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Preliminary ideas for the elaboration of an interim constitution of Nepal

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Preliminary Ideas for the Elaboration of an Interim Constitution of Nepal

Since considerable time will be required for the drafting and nationwide discussion of a new Constitution of Nepal it would be useful to have an Interim Constitution as a basis and framework for the provisional government of the Kingdom of Nepal. The Interim Constitution could be drafted within a period of three to four weeks, then adopted by the Interim Council of Ministers and promulgated by His Majesty.

The following points appear to be essential for inclusion in the Interim Constitution:

1.

That Nepal shall be henceforth a constitutional monarchy based on democracy. That this Interim Constitution shall lay down the fundamental principles for a provisional government of the Kingdom and shall pave the way for a new Constitution of Nepal. That the present Constitution with all its three amendments shall cease to be effective from the date of the promulgation of this Interim Constitution.

2.

That an Interim Council of Ministers as appointed by His Majesty on April 20, 1990 shall consider and decide upon overall government policy. That it shall act as caretaker of the people and have both executive and legislative powers. That it shall take all the measures and only the measures which it deems necessary for the good order of the Kingdom. That His Majesty, Head of State, shall act on the recommendations of the Interim Council of Ministers. That the decrees of the Interim Council of Ministers shall have the same force and effect as an act under the present

Constitution of Nepal. That these decrees shall be signed by His Majesty, by the Prime Minister and by the respective Minister. That all existent laws inconsistent with this Interim Constitution and with the decrees of the Interim Council of Ministers shall be void. That all decrees of the Interim Council of Ministers shall cease to be effective after a period of one year following the election of Parliament unless they are confirmed by Parliament.

3.

That, if a Minister resigns, a new Minister shall be appointed by His Majesty on the recommendation of the Prime Minister. That, if the Prime Minister himself resigns, His Majesty shall appoint a new Prime Minister on the joint recommendation of the Nepali Congress and the United Left Front.

4.

That the Judiciary in its ordinary jurisdiction shall function independently and according to the law.

5.

That there shall be a Constitutional Commission to draft a new Constitution of Nepal. That said Commission shall be composed of ... (number) members experienced in the legal profession. That the Chairman and the other members of said Commission shall be appointed by His Majesty on the recommendation of the Interim Council of Ministers. That the draft of the new Constitution shall be completed by the ... at the latest. That the draft shall be presented to and discussed with the people of Nepal.

That there shall be elections for Parliament not later than ... (date). That Parliament shall be elected for a four-year term. That all the ... (number) deputies of Parliament shall be elected by general, direct, free, equal and secret ballot. That each citizen of Nepal who has attained the age of eighteen years shall be entitled to vote and that each citizen of Nepal who has attained the age of ... (number) years shall be eligible for election. That the details of the election shall be regulated by a decree of the Interim Council of Ministers.
That the elected Parliament shall have all legislative powers including the final drafting and the adoption of the new Constitution of Nepal on the basis of the proposal submitted by the Constitutional Commission and the results of its nationwide discussions. That the new Constitution passed by Parliament with a majority of two thirds of its members shall be promulgated by His Majesty.

April 26, 1990

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