

Constituent Assembly Rules of Procedure, 2065 (2008)

Preamble: These Rules have been formulated in order to implement the rights provided by Article 78 of the Interim Constitution of Nepal, 2063, regarding the operation of the Constituent Assembly; maintaining the order of the meeting; defining the committees, and their functions and activities; and regulating the Constituent Assembly and other matters relating to its committees.

Chapter 1

Preliminary

1. Brief title and commencement: (1) These Rules shall 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” refers to “the Interim Constitution of Nepal, 2063”.
- (b) “Constituent Assembly” refers to the Constituent Assembly constituted in accordance with Article 63 of the Interim Constitution of Nepal, 2063.
- (c) “Chairperson” refers to the Chairperson of the Constituent Assembly.
- (d) “Vice-Chairperson” refers to the Vice-Chairperson of the Constituent Assembly.
- (e) “Member” refers to a member of the Constituent Assembly.
- (f) “Committee” refers to the committee of the Constituent Assembly.
- (g) “President” refers to the President of the committee.
- (h) “Minister” refers to the Prime Minister, Deputy Prime Minister, minister, State Minister or Assistant Minister.
- (i) “Secretary-General” refers to the Secretary-General of the Constituent Assembly, as well as to the Constituent Assembly Secretariat officer assigned by the Chairperson to work as the Secretary-General in the absence of the Secretary-General.
- (j) “Secretary” refers to the Secretary of the Constituent Assembly and to the Constituent Assembly Secretariat officer assigned by the Chairperson to work as the Secretary in the absence of the Secretary.
- (k) “Authority” refers to the Chairperson, Vice-Chairperson, President, the leader of a political party represented in the Constituent Assembly, and to the Secretary-General and the Secretary of the Constituent Assembly.
- (l) “Assembly” or “meeting” refers to the Assembly or meeting of the Constituent Assembly.
- (m) “Proposal” means any proposal presented before the Constituent Assembly for consideration.
- (n) “Presenter of the proposal” refers to the member who presents the Constituent Assembly with a proposal or bill.

- (o) “Specialist” refers to a person from whom the Secretariat, as per the prevailing law, receives specialist services for assistance in the Constituent Assembly as per the decision of the Work Management Advisory Committee, as per Rule 165, Sub-rule (4). “Specialist” also indicates a person who is invited as an expert by a committee seeking suggestions on how to fulfil its responsibilities.
- (p) “Meeting hall” refers to the hall where the Constituent Assembly takes place, as well as to the audience hall and veranda adjoined the meeting hall.
- (q) “Table” refers to the table of the Assembly.
- (r) “Information letter” refers to the Constituent Assembly’s information letter, consisting of the following subjects:
 - a. Notice regarding the proceedings of the meeting,
 - b. Summary of the proceedings of the meeting,
 - c. Notice regarding the committee, and
 - d. Other subjects deemed necessary by the Chairperson.
- (s) “Compound” refers to the entire compound of the building, including the meeting hall of the Constituent Assembly, the sub-hall and the audience hall. “Compound” also refers to other places as defined from time to time by the Chairperson.

Chapter 2

Notice of the meeting, attendance of the members and seating arrangements

3. Notice of the meeting: (1) The date, time and venue of the meeting of the Constituent Assembly shall be fixed by the Chairperson. The Chairperson shall provide notice of such details to the members at the end of each meeting.

(2) In case the meeting is postponed before the date of the next meeting has been fixed as per Sub-rule (1), the subsequent meeting shall be called by the Secretary-General or the Secretary by giving at least three days prior notice to the members.

(3) If the meeting of the Constituent Assembly is called as per Article 69, Sub-Article (2) of the Constitution, the Secretary-General or the Secretary shall publish notice to this effect in the *Nepal Gazette*, and also broadcast it through the public media.

4. Presence of the members: Before taking their seats, each member shall sign the attendance register kept outside of the meeting hall.

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 physically challenged members, the Chairperson, having assigned seating places and order, may also permit a single assistant to take a seat along with the member.

(3) Notwithstanding anything contained in these Rules, the Chairperson may permit members of the Council of Ministers who are no longer members of the Constituent Assembly to take their seats, according to place and order, like other members of the Council of Ministers.

Chapter 3

Conduct of the Constituent Assembly meeting and adjournment

- 6. Conduct of the meeting and adjournment:** (1) In accordance with these Rules, the meeting of the Constituent Assembly shall take place on days fixed by the Chairperson, with consideration given to the Constituent Assembly's workload.
- (2) Unless ordered otherwise by the Chairperson, the meeting of the Constituent Assembly shall commence at 11.00 am and adjourn at 5.00 pm.
- (3) If there is a change in the day, time or programme of the meeting for any reason, notice of the same shall be posted on the notice board of the Constituent Assembly, including explanation for the change. Having thus posted the notice, all members shall be considered to have been duly notified of the change.
- (4) The Chairperson shall announce the commencement and adjournment of each meeting.
- (5) Authorities of all parties represented in the Constituent Assembly shall cooperate in the conduct of the Constituent Assembly meeting.

Chapter 4

The election of the Chairperson and Vice-Chairperson, and the nomination of individuals to chair the meeting

- 7. Election of the Chairperson:** (1) The election of the Chairperson of the Constituent Assembly shall take place on a day fixed by the Assembly. The Secretary-General shall publish notice of the election.
- (2) In the published programme as per Sub-rule (1), if political consensus is reached on the election of the Chairperson within the stipulated timeframe in accordance with Article 71, Sub-Article (1) of the Constitution, any member may, with the support of one other member, submit the proposal along with record of the consensus to the Chairperson.
- (3) Upon receiving the proposal as per Sub-rule (2), the Chairperson shall grant permission to the proposing member to present the proposal in the scheduled meeting for the election of the Chairperson.
- (4) The supporting member shall second the proposing member after the member making the proposal presents it at the beginning of the meeting. After the supporting member has spoken, the Chairperson shall announce that the proposed member has been elected to the post of Chairperson of the Constituent Assembly on the basis of political consensus.
- (5) If the election of the Chairperson fails to take place on the basis of political consensus as per Sub-rule (2), any member may, with the support of one other member and within the timeframe stipulated in the published programme as per Sub-rule (1), propose an individual to be elected to the post of Chairperson, and shall give notice of such proposal to the Secretary-General. Along with this notice, record shall also be submitted of the proposed member stating, "If elected, I am ready to fulfil the duties of the Chairperson."
- (6) After the proposing member presents notice of the proposal in the meeting as per Sub-rule (5), the supporting member shall second the candidate. If only one proposal notice is received, the Chairperson, after the supporting member has spoken, shall announce that the proposed member has been elected unopposed as Chairperson.

- (7) If more than one proposal notice is received within the timeframe as per Sub-rule (5), the proposing members shall present the proposals in accordance with the number in which they were registered. After each supporting member has spoken, there shall be a short discussion on all proposals; thereafter, the person chairing the meeting shall present the proposals one by one for decision.
- (8) In case of multiple proposals presented for decision in accordance with Sub-rule (7), the proposed member of the proposal that is passed by a majority of all members in the Constituent Assembly shall be considered to have been elected to the post of Chairperson.
- (9) In the case of multiple proposals submitted before the Constituent Assembly as per Sub-rule (7), if a proposal is passed by the majority of all members of the Constituent Assembly, the member proposed in the proposal shall be considered to have been elected as Chairperson, and the remaining proposals shall not be presented for decision.
- (10) For proposals received as per Sub-rule (5) proposing individuals to be elected to the post of Chairperson, the Constituent Assembly shall come to a decision by voting. If any proposal submitted for decision in the meeting on the stipulated day for the election of the Chairperson fails to be passed by the majority required as per Article 71, Sub-Article (1)(a) of the Constitution, the Chairperson shall call another meeting in order to present all of the proposals again for decision.
- (11) If the member chairing the first meeting is proposed for the post of Chairperson, the eldest member who has not been proposed shall chair the meeting on that day.
- (12) If the post of Chairperson remains vacant for any reason, it shall be filled through election in accordance with the procedures of these Rules.

8. Oath of the Chairperson: Prior to taking office, the Chairperson shall take the oath of the post and confidentiality before the President, in accordance with Annex 1.

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

- (2) For the election of the Vice-Chairperson, the procedure prescribed for the election of the Chairperson shall be followed.
- (3) If the post of the Vice-Chairperson remains vacant for any reason, it shall be filled by election as per these Rules.

10. Oath of the Vice-Chairperson: The member elected as the Vice-Chairperson shall take an oath before the Chairperson in the Assembly, as per Annex 1.

11. Nomination of individuals to chair: (1) The Chairperson may nominate up to 27 individuals to chair meetings in the event of the absence of both the Chairperson and the Vice-Chairperson.

- (2) The Vice-Chairperson and the member nominated as per Sub-rule (1) may exercise all powers enjoyed by the Chairperson while chairing the meeting.

Chapter 5

Election of the President and Vice-President

12. Election of the President: (1) The election of the President shall take place at the date and time stipulated by the Chairperson.

- (2) The Chairperson of the Constituent Assembly may assign the Secretary-General of the Constituent Assembly to be the Election Officer, for the purpose of conducting the presidential election and submitting the election results to the Chairperson.
- (3) As required, the Election Officer may use the staff of the Secretariat for assistance in holding the election.

13. Publication of the election programme: (1) The Election Officer shall prepare and publish the programme for the presidential election at least 24 hours prior to the stipulated date.

- (2) In addition to other issues, the publication of the programme as per Sub-rule (1) shall include the voter list, claims against the voter list, the final voter list; the time, date, venue and procedures for registering one's candidacy; the timeframe for the publication of the list of candidates; the period for a withdrawal of nomination; and the timeframe for the publishing of the final list of candidates, the voting programme and the vote count.

14. Publication of the voter list: (1) The programme published by the Election Officer as per Rule 13 shall include the voter list, including, in alphabetical order, the name of members who have taken oaths as members of the Constituent Assembly.

- (2) If any member feels that a name included in the voter list, published according to Sub-rule (1), for the presidential election is ineligible to take part, then any member may file a complaint to the Election Officer, with due process and within the stipulated timeframe, by making available the necessary evidence.
- (3) In case of a complaint filed according to Sub-rule (2), the Election Officer shall investigate the matter, and shall make a decision as per the findings of the investigation. Following the decision, the Election Officer shall publish the remaining list as the final voter list.
- (4) If there are no complaints as per Sub-rule (2), the list published in accordance with Sub-rule (1) shall be considered the final list.

15. Political consensus and election: (1) In reference to the election of the President, according to Article 36 (b), Sub-Article (1) of the Constitution, if political consensus is reached over any individual eligible as per Article 36 (d), a nomination paper bearing the signatures of the proposing member of the Constituent Assembly and a supporting member shall be presented, along with the details required in Annex 2, within the timeframe specified in the election programme published as per Rule 13. Along with the nomination paper, a certified copy of the Nepali citizenship certificate shall be included.

- (2) While submitting a nomination on the basis of political consensus as per Sub-rule (1), a sworn statement shall be included of the candidate's willingness to undertake the role of President in accordance with the format provided in Annex 3.
- (3) If a nomination is filed for the post of President on the basis of political consensus as per Sub-rule (1), the Election Officer shall immediately inform the Chairperson of the same.

- (4) If a nomination for the role of President on the basis of political consensus is submitted to the Chairperson as per Sub-rule (3), the Chairperson shall declare the concerned candidate as unanimously elected President during the immediate subsequent meeting of the Constituent Assembly. Notice shall also be published in the *Nepal Gazette*.
- (5) If a proposal of candidacy on the basis of political consensus is not registered within the timeframe stipulated according to this Rule, the Election Officer shall proceed with other parts of the election programme under this Rule, in accordance with the Article 36 (b), Sub-Article (3) of the Constitution.

16. Procedure to register a nomination: (1) According to Article 36 (d) of the Constitution, while filing a nomination to elect any eligible person as President, all necessary details shall be provided as required by Annex 2, including the signatures of any presenting member of the Constituent Assembly as well as that of a supporting member of the Constituent Assembly, and a certified copy of the citizenship certificate of the concerned person, all of which shall be submitted to the Election Officer within the timeframe stipulated by the programme published as per Rule 13.

- (2) While filing a nomination according to Sub-rule (1), a sworn statement of the candidate's willingness to undertake the role of President shall be included, as provided in Annex 3.

17. Verification of nominations and publication of names list: The Election Officer shall verify all nominations filed for the presidential election in accordance with Rule 16 within the stipulated timeframe, and shall prepare and publish a list of their names in alphabetical order.

18. Protest: (1) Any candidate may file a protest against any other candidate included in the names list published according to Rule 17 within the stipulated timeframe.

- (1) While filing a protest as per Sub-rule (1), clear grounds for the claim shall be included.
- (2) The Election Officer shall investigate protests filed in accordance with Sub-rule (1), and in case of reasonable cause and as provided by law, the Election Officer may nullify the candidacy of any candidate.

19. Withdrawal of nominations and publication of the final names list: (1) Any candidate included in the names list published as per Rule 17 and who wishes to withdraw his/her candidacy within the timeframe as per Rule 13, Sub-rule (2) shall present him/herself in person before the Election Officer and provide a written withdrawal of his/her candidacy.

- (2) The Election Officer shall prepare and publish a final names list from the remaining candidates in alphabetical order, following the expiration of any withdrawal process according to Sub-rule (1).
- (3) In the event that only a single nomination has been received with due process within the stipulated timeframe for the presidential election, or in case of the nullification of all nominations except for one in accordance with Rule 18, Sub-rule (3), or in case of the withdrawal of all nominations except for one in accordance with Sub-rule (1), the Election Officer shall immediately inform the Chairperson of the candidate's unopposed victory as President.

20. Voting: (1) In case of the inclusion of more than one candidate on the final names list published in accordance with Rule 19, an election, through secret ballot, shall be held.

- (2) For the purposes of Sub-rule (1), the Election Officer shall prepare the ballot paper by including, in alphabetical order, the names of all remaining candidates as per Rule 19.
- (3) Members included on the voter list within the stipulated timeframe shall receive a signed ballot paper from the Election Officer, and shall cast his/her vote in the ballot box with a tick mark (✓) in front of the box his/her preferred candidate.
- (4) Other election-related procedures shall be as determined by the Election Officer.

Chapter 6

General working procedure for the meeting

26. Daily work list: (1) The Secretary-General or the Secretary shall prepare a work list for each day of the meeting, as per the instructions of the Chairperson. One copy of this list shall be provided to each member, in general one day prior to [the meeting].

However, in special circumstances, as per the Chairperson's instruction, an amended work list shall be prepared one hour prior to [the meeting], and one copy shall be provided to each member.

- (2) With the exception of what is written otherwise in these Rules, no subject that has not been included in the work list for the day shall be discussed on that day without the permission of the Chairperson.
- (3) With the exception of instructions from the Chairperson to the contrary, any matter in need of notification shall not be included in the work list without meeting the necessary timeframe and additional processes.

27. The Work Management Advisory Committee: (1) Regarding the organized conduct of the meeting, including determining the priorities and timeframe of the subject to be submitted before the meeting, as well as counsel on other matters deemed necessary by the Chairperson, a Work Management Advisory Committee, consisting of up to 49 members, including members of all political parties represented in the Constituent Assembly, shall be constituted under the auspices of the Chairperson.

- (2) The Vice-Chairperson and the Law, Justice and Constituent Assembly Affairs Minister shall be the ex-officio Vice-Chairperson and member of the Committee [respectively].
- (3) Notwithstanding anything included in Sub-rule (1), the Chairperson may invite to the meeting of the Work Management Advisory Committee any member that he/she deems fit.

28. Determination of timeframe: (1) The Chairperson shall determine the timeframe for discussion on any issue submitted before the meeting.

- (2) After the lapse of the timeframe defined as per Sub-rule (1), the Chairperson, unless otherwise stated in these Rules, having halted the discussion, shall submit all questions required to allow the meeting to take a decision on the issue.

29. Dissemination of information: Unless stated otherwise in these Rules, a member shall give any notice to the Secretary-General or the Secretary only between 10.00 am and 2.00 pm. Notices given after this timeframe shall be considered to have been given on the next working day.

30. Amendment of information: In case the Chairperson finds unsuitable, satirical, unnecessary, unfitting or irrelevant words or phrases being used in the notice, he/she may amend or ask that the same be amended before the notice is disseminated.

31. Distribution of documents: (1) Either the Secretary-General or the Secretary shall provide all necessary documents and information to members.

(2) Either the Secretary-General or the Secretary shall make arrangements, as directed by the Chairperson, to place all documents and information to be provided to members in the pigeonholes that bear 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.

However, in the case of members nominated by the Council of Ministers and independent members, the Secretary-General or the Secretary shall make arrangements to install a pigeonhole in the Secretariat compound, as determined by the Chairperson, and then shall duly inform the concerned member of this action.

32. Commencement of the meeting: The meeting shall be commenced once the Chairperson arrives and the national anthem is played.

33. Rules to be observed during the meeting: The following rules shall be observed during the meeting:

- (a) Everyone shall stand when the Chairperson enters the Assembly hall.
- (b) The Chairperson shall take his/her seat by showing respect to the meeting.
- (c) Only once the Chairperson has exited the Assembly hall, [after] adjourning the meeting, shall the other members leave.
- (d) While speaking in the meeting, members shall first address the Chairperson and, unless instructed otherwise, speak while standing.
- (e) No member shall leave while the Chairperson is speaking, and shall listen to the Chairperson quietly.
- (f) No member shall pass by the chair of the Chairperson while the member is speaking.
- (g) Nothing shall be done to disrupt the meeting, to create havoc in the meeting, or to break the peace of the meeting while anyone is speaking.
- (h) No one shall cross in front of the Chairperson, or sit down showing his/her back to the chair of the Chairperson.
- (i) No one shall read any books, newspapers or other documents during the meeting, other than those that are directly related to the issues of the meeting.
- (j) Mobile phones shall be switched off in the meeting room throughout the meeting period.

34. Rules to be followed by members taking part in discussion: Members taking part in discussion shall observe the following rules:

- (a) A member shall stand to draw the attention of the Chairperson, and shall speak only after receiving indication or having his/her name called.
- (b) Other than during discussion on a proposal suggesting that the Chairperson is not behaving as per his/her status, no member shall criticise the behaviour of the Chairperson.

- (c) Subjects restricted by Article 60 of the Constitution shall not be discussed.
- (d) Subject matter under the jurisdiction of the Legislature-Parliament shall not be discussed.
- (e) Immodest, vulgar, insulting or contestable words shall not be used.
- (f) Other than when discussing disapproval of a decision made by the Chairperson, no decision by the Assembly or the Chairperson shall be criticised.
- (g) The right to speak shall never be misused with the intention of disrupting the proceedings of the meeting.

35. Process for taking part in the discussion: The following process shall be followed while speaking and answering in the meeting:

- (a) After the proposing member has finished speaking, other members may speak in the order the Chairperson calls their names or otherwise indicates.
- (b) Except for what is contained otherwise in this Rule, no member may speak more than one time on a proposal without the permission of the Chairperson.
- (c) The proposing member may speak again at the end of the discussion. Irrespective of whether or not the member previously participated in discussion regarding the proposal, after the proposer member has answered nobody shall speak again without seeking permission from the Chairperson.
- (d) The member submitting an amendment to the proposal shall not have the right to answer without permission from the Chairperson.
- (e) Discussion is considered to be ended after the proposing member has answered.

36. Relevancy: (1) Any discussion on the part of a member shall be on the subject currently under consideration by the Constituent Assembly.

- (2) If any member begins discussion on an irrelevant issue, or rambles on by repeating his/her own or another member's words, the Chairperson, by drawing the attention of meeting, shall order the member to stop speaking. The member shall stop speaking, and take his/her seat as soon as he/she is told to do so.

37. Power to seek or give explanation: (1) While discussion is taking place, if any member deems it necessary to seek explanation on the subject, he/she may do so through the Chairperson.

- (2) Notwithstanding anything contained in Sub-rule 1, with the permission of the Chairperson a member may give an explanation relating to his/herself or to another subject, for the edification of the meeting.

However, while giving such an explanation, he/she shall not discuss controversial topics, and there shall be no discussion on the explanation.

38. Proposal to end discussion: (1) Other than what is contained in these Rules, a member may, with the permission of the Chairperson, make a request at any time to end discussion on a proposal under consideration.

- (2) If the Chairperson feels that there has been adequate discussion on the original proposal, he/she may place the proposal to end the discussion before the Constituent Assembly for decision.
- (3) There shall be no amendment to or discussion of the proposal to end discussion. If such a proposal is passed, the Chairperson, without allowing for additional discussion, shall submit the original proposal to the Constituent Assembly for decision.

- (4) If he/she feels that discussion on a subject is being prolonged unnecessarily, the Chairperson, after consulting with the meeting, may set a timeframe by which to end the discussion. After the lapse of this timeframe, he/she shall consider the discussion finished, shall submit all necessary issues before the meeting, and shall move to obtain a decision.

39. Objection: (1) If any member feels that there has been a breach of rules on the matter that is currently before the Assembly, he/she may raise such an objection by identifying which rule has been breached.

- (2) Once the member who is raising the objection receives approval or other indication from the Chairperson, the member who is currently speaking shall stop speaking.
- (3) The member raising the objection shall speak clearly and only regarding the breach of rule and his/her opinion. After voicing the objection, he/she shall take his/her seat.
- (4) The Chairperson shall decide on the objection, and his/her decision shall be the final.

Chapter 7

Decision-making procedures in the Assembly

40. Making decisions through questions: The Chairperson, while presenting the proposal under consideration by the Constituent Assembly, shall present it in the form of a question on which the Constituent Assembly is to decide.

41. Method of submitting a question for decision: (1) Once discussion on a proposal is complete, the Chairperson shall present questions one by one, asking members who support the proposal to audibly say “Yes”, those who oppose the proposal to say “No”, and those who are undecided to say “I do not vote”.

- (2) As per Sub-rule (1), the Chairperson, having presented the proposal, shall announce whether “Yes” or “No” votes received the majority. If no disapproval is expressed as per Rule 42, the Chairperson’s announcement shall become the decision of the Constituent Assembly. A record of the “Yes”, “No” and “I do not vote” votes shall be kept.
- (3) Once the Chairperson has submitted a particular proposal, no proposal shall be presented to discuss, amend or postpone that proposal.

42. Settling differences through vote: (1) As per Rule 41, Sub-rule (2), provided a minimum of 61 members express their disapproval by standing up from their seats, the Chairperson shall collect the votes in one of the following ways:

- (a) By letting members say “Yes”, “No” or “I do not vote”,
- (b) By distributing “Yes”, “No” and “I don’t vote” slips,
- (c) By having “Yes”- and “No”-voting members enter the lobby through different doors, and having the “I do not vote”-voting members remain in their seats, or
- (d) By operating the automatic vote-recording machine.
- (2) Notwithstanding whatever is stated in Sub-rule (1), if the Chairperson deems that a demand for a vote is unnecessary, he/she may first have those members voting “Yes”, “No” and “I do not vote” stand from their seats respectively, then count the votes and ascertain the Assembly’s decision.

- (3) As per Sub-rule (1), while distributing the “Yes”, “No” and “I do not vote” slips, these slips shall be green, red and blue [respectively]. Members shall sign the slips, including both their names and serial numbers.
- (4) While operating the automatic vote-recording machine as per Sub-rule (1):
 - (a) If the Chairperson feels that a member is for any reason unable to use the machine, he/she may count that member’s vote by asking that member prior to announcing the decision of the Constituent Assembly.
 - (b) If a member happens to press the wrong button of the automatic-vote recording machine, thus including an incorrect vote, he/she may draw the Chairperson’s attention to the matter prior to the announcement of the Constituent Assembly decision, and correct the vote.
- (5) The Chairperson shall immediately announce the results of the collected votes as per Sub-rules (1) and (2), and no member shall express his/her disagreement.
- (6) The Chairperson shall have the right to divide a proposal into different parts, in the form of multiple questions for decision. Decision regarding the collection of votes and other voting procedures shall be in accordance with the Chairperson’s decision.

Chapter 8

Maintaining order in the Assembly

43. Warning: The Chairperson may warn a misbehaving member to control his/her behaviour, and the member shall control his/her behaviour after receiving such a warning.

44. Expulsion: (1) The Chairperson may order any member who does not comply with the warning as per Rule 29 to leave the meeting. A member who receives such an order shall leave the Assembly immediately, and he/she shall not take part in the rest of the meeting that day.

- (2) If a member does not immediately comply with the order of expulsion issued as per Sub-rule (1), the Chairperson may force him/her out with the help of a Marshal. If forced out in such a way, the member shall not be allowed to attend three days of meetings thereafter. The Secretary-General or the Secretary shall inform all committees of the expulsion.

45. Suspension of a member: (1) The Chairperson may note by name any member who disrespects the chair of the Chairperson, or who intentionally disturbs the functions of the Constituent Assembly, or who repeatedly misbehaves or intentionally breaches or dishonours the Constitution or these Rules.

- (2) If a member submits a proposal requesting the suspension of a member who has been mentioned as per Sub-rule (1), the Chairperson shall immediately submit the proposal before the meeting for decision, and no proposal of amendment or postponement of this proposal shall be brought for discussion.
- (3) If the proposal as per Sub-rule (2) is passed, such a member shall be considered suspended, and such a suspended member shall not be allowed to attend the Assembly or committee meetings for 15 days thereafter.
- (4) The member who has been suspended as per Sub-rule (3) shall immediately leave the Assembly Hall.

- (5) If the suspended member does not immediately leave as per Sub-rule (4), the Chairperson may order that he/she be forced out with the help of a Marshal.
- (6) If a member is either suspended as per this Rule, or is cleared from such suspension, the Secretary-General or Secretary shall inform all committees of the decision.
- (7) If the member who has been suspended as per Sub-rule (3) or Rule 32 had been pre-informed that he/she was to present a proposal before the Assembly during the time of his/her suspension, the Chairperson may authorize any other member to do so.

46. Special rights of the Chairperson to maintain order: (1) Regardless of whatever is stated previously in this Chapter, if any member disrupts or tries to disrupt the peace, order or discipline of the Assembly building, or if any member shows destructive tendencies, uses force or is about to use force inside the Assembly, thus damaging the prestige of the Constituent Assembly, the Chairperson may order the Marshals to remove the member immediately by use of force. The Chairperson may suspend such an expelled member for up to 10 days.

- (2) As per Sub-rule (1), a suspended member cannot attend meetings of either the Assembly or any committee during the period of suspension.
- (3) At the time of the imposition and ending of a suspension, the Secretary-General or Secretary shall provide such information to all committees and sub-committees.

47. Granting pardon: Regardless of whatever is stated elsewhere in this Chapter, if a member confesses to and apologizes for a mistake, the Chairperson may pardon him/her after taking into account the Assembly's opinion.

48. Right to adjourn the meeting: If obstacles arise in terms of conducting the meeting, due to disorder or possible disorder, the Chairperson may adjourn the day's meeting until a time to be fixed by him/her. No member shall question such a postponement.

Chapter 9

Procedures related to proposals and content

49. No discussion without proposal: (1) No discussion on any issue shall take place in the meeting without a prior proposal, except as otherwise stated in the Constitution and these Rules.

- (2) Proposals to be submitted to the meeting shall first be approved by the Chairperson, who shall make necessary changes without affecting the spirit of the proposal.

50. Conditions for proposals: (1) Proposals consisting of any of the following shall not be considered acceptable:

- (a) Issues outside the jurisdiction of the Constituent Assembly,
- (b) Multiple issues,
- (c) Unclear, vague or unimportant issues,
- (d) Rough logic, guesses, satirical remarks, unrelated subject matter, accusations or any hypothetical or contestable content, or
- (e) Issues under the jurisdiction of the Legislature-Parliament.

51. Decisions on whether a proposal is acceptable: The Chairperson shall decide on whether a proposal is acceptable, and the Chairperson may reject any part or the whole proposal while making this decision.

52. Fixing the day and timeframe of the discussion: (1) The Chairperson shall fix the day and timeframe of the discussion, giving due consideration to the workload of the Constituent Assembly.

(2) The discussion shall end after the prescribed timeframe, and the Chairperson shall submit all necessary questions in the meeting in order to reach a decision on the main subject, except as otherwise stated in these Rules.

53. Voiding a proposal: (1) Proposals that are not submitted after receiving approval to be submitted shall automatically be considered null and void.

(2) Issues that have been discussed or decided upon by any proposal during previous meetings shall not be allowed to be raised again through any other proposal or amendment, except as otherwise stated in these Rules.

54. Decisions cannot be made before the stipulated time: Regarding issues scheduled to be discussed during the meeting, no proposal or amendment shall be made to discuss such issues prior to the fixed time.

55. Proposals may be withdrawn: (1) After receiving permission from the Chairperson, a presenting member may withdraw a proposal that has been registered in the Constituent Assembly Secretariat by submitting a written application.

However, proposals already submitted during the meeting shall not be withdrawn without the permission of the Assembly, and if any amendment is submitted for the proposal, the proposal shall not be withdrawn until these amendments have been resolved.

(2) If more than one member submits a proposal on essentially the same issue, discussion shall be conducted on only one proposal, as determined by a lottery system.

56. Notice of proposal: Any member willing to submit a proposal shall provide written notice to the Secretary-General or the Secretary.

57. System adopted for a proposal: Regarding a proposal put forth under other Chapters of these Rules, the system shall be adopted as stated in the respective Chapter. Regarding issues that are not addressed in such Chapters, material contained in this Chapter and in Chapter 10 shall be enforced.

58. Other proposals shall not be submitted: Other than proposals as per Rule 59, additional proposals shall not be submitted under this Chapter without prior notice.

59. Provision of presenting proposal without notice: (1) Regardless of anything written elsewhere in this Chapter, a proposal by the Chairperson may be presented without notice on the following, though no debatable issues may be included in such a proposal:

- (a) Expressing thanks,
- (b) Adjourning the meeting,

- (c) Withdrawing a proposal or amendment,
 - (d) Conveying felicitations or condolences,
 - (e) Adjourning discussion,
 - (f) Extending the time of discussion,
 - (g) Extending the time of the meeting, or
 - (h) Ending discussion.
- (2) Regarding proposals as per Sub-rule (1), after receiving permission from the Chairperson, the proposal shall be submitted to the meeting for decision.

Chapter 10

Amendments to proposals

60. Conditions for amendments: (1) Amendments to any proposal shall be presented by abiding by the following conditions:

- (a) Shall not be contrary of the concept of the main proposal,
 - (b) Shall be related to the topic or area of the main proposal,
 - (c) Shall not contradict decisions already made by the meeting, and
 - (d) Shall not be unclear, meaningless or unimportant.
- (2) As per Sub-rule (1), any member willing to present an amendment shall clarify both the reason for the amendment and what type of amendment on which topic is to be made.

61. Notice of amendment: (1) The member wishing to present an amendment shall give notice of the amendment proposal to the Secretary-General or the Secretary within 24 hours of the day when the proposal is to be discussed.

However, with permission from the Chairperson, notice of an amendment proposal may be submitted at any time prior to the beginning of a proposed discussion.

- (2) As per Sub-rule (1), after such notice is received, the Secretary-General or the Secretary shall provide a copy of each amendment to all members.
- (3) As per Sub-rule (1), if an amendment is presented without prior notice, any member may raise an objection.

62. Right to accept or decline an amendment: (1) The Chairperson shall have the right to accept or decline any amendment presented on a proposal.

- (2) For the purpose of accepting or declining an amendment, the Chairperson may ask the relevant member to clarify the intention of the amendment.

63. Presenting the amendment: The amendment, or the proposal with the amendment, or the main proposal accepted by the Chairperson, shall be read out prior to presenting it for decision. If there is more than one amendment during this presentation, any one amendment, or the proposal along with the amendment, or the main proposal deemed appropriate by the Chairperson, may be given significance and duly presented.

Chapter 11

Committees of the Constituent Assembly

64. Committees may be formed: To assist in the work of writing a charter of the Constituent Assembly and other related procedural work under the Constituent Assembly, a Constitutional Committee, thematic committees and procedural committees may be formed.

65. Constitutional Committee: (1) There shall be one Constitutional Committee in the Assembly.

- (2) In accordance with Rule 66, thematic committees shall submit a preliminary draft report along with a concept paper on the subjects that fall under their jurisdiction in the Constituent Assembly. Such reports shall be discussed in the Assembly and, on the basis of the suggestions and directions of the Assembly, the primary responsibility of the committees as per Sub-rule (1) shall be to formulate a draft of the constitution, and to submit it to the Constituent Assembly.
- (3) Regardless of anything included in Sub-rule (2), the Constitutional Committee shall also be responsible for identifying topics that are not covered under the jurisdictions of the thematic committees but which are still issues that shall be included in the Constitution, and subsequently for preparing the preliminary draft and concept paper and presenting it to the Assembly.
- (4) There shall be a maximum of 61 members on the Constitutional Committee. While nominating members for the committee, there shall be proportional inclusion based on the party structure of the Constituent Assembly as well as the presence of minorities in the Constituent Assembly, including women, indigenous nationalities/Janajatis, Madhesis, Dalits, those from backward regions and Muslims, such that all political parties in the Constituent Assembly are represented.
- (5) The proposal for the formation of such a committee, along with the name of the members constituting the Constitutional Committee, shall be submitted to the Assembly by the Chairperson.
- (6) The members of the committee shall elect a President of the committee from amongst themselves.
- (7) The tenure of the Constitutional Committee shall depend on the tenure of the Assembly.
- (8) The Constitutional Committee shall form task forces or sub-committees as required, by determining the activities and timeframe for any such work.
- (9) The work of the Constitutional Committee on the drafting of the Constitution shall be done in secret. In accordance with Annex 4, prior to beginning their work the members of the Constitutional Committee shall take an oath of secrecy before the Chairperson.
- (10) Apart from what is written in these Rules, other working procedures of the Constitutional Committee shall be as per its own decision.

66. Thematic committees: The process of preparing a preliminary draft, including a concept paper on the various issues in the Constitution designated to an individual thematic committee, shall be as per the following. The title and scope of each committee shall be as follows:

S.N.	Title	Scope
1.	Committee on Fundamental Rights and Directive Principles	<ul style="list-style-type: none"> ○ Identification of fundamental rights ○ Circumstances of restriction of fundamental rights ○ Implementation of arrangements for fundamental rights ○ Directive principles and rules of the nation ○ Provisions for the special preservation of rights and the welfare of all minority communities, including women, children, youths, workers, farmers, Madhesis, indigenous nationalities/Janajatis, Dalits, people from backward regions, the disabled and Muslims ○ Provisions for citizenship ○ Additional issues related to the scope of the committee
2.	Committee on the Protection of Fundamental Rights of Minority and Marginalized Communities	<ul style="list-style-type: none"> ○ Definition of minor and neglected communities ○ Identification of communities that have been marginalized, isolated or excluded ○ Arrangements for the protection of minor and neglected communities ○ Methods for inclusion in the nation's infrastructure ○ Additional issues related to the scope of the committee
3.	Committee on the Restructuring of the Nation and the Distribution of National Power	<ul style="list-style-type: none"> ○ Preparing for the creation of a federal democratic republican country ○ Deciding on the principles and methods for granting federal units ○ Naming and delimiting the boundaries of each federal unit ○ Sharing of legislative, executive and judicial rights between the federal units of various levels ○ Determining the scope of the federal units of various levels ○ Determining the legislative, executive and judicial relationships between the federal units ○ [Defining a] mechanism for a solution to disputes that may arise between the federal units ○ Other important issues relating to the jurisdiction of the committee

4.	Committee to Decide on the Form of the Legislative Body	<ul style="list-style-type: none"> ○ The structure and organization of the legislature in the various federal units ○ The relationships between the legislatures of the federal units at various levels ○ Managerial methodology ○ Methods of financial management ○ Related issues on the scope of the committee
5.	Committee to Decide on the Administrative Form of the State	<ul style="list-style-type: none"> ○ The nature and structure of governance ○ The electoral system ○ The structure of the executive bodies at various levels ○ Sharing of executive rights at various levels ○ The relationships between the Governments at various levels ○ The formation and functioning of Government services ○ The basis of good governance ○ Other issues related to the scope of the committee
6.	Committee on the Judicial System	<ul style="list-style-type: none"> ○ Structure of the judiciary ○ Levels, forms and scope of the courts ○ Appointment, disposition, terms and conditions of services, rights, duties and responsibilities of judges, as well as additional issues related to the judges ○ The constitutional situation, work, duties and responsibilities of the Attorney-General ○ Other issues related to the scope of the committee
7.	Committee to Decide on the Structure of Constitutional Bodies	<ul style="list-style-type: none"> ○ Identification of constitutional bodies required for governance, and their structure ○ Organization, function, rights and duties of constitutional bodies ○ Relationship between the constitutional bodies and the Governments of various levels ○ Other issues related to the scope of the committee
8.	Committee on the Division of Natural Resources, Financial Rights and Public Revenue	<ul style="list-style-type: none"> ○ Division of the contents of financial sources ○ Standards for the division of income sources ○ Financial relationships between the Governments of various levels ○ Other issues related to the scope of the committee

9.	Committee to Decide on the Basis for Cultural and Social Commitments	<ul style="list-style-type: none"> ○ The language used in the Government at various levels of federal units ○ Preservation of national languages and cultures ○ Other issues related to language ○ Decision on the basis of social commitments ○ Other issues related to the scope of the committee
10.	Committee for the Preservation of the National Interest	<ul style="list-style-type: none"> ○ Identification and definition of national interest ○ Ways to preserve national unity, sovereignty and integrity ○ Management of international borders ○ Preservation of national heritage ○ International relations ○ International treaties and agreements ○ National security ○ Duties of the Nepal Army and its functioning ○ Other important issues related to the scope of the committee

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

	Title	Scope
1.	Committee on Citizens	<ul style="list-style-type: none"> ○ Establishment of a channel for citizens' easy access to the Constituent Assembly, including its functioning ○ Provision for an information system tasked with informing citizens about the Constituent Assembly ○ The Constitution-building process and its general activities, and coordination with concerned agencies ○ Monitoring and evaluation of all activities conducted by Government agencies, NGOs and INGOs, civil society, media, etc. regarding the Constituent Assembly, Constitution-building procedures and their general activities ○ Informing citizens on the process of participation in the formation of the Constitution ○ Monitoring of the media centre

2.	Committee on the Collection and Coordination of Public Opinion	<ul style="list-style-type: none"> ○ Disseminate the draft Constitution through various media in order to collect public opinion and suggestions on the draft ○ Organize public hearings on the draft constitution ○ Organize seminars, interactions and workshops ○ Document and manage suggestions obtained through various means, either from individuals or institutions from within the country and abroad ○ Prepare a report on these suggestions, to be forwarded to the Constituent Assembly
3.	Committee on Capacity-building and Source Management	<ul style="list-style-type: none"> ○ Organize interaction programmes between Constituent Assembly members on the Constitution and the Constitution-development process ○ Study of and research on constitutional issues ○ Create and distribute resource materials for members ○ Development and management of a resource centre

68. Assigning additional issues: Issues not included within the scope of the committees mentioned in Rules 65, 66 and 67 may be assigned by the Chairperson to any committee considered appropriate.

69. Formation of committees: (1) For committees mentioned in Rules 66 and 67, the Chairperson, with the approval of the Assembly, shall appoint up to 43 members each.

(2) While nominating committee members, there shall be proportional inclusion on the basis of the presence of the party structure of the Constituent Assembly as well as on the presence of all minorities, including women, indigenous nationalities/Janajatis, Madhesis, Dalits, people from backward regions and Muslims.

(3) No member shall be appointed to more than one committee at the same time.

(4) Notwithstanding anything contained in Sub-rule (3), if a member wants to participate in the discussion of a committee of which he/she is not a member, he/she may do so by first informing the Chairperson of the committee at least one day ahead of the meeting.

However, he/she shall not have voting rights on that committee.

56. Election of a Chairperson: (1) The election of a committee Chairperson shall be held on the day fixed by the [Assembly] Chairperson, and notice to this effect shall be published by the Secretary-General or Secretary 48 hours in advance.

(2) A committee member may propose another member to be Chairperson after being seconded by another member. The Secretary or Secretary-General shall be informed of this by 5.00 pm the day before the scheduled election. Such a notice shall accompany an agreement on the part of the proposed member to act as Chairperson, if elected.

- (3) After the notice has been put forward in the committee by the proposing member, according to Sub-rule (2) the supporting member shall express his/her support.
- (4) If only one such proposal is received according to Sub-rule (3), the then-presiding member shall announce that the proposed member has been unanimously elected Chairperson, after the conclusion of the supporting member's speech. In case of more than one proposal, all proposals shall be discussed in turn, after speeches by the proposing members. The then-presiding member shall then submit all proposals to the committee for a final decision.
- (5) While submitting the proposal for decision according to Sub-rule (4), members in favour of the proposal shall be asked to say "Yes", while those against shall say "No". The member who receives a general majority shall then be declared to have been elected Committee Chairperson.
- (6) In situations in which a single proposal has been approved among multiple proposals presented for decision as per Sub-rule (4), the proposed member shall be considered elected as Committee Chairperson. Therefore, the rest of the proposals need not be submitted repeatedly for approval.
- (7) The then-presiding senior member is entitled to vote. In case of equal votes, a lottery system shall be followed.
- (8) No minister may be elected as Committee Chairperson, and is not entitled to preside over committee meetings.
- (9) In the absence of a formally elected Chairperson, the oldest member of the committee shall preside over the committee meetings.
- (10) If the oldest member has been proposed for Chairpersonship, the second oldest member present shall preside over the committee meetings.
- (11) The elected Committee Chairperson shall take an oath of office in the presence of the [Assembly] Chairperson, as per Annex 5.

71. Tenure of the committee: The tenure of the committee as per Rule 66 and 67 shall be the same as that of the Constituent Assembly. The Chairperson may increase or decrease the number of members on the committee, with the approval of the Assembly.

72. If the position of the Chairperson or of a member falls vacant: (1) The position of the Committee Chairperson shall fall vacant under any of the following conditions:

- (a) If he/she is no longer a member of the Constituent Assembly,
 - (b) If he/she is appointed as a minister, or
 - (c) If he/she registers as a committee member.
- (2) A committee member's position shall fall vacant under any of the following conditions:
- (a) If he/she is no longer a member of the Constituent Assembly,
 - (b) If he/she registers as a committee member, or
 - (c) If the committee is reshuffled according to Rule 71.
- (3) If the position of the Committee Chairperson falls vacant, it shall be filled according to Rule 70. In the case of a committee member, the same procedures shall be followed according to Rule 69, Sub-rule (1), and the tenure shall be the rest of the period.
- (4) If the position of the Committee Chairperson falls vacant according to Sub-rule (2), it shall be filled within a month in accordance with Rule 70.

73. Function, duties and rights of the thematic committees: (1) The functions, duties and rights of each of the thematic committees, within the scope determined by these rules and rules, shall be as follows:

- (a) To prepare a work list of activities to be carried out on the concerned subject under the jurisdiction of the committee, and prepare a work schedule of the same.
 - (b) To collect relevant materials on the subject under the jurisdiction of the committee, and to conduct discussions and studies.
 - (c) To seek technical advice from specialists on the subject under the committee's jurisdiction; to conduct public discussions and collect suggestions via various means from Nepali citizens residing in the country and abroad; to organize seminars and workshops; and to conduct field visits with the approval of the Chairperson.
 - (d) To prepare a preliminary draft, including a conceptual letter on the subject under the committee's jurisdiction in accordance with Clause (c), and to submit a report to the Constituent Assembly.
 - (e) To set up sub-committees and determine their functions, duties and rights in order to carry out studies, research and related activities on the subject under the jurisdiction of the committee, whenever required.
- (2) Notwithstanding anything written in this Rule, all members of the committee shall be required to sign the committee report.
 - (3) If it is not possible to include the signatures of all members, at least a majority of the members must sign the report.
 - (4) The Committee Chairperson shall make provision for notes of dissent, if any member holds a different opinion.

74. The functions, duties and rights of the procedural committees: (1) The functions, duties and rights of the procedural committees, within the scope determined by these Rules, shall be as follows:

- (a) To prepare a work list of the activities to be carried out on the concerned subject under the committee's jurisdiction, and to prepare a work schedule on the same.
 - (b) To set up sub-committees and determine their functions, duties and scope in order to carry out studies, research and other relevant activities on the subject concerned under the jurisdiction of the committee, whenever required.
 - (c) To complete all work entrusted to it within the allotted timeframe and in the manner specified, and to submit a report on these actions to the Assembly.
 - (d) To carry out additional tasks as assigned by the Assembly.
- (2) Notwithstanding anything written in this Rule, all members of the committee are required to sign the committee report.
 - (3) If all members' signatures are not possible as per Sub-rule (2), at least the majority must sign the report.
 - (4) The Committee Chairperson shall make provision for notes of dissent, if any member holds a different view.

75. The meeting of the committee: (1) The Committee Secretary shall call a meeting as directed by the Committee Chairperson. The Committee Chairperson shall determine the time, venue and agenda of the meeting.

- (2) The committee shall meet whenever required.

- (3) The meeting shall be presided over by either the Committee Chairperson or the member chosen by the committee [to act] in the absence of the Committee Chairperson.
- (4) The presiding member shall enjoy all rights of the Committee Chairperson while presiding over the meeting in the absence of the Committee Chairperson.
- (5) The Committee Chairperson shall inform the Assembly Chairperson beforehand in case the committee is required to meet outside the Secretariat.

76. Quorum: (1) One-fourth of the total number of members shall form the required quorum for the meeting.

- (2) The Committee Chairperson may postpone the meeting if the required quorum is not met.
- (3) If the meeting needs to be put off twice consecutively due to lack of quorum, the Committee Chairperson shall inform the Assembly Chairperson of the situation.

77. Taking action on regular absence: On the recommendation of the Committee Chairperson, the [Assembly] Chairperson may expel any member who does not show up to four consecutive meetings, and notification to this effect shall be given to the Assembly.

78. Decision of the committee: (1) Decisions made by the majority of committee members shall be considered the decision of the committee itself. In case of a split vote, the presiding member is entitled to a deciding vote.

- (2) The committee's decision shall be acknowledged by the Committee Chairperson and the Secretary.

79. Organization of sub-committees: (1) If deemed appropriate by the [Committee] Chairperson, a sub-committee may be formed from within the members, in order to study a particular subject under the committee's jurisdiction, and submit a report on it.

- (2) While forming a sub-committee, the sub-committee's responsibilities and duration shall be well defined. Concerned specialists may also be invited to a sub-committee whenever necessary. Invited members are required to be present during the meetings.
- (3) Members are required to receive prior permission from the [Assembly] Chairperson, through the Committee Chairperson, if they need to visit places or conduct meetings outside of the Secretariat.

80. Attendance of a relevant official or specialist: (1) If deemed necessary, the Chairperson may direct the Attorney-General, concerned officials of the Government of Nepal or any expert who could provide clear information on the subject at hand to attend a committee meeting, depending on the nature of the subject. This individual's responsibility shall be to provide precise information during the meeting.

- (2) If deemed necessary, the committee may invite a concerned party, pressure group, beneficiary group or expert to attend the meeting, in order to discuss the issues under consideration.
- (3) Such officials or experts or concerned expert shall provide precise information on the issues under consideration.

81. Cutting short discussion: (1) The Chairperson may cut discussion short if he/she feels that it is being unnecessarily prolonged, regardless of whether the timeframe for discussion has been fixed.

82. Committee report: (1) The committee report shall be submitted either by the Committee Chairperson or the member assigned by the Chairperson during the Chairperson's absence.

- (2) Either the Committee Chairperson or the member submitting the report in accordance with Sub-rule (1) may deliver a short speech about the report, if he/she so wishes.
- (3) If the Assembly is not scheduled to meet, the Chairperson may order the publication of a report that is supposed to be but could not be submitted to the Assembly. Both the order and the report shall be presented to the Assembly at the beginning of the next meeting.
- (4) The Chairperson shall fix a time for the required discussion on the report.
- (5) Within two days of its submission, the Committee Chairperson shall inform the [Assembly] Chairperson of the proposal tabled for discussion.
- (6) The [Assembly] Chairperson shall permit the concerned Committee Chairperson to propose discussion on a report in any session held two days later, if the required notification is received as per Sub-rule (5).
- (7) The concerned Committee Chairperson may deliver a short speech while submitting the proposal. The Chairperson shall then fix the timeframe for discussion.
- (8) Discussion is said to have come to an end after the Committee Chairperson, or his/her assigned member, has answered the questions raised during the discussion.
- (9) The concept paper and report on the preliminary draft prepared by the Constitutional Committee or the thematic committees shall be approved by the Assembly and, along with any suggestions or instructions by the Assembly, shall be sent to the Constitutional Committee.

83. Right to maintain a management system and discipline among committee members: (1)

The Committee Chairperson shall be empowered with all of the rights of the Assembly Chairperson, according to Chapter 8 and Rule 163, in order to maintain peace and order as well as discipline, for the smooth running of committee meetings.

- (2) While exercising the rights mentioned in Sub-rule (1), if any member is suspended or expelled, the Assembly Chairperson shall be informed of the matter.

If any member is expelled or suspended, however, he/she shall not be considered expelled or suspended from the Constituent Assembly.

84. Informing about absence: If any member remains absent for five consecutive meetings, the Committee Chairperson shall be informed of the matter, including explanations for the absence. If the absence is for a longer duration, he/she shall do the same with regards to the Assembly Chairperson, and obtain his/her approval.

85. Committee Secretariats: (1) There shall be a Secretariat for each committee under the Constitution Assembly Secretariat.

- (2) The Secretary shall be an ex-officio member of each committee.
- (3) The Secretary may assign any officer under him/her to function as Secretary of any committee, regardless of what has been stated in Sub-rule (2). If the position of the

Secretary falls vacant, however, this Rule shall not prevent the Secretary-General from assigning an officer under him/her to act as Secretary of the committee.

- (4) The Committee Secretariat shall provide for all manpower and resource requirements by the committee, such as draftsmen and other specialists, under the auspices of the Secretary-General.

86. Determining the scope of the committees: (1) Prior to commencing work after the formation of the committees, each committee shall prepare details of the work to be done within its jurisdiction, as well as a timetable by which to accomplish the work.

- (2) The details of the work lists prepared as per Sub-Rule (1) shall be discussed at a meeting of all Committee Chairpersons under the chairmanship of the Chairperson in accordance with Rule 88. If it is found that there is a need for additional clarity, avoiding duplication or maintaining consistency on the issues under discussion, then such work shall be done and the work list shall be finalized.
- (3) If there is confusion regarding the scope of a committee during the discussion as per Sub-rule (2), the Chairperson's decision on the issue shall be final.

87. Joint meetings of the committees: The Chairperson may call joint meetings of two or more committees to discuss common issues, if required. Such meetings shall be presided over by the Chairperson assigned by the Assembly Chairperson. Decisions made by the joint meetings shall be incorporated into the reports of both committees.

88. Meetings of the Committee Chairpersons: Meetings 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 Assembly Chairperson. Such meetings may include the participation of the Committee Secretaries.

89. Additional committees: In order to support Constitution-building activities, the Assembly Chairperson is entitled to set up additional committees, apart from those defined in this Chapter, and also to define their scope as per requirement, with the approval of the Assembly.

Chapter 12

Work procedure for the approval of the Constitutional draft bill

90. Notice for presenting the first draft of the Constitutional draft bill: The Chairperson of the Constitutional Committee, or a member of the same committee assigned by him/her, shall present the first draft of the Constitution draft bill before the Assembly, abiding by the Constitution as well as these Rules. The presenter shall notify the Secretary-General or Secretary [of this action], together with the reason and objective of doing so. Such notification shall be made seven days in advance, except when the Chairperson orders otherwise.

Clarification: For the purpose of this chapter, "Constitutional draft bill" refers to a complete document, which includes a Preface, Articles, Sub-Articles, Sections and Annexes.

91. Seeking permission to present the first draft bill: (1) The Chairperson of the Constitutional Committee, or the member of the same committee assigned by him/her, shall ask for the [Assembly] Chairperson's permission to present the first draft.

(2) After receiving permission as per Sub-rule (1) to present the first Constitutional draft bill, the Chairperson of the Constitutional Committee or a member from the same committee assigned by him/her shall immediately table the first draft before the Assembly, and shall also present the following proposals:

(a) To let the first draft be approved first in principle, and then to be made public by publishing in the *Nepal Gazette*, in order to gauge the public's reaction, and

(b) To let the Committee for the Collection and Coordination of Public Opinion be entrusted with the responsibility of publicizing the first draft in order to obtain the public's suggestions, and also to file a report on the same within the stipulated timeframe.

(3) At least four days before submitting the proposal in accordance with Sub-rule (2), a copy of the first draft shall be made available to each of the members.

92. Work procedures for obtaining the reaction of the general public: (1) Following the approval of the proposal to publicize the first draft for the reaction of the people, the Chairperson of the Committee for the Collection and Coordination of Public Opinion shall prepare a plan of action to publicize the draft of the draft bill, and also to collect public opinion on it. He/she shall then present the plan of action to the Assembly for approval.

(2) The plan of action approved as per Sub-rule (1) shall be published in newspapers, shall be completed within the stipulated timeframe, and shall also be reported to the Assembly.

93. Work procedures after the public's reaction has been received: After the people's reaction has been received as per Rule 92, and after the report on the same has been presented to the Assembly and discussed in full, the Assembly shall send the first draft of the Constitutional draft bill to the Constitutional Committee, with all necessary instructions and related papers, including the report on public reaction. Thereafter, the Constitution-drafting Committee shall present it to the Assembly, after undergoing necessary amendments and improvements.

94. Request to consider improvements to the draft bill: (1) After discussing the report received as per Rule 92, the Constitutional Committee shall oversee necessary changes and improvements to the draft bill in accordance with the instructions given by the Assembly as per Rule 93. The draft bill, thus improved, shall then be submitted to the Assembly by the Constitutional Committee Chairperson, or by a member from the same committee assigned by him/her, after receiving permission from the Assembly Chairperson.

(2) A copy of the improved Constitutional draft bill that has been tabled in the Assembly according to Sub-rule (1) shall be made available to each of the members at least three days ahead of the relevant general discussion in the Assembly.

95. General discussion on the bill: (1) The Chairperson shall set the time and date for general discussion on the draft bill after it has been submitted to the Assembly in accordance with Rule 94.

- (2) During general discussion, only the theoretical aspect of the draft bill shall be taken into consideration. No Articles shall be discussed, nor shall any amendments be allowed, unless clarification is required for the draft bill's basic structure.

96. Authorizing the presentation of the draft bill proposal: If the Assembly Chairperson is satisfied that the Committee Chairperson is unable to submit the draft bill in person, any member of the committee assigned by the Assembly Chairperson may do it in his/her place.

97. Notice to amend the draft bill: If any member wishes to modify the draft bill, he/she shall inform the Secretary-General, providing him with the changes he/she has sought within a week after the discussion on it has come to an end.

98. Amendment conditions: (1) For amendments to the draft bill, the following conditions shall apply:

- (a) The amendment shall not only be closely related to the draft bill, but shall also be within its scope.
 - (b) The amendment shall not go against the underlying principle of the draft bill.
 - (c) The amendment shall not be unclear, vain or insignificant.
 - (d) The amendment shall be connected to the subject stated in that particular Article.
 - (e) The amendment shall not run counter to the reports submitted by the concerned committees as per Rule 82, Sub-rule (9), nor the approval in principle by the Assembly as per Rule 95.
 - (f) It shall be quite clear which terms and phrases have been suggested to be replaced by which other terms and phrases.
- (2) The Chairperson reserves the right to approve, disapprove or further improve the item under suggestion, by calling the concerned member or by including multiple similar amendments.

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

100. Work procedure following the general discussion: After general discussion on the amended draft bill is complete, the presenting Chairperson may propose to begin item-wise discussion, and to approve it.

101. Discussion of Articles with amendments: Article-wise discussion on the draft bill shall be conducted in serial, and the member assigned by the Chairperson, or the member that he/she has recently specified for this purpose, shall present the amendments.

- (2) Items remaining in their original state after discussion, as well as those for which amendments have been approved, shall be re-tabled by the Chairperson, requesting that they be made part of the draft bill. However, to save time and also avoid repetition and overlap, amendments on the same Article or a similar amendment from another Article may be allowed to be discussed simultaneously, or to alter the order for convenience.

102. Withdrawal of an amendment: The member presenting an amendment may withdraw it if he/she chooses.

104. Discussion on Annexes: Unless otherwise decided by the Chairperson, amendments to Annexes shall be discussed immediately after discussion on the relevant Articles, and the questions shall be ordered in the same fashion.

104. Presentation of the Preamble and title: The Chairperson shall propose to make an Article containing the Preamble and title of the draft bill only after all of the Articles, together with any Annexes, have been approved.

105. Proposal to approve the draft bill: The proposing member shall propose to approve the draft bill, stating that the item-wise discussion has concluded.

106. Procedure to approve the Constitutional draft bill: The procedure stated in Article 70 shall be adopted while approving the Constitutional amendment by the Constituent Assembly.

107. Chairperson's right to correct typos, for improvement: (1) With regards to the previously passed Constitutional bill, if improvement is required the Chairperson may reorder the Article numbers and correct typos, upon the recommendation of the committee as per Sub-rule 2.

(2) If there are errors in the order of the Articles of the Constitutional bill passed by the Assembly or other simple issues that shall be improved, a committee of the following members shall make a recommendation to the Chairperson to correct the typos:

- (a) The Chairperson of the Constitutional Committee: Ex-officio Chairperson
- (b) Four members nominated by the Chairperson of the Work Management Advisory Committee: Members

(3) If any member feels that there should be corrections made to the Constitutional bill passed by the Assembly, he/she shall inform the committee formed as per Sub-rule 2.

108. Ratification of the draft bill: (1) Each member of the Constituent Assembly shall sign the draft bill approved by the Constituent Assembly.

(2) The Constitutional draft bill that has been approved by the Constituent Assembly, signed by the members according to Sub-rule (1) and certified by the Chairperson, shall take the form of the Constitution.

However, the act of certifying the draft bill shall not be hindered merely on the grounds that some of the members have yet to sign it.

(3) The Constituent Assembly shall organize a national function on the date specified for the promulgation of the Constitution that has been ratified as per Sub-rule (2), where the Chairperson shall present a copy of the ratified Constitution to the President. The President shall subsequently promulgate the Constitution in the name of the Nepali people.

(4) Copies of the Constitution signed according to Sub-rule (2) shall be kept in the archive of the Constituent Assembly Secretariat, and copies shall be sent to the Secretariat of the President, the Office of the Prime Minister, the Council of Ministers, the Ministry of Law and Justice and the Ministry of Parliamentary Affairs.

Chapter 13

Special Powers Committee

109. Formation of the Special Powers Committee: (1) The Assembly shall include a Special Powers Committee. The Chairperson shall appoint up to 29 members for this committee, with due approval from the Assembly.

However, no Minister shall be a member of this committee.

- (2) Apart from the personal experience and knowledge of the member, as far as possible the party structure, ethnic group, geographic area, etc. shall be considered when appointing members to the Special Powers Committee.
- (3) The Chairperson of this committee shall be appointed through election by the members of the committee from amongst themselves.
- (4) The tenure of the members shall be the course of the working period of the Constituent Assembly.
- (5) The member elected to be Committee Chairperson shall take an oath of office in the presence of the Assembly Chairperson, according to Annex 5.

110. Rules to apply: If the position of the Chairperson or that of a member of the Special Powers Committee falls vacant, provisions for filling the vacant position, for presiding over the meeting by the oldest member, for quorum, and for the committee's meetings and decisions shall all be in accordance with the Rules included in Chapter 11, with any necessary alterations.

111. Notification on questions regarding special powers: (1) If any member feels that the special powers of the Constituent Assembly have been abused, the member shall provide the Secretary-General or the Secretary with written notice clearly stating the nature of the abuse. If such abuse is available in written form, the relevant document shall be included; if it is not, its whereabouts shall be clearly stated.

- (2) As quickly as possible, the Secretary-General or the Secretary shall provide information obtained in accordance with Sub-rule (1) to the Chairperson of the Special Powers Committee, as well as to the Chairperson of the Assembly, and the meeting shall be called as per instructions.

112. Conditions for questioning special powers: Questions regarding the abuse of special powers shall be related to matters that took place at the end of the previous meeting or during the current meeting.

113. Preliminary investigations into the questioning of special powers: (1) The Special Powers Committee shall carry out investigations on the abuse in question.

- (2) During the preliminary investigation, the Special Powers Committee may conduct simple enquiries with the concerned people, as well as collect written evidence.
- (3) While conducting preliminary investigations, if it finds that the question was indeed necessary to be raised, the Special Powers Committee shall submit a preliminary report to the Assembly; if it deems the question unnecessary, it shall inform both the Chairperson and the concerned member of the same.

114. Procedures to question special powers: (1) After the report of the Special Powers Committee has been submitted, any member who wishes to raise a question on special powers shall ask for the Assembly's permission, providing brief information on the question raised, with due permission from the Chairperson.

- (2) If any member opposes the question, or feels that such a question should not be opened to discussion, the Chairperson shall take a vote. Members in favour of the question shall be asked to stand up and, if 61 or more members respond by standing up in favour (excluding the members of the Special Powers Committee), permission shall have been granted. On the other hand, if fewer than 61 members stand up, permission shall not be considered to have been granted.

115. Forwarding questions to the Special Powers Committee: (1) Upon receiving permission to raise a question of abuse of special powers in accordance with Rule 114, a member may propose to hold discussion on the issue in the Assembly or to send it to the Special Powers Committee.

- (2) Upon receiving a proposal in accordance with Sub-rule (1), the Chairperson shall set a timeframe for discussion on the proposal.
- (3) After discussion has been completed in accordance with Sub-rule (2), the member proposing the question may withdraw it if he/she wishes, with due permission of the Constituent Assembly. If it is not withdrawn, the Chairperson shall send the proposal to the meeting for decision.
- (4) If the question on special powers is agreed to be dealt with in the Assembly, the Assembly shall make a decision on it by utilizing the capacities stated in Rule 116, Sub-rules (3), (4) or (5), as required. The Chairperson shall follow an appropriate procedure in this regard.
- (5) If it is agreed to send the proposal to the Special Powers Committee, the Chairperson shall send the approved proposal along with all necessary documents. After conducting a full investigation into the issue, the committee shall then file a report.

116. Work procedure of the Special Powers Committee and its capacities: (1) The Special Powers Committee shall take action immediately after the required papers and documents are made available.

- (2) The Special Powers Committee Chairperson shall manage the activities of the committee as per the instruction of the Assembly Chairperson.
- (3) During the course of the investigation, the Special Powers Committee may issue a warrant or summons for the accused, may produce witnesses, seek evidence, or have the accused give a written statement or write a confession.
- (4) The committee may carry out necessary action against the accused, including putting him behind bars, if necessary. However, the committee shall notify the Assembly of such actions. If the Assembly disapproves of such actions, the accused shall immediately be freed.
- (5) As required, the Special Powers Committee may seek cooperation from officials outside of the Constituent Assembly Secretariat.

117. Report of the Special Powers Committee: (1) After conducting investigations into each question forwarded to it by the Constituent Assembly, having provided the accused with

substantial opportunity to prove himself/herself innocent, the Special Powers Committee shall submit a report to the Assembly with recommendations, and shall also come to a decision on whether the abuse was genuine.

- (2) Copies of the report shall be distributed to all members at least one day prior to when discussion on the report is to be held, according to Sub-rule (1).

118. Reactions to the report: (1) After the Special Powers Committee has submitted its report to the Assembly, the Chairperson of the Special Powers Committee, or a senior member from the same committee in his/her absence, shall propose to act on the report by the time and date set by the Chairperson.

- (2) Copies of the report shall be distributed to all members at least one day prior to the discussion.

119. Provision for tabling an amendment: (1) During discussion held in accordance with Rule 118, Sub-rule (2), amendments may be proposed. If deemed necessary, proposals may also be made to send the report back to the Special Powers Committee for further investigation.

However, proposals of this kind shall follow work procedures determined by the Chairperson.

- (2) Any amendments shall be sent to the Constituent Assembly for approval, following brief discussion.
- (3) If the proposal to send the report back to the Special Powers Committee is approved, the same shall be sent back accordingly. After carrying out further investigations, the committee shall report back to the Assembly within seven days.

120. Proposal for approving the report: (1) Any member may propose that the Assembly approves the report after it has gone through the process defined in Rule 118, Sub-rule (2), or that it shall be presented again in the Assembly by the Special Powers Committee as per Rule 119, Sub-rule (3).

- (2) After the proposal has been made in accordance with Sub-rule (1), if any member wishes to suggest any changes he/she may do so at the discretion of the Chairperson.
- (3) After the proposal made in accordance with Sub-rule (1) or the amendment proposed in accordance with Sub-rule (2) has been briefly discussed, the Chairperson shall, after making a decision on the abuse, send it to the Constituent Assembly for final decision.

121. Provision for pardon or light punishment: (1) If the Constituent Assembly decides that punishment is necessary for an abuse of special powers, the accused may submit an application to the Chairperson requesting mercy.

- (2) The application thus received shall be submitted by the Chairperson to the Assembly, and if the Assembly is satisfied with the apology expressed by the accused the punishment may be withdrawn or shortened.

Chapter 14

Impeachment proposal against the President or the Vice-President

122. Impeachment proposal against the President or Vice-President: (1) If any member wishes to register an impeachment proposal against the President or Vice President as per Article 36 (e) or Article 36 (h) for serious violations of the Constitution, the member shall acquire the support of one-fourth of the members of the Constituent Assembly, and shall notify the Secretary-General that such a proposal has been tabled, along with the grounds for doing so.

- (2) Upon receiving the proposal as per Sub-rule (1), the Secretary-General shall submit it to the Chairperson. A date and time for discussion by the Assembly shall be designated within seven days of the registration of such a proposal.
- (3) The proposing member shall present the proposal of impeachment to the Assembly after the Chairperson calls his/her name on the day and time designated as per Sub-rule (2), and may make a statement before tabling the proposal if he/she wishes to do so.
- (4) The Chairperson shall determine the timeframe for discussion on the proposal after it is tabled as per Sub-rule (3), and the member registering the proposal may withdraw the proposal with the permission of the Constituent Assembly after the discussions have come to an end.
- (5) If the proposal is not withdrawn as per Sub-rule (4), the Chairperson shall present a proposal before the Assembly to create a Probe Committee made up of a maximum of 15 members of the Assembly. The presentation of such a proposal shall also include the right to seek clarification from the accused office-bearer, to check evidence and to issue a summons for the purpose.
- (6) Any member may submit an amendment to the proposal put forward in accordance with Sub-rule (5).
- (7) The Chairperson shall present the proposal or amended proposal relating to the formation of the Probe Committee for decision, following decisions on the proposed amendments.
- (8) If the proposal to create the Probe Committee as per Sub-rule (7) is approved, the Chairperson shall send the essential papers, including the impeachment proposal, to the Probe Committee, and shall inform the same to the concerned office-bearers and authorities.
- (9) The members of the Probe Committee shall select a Chairperson of the committee from amongst themselves.

123. Term of the Probe Committee: (1) Unless decided otherwise by the Chairperson, the term of the Probe Committee shall be for a maximum of 21 days from the day of its formation.

- (2) If the Committee is unable to complete its task within the timeframe designated as per Sub-rule (1), it may request the Assembly, through the Chairperson, for an extension of its term, by including clear reasons for the request. The Assembly may then extend the term by a maximum of seven days.

124. Rules of procedure of the Probe Committee: (1) The Probe Committee shall begin its work immediately after the required papers, including the impeachment proposal, are received.

- (2) The Chairperson of the committee, under the guidelines of the Constituent Assembly Chairperson, shall oversee the committee's rules of procedure.

- (3) As required, the committee may utilize the assistance of the Constituent Assembly Secretariat and other officials.

125. Report of the Probe Committee: (1) The Probe Committee shall investigate every accusation, give reasonable opportunity to the accused to submit clarifications, review all facts and present a report and recommendations to the Assembly, as well as explanation for why the impeachment has or has not been verified.

- (2) The report as per Sub-rule (1) shall be distributed to all Constituent Assembly members at least two days prior to the day of deliberations on the report at the Assembly.

126. Consideration on the Report: (1) The Chairperson of the committee or any other member designated by the Chairperson in his/her absence shall, on the day and time designated by the Constituent Assembly Chairperson, submit a proposal to the Assembly seeking consideration of the Committee's report.

- (2) The report shall be discussed in the meeting after it has been presented as per Sub-Rule (1).
- (3) During the course of discussion as per Sub-rule (2), any member may present a proposal to submit amendments, as deemed appropriate by the Chairperson, or to return the report to the committee to reinvestigate any particular element.
- (4) If the proposal to return the report to the committee as per Sub-rule (3) is approved, the report shall be sent to the committee and the committee shall reinvestigate and present its report to the Assembly within seven days.

127. Proposal seeking approval of the report: (1) Following discussions on the report as per Rule 126, Sub-rule (2), and upon the return of the Probe Committee report as per Sub-rule (4) of the same Rule, the Chairperson of the committee or any other member designated by the Chairperson in his/her absence may table a proposal seeking approval of the report's recommendations.

- (2) Following the presentation of the proposal as per Sub-rule (1), any member may submit amendments as per the rules of procedure established by the Chairperson.
- (3) Following the submission of a proposal as per Sub-rule (1), or following brief discussion on the amendments presented as per Sub-rule (2), the Chairperson shall submit all amendments to the Assembly for decision, following which the recommendations of the report shall be presented at the Assembly for decision.
- (4) The decision of the Constituent Assembly on the impeachment proposal shall be done through division (of votes).

128. Automatic relief from post: If the impeachment proposal presented against the President or the Vice-President as per this Chapter is passed by a two-thirds majority of the total number of members in the Constituent Assembly, the office-bearer concerned shall be regarded as automatically relieved from the post.

Chapter 15

Expressing doubt about the good conduct of the Chairperson or Vice-Chairperson

129. Proposals on the poor conduct of the Chairperson/Vice-Chairperson: (1) If any member feels that the behaviour of the Chairperson or the Vice-Chairperson has gone against the Code of Conduct or has become objectionable with regards to his/her position, complaints of this type may be made. For this, one-fourth of all members shall need to support the complaint, about which the Secretary-General shall be notified accordingly.

- (2) The Secretary-General shall submit the complaint proposal to the Chairperson if the complaint is against the Vice-Chairperson, or to the Vice-Chairperson if it is against the Chairperson, or to the senior-most member among those nominated to chair the meeting as per Rule 11 if it is received simultaneously against both the Chairperson and Vice-Chairperson. The issue shall be brought under discussion in any meeting held a week after such a proposal has been registered, after fixing the time and date beforehand.
- (3) Copies of the complaint shall be made available to all members one day prior to the discussion as per Sub-rule (1).

130. Presiding over the meeting: The Vice-Chairperson of the Constituent Assembly shall preside over the meeting if the proposal received according to Rule 129 is against the Chairperson. If the proposal is against both of them, the oldest member shall preside over the meeting, as stated in Rule 11.

131. Discussion and approval of the proposal: (1) On the appointed day and time, the proposing member shall present the proposal when he/she is called upon by the individual presiding over the meeting, and he/she may deliver a speech if he/she so chooses. The accused may also participate in the meeting, and may also vote.

- (2) After the proposal has been tabled according to Sub-rule (1), the presiding member shall set the duration of the proceedings. At the end of this timeframe, the Chairperson or Vice-Chairperson, whoever is the accused, shall deliver a statement in which he/she pleads not guilty. The proposing member may then withdraw his/her proposal with the permission of the Constituent Assembly, if he/she chooses. The proposal shall be submitted for decision if the proposing member does not withdraw the proposal, or if the Assembly does not permit him/her to do so.
- (3) The decision of the Constituent Assembly shall be made through a vote.
- (4) The Chairperson or Vice-Chairperson in question shall automatically be dismissed if the proposal is approved by a two-thirds majority of the total number of members in the Constituent Assembly.

Chapter 16

Notice on absence, resignation and vacant posts

132. Notice on absence: (1) Members shall give prior notice to the Chairperson if they are going to be absent for ten or more consecutive meetings.

- (2) Members shall give prior notice to the Chairperson if they are to remain absent for less than ten consecutive meetings. In case they are unable to inform the Chairperson beforehand for any valid reason, members shall give notification of the same within three days of when they return to the Assembly.
- (3) In this notification, members shall clearly state the duration of the absence and the reason for being absent.
- (4) If the notification is made according to Sub-rule (1), the Chairperson shall inform the Assembly of it; if it is according to Sub-rule (2), the Chairperson shall approve it himself/herself.
- (5) The Secretary-General or the Secretary shall notify all members of the Assembly of the decision of the Constituent Assembly as soon as possible.

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

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

134. When positions fall vacant: (1) In case any member's position 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 shall also be publicized.
- (3) Information regarding a position falling vacant as per Sub-rule (1) shall be published in the *Nepal Gazette* by the Secretary-General or the Secretary. He/she shall also inform the Government of Nepal, the Council of Ministers and the Election Commission for the purpose of filling vacant positions as per the Constitution.

Chapter 17

Party offices for the Constituent Assembly, and provision for quitting the party

135. Constituent Assembly party offices: (1) The Constituent Assembly party offices, for all of the political parties represented in the Assembly, shall have their own spaces on the premises of the Constituent Assembly Secretariat, located at Singha Durbar.

- (2) Those political parties represented in the Legislature-Parliament that have their own Legislature-Parliament party offices shall continue to use the same offices, having converted them into Constituent Assembly party offices.
- (3) The Secretariat, under the directives of the Work Management Advisory Committee, shall make other provisions related to running the Constituent Assembly party offices.

136. Filling in personal information forms: Within seven days of the commencement of these Rules, every member of the Constituent Assembly shall fill in the personal information forms (see Annex 6), and return them to the Constituent Assembly Secretariat.

137. Descriptions to be provided by political parties represented in the Constituent Assembly: (1) Within seven days of the commencement of these Rules, the leader of each political party represented in the Constituent Assembly shall make the following available to the Constituent Assembly Secretariat:

- (a) The form (see Annex 7) providing names and descriptions of the members of the party, as well as the names and sample signatures of at least two members delegated to correspond with the Constituent Assembly Secretariat,
- (b) A copy of the charter or rules of the concerned party, and
- (c) A copy of the separate charter or rules of the parliamentary party, if any.

Clarification: The leaders of the political parties mentioned in this Chapter refer to those members who have been chosen as leaders by the parties. This also refers to those members delegated by their parties to act as leaders in the Constituent Assembly.

- (2) In case only one member [of a party] is represented in the Constituent Assembly, he/she shall provide information as per Rule 136, in addition to including a copy in accordance with Sub-rule (1), Clause (b).
- (3) Regardless of what is stated in Sub-rule (2), any political party with just one member shall provide information in accordance with Sub-rule (1) when another member is added.
- (4) If a party is formed in the Constituent Assembly office itself, the leader of that party shall provide information as per Sub-rule (1) within seven days of the organization of that party.
- (5) If there are any changes in information provided in accordance with Sub-rule (1), the party leader shall inform the Constituent Assembly Secretariat within seven days of the change.

138. Publication of descriptions: A summary of the descriptions received by the Constituent Assembly Secretariat under Rules 136 and 137 shall be published in the bulletin.

139. Considered to have left the party: If a member does any of the following, he/she shall be considered to have left the party:

- (a) Tender his/her resignation in writing,
- (b) Obtain the membership of another party,
- (c) Organize another party that involves the member, or
- (d) Any act considered by current law to be leaving the party.

140. Considered not to have left the party: Regardless of what is stated in Rule 139, a member shall not be considered to have left the party under the following conditions:

- (a) The Chairperson or the Vice-Chairperson resigning from the concerned party, or
- (b) At least 40 percent of the party's Central Committee members leaving the party to form a new party and join either the newly formed party or another already existing party.

However, such concessions shall be provided only once during the working period of the Constituent Assembly, not more.

141. Notification of leaving the party: (1) Information regarding a member leaving his/her party, according to Rule 139, shall be brought to the notice of the Chairperson by the relevant political party.

- (2) The relevant party shall offer the departing member a reasonable opportunity to plead his/her case prior to informing the Chairperson of his/her leaving the party in accordance with Sub-rule (1).
- (3) The concerned party shall follow the following procedure while informing the Chairperson of a member leaving the party in accordance with Sub-rule (1):
 - (a) The decision to inform the Chairperson of a member leaving the party shall be made by the party's working committee.
 - (b) The designation of the official certifying the decision as per Clause (a) shall be clearly stated.
 - (c) The official as per Clause (b) shall submit a copy of the decision made by the party's working committee, including evidence proving that opportunity was given for clarification, along with additional certificates and papers.

142. Potential investigation: Upon receiving information on a member leaving his/her party, together with the necessary papers as per Rule 141, the Chairperson may launch an investigation in order to ascertain whether the concerned party has followed the correct procedures and conditions.

143. Informing the Assembly and publishing notice: After imparting the required information as per Rule 141, and after the procedures and conditions followed by the party have been found to have been appropriate as per Rule 141, the Chairperson shall inform the Constituent Assembly about the member having left the party within 15 days of receiving the information as per Rule 141. However, during periods when no sessions are conducted, such notice shall be posted on the notice board of the Assembly Secretariat.

144. Vacant seats: When information regarding a member leaving his/her party has been given to the Constituent Assembly meeting as per Rule 143, or has been posted on the notice board of the Secretariat, the seat occupied by the departing member shall be considered vacant.

Chapter 18

Provision for monitoring members' conduct

145. Code of Conduct to be followed: (1) Officials and members of the Constituent Assembly shall abide by the following Code of Conduct, in order to fulfil their responsibilities towards the Constituent Assembly and also to gain the public's confidence in their behaviour:

- (a) Abide by these rules, in order both to fulfil the objectives of the Constituent Assembly and to fulfil its vital national objective.
- (b) Always behave in accordance with the society's current public morality and conduct.
- (c) Regularly participate in the plenary sessions of the Assembly, and also in the meetings of the committee of which one is a member, apart from using the right to vote.

- (d) In order to realize the Assembly's objectives, participate in the activities of the Government of Nepal, civil society and other institutions and associations, and also contemplate their essential ideas and concepts.
 - (e) Members are to carry out their duties and responsibilities in a sincere and objective manner.
 - (f) Give priority to the public interest in matters related to the Constituent Assembly and to Constitution-building activities; and whenever there is a conflict between personal and public interest, always stand on the side of the latter.
 - (g) Members shall not be tempted by personal benefit, whether economic or by personal advantage, such as though fees or remuneration for speeches or for voting in the Assembly.
 - (h) Any confidential information obtained as a member shall not at any cost be shared with other people or agencies for money; rather, such information shall be relegated solely to the proceedings of the Assembly.
 - (i) Regarding personal or private interests that are under the consideration of the Assembly or the committee of which he/she is part, each member shall voluntarily and clearly report such matters to the Assembly or the committee, and shall refrain from taking part in discussions on such issues.
- (2) These rules and this Code of Conduct shall be applied to all aspects of the member's public life.

However, these rules and this Code of Conduct shall not affect the private and personal life of the member.

146. The formation of a Conduct Monitoring Committee: (1) A committee called the Conduct Monitoring Committee shall exist in the Constituent Assembly.

(2) The committee formed as per Sub-rule (1) shall consist of the following members:

1. Chairperson: Ex-officio President
2. Vice-Chairperson: Ex-officio Vice-President
3. Up to 27 members, nominated by the Chairperson from among those chosen by the leaders of the parties represented in the Constituent Assembly: Members
4. The Secretary-General of the Constituent Assembly: Secretary

147. Function, duties and rights of the committee: (1) The function, duties and rights of the Conduct Monitoring Committee shall be as follows:

- (a) To undertake required investigations into publicly raised questions or notices given to the committee by anyone regarding violations by any member of the Code of Conduct, as stated in Rule 145, Sub-rule (1).
- (b) To acquire necessary information regarding such questions from the concerned member and others.
- (c) To obtain information from the person, institution or media raising the question on the conduct of the member.
- (d) Following investigation into questions raised about the conduct of members, a report shall be presented to the Assembly stating clearly whether or not a breach of conduct was found to have taken place by the concerned member on the basis of the collected facts.

- (2) The Conduct Monitoring Committee may set up a sub-committee consisting of specialists.
- (3) The Conduct Monitoring Committee shall determine its own work procedures.
- (4) When an investigation is begun against any member for a violation of conduct, all other members shall cooperate with the committee.
- (5) The Conduct Monitoring Committee shall provide ample opportunity to the accused member to express himself/herself once the investigation has begun into the violation of conduct in accordance with this Rule.
- (6) The report submitted to the Assembly by the Conduct Monitoring Committee as per Sub-rule (1), Clause (d) shall be kept in the Assembly's archives.

Chapter 19

Miscellaneous

148. Confidential meeting of the Constituent Assembly: (1) The Chairperson may decide to conduct a confidential meeting of the Constituent Assembly on the written request of at least 61 members in order to discuss issues thought to be confidential by the members, so long as the former finds the request reasonable.

- (2) No one shall be at or near the meeting hall while a confidential meeting is in progress.
However, this condition does not apply in the case of those who have been permitted by the Chairperson.
- (3) The Chairperson may have records of the proceedings and of the decision of such meetings kept secret or publicized, as he/she deems appropriate. No one shall be allowed to keep such records, publicize or let anyone else know about them, other than the Chairperson or the person he/she has delegated.
- (4) The procedures of the confidential meeting shall be determined by the Chairperson.
- (5) If the Chairperson feels that the procedure of the meeting does not need to be kept confidential any longer, he/she may make such a proposal to the Assembly.
- (6) Upon the approval of this proposal, the [confidential] meeting of the Constituent Assembly shall be made public.

149. Determining the schedule of the Constituent Assembly: (1) Within 15 days from the commencement of these Rules, the Constituent Assembly shall discuss the tasks of the Assembly and its various committees, set deadlines for them and also prepare schedules for whatever activities are required for the completion of such tasks.

- (2) The schedule of the Constituent Assembly shall be prepared in consultation with the Work Management Advisory Committee, and shall be proposed by the Chairperson.
- (3) The work schedule agreed upon by the Assembly shall be considered an integral part of this set of Rules.
- (4) If changes need to be made in the schedule as per this Rule, a proposal on this issue shall be presented to the Assembly, and shall proceed on the basis of the Assembly's decision.

150. Work procedure for deciding on referendums: (1) The Chairperson shall certify Assembly-approved proposals regarding decisions on certain subjects by means of a referendum,

in accordance with Article 157, Sub-article (1) of the Constitution. The Secretary-General or the Secretary shall inform the Government of Nepal and the Council of Ministers of this matter.

(2) The Constituent Assembly shall be obligated to accept any decision obtained through a referendum.

151. Advice from the Attorney-General may be solicited: (1) The Chairperson shall permit the Attorney-General to offer advice on any legal question if the Chairperson deems it necessary.

(2) There shall be no discussion over the opinion expressed in accordance with Sub-rule (1).

(3) The process for deliberating over the opinion delivered in accordance with Sub-rule (1) shall be determined by the Chairperson.

152. Language: (1) The activities of the Constituent Assembly or its committees shall be in the Nepali language. In case any member uses his/her mother tongue, arrangements shall be made to keep a record of this.

(2) No matter what is written in Sub-rule (1), for members with speech disabilities the Chairperson shall permit him/her to express himself/herself in sign language, and to interpret it in the meeting for the others.

153. Emblem of the Constituent Assembly: (1) Members are required to show up bearing the emblem of the Constituent Assembly while attending the Constituent Assembly meetings or during any other proceedings of the Assembly.

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

(3) The form and procedure for defining the form of the emblem shall be decided upon by the Chairperson in consultation with the Work Management Advisory Committee, and the same shall be published in the *Nepal Gazette*.

154. Description of the proceedings: (1) The Secretary-General or the Secretary shall make the necessary arrangements to keep records of the proceedings of each meeting of the Constituent Assembly, to prepare a brief note on them, and to distribute the note to the members on the instructions of the Chairperson.

(2) The summary of the proceedings of each Constituent Assembly meeting shall thus be made available to the media through the information unit of the Secretariat.

155. Recording and certifying the decision: (1) The Secretary-General or the Secretary shall prepare minutes of each meeting of the Constituent Assembly, and these minutes shall constitute the record of the Assembly's decisions.

(2) The Secretary-General or the Secretary reserves the right to certify the decisions and proceedings of the Constituent Assembly.

156. Objectionable terms: (1) If any words, terms or expressions used during the proceedings of the Constituent Assembly meeting are found to be objectionable, indecent or contrary to the prestige and status of the Constituent Assembly, the Chairperson reserves the right to order that such expressions be stricken from the record.

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

157. Delegation of power: Any officer holding a position in the Constituent Assembly may, in case of illness or for any reason that makes him/her unable to discharge his/her regular duties, delegate all or part of the powers enjoyed by him/her to a subordinate, within the limits of these Rules and the Constitution.

158. Prerogative right of the Secretary-General: The Secretary-General shall be entitled to enter any meeting of the Constituent Assembly, or that of any committee, to instruct or control the Secretary on duty in the meeting, and to provide consultation on procedures when and if so requested.

159. Security of records: (1) The Secretary-General shall assure that records of the decisions and procedures of the Constituent Assembly and its committees are kept secure.

(2) The Secretary-General shall not allow records kept as per Sub-rule (1) to be taken outside of the Secretariat without the permission of the Chairperson.

160. Information about the arrest of a member: When information about the arrest of a member is received in accordance with the restrictive phrase of Article 77, Sub-Article (5) of the Constitution, the Chairperson shall immediately notify the Assembly of the matter.

(2) If the arrest takes place at a time when no sessions are scheduled, he/she shall post such information on the notice board of the Secretariat and shall disseminate the news through the media.

161. Legal advice: If any legal question is raised regarding the procedures of the proceedings of the Constituent Assembly or its committees, the advice of the Secretariat Legal Counsellor shall be sought. This Counsellor shall also represent the Constituent Assembly and its committees if a case arises between two opposing sides in the Constituent Assembly or its committees.

However, this rule shall not prevent advice to be taken from other specialists and experts on Constitutional law and other matters of principle.

162. Right to regulate the entrance: (1) In general, the meetings of the Constituent Assembly shall remain open.

(2) The Chairperson shall reserve the right to regulate the entrance, taking into consideration the convenience of those who are interested in observing the proceedings. The Chairperson may also make provisions for entry passes, whenever the need arises to regulate the entrance.

(3) Any person who has entered the building with an entry pass is required to abide by the rules and conditions printed on the pass. Anyone found not following such conditions shall be expelled from the Assembly building.

163. Management of the Constituent Assembly premises: (1) The Chairperson shall be vested with all powers relating to management within the premises of the Constituent Assembly.

(2) Strikes, picketing, hunger strikes, postering, pamphleting or any other type of activity that disturbs the peace of the premises shall not be allowed.

(3) No one shall be arrested on the premises of the Constituent Assembly without the instructions of the Chairperson.

164. Restrictions on using the Assembly hall: The Assembly hall shall not be used for purposes other than conducting the meetings of the Constituent Assembly and its committees, together with those activities directly related to the Constituent Assembly, without the approval of the Chairperson. The hall may, however, be made available for meetings of the Legislature-Parliament and its committees.

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

- (2) The staff, including those officials working at the Legislature-Parliament Secretariat, shall be considered the staff of the Constituent Assembly Secretariat.
- (3) The Government of Nepal shall depute extra staff in order to make the performance of the Constituent Assembly Secretariat as effective and organized as possible.
- (4) The Constituent Assembly Secretariat may utilize the services of required advisors and experts for the support of the Constituent Assembly, as per the decisions of the Work Management Advisory Committee and according to prevailing law.
- (5) Other provisions regarding the operation of the Secretariat shall be made according to prevailing law.

166. Suspension of rules: With the permission of the Chairperson, a member may present a proposal for the suspension of a particular Rule under this set of Rules, while ensuring that it is not applicable to the issue currently before the Assembly for consideration. If approved, such Rule shall be considered suspended for that period.

167. Removing obstacles: If any obstacles or hindrances are faced while working in accordance with these Rules, the Chairperson, in consultation with the Work Management Advisory Committee, may make necessary and appropriate arrangements to allow for the continuation of the current course of action by removing such obstacles or hindrances.

168. Interpretation of these Rules: The Chairperson shall reserve the right to interpret these Rules, and his interpretation shall be final.

169. Acting for the Secretary-General: In the absence of the Secretary-General, the official delegated by the Chairperson shall perform all of the duties of the Secretariat on behalf of the former.

170. Acting for the Secretary: In the absence of the Secretary, the official delegated by the Chairperson shall act as the Secretary, and shall perform accordingly.

171. Amendments to these Rules: (1) The Assembly may make necessary changes and amendments to this set of Rules.

- (2) A member shall notify the Chairperson of the proposal to amend a Rule, along with the reason for doing so, if he/she deems an amendment necessary.

- (3) With due permission from the Chairperson and if the Chairperson deems it necessary, the member may introduce a proposal asking the Assembly for approval to set up an Amendment Committee, including suggested names.
- (4) The committee formed as per Sub-rule (3) shall consist of members as needed, and the Chairperson shall be chosen from among those members.
- (5) After the committee has tabled a report, the amendment proposal shall be approved following procedures as determined by the Chairperson.

172. Dismissal and retention: (1) The following procedures have been dismissed:

- (a) Interim Procedures of the Constituent Assembly Meeting, 2065
 - (b) Procedures of the Election of the President and Vice-President, 2065
- (2) Actions taken according to the procedures stated in Sub-rule (1) shall be considered completed, as per this set of Rules.

Annex 1

(Concerning Rules 8 and 10)

Oath of office of the Chairperson/Vice-Chairperson

I being completely loyal to the country and the people, make a sincere and honest promise/take an oath in the name of God that I shall, with genuine loyalty towards the Interim Constitution of Nepal, 2063, which ensures that state authority and sovereignty has been vested in the people of Nepal, truthfully and impartially carry out my duties and responsibilities as Chairperson/Vice-Chairperson of the Constituent Assembly, putting myself strictly within the limits of the existing laws, always keeping the good of the country and the people in high esteem, without fear, prejudice or ill will, and maintaining the confidentiality of the position.

Date.....

Name.....

Signature.....

Annex 2

(Concerning Rule 15, Sub-rule (1), and Rule 16, Sub-rule (1))

Nomination sheet of the candidate

Passport-sized photo

To be filled in by the proposing member

To:
Election Officer
Office for the Election of the President and Vice-President

I propose and nominate Mr/Ms as a candidate for the election of the President/Vice President of Nepal. Following are his/her details:

1. Full Name:
2. Age.....years old Gender: Male/Female
3. Address:
4. Mother/Father:
5. Full name of husband/wife:

Proposing member,
Name.....
S.N. of voter list.....
Signature.....

To be filled in by the supporting member

I support the proposal, proposed by the proposing member mentioned above, nominating as a candidate for the election of the President/Vice-President of Nepal.

Supporting member,
Name.....
S.N. of voter list.....
Signature.....

6. Attached documents
 - a) A certified copy of the Nepali citizenship certificate of the nominated candidate
 - b) Proof of the candidate's approval

Date.....

Annex 3

(Concerning Rule 15, Sub-rule (2), and Rule 16, Sub-rule (2))

Proof of the candidate's approval

I have been proposed by as a candidate for President/Vice-President of Nepal, and if elected through the Constituent Assembly I am willing to work in the position as Nepal's President/Vice-President.

I am qualified to become a candidate for the election of the President/Vice-President as per the Interim Constitution of Nepal, 2063.

Date:

Nominated candidate,
Name:
Signature:

Annex 4

(Concerning Rule 65, Sub-rule (9))

Oath of office of the members of the Constitutional Committee

I being completely loyal to the country and the people, make a sincere and honest promise/take an oath in the name of God that I shall, with genuine loyalty towards the Interim Constitution of Nepal, 2063, which ensures that state authority and sovereignty has been vested in the people of Nepal, truthfully and impartially carry out my duties and responsibilities entrusted to me as a member of the Constitutional Committee, putting myself strictly within the limits of the existing laws, always keeping the good of the country and the people in high esteem, without fear, prejudice or ill will, and maintaining the confidentiality of the position.

Date.....

Name.....

Signature.....

Annex 5

(Concerning Rule 70, Sub-rule 11, and Rule 109, Sub-rule (5))

Oath of office of the Constituent Assembly Chairperson

I being completely loyal to the country and the people, make a sincere and honest promise/take an oath in the name of God that I shall, with genuine loyalty towards the Interim Constitution of Nepal, 2063, which ensures that state authority and sovereignty has been vested in the people of Nepal, truthfully and impartially carry out my duties and responsibilities as Chairperson of the Committee of the Constituent Assembly, putting myself strictly within the limits of the existing laws, always keeping the good of the country and the people in high esteem, without fear, prejudice or ill will, and maintaining the confidentiality of the position.

Date.....

Name.....

Signature.....

Annex 6

(Concerning Rule 136)

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 residence:
District:
V.D.C./Municipality:
Ward No.:
Telephone No.:
4. Date of Birth:*
5. Level of Education:
6. Representative of District:
7. (a) Political party or name of organization:
(b) Independent:
8. Address in Kathmandu:
District:
Municipality:
Ward No.:
Locality:
Phone No.:
Mobile:
E-mail:

I shall provide immediate information on any changes on the details listed above.

Name:

Date: Signature:

* Attach a copy of the citizenship paper

Annex 7

(Concerning Rule 137, Sub-rule (1), Clause (a))

Details related to the political party represented in the Constituent Assembly

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

Leader of the party

Name, surname:

Signature:

Member authorized to sign

1. Name, surname:

Signature:

2. Name, surname:

Signature:

Date:

Date passed by the Constituent Assembly: 14 November 2008 (2065 Kattik 29)