

The Constitution of Nepal

Abstract

The new constitution of Nepal has come into effect on September 20, 2015 by replacing the interim constitution of 2007. The article mainly focuses on the significant features of the constitution. In this article the author has made best effort to highlight the major changes introduced by the new constitution of Nepal.

Nepal has adopted its new constitution on September 20, 2015. The new constitution has replaced the old constitution of Nepal which was adopted in the year 2007. The new constitution of Nepal has been drafted by the second constituent assembly. The work of drafting the constitution was entrusted upon the first constituent assembly but it failed to produce the constitution in its mandated period. The constitution of Nepal states that the country comprises of multi-ethnic, multi-lingual, multi-religious people living in diversified geographical regions. The constitution has been regarded as the supreme law of the land.

Significant features of the constitution of Nepal

1. The constitution of Nepal states that Nepal is a federal state and it does not recognize any unitary structure. Seven federal states have been proposed by the leaders of Nepal.
2. The constitution of Nepal confers full freedom on the press and also makes provision for the independent and impartial judiciary.
3. The constitution of Nepal does not recognize any religion as the official religion of the state. It embodies the principle of secularism and confers the liberty upon the people to practice any religion of their choice.
4. Nepal has also been regarded as the multi party democratic system.
5. As per the constitution of Nepal, the executive rights of the country are vested in the council of ministers.
6. The position of the ceremonial head has been given to the president of Nepal
7. The constitution of Nepal makes the parliament bi-cameral.
8. The new constitution has also brought to the end of monarchy. The president of the Nepal is top be referred as the head of the state. The prime minister is appointed by the constituent assembly and holds enormous executive power.
9. The principle of proportional inclusion and participation was introduced which is significant step in attaining economic equality and social justice.

10. Full right including civil, human, fundamental and voting rights has been conferred upon the people of the state.

Major Highlights of the Constitution of Nepal

1. The constitution of Nepal has been made flexible. It can be easily amended by the majority votes of two-third members of parliament.

2. Prime minister is not empowered to dissolve the constituent assembly. This is an imperative step towards a stable government.

3. The number of states and the boundaries of the states can be altered according to the provision of the constitution. The power of fixing the boundary of the state has been conferred upon the special commission.

4. Mixed election system has been adopted by Nepal. It comprises of two constitution assembly, Representative and National assembly. Representative assembly shall consist of 165 directly elected members and 110 proportionate members whereas national assembly shall consist of 56 members elected from seven states and 3 members shall be appointed by the president.

5. Prime Minister shall be regarded as the executive of the state. President shall be jointly elected by Federal constitution assembly members and central constitution members.

6. Parliament comprises of total 550 members.

7. High court shall be instituted in each state and the district court shall be instituted in every district headquarter. The supreme court will be instituted in the central state.

8. The constitution of Nepal also contains an unique feature. According to article 14 of the constitution economic, social and cultural rights are also available to the non-residential citizens of the Nepal.

9. Article 274 of the constitution states that everything except country's sovereignty, geographical integrity, independence and sovereignty vested on the people is amendable.

10. Under the constitution of Nepal 33 percent political representation has been given to women.

11. Nepal has also become the second country to abolish death penalty after Bhutan