and Sub-rule (1) of Rule 16)

**Nomination of Candidate**

Passport  
Size Photo

To be filled in by a Proposing Member

The Election Officer,

The Office for Election of President and Vice-President.

I do hereby propose Mr/Mrs.....and nominate him/her as candidate in the election of the President and Vice-President of Nepal.

1. Full Name.....
2. Age .....Years      Sex: Male/Female
3. Address:
4. Mother/ Father:
5. Name of Husband/wife:

Proposing Member,

Name .....

Serial No. of voter's list:.....

Signature:.....

**To be filled in by the person seconding the motion**

I do hereby accept the proposal by the afore-said proposing member  
.....nominating Mr./Mrs. ....as a candidate to  
the office of President/Vice President.

Seconded by

Name .....

Serial No. of voter's list:.....

Signature:.....

6. Documents attached:

- (a) Attested copy of the Nepalese citizenship certificate of the  
nominated candidate
- (b) The memo containing the consent of the candidate

Date:.....

**Schedule-3**

(Relating to Sub-rule (2) of Rule 15 and Sub-rule (2) of Rule 16)

**Consent of the Candidate**

As Mr./Mrs.....has nominated me as a candidate in the election of the office of President/Vice President of Nepal, in case I would be elected, I agree to work as in the office of President/Vice President of Nepal.

I do hereby declare that I am eligible to stand as a candidate to the election of the President/Vice President in accordance with the Interim Constitution of Nepal, 2006.

Date:.....

Of the nominated candidate,

Name:.....

Signature:.....

**Schedule-4**

(Relating to Sub-rule (9) of Rule 65)

**Oath of office of the members of the Constitutional Committee**

I ....., being completely loyal to the country and people, do hereby solemnly resolve/swear in the name of God that I shall, with genuine loyalty towards the Interim Constitution of Nepal, 2006, which ensures that state authority and sovereignty is vested in the people of Nepal, truthfully and impartially carry out my duties and responsibilities as a member of the Constitutional Committee, putting myself strictly within the limits of the existing laws, always thinking the good of the country and the people in high esteem, without fear, biasness, prejudice or ill-will and maintaining the confidentiality of the office.

Name.....

Date.....

Signature.....

**Schedule-5**

(Relating to Sub-rule (11) of Rule 70 and Sub-rule (5) of Rule 109 )

**Oath of office of the Chairperson of Committees of the Constituent Assembly**

I ....., being completely loyal to the country and people, do hereby solemnly resolve/swear in the name of God that I shall, with genuine loyalty towards the Interim Constitution of Nepal, 2006, which ensures that state authority and sovereignty is vested in the people of Nepal, truthfully and impartially carry out my duties and responsibilities as a Chairperson of .....Committee of the Constituent Assembly, putting myself strictly within the limits of the existing laws, always thinking the good of the country and the people in high esteem, without fear, biasness, prejudice or ill-will and maintaining the confidentiality of the office.

Name.....

Date.....

Signature.....

**Schedule-6**

(Relating to Rule 136)

Form for personal details of the members of the Constituent Assembly

1. Name, surname of member:
2. Name, surname of mother: Name, surname of father: Name, surname of husband/wife:
3. Permanent Address: District: V.D.C./Municipality: Ward No.: Street:
4. Date of Birth: \*
5. Level of Education:
6. District of Representation:
7. (a) Name of the Political party or Organization:  
(b) Independent:
8. Address in Kathmandu Valley: District: Municipality: Ward No.: Street:  
Phone No.: Mobile: E-mail:

I shall provide information immediate in case there is any change in the afore-said details.

Name.....

Date.....

Signature.....

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\* Photostat copy of the citizenship certificate must be attached.

Schedule -7

(Relating to Clause (a) of Sub-rule (1) of Rule 137)

Details related to the political party representing the Constituent Assembly Passed  
by the Constituent Assembly on 2065-7-29

S.N.	Name of Member	Name, surname of father/mother Name, surname of husband/wife:	Permanent address	District

Of the leader of the party,-

Name, surname:

Signature:

Member authorized to sign

1. Name, surname:

Signature:

2. Name, surname:

Signature:

Date: