

4 | **May 18, 2006** **Proclamation of the** **House of Representatives**

With high regard to the sacrifice, life offering and participation of the Nepalese people in the peaceful joint People's Movement;

Bearing in mind the fact that the source of state power of the independent and sovereign Nepal lies in the people and the keen aspiration expressed by the Nepalese people through the peaceful People's Movement to establish that people are the sole source of sovereignty and state power,

Pledging to fulfill the mandate given by the Nepalese people through the People's Movement to establish inclusive governance and sustainable peace, along with democracy, and restructuring of state, by framing a constitution through a Constituent Assembly pursuant to the roadmap of the Seven Political Parties and the 12-Point Understanding between the Seven Political Parties and the CPN (Maoist),

Realising the critical responsibility of the sovereign Nepalese people in strengthening the country's national integrity, indivisibility and national unity,

In the Proclamation of the King on April 24, 2006 which reinstated the House of Representative by affirming that 'the source of State power of the Kingdom of Nepal is Nepalese people, and that sovereign state power of Nepal is inherent in the people of Nepal' and being "cognizant of the spirit of the ongoing People's Movement, and to resolve the ongoing violent conflict and other problems being faced by the country, according to the road map of the agitating Seven Party Alliance', the House of Representatives established through the force of People's Movement is acknowledged as being invested with sovereignty,

In order to take the responsibility to move towards abolition of the autocratic monarchy and towards establishment of full-fledged democracy by safeguarding the achievements of the 1990 People's Movement and institutionalizing the achievements of the present People's Movement, this House of Representatives hereby proclaims itself sovereign for exercising all rights until other constitutional arrangements are introduced, and since the state power will be exercised through this very House of Representatives, further proclaims:

1. Concerning Legislature

- 1.1 All authority regarding the legislature of Nepal shall be exercised by the House of Representatives. The law-making procedure shall be as specified by the House of Representatives.
- 1.2 The House of Representatives shall, as and when required, determine the procedure for establishment of the Constituent Assembly.
- 1.3 The summoning and prorogation of the sessions of the House of Representatives shall be as follows:
 - (a) The session shall be summoned by the Prime Minister and be prorogued by the Speaker on the recommendation of the Prime Minister.
 - (b) If, during the prorogation or recess of the House of Representatives, one-fourth of its members existing at the time, make a submission to the Speaker that it is expedient to convene a session or meeting of the House of Representatives, the Speaker shall fix the date and time for such session or meeting within fifteen days.
- 1.4 The House of Representatives shall frame and enforce Regulations of the House of Representatives.

2. Concerning Executive

- 2.1 All the executive powers of the state of Nepal shall be vested in the Council of Ministers. 'His Majesty's Government' shall be hereinafter referred to as the 'Government of Nepal'.
- 2.2 Persons who are not members of the House of Representatives may also be nominated to the Council of Ministers.
- 2.3 The Council of Ministers shall be accountable to the House of Representatives. The Council of Ministers and the ministers shall collectively and, for the acts of their Ministries, individually be accountable to the House of Representatives. All the executive organs, including the administration, army and the police shall be under the government, which shall be accountable to the House of Representatives.
- 2.4 The regulations related to the allocation and transaction of business of the Government shall be adopted by the Council of Ministers and presented to the House of Representatives.

3. Concerning Army

- 3.1 The name 'Royal Nepal Army' shall be changed to 'Nepal Army'.
- 3.2 The existing provision regarding the National Security Council is hereby repealed. There shall be a National Security Council under the chairpersonship of the Prime Minister in order to control, deploy and mobilise Nepal Army.
- 3.3 Chief of the Army Staff of Nepal Army shall be appointed by the Council of Ministers.
- 3.4 The existing provision of Supreme Commander of Army is repealed.
- 3.5 The decision of the Council of Ministers in respect of mobilizing Nepal Army shall be tabled to and endorsed by the special committee assigned by the House of Representatives within 30 days.
- 3.6 The organisation of Nepal Army shall be inclusive and national in character.

4. Concerning Rajparishad [Royal Council]

The existing provision of Rajparishad [Royal Council] is repealed. The necessary businesses performed by the Rajparishad shall be as provided by the House of Representatives.

5. Concerning Royal Palace

- 5.1 The power to frame, amend and repeal laws regarding the succession to the throne shall be vested in the House of Representatives.
- 5.2 The expenditures and privileges of His Majesty shall be as decided by the House of Representatives.
- 5.3 The private property and income of His Majesty the King shall be liable to taxes as per the law.
- 5.4 Questions over the acts performed by His Majesty may be raised in the House of Representatives and in the court.
- 5.5 Existing Royal Palace Service shall be subsumed in the civil service.
- 5.6 The security arrangements for the Royal Palace shall be as decided by the Council of Ministers.

6. The existing problems regarding citizenship in the country shall be promptly resolved.

7. The existing 'national anthem' shall be replaced by making alternative arrangements.

8. Nepal shall be a secular state.

9. Miscellaneous

- (a) All the organs and agencies of the state, bearing in mind that they derive their authority from the House of Representatives, shall exercise it by being loyal towards it.
- (b) The specified office-bearers holding public office shall take oath of office in the format specified by the House of Representatives. The office-bearers who refuse to take such oath of office shall be relieved of their posts.
- (c) The legal provisions in the Constitution of the Kingdom of Nepal 1990 and other prevalent laws shall become void to the extent of contradiction with this proclamation.
- (d) Any impediments that may arise while implementing this proclamation shall be removed by the House of Representatives.
- (e) There shall be a committee in the House of Representatives for the purpose of sub-clause (c) and (d) above.