

Constituent Assembly (Conduct of Business of Legislature-Parliament) Rules, 2065 (2008)

Date of publication in Nepal Gazette

2065-7-29 (14 Nov. 2008)

Preamble: The Constituent Assembly has, having exercised the powers conferred by Article 78 of the Interim Constitution of Nepal, 2063 (2006), framed the following Rules in order to conduct the business by the Constituent Assembly as in the capacity of Legislature-Parliament pursuant to Article 83 of the Constitution, to maintain order of the House, and to form necessary Committees and regulate their functions, activities and other matters relating thereto.

Chapter 1

Preliminary

1. **Short Title and Commencement:** (1) These Rules may be called “Constituent Assembly (Conduct of Business of Legislature-Parliament) Rules, 2065 (2008).”
(2) These Rules shall come into force immediately.
2. **Definition:** Unless the subject or context otherwise requires, in these Rules-
 - (a) “Constitution” means “Interim Constitution of Nepal, 2063 (2006).”
 - (b) “Legislature-Parliament” means the session or sitting called for functioning as in the capacity of the Legislature-Parliament during the term of the Constituent Assembly pursuant to Article 83 of the Interim Constitution of Nepal.
 - (c) “Speaker” means the Speaker of the Legislature-Parliament.
 - (d) “Deputy Speaker” means the Deputy Speaker of the Legislature-Parliament.
 - (e) “Minister” means the Prime Minister, Deputy Prime Minister, Minister, and the state Minister of the Government of Nepal, and the

word also includes an Assistant Minister.

- (f) “Finance Minister” means the Finance Minister of the Government of Nepal, and the word also includes other Minister or State Minister designated to look after the portfolio of the Finance Minister, if any.
- (g) “Official” means the Speaker, Deputy Speaker, Chairperson, Parliamentary Party Leader of the political parties representing to the Legislature- Parliament, the Leader of Opposition Party in the Legislature-Parliament, Deputy Leader, the Principal Whip, Chief Whip , Secretary, Whip of the Parliamentary party of the political parties representing to the Legislature- Parliament, Secretary General and Secretary of the Legislature-Parliament.
- (h) “Member” means the Member of the Legislature-Parliament.
- (i) “Secretary General” means the Secretary General of the Legislature Parliament and the word also includes an officer of the Legislature-Parliament secretariat designated by the Speaker to work in the capacity of the Secretary General in absence of the Secretary General.
- (j) “House,” “Assembly,” or “Sitting” mean the House, Assembly or Sitting of the Legislature-Parliament.
- (k) “Motion” means a motion introduced for consideration of the Legislature-Parliament.
- (l) “Member in charge” means a Minister in the case of a Government Bill and the Member who has introduced the Bill in the case of a Private Member Bill.
- (m) “Chamber” means the Chamber of the Legislature-Parliament and the word also includes the audience lobby and galleries adjacent to the Chamber.
- (n) “Table” means the table of the House.
- (o) “Private Member” means a Member of the Legislature-Parliament

other than a Minister.

- (p) “Committee” means the Committee of the Legislature-Parliament constituted under these Rules.
- (q) "Chairperson" means the Chairperson of a Committee constituted under these Rules.
- (r) “Secretary” means the Secretary of the Legislature-Parliament and the word also includes an officer of the Legislature-Parliament secretariat designated by the Speaker to work in the capacity of the Secretary in absence of the Secretary.
- (s) “Bulletin” means the Bulletin of the Legislature-Parliament which includes the following matters:-
 - (1) Notice relating to the proceedings of the sittings;
 - (2) Short description of proceedings of sittings;
 - (3) Notice relating to the Committees
 - (4) Other matters deemed to be necessary by the Speaker.
- (t) “Precincts” means the entire premises of the building, including the Sitting Chamber of the Legislature-Parliament, the galleries and the audience Chamber and the word includes the thoroughfare adjoining the building where the Sitting is conducted, and to additional places as may be fixed by the Speaker from time to time.

Chapter 2

Summons, Prorogation of Session, Presence of Members and Order of

Seating

- 3. Summons and Prorogation of Session:** (1) The Secretary General shall furnish to Members with the notice of session of the Legislature-Parliament summoned by the President pursuant to Sub-Article (1) of Article 51 of the Constitution. Such a notice shall be publicized through the means of public communication as may be necessary in addition to its publication in the Nepal Gazette.

(2) In case of summoning a session or sitting of the Legislature-Parliament pursuant to Sub-Article (3) of Article 51 of the Constitution, the Secretary General shall publicize the notice thereof through the means of public communication having publicized it in the Nepal Gazette.

(3) In case the President prorogates the session of the Legislature-Parliament pursuant to Sub-Article (2) of Article 51 of the Constitution, the Speaker shall read out the notice relating to it in the Assembly.

(4) In the event of prorogation of the session of the Legislature-Parliament at the time of adjournment of a sitting of the Legislature-Parliament, the Secretary General shall notify the same through a letter of information. Such a notice shall be published in the Nepal Gazette.

4. **Presence of the Members**: Before taking the seat in the sitting, each Member shall note the attendance in register maintained outside of the Chamber.

5. **Seating arrangement**: (1) Each Member shall take his/her seat in a place and order as determined by the Speaker.

(2) In the case of the members with disability, the Speaker may, having assigned seating places and order, also permit one assistant to take a seat beside such a member.

Chapter-3

Conduct and Adjournment of Sitting

6. **Conduct and Adjournment of Sitting**: (1) Subject to these Rules, a sitting of the Legislature Parliament shall take place on the days fixed by the Speaker having regard to the workload of the Constituent Assembly.

(2) The sitting of the Legislature-Parliament shall be commenced at the time as determined by the Speaker.

(3) In case there is a change in the date, time and programme prescribed for a sitting for any reason whatsoever, notice of the same shall be posted on the notice board of the Legislature-Parliament. Once the

notice has been posted, it shall be deemed to have received by all Members.

(4) The Speaker shall announce the commencement and adjournment of each sitting.

(5) The presence of a Minister is mandatory in the sitting.

(6) Other normal procedures of sitting of the Legislature-Parliament shall be as per the ordinary procedures referred to in the Constituent Assembly Rules, 2008.

(7) Officials of all parties representing to the Legislature-Parliament shall cooperate in conducting the sitting of the Legislature-Parliament.

Chapter 4

Election of the Prime Minister

7. **Election of the Prime Minister:** (1) Election of the Prime Minister shall be conducted on the basis of political consensus pursuant to Sub-Article (1) of Article 38 of the Constitution.

(2) In case there is no political consensus as per Sub-rule (1), the election of the Prime Minister shall be held on the date and at the time as prescribed by the Speaker and the notice thereof shall be publicized by the Secretary General.

(3) Any Member may, within the fixed time of the day as determined for conducting the election of the Prime Minister, furnish a notice of a motion to the Secretary General along with support of any other Member for appointing any Member to the office of the Prime Minister.

(4) Upon submission by the Member of the notice of the motion referred to in Sub-rule (3) to the sitting, the Member seconding the motion shall support the motion.

(5) In case the notice of the motion referred to in Sub-rule (3) is received only one, the Speaker shall, upon the statement of the proposing Member, declare that the proposed Member has been elected unopposed to the office of the Prime Minister. In case more than one notice of the motion

is received, there shall be a short discussion on all motions upon statement of the proposing Member on the order of registration of the motion, and thereafter, the Speaker shall introduce the motion in the House for decision on the same order.

(6) In case more than one motion is received and the motion has been introduced for decision pursuant to Sub-rule (5), and in case such a motion is passed by a majority of the total Members of the Legislature-Parliament present at the moment, such motion shall be deemed to have been approved.

(7) Upon approval of any of the motions introduced before the House for decision pursuant to Sub-rule (6), the Member proposed by such a motion shall be deemed to have been elected to the office of the Prime Minister and the remaining motions shall not be introduced for decision.

(8) The decision of the Legislature-Parliament on the motion calling for electing the Prime Minister pursuant to Sub-rule (3) shall be made by division of votes. In case any of the motions introduced for decision at the sitting could not be passed by majority as required pursuant to Sub-Article (2) of Article 38 of the Constitution on the day prescribed for the election of the Prime Minister, the Speaker shall call the sitting again for the purpose of introducing all the motions for decision. The process referred to in this Sub-rule shall be continued unless the motion is passed by the majority required pursuant to Sub-Article (2) of Article 38 of the Constitution.

(9) The Speaker shall submit to the President the information of election of the Prime Minister under this Rule.

(10) In case the office of the Prime Minister falls vacant for any reason whatsoever, the vacant post shall be fulfilled having followed the procedures referred to in this Rule.

8. **Oath of Office by Prime Minister**: The Prime Minister shall, prior to assuming the office, take an oath of office and Secrecy before the President pursuant to Article 42 in the format referred to in Schedule -1.

Chapter-5

Address by President

9. **Address by President**: The President shall address a sitting of the Legislature-Parliament pursuant to Article 52 of the Constitution introducing the annual policies and programmes of Government of Nepal.
10. **Motion of Thanks**: (1) After the President's address to the Legislature-Parliament pursuant to Rule 9, the Prime Minister shall table a copy of such address in the sitting held immediately thereafter.
- (2) Any Member may move a motion of thanks for the address by the President and such a motion shall have to be seconded by another Member.
- (3) An amendment to the motion of thanks may be moved in the form as considered appropriate by the Speaker.
11. **Discussion on the Address**: (1) The Speaker shall, in consultation with the Prime Minister or in his/her absence with a Minister designated by him/her, allot days and duration for discussion on the policies and programmes of Government of Nepal referred to in the Presidential Address pursuant to Rule 9, and discussion shall be held on the Address on the days so allotted on the basis of party representation.
- (2) The Prime Minister or in his/her absence a Minister designated by him/her shall, at the end of the discussion held pursuant to Sub-rule (1), respond to the issues raised during the discussion.
- (3) After the response from the Prime Minister or in his/her absence a Minister designated by him/her pursuant to Sub-rule (2), the discussion shall be deemed to have been concluded, and the Speaker shall put the motion of thanks for decision to the sitting after deciding upon the motions

of amendment moved thereon.

12. Submission of Motion of Thanks: The Speaker shall submit to the President the motion of thanks passed by the sitting under this chapter.

13. Other Functions may be Carried Out: (1) The following functions may also be carried out on the days allotted for conducting discussion on the address pursuant to Rule 11:-

- (a) To complete the formal functions relating to the procedures of the Legislature-Parliament before the beginning of the discussion; or
- (b) To introduce the supplementary appropriations; or
- (c) To move a motion for leave to introduce a Bill or to introduce any Bill.

(2) In case the motion introduced for adjournment of discussion has been approved, any of the following functions may be carried out on the days allotted for discussion on the address:-

- (a) To move a motion for passing a Bill;
- (b) To submit matters which has deadline prescribed by law for submission in the House;
- (c) To discuss on any urgent matter submitted by a Minister.

Chapter-6

Questions and Calling Attention

14. Questions may be raised: (1) A member may, on the date and time prescribed by the Speaker, raise question on any subject of public importance within the responsibility of Government of Nepal.

(2) The Speaker shall prescribe specific day and time to the concerned Ministry in order to furnish updated information to the Legislature-Parliament by the concerned Minister on the functions and activities of Government of Nepal.

(3) On the day and time prescribed pursuant to Sub-rule (2), the concerned Minister shall respond to the questions raised by the Members on the matters relating to his/her Ministry.

Provided that, in case the concerned Minister asks for the time of another day for being unable to furnish the response on that day or to any question for any technical reason, the Speaker may prescribe another day and time.

15. Calling Attention: (1) A member may, having obtained a prior approval of the Speaker, call the attention of the concerned Minister on any urgent matter of public importance.

(2) In case of calling attention pursuant to Sub-rule (1), the Minister may respond immediately if he/she so desires or may request time for another day for responding on the issue.

(3) No discussion shall be held on the matter after a response of the Minister pursuant to Sub-rule (2).

Provided that, the Members having their names in the list of the subject referred to in the List of Business may seek explanation and the Minister shall respond to at the end. In such List of Business, name of not more than three persons shall be included in one calling of attention.

(4) While calling attention pursuant to Sub-rule (1), one Member may call the attention only once in each sitting. Attention shall not be allowed to be called more than twice in one sitting.

(5) The Member seeking to call an attention pursuant to Sub-rule (1) shall furnish the notice thereof one day in advance.

(6) In case the Speaker has approved more than two notices of calling of attention for any day, the two callings of attention to be placed in the List of Business shall be determined on a lottery basis.

Chapter 7

16. No Discussion Could be held Without Motion: (1) Save as otherwise provided for in the Constitution and in these Rules, no discussion on any matter shall take place in the sittings of the Legislature-Parliament without a motion.

(2) The motion for discussion in the sittings shall have to be approved by the Speaker. The Speaker may, without tampering the main Committee constituted under the existing laws to probe, to submit recommendations or report; spirit of the motion, bring necessary amendment to the motion.

(h) Attempting to repeat discussion of a matter which has been discussed

17. Conditions Relating to Motions: (1) No motion in the same session containing any of the following matters shall be accepted:-

- (a) Containing the matters prohibited by Article 60 of the Constitution or the matters against any other provision of the Constitution;
- (b) Containing more than one issue;
- (c) Containing vague, uncertain or unimportant subject matter;
- (d) Containing crude reasons, inferences, ironical expressions, irrelevant imputations or any other hypothetical or objectionable matter;
- (e) Referring to the conduct of a person performed in his personal capacity except in his public or governmental capacity;
- (f) Containing criticism of a decision of the House or of any Committee of the Legislature-Parliament or of any

matter under consideration thereof;

- (g) Containing any matter under consideration of any judicial or quasi-judicial body or authority established according to existing laws or any Commission or Committee constituted under the existing laws to probe, to submit recommendations or report;
- (h) Attempting to repeat discussion of a matter which has been discussed in the same session;
- (i) Having used discourteous language;
- (j) While having discussions on any decision or action of the Council of Ministers, involving such information as is certified by the Council of Ministers that the matter may have adverse impact on national security, integrity or diplomatic relations;
- (k) Having raised an issue of privilege.

(2) Notwithstanding anything contained in Clause (g) of Sub-rule (1), if the speaker considers that the motion is not likely to prejudice the consideration of such matter by the Commission or Committee mentioned in the said Clause, s/he may allow to move a motion confined to the matters of procedures and progress of such investigation.

18. Decision on Admissibility of Motion: The Speaker shall decide whether or not a motion or a part thereof is admissible, and while so deciding, s/he may disallow any motion or part thereof citing reason(s) therefore.

19. Allotment of Day and Duration of Discussion: (1) The Speaker may, having taken into account the business in the Legislature-Parliament, allot the day and the duration of discussion on a motion.

(2) After completion of the time allotted for discussion, the discussion shall terminate, and unless otherwise provided in these Rules, the Speaker shall put every question necessary to dispose of the matter in

respect of the main issue for decision in the sitting.

20. Lapse of Motion and Bar on Revival Thereof: (1) Any motion not moved in a sitting even after being permitted therefore shall *ipso facto* be lapsed.

(2) Except otherwise provided in these Rules, no matter which is substantially raising the same question already discussed or decided during the current session of the Legislature-Parliament shall be allowed to be raised again in the form of a new motion or amendment.

21. Prior Discussion on Motion Debarred: Where a time has been allotted to a motion for discussion in the Legislature-Parliament, no other motion or amendment for discussion on the same matter shall be allowed prior to such allotted time.

22. Withdrawal of Motion: (1) The proposer may withdraw a motion already filed with the Legislature-Parliament Secretariat through a written request and with the approval of the Speaker.

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

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

23. Notice of Motion: A Member intending to move a motion shall furnish a notice in writing to the Secretary General or Secretary.

24. Procedures Relating to Motion: In respect of the motion to be moved under other Chapters of these Rules, the procedures mentioned in those Chapters shall apply, and in respect of the matters not mentioned in those Chapters, the procedures as provided in this Chapter and Chapter -8 shall apply.

25. Prohibition on Submission of Other Motions: Except the motions under Rules 26, 27 and 28, no other motion may be moved under this Chapter.

26. Motion may be introduced without notice: (1) Notwithstanding anything contained in this Chapter, any of the following motions may be moved even without a notice, if the Speaker so allows, and no matter of controversy may be raised through such a motion:-

- (a) Motion of thanks;
- (b) Motion of adjournment;
- (c) Motion to withdraw any motion or amendment;
- (d) Motion of congratulation or condolence;
- (e) Motion of adjournment of discussion;
- (f) Motion to extend the period of discussion;
- (g) Motion to extend the duration of sittings; or
- (h) Motion of closure.

(2) A motion referred to in Sub-rule (1) after having been moved in the sitting of the Legislature-Parliament upon approval of the Speaker shall be forthwith put for the decision of the Legislature-Parliament by the Speaker.

27. Motions of Urgent Public Importance: (1) In case any Member intends to have a discussion on any matter of urgent and public importance, s/he shall give a notice relating to the motion to the Secretary General or Secretary at least Two hours in advance of the sitting of the Legislature-Parliament and such a motion shall have to be seconded by at least two Members.

(2) In the notice given pursuant to Sub-rule (1), there should be the reasons for discussion on the motion clearly mentioned.

(3) If the subject matters contained in the motion pursuant to Sub-rule (1) is found to be urgent and of public importance by the Speaker, s/he may, after consulting with the concerned Minister, approve such a motion.

(4) The Speaker shall set the time limit of Two hours in maximum

for discussion on the motion referred to in Sub-rule (3). Only Two days in a week shall be allotted for discussion on such motions.

(5) After approval of the motion pursuant to Sub-rule (3) and after the Speaker calls the name of the proposing Member, the proposing Member shall give a short statement. The Speaker shall thereafter allow time to other Members to participate in the discussion.

(6) The concerned Minister shall respond to the questions raised during the discussion.

28. Motions on Postponement: (1) Except the motion for adjournment of Sitting or a motion for suspension of business, a Member may, during the time in which a discussion is going on any motion or Bill, move a motion that the said discussion be postponed for any other day, and if such a motion is seconded by any other Member, such a motion shall have priority over other motions under consideration of the sitting.

(2) No amendment shall be allowed to the motion referred to in Sub-rule (1).

(3) If the Speaker deems appropriate, s/he may permit a short discussion on the motion referred to in Sub-rule (1) and put it before the sitting for decision.

(4) Any Member moving or seconding the motion referred to in Sub-rule (1) shall not be allowed to move or second another such motion during the discussion of the concerned motion or Bill.

(5) If the Speaker deems that the motion is an abuse of the right to move a motion, s/he may reject such a motion or put it to the sitting for decision without any discussion.

Chapter -8

Amendments

29. Conditions Relating to Amendments: Amendment with regard to any motion may be put forward subject to the following conditions:-

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

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

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

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

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

31. Powers to Accept or Reject Amendments: (1) The Speaker shall have the power to accept or reject any amendment to a motion.

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

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

Chapter 9

Adjournment Motion

33. Notice of Motion and Speaker's Consent: (1) Subject to the provisions of these Rules, a motion for an adjournment of the business of the House for the purpose of discussing a matter of urgent public importance may be moved with the consent of the Speaker.

Provided that, if such a motion is not found compatible to Rules or the Speaker has rejected it, s/he may, if s/he deems it necessary, state the reasons for refusing the motion or holding the motion being not as per the Rules. If the Speaker deems necessary to receive more information in respect of the facts mentioned in the motion, s/he may ask for more information or full facts on such motion from the concerned Member or Minister before approving or rejecting the motion.

(2) The notice of an adjournment motion shall be given to the Secretary General or Secretary within half past ten at the morning of the day on which the motion is proposed to be introduced at the sitting, and one copy each of the notices along with the motion shall be given to the Speaker, concerned Minister and the Minister of Law, Justice and Constituent Assembly Affairs. Any notice received thereafter shall be deemed to have been received on the next day.

(3) The notice relating to the motion referred to in Sub-rule (2) shall not be given more than once in one sitting.

(4) If the notice to the motion has been signed by more than one Member, the notice shall be deemed to have been given by the Member signing first in the serial Number.

34. Conditions Relating to Adjournment Motion: A motion for adjournment of the sitting of the Legislature-Parliament for the purpose of discussing an urgent matter of public importance may be moved subject to the following conditions:-

- (a) The motion shall be on a specific matter of recent occurrence and within the responsibility of Government of Nepal.
- (b) The conditions referred to in Rule 17 must have been complied with.

35. Leave of the House to Move Adjournment Motion: (1) In case the Speaker gives consent to move the motion under Rule 33, the Speaker shall, before taking up other business, call the name of the concerned Member and the Member shall ask for leave to move the motion for adjournment of House.

(2) In case any Member raises objection against the motion for leave moved pursuant to Sub-rule (1), the Speaker shall request those Members who are in favour of the leave to be granted to rise themselves from their places, and if sixty one or more Members rise accordingly, it shall be deemed that the House has consented to grant such a leave.

36. Time for Taking up the Motion: The Speaker may allot any time of the same day, after considering the state of business in the House, to take up the motion on adjournment for discussion.

37. Closure of Debate: If the Speaker deems that the discussion on the motion is adequate, s/he shall place the motion for decision of the House.

38. Determination of Time limit for Statements: The time limit for statements by the Member moving the motion, its seconder, the concerned Minister and other Members in respect of the motion shall be as prescribed by the Speaker.

Chapter -10

Resolution

39. Resolution may be Submitted: (1) Subject to these Rules, a resolution may be submitted on any of the following matters of public importance:-

- (a) To submit an opinion or recommendation;
- (b) To support or oppose any action or policy of Government of Nepal or to call attention for

reconsideration thereof;

(c) To give any message or directive.

(2) The Speaker may give permission to submit a resolution on any other subject which s/he deems appropriate or necessary.

40. Notice of Resolution: (1) The proposer of a resolution shall have to give notice of the resolution s/he is going to submit to the Secretary General or Secretary at least seven days in advance.

Provided that, any Minister may submit a resolution having given a notice of at least three days.

(2) No Member other than a Minister may give a notice of more than three resolutions in one session without having taken a prior approval of the Speaker.

41. Condition Relating to Resolution: In addition to the matters provided for in this Chapter, all conditions relating to a motion shall be applicable also in case of a resolution.

42. Decision on Admissibility: (1) The Speaker shall decide as to whether or not any resolution is admissible and in case any resolution or a part thereof is inconsistent to the Constitution or these Rules, the Speaker shall reject such resolution.

(2) The Speaker may, if s/he deems fit, consult the Conduct of Business Consultative Committee while taking decision pursuant to Sub-rule (1).

(3) The Speaker may, if s/he deems fit, bring necessary amendment to the resolution in order to make it consistent to Rules.

(4) A copy of the resolution which has been permitted by the Speaker to be introduced to the House shall be distributed to Members before Two days for the purpose of submitting an amendment.

43. **Resolution to be Introduced:** No more than one resolution submitted in one Sitting by one Member shall be put in the List of Business and no more than two resolutions shall be introduced in one Sitting.
44. **Methods of Introducing Resolution:** (1) After being named by the Speaker, the Member desiring to introduce a resolution may introduce the resolution to the House and while introducing the resolution, s/he may give a statement having read out the contents of the resolution.
- Provided that, any Member may authorize another Member to submit his/her resolution with the permission of the Speaker.
- (2) After being named by the Speaker pursuant to Sub-rule (1), the Member may wish not to introduce the resolution.
- (3) The resolution not introduced by the concerned Member shall be deemed to be withdrawn by him/her.
45. **Duration of Discussion:** while submitting a resolution by a Member and speaking by the concerned Minister for the first time, a time of up to Twenty minutes shall be given with the permission of the Speaker. The Speaker shall provide the time duration of statement by other Members desiring to speak. After the statement of the Members is over, the concerned Minister shall give replies thereto.
46. **Conditions Relating to Amendment:** (1) With the approval of the Speaker, amendment may be introduced to the resolution submitted under this chapter.
- (2) The conditions referred to in Rule 29 shall also be applicable in case of an amendment to a resolution.
47. **Decision on Resolution:** Upon completion of discussion, the House shall first decide on an amendment to the resolution, if any, and shall decide on the resolution subsequently.
48. **Approved Resolution to be Forwarded:** The Secretary General or Secretary shall forward one copy of each of the resolutions approved by the

House each to Government of Nepal, Council of Ministers and the concerned Minister. The concerned Minister shall implement the approved resolution and send information thereof immediately to the secretariat of the Legislature-Parliament.

Provided that, in case the resolution could not be implemented for any genuine reason, the information thereof shall be sent to the Legislature-Parliament along with the reasons.

Chapter-11

Provisions Relating to Ordinance

49. Submission of Ordinance: (1) The concerned Minister shall submit the Ordinance issued pursuant to Article 88 of the Constitution in sitting of the House after the issuance of the Ordinance.

(2) While submitting an Ordinance pursuant to Sub-rule (1), description of the circumstance and reasons leading to the issuance of such Ordinance shall also be stated.

50. Notice to Reject the Ordinance: (1) The Member desiring to submit a motion rejecting an Ordinance shall have to give the notice thereof to the Secretary General or Secretary within Two days of the submission of the Ordinance.

(2) While giving such a notice, the reasons for rejecting the Ordinance shall also be stated therein.

(3) In case more than one notice is submitted pursuant to Sub-rule (1), the notice of only one motion shall be selected through a lottery system.

(4) In case no notice to reject an Ordinance is submitted pursuant to Sub-rule (1), the Speaker shall permit the concerned Minister to submit the motion for approving the Ordinance.

51. Methods of Introducing Motion Rejecting the Ordinance: (1) After being named by the Speaker, the Member submitting the notice may

introduce the motion and while introducing such motion, s/he may give a statement having read out the contents of the motion.

(2) Any Member notifying the motion may authorize another Member to submit his/her motion with the permission of the Speaker.

(3) After being named by the Speaker pursuant to Sub-rule (1), the said Member may wish not to introduce the motion.

(4) The motion not introduced by the concerned Member shall be deemed to be withdrawn by him/her.

52. Discussion on Motion Rejecting the Ordinance: The Speaker shall fix time to have discussion on the motion rejecting an Ordinance and the concerned Minister shall give replies to the questions raised during the discussion at the end of the discussion.

53. Decision on Motion Rejecting the Ordinance: After the Minister gives replies pursuant to Rule 52; the Speaker shall submit the motion to the House for decision.

Chapter -12

Legislative Procedures

54. Notice for Leave to Introduce Bills: (1) Subject to the Constitution and these Rules, any Member may introduce a Bill. Any Member intending to introduce a Bill shall give a notice of his/her intention to the Secretary General or Secretary along with a copy of the Bill and a statement of objectives and reasons at least Seven days in advance.

Provided that, in case of a government Bill, it shall be adequate to give an advance notice of Five days.

(2) In case a Bill creates a financial burden after being an Act, such a Bill shall be accompanied with a financial memorandum with detailed description. Such financial memorandum shall call attention to the Sections involving expenditure and shall also give an estimate of the recurring and non-recurring expenditure involved in case the Bill is passed into an Act.

- 55. Introduction of Dependent Bills:** (1) A Bill which is wholly or partly dependent upon another Bill pending before the House may be introduced in the House in anticipation of passing the principal Bill.

Provided that, the dependent Bill shall not be taken up for consideration before the principal Bill has been passed.

- 56. Non-inclusion of Identical Bill in the List:** Unless otherwise ordered by the Speaker, when a Bill is pending before the House, notice of any other Bill, which is identical in respect of subject matter and objective, whether it may be received before or after the introduction of the pending Bill, shall not be entered in the list of the noticed Bills.

- 57. Memorandum Regarding Delegated Legislation:** A Bill containing the provisions for delegation of legislative powers shall be accompanied by a memorandum explaining the reasons thereof and calling attention to the nature and limitation of the law to be made under such delegated power and the effects resulting therefrom.

- 58. Bill to Replace Approved Ordinance:** In case a Bill having the purpose of seeking to replace an Ordinance issued by the President as it is or with an amendment has to be introduced, it shall be accompanied by a statement explaining the reasons and circumstances which had necessitated immediate legislation by an Ordinance.

- 59. Process of Introducing a Bill:** Unless otherwise ordered by the Speaker, a copy of the Bill shall be made available to all Members two days in advance of the date on which the motion for leave to introduce the Bill is to be moved.

- 60. Notice of Opposition to the Motion Introducing the Bill:** Any Member intending to oppose the motion for leave to introduce a Bill shall submit a notice thereof to the Secretary General or Secretary one day in advance of the day on which the motion of leave to introduce the Bill is to be moved.

61. Motion for Leave to Introduce a Bill: (1) If a motion for leave to introduce a Bill is opposed, the Speaker shall permit the Member who opposed and the Member who moved to introduce the Bill to make a short statement respectively. Thereafter, the Speaker shall, without further debate, put the question for decision of the sitting.

(2) Where a leave to introduce a Bill is granted pursuant to Sub-rule (1), the Member introducing the Bill shall forthwith introduce the Bill at the House and after the Bill is introduced, s/he may on some subsequent occasion make one of the following motions-

- (a) That the Bill be considered over; or
- (b) That the Bill be circulated for the purpose of eliciting public opinion.

(3) Where the Member in charge of the Bill has moved one of the motions pursuant to Sub-rule (2), any other Member may move another motion under the same Sub-rule.

62. General Discussion on the Bill: During the discussion on the motion referred to in Sub-rule

(2) of Rule 61, only the principles of the Bill may be discussed. Except where it is deemed necessary to explain the intention of the Bill, no discussion shall be made on the Sections of the Bill and no amendment may be moved in respect of the Bill.

63. Procedures for Eliciting Public Opinion: (1) Where a motion that a Bill be circulated for the purpose of eliciting public opinion thereon is passed, the Secretary General or Secretary may, in addition to publishing the Bill in the Nepal Gazette specifying the ascertained period for collection of opinion, also publicize it through other appropriate media and, after compiling the opinions received during such specified period, deliver them to the Member introducing the Bill.

(2) Other procedures of eliciting public opinion shall be as

determined by the Speaker.

- 64. Procedures after Receiving Public Opinion:** The Member introducing the Bill may, having enclosed the opinions received pursuant to Sub-rule (1) of Rule 63, move with a motion that the Bill along with the public opinion, be taken into consideration in the House.
- 65. Procedures after Conclusion of General Discussion:** (1) Upon conclusion of general discussion on a Bill, the Member introducing the Bill may move one of the following motions-
- (a) That the Bill be discussed Clause by Clause in the House; or
 - (b) That the Bill be referred to the Legislative Committee for Clause by Clause discussion;
- (2) Where the Member introducing the Bill has moved any motion under Sub-rule (1), any other Member may move another motion under the same Sub-rule.
- 66. Authorization to Move a Motion:** If the Member introducing a Bill is unable to be present for reasons which the Speaker considers adequate, the Speaker may grant a leave to another Member authorized by the Member introducing the Bill to move a motion in respect of the Bill.
- 67. Notice of Amendments to the Bill:** (1) Any Member intending to move an amendment to a Bill shall give a notice to the Secretary General or Secretary with the amendment proposed by him/her within seventy Two hours of the completion of the general discussion on the Bill.
- (2) The Secretary General or Secretary shall make available to the Members the particulars of the amendments received.
- 68. Conditions Relating to Amendments:** (1) The amendments to a Bill may be moved subject to the following conditions-
- (a) The amendment must be relevant to the subject matter of the Bill and within the scope of the Bill.

- (b) The amendment must not be inconsistent with the inherent principles of the Bill.
- (c) The amendment must not be vague, meaningless or trivial.
- (d) The amendment sought to be made in any Section must be relevant to the subject matter of such a Section.
- (e) The amendment must not be inconsistent with any previously accepted principles or previous decision of the House.
- (f) The amendment must clearly and specifically suggest the particular provision or words substituting any provision or words in the Bill.

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

69. Order of Amendments: The amendments approved by the Speaker shall be included in the list of amendment in an orderly manner to the extent possible.

70. Clause by Clause Discussion along with Amendments: (1) Amendments shall ordinarily be considered in the order of the sections of the Bill to which they respectively relate to and the Member moving the amendment or the Member authorized by him, when called upon by the Speaker, may move the amendment.

(2) With respect to each section which has been left intact or accepted with amendment after the discussion, the Speaker shall orderly introduce a motion for decision stating, "Let this section become a part of the Bill."

Provided that, in order to save time and repetition of arguments, a single discussion may be allowed on one Section or to cover a series of inter-dependent amendments to such a Section. During the process of Clause by Clause discussion, any part or any Section of a Bill may be considered in a non-sequential manner or any Part or Section may be deferred for later discussion.

(3) Notwithstanding anything contained elsewhere in these Rules, for the purposes of this Rule and Rules 71, 72, 73 and 74, the word "Speaker" means the Chairperson of the Legislative Committee and the word "House" means the sittings of the Committee during the Clause by Clause discussion on a Bill in Legislative Committee unless the subject or context otherwise requires.

- 71. Withdrawal of Amendments:** The Member moving an amendment may, with the leave of the sitting, withdraw the amendment.

Provided that, where an amendment has been proposed to an amendment, the original amendment shall not be withdrawn until the amendment proposed to it has been disposed of.

- 72. Discussion on Schedules:** Unless otherwise decided by the Speaker, consideration over the Schedules of a Bill and amendments received thereon shall follow immediately after consideration over the concerned Section, and the question for the decision of the sitting shall be put in the same order.

- 73. Voting on Group of Sections:** The Speaker may, if s/he thinks fit, also put as one question the Sections or the Schedules or any amended Sections or Schedules of the Bill, together in the form of a group for the decision of the sitting.

Provided that, if any Member requests that any Section or Schedule or amended Sections or Schedules be put separately for the decision of the Sitting, the Speaker shall put them separately.

74. Submission of Preamble and Title: Only upon disposal of all other Sections and the Schedules of a Bill, if any, the Speaker shall put the question at the end that the Preamble and the Section relating to the Title be made a part of the Bill in the original or amended form.

75. Directives May be Issued: While transmitting any Bill under consideration of the House to a Legislative Committee or during the consideration of a Bill by a Legislative Committee, the House may direct the Committee to widen the scope or main objective of the Bill or to insert or delete any particular provision.

Provided that, such a directive must not be inconsistent with the main spirit of the Bill.

76. Report of the Legislative Committee: After conclusion of Clause by Clause discussion on a Bill in a Committee and the completion of the process referred to in Rule 74, a Report of the decision of the Committee shall be prepared and the Chairperson, or in his/her absence, a Member of the Legislative Committee designated by the Speaker, shall submit the Bill along with the Report to the sitting.

77. Bill may be Withdrawn: (1) If the Member introducing the Bill intends to make a motion for leave to withdraw the Bill, s/he shall have to give a notice thereof one day in advance.

(2) If a motion for leave to withdraw a Bill is made while such a Bill is under consideration of the Legislative Committee, the Committee shall submit a Report to this effect to the sitting.

(3) The Member withdrawing the Bill shall, with the approval of the Speaker, move the motion in the sitting of the Legislature-Parliament for withdrawing the Bill.

(4) If the motion for withdrawal of the Bill is opposed, the Speaker may permit the Members proposing and opposing the motion to deliver short statements for clarifying their respective stands and thereafter, s/he

shall put the motion for decision without further debate.

78. Procedures after Tabling of the Report of the Committee: After the Report of the Legislative Committee is tabled; the Report shall be circulated to all Members.

(2) Unless otherwise ordered by the Speaker, the Member introducing the Bill may, at any time after twenty four hours of the circulation of the Report, move one of the following motions:-

- (a) That the Bill along with the Report be considered, or
- (b) That the Bill be sent back to the Legislative Committee with directives for reconsideration in respect of any specific Section or Sections.

(3) Where the Member introducing the Bill has moved one of the motions mentioned in Sub-rule (2), any other Member may move another motion under the same Sub-rule.

(4) Where a motion has been moved pursuant to Sub-rule (3), the Speaker shall permit the Member moving such a motion and the Member introducing the Bill to make statements and, if the Member moving the motion subsequently does not withdraw his motion after both of the Members have made their statements, the Speaker shall put the motion for decision of the Legislature-Parliament.

(5) If it is decided to send the Bill back to the Committee, it shall be sent to the Legislative Committee for reconsideration on the Bill and to submit a Report thereof.

(6) The Legislative Committee shall consider upon the Bill sent for reconsideration pursuant to Sub-rule (5) as soon as possible and shall submit the Bill to the House along with its Report prepared pursuant to Rule 76.

(7) After distribution of the Report 135 submitted by the Legislative Committee pursuant to Sub-rule (6) to the Members, the Member introducing the Bill may, on the date and at the time fixed by the Speaker,

move a motion as referred to in Clause (a) of Sub-rule (2).

(8) After approval of the motion referred to in Clause (a) of Sub-rule (2) or in Sub-rule (7), discussion may be held only on the Report of the Legislative Committee and the Sections of the Bill relating thereto and other sequential Sections.

79. Motion for Passing of a Bill: Where a Bill has undergone Clause by Clause discussion in the House, after closure of such a discussion; and where Clause by Clause discussion has been held in the Legislative Committee, after closure of discussion on the Report of the Committee, and when the amendments have been put in the order thereof for decision of the Legislature-Parliament; the Member introducing the Bill shall move the motion that the Bill be passed.

80. Removal of Bill from Register: (1) A Bill shall be removed from the Register of the House on the following conditions-

(a) In case the House has disapproved any of the following motions submitted by the Member introducing the Bill:-

(1) Let the House grant leave to introduce the Bill;

(2) Let the House consider on the Bill or the Bill along with a report of the Committee;

(3) Let the House pass the Bill or the Bill along with amendments.

(b) In case the motion introduced pursuant to Rule 61 has been disapproved;

(c) In case the Bill has been withdrawn;

(d) In case the Member introducing the private Member's Bill ceases to remain a Member of the Legislature-Parliament; or

(e) In case the Member introducing the private Member's

Bill has been appointed to a Minister prior to passage of the Bill.

(2) No motion may be moved in the House in respect of the Bill removed from the Register record of the House pursuant to Sub-rule (1).

81. Powers of the Speaker to Improve Minor Mistakes: The speaker may, if s/he deems necessary, rearrange the serial number of Sections of the Bills and make necessary consequential improvement in the Bills passed by the House.

82. Re-introduction of Bill: No Bill once rejected by the House shall be introduced again in the same session.

83. Authentication of the Bill: (1) The Bill passed by the Legislature-Parliament shall be submitted to the President for authentication having certified by the Speaker.

(2) The Bill passed by the Legislature-Parliament shall become an Act after it has been authenticated by the President.

(3) After receipt of notice of the President's authentication pursuant to Sub-rule (2), the Speaker shall read out the notice to the House. In case such a notice has been received at a time when the session is not going on, the Speaker shall cause to publish such a notice in the Bulletin of the Legislature-Parliament and also cause to publicize the notice.

(4) One copy of the Bill authenticated pursuant to Sub-rule (2) shall be retained at the record of the Legislature-Parliament and one copy of the Bill shall be furnished to each of the Office of the President, the Office of the Prime Minister and Council of Ministers and Ministry of Law, Justice and Constituent Assembly Affairs.

84. Procedures of the Bill to Amend to the Constitution: (1) In case of a Bill to amend to the Constitution pursuant to Article 148 of the Constitution, the procedures relating to the Bills under this chapter shall be applicable subject to this Rule.

(2) Amendment motion may be submitted only on the points of the Article, Sub-Article, Clause, sub-Clause, or Explanation in which an amendment motion has been received pursuant to Sub-rule (1).

(3) The Speaker may, having obtained an approval of the House, form a special Committee for the purpose of submitting a Bill along with its report having conducted a Clause by Clause discussion on the Bill received pursuant to Sub-rule (1) and the amendment motion to it.

(4) The Speaker shall have to submit for decision one by one of each of the Articles or Sub-Articles of the Bill relating to amendment to the Constitution or the amendment suggested to it.

(5) In case the motion requiring for approving the Bill to amend the Constitution has been approved by Two Third majority of the current total Members of the Legislature-Parliament, the Bill shall be deemed to have been passed.

(6) The motion requiring for approving the Bill to amend the Constitution shall be decided by the process of division of votes.

Chapter-13

Procedures Relating to Estimates of Revenue and Expenditure

85. Estimates of Revenue and Expenditure: (1) The Minister of Finance shall present the annual budget in the Sitting of the House pursuant to Article 93 of Constitution.

(2) In the sitting of the Legislature-Parliament convened after the presentation of the annual budget pursuant to Sub-rule (1), the Minister of Finance shall table a copy of the annual budget.

(3) No discussion shall be held on the day on which annual estimate of income and expenditure has been presented.

86. Discussion on Estimates of Revenue and Expenditure: (1) The Speaker shall, in consultation with the Prime Minister or, in his absence, any other Minister designated by him/her, allot the days and duration for general

discussion on the annual estimates of revenue and expenditures prior to the motion for permission to move the Money Bill in the House by the Minister of Finance.

(2) There shall be general discussion on estimates of revenue and expenditure on the day and within the time as prescribed pursuant to Sub-rule (1).

(3) The discussion shall be initiated with a statement by the Minister of Finance and s/he shall answer to the questions raised during the discussion at the end thereof.

87. Supplementary Estimates: (1) The Minister of Finance may present supplementary estimates at the sitting of the Legislature-Parliament pursuant to Article 95 of the Constitution.

(2) While presenting the supplementary estimates according to Sub-rule (1), the Minister of Finance shall also state the reasons and objects thereof.

(3) No discussion on the supplementary estimates shall be held in the House on the day it is presented pursuant to Sub-rule (1).

(4) The Speaker shall, in consultation with the Prime Minister or, in his absence, any other Minister designated by him, allot the days and duration for general discussion on the supplementary estimates.

(5) The supplementary estimates shall be discussed on the day and within the duration allotted according to Sub-rule (4).

(6) The discussion shall be initiated with a statement by the Minister of Finance and s/he shall answer to the questions raised during the discussion at the end thereof.

88. Estimates of Expenditure: (1) The demands of grant for each Ministry shall generally be allocated under separate heads.

Provided that, the Minister of Finance may allocate certain demands of grant for any two or more Ministries and Departments under one head or

certain demands of grants which cannot be generally classified for any specific Ministry may be allocated less than one head.

(2) Each head shall initially contain the particulars of all demands of grant and the subheads shall contain the detail descriptions of each of such divisions in the demands of grants. Discussion may be held on such particulars. However, no approval of the House shall be required in respect of the amounts of grant charged on the consolidated fund.

Chapter -14

Procedures Relating to Appropriation and Money Bills

89. Procedure Relating to Appropriation Bill: (1) Notwithstanding anything contained elsewhere in these Rules, the procedures as laid down in this Chapter shall be applicable in case of the Appropriation Bill.

(2) Prior to submission of the Appropriation Bill in the House, the Minister of Finance shall introduce a motion to have a discussion on the principles and priority of the Appropriation Bill (except tax proposal) for preparation of the budget.

(3) The procedures of the discussion to be held pursuant to Sub-rule (2) shall be as determined by the Speaker in consultation with the Conduct of Business Advisory Committee.

(4) The discussion to be held pursuant to Sub-rule (2) shall have to be completed at least Fifteen days in advance of submitting the Appropriation Bill in the House.

(5) After closure of debate on the Annual Estimates, the Minister of Finance shall submit the Appropriation Bill on the basis of the discussion held pursuant to Sub-rule (2).

(6) After the motion that the Appropriation Bill be taken into consideration has been moved, the Speaker shall, in consultation with the Prime Minister or, in his/her absence, a Minister designated by him/her, allot the days and duration for discussion and voting on the different heads

of the Bill.

(7) Debates shall be confined either to each separate head or to a group of heads as arranged in the Appropriation Bill and such discussion shall be held on the basis of party structure only.

(8) The concerned Minister shall reply to the questions raised in respect of any head during the debate held pursuant to Sub-rule (7) at the end of the debate.

(9) Prior to placing any head on vote, out of all motions for reduction of demand for grants (cut motions) moved on the basis of party structure, in case there are more than one motion of the same nature, only one of them shall be discussed and voted upon.

(10) Where separate motions relating to expenditure under the same head have been moved, the debate shall be allowed according to the order of the heads arranged in the Annual Estimates.

(11) On the last of the days and duration allotted pursuant to Sub-rule (6), the Speaker may, at the specified hour, put all the remaining heads for vote of the House without any further debate.

90. Cut Motion: (1) Any of the following motions may be moved to reduce the amount of demand for grants in any head:-

- (a) That the amount of the demand be reduced to one rupee;
- (b) That the amount of the demand be reduced by a specified amount; or
- (c) That the amount of the demand be reduced by one hundred rupees.

(2) The motion that “the amount of the demand be reduced to one rupee shall be deemed to have been moved to represent disapproval of the policy underlying the demand. A Member giving notice of such a motion shall indicate therein in clear terms the particulars of the policy which he

proposes to discuss. The discussion shall be confined to the specific point or points mentioned in the motion and it shall be open to other Members to suggest alternative policies.

(3) The motion that “the amount of the demand be reduced by a specified amount” shall be deemed to have been moved to adopt a policy of austerity. Such a motion may represent a lump sum reduction of the amount specified in the head or deletion of any sub-head of the main head or the reduction of the amount of demand in such sub-head. The notice to move the motion shall indicate briefly and precisely the particular matter sought to be raised. During the debate on the motion, it shall be confined as to how austerity measures may be affected.

(4) The motion that “the amount of the demand be reduced by One Hundred Rupees” shall be deemed as a "token-cut motion" having been moved by the Member to ventilate his specific grievances on matters within the sphere of the responsibility of Government of Nepal and the debate on the motion shall be confined to the particular grievances specified in the notice to the motion.

91. Conditions Relating to Cut Motions: In order that a motion for reduction of the amount of demand to be admissible, it shall satisfy the following conditions, in addition to the condition mentioned in Rule 17: -

- (a) It shall relate to only one head.
- (b) It shall not seek to increase the amount of grant or to transfer the amount of grant.
- (c) It shall be confined to one specific matter which shall be stated in precise terms.
- (d) It shall not make suggestions for the amendment or repeal of any existing laws.
- (e) It shall be a matter of primary concern to Government of Nepal.
- (f) It shall not relate to expenditure charged on the consolidated fund.

- (g) It shall not seek to raise in anticipation the discussion on a matter which has been previously appointed for consideration in the same session.
- 92. Notice of Cut Motions:** Any Member intending to move a motion to reduce any demand for grant shall, after submission of the Appropriation Bill, give a notice of such motion before two days in advance from the day on which the particular head is under consideration. While giving such a notice, only one notice may be given from one party.
- 93. Decision on Admissibility of Motion:** The Speaker shall decide whether or not a cut motion is admissible. In case the said motion is in contravention of these Rules, the Speaker may reject such a motion having stated the reasons thereof.
- 94. Restriction on Amendment to Cut Motion:** No amendment shall be admissible on a motion to reduce any grant in any head.
- 95. Vote on Account Bill:** (1) The Minister of Finance may move a Vote on Account Bill in the House pursuant to Article 96 of the Constitution.
- (2) In respect of the Vote on Account Bill, the procedure as deemed appropriate by the Speaker shall be applied.
- (3) The procedures for submission and passing of the Bill referred to in Sub-Article (2) of Article 96A. of the Constitution shall be as of the procedure for the Vote on Account Bill.
- 96. Money Bill:** (1) On the sitting of the Legislature-Parliament convened immediately after the Annual Estimates is presented, the Minister of Finance shall move the Money Bill to give effect to the financial proposals of Government of Nepal.
- (2) Notwithstanding anything contained elsewhere in these Rules, the procedures as prescribed in this Rule shall be applicable on the Money Bill.
- (3) After the motion that the Money Bill be taken into consideration

has been moved, the Speaker shall, in consultation with the Prime Minister or, in his absence, a Minister designated by him, allot the days and duration for discussion on the Bill.

(4) During the discussion on the Money Bill, any Member may discuss on the matters relating to general administration, local grievances within the spheres of the responsibility of Government of Nepal or monetary or fiscal policies of Government of Nepal.

(5) Except as provided in this Rule, the procedure as deemed appropriate by the Speaker shall be applied in respect of the Money Bill.

97. Supplementary Appropriation Bill: (1) After the closure of discussion on Supplementary Estimates, the Minister of Finance shall move the Supplementary Appropriation Bill in the House.

(2) In respect of the Supplementary Appropriation Bill also, the procedures relating to Appropriation Bill shall be applied.

98. Vote on Credit Bill: (1) The Minister of Finance may move a Vote on Credit Bill in the House pursuant to Article 97 of the Constitution.

(2) In respect of the Vote on Credit Bill, the procedure as deemed appropriate by the Speaker shall be applied.

Chapter - 15

Motion of Confidence or No-Confidence

99. Motion of Confidence: (1) In case the Prime Minister deems it necessary or appropriate to clarify that the House has confidence in him pursuant to Article 55A. of the Constitution and desires to introduce a motion for the vote of confidence in the House, a notice thereof shall be given to the Secretary General or Secretary.

(2) The notice of the motion to be given pursuant to Sub-rule (1) shall be given Two days in advance of the date for discussion on such motion.

(3) Upon receipt of the notice pursuant to Sub-rules (1), the

Secretary General or Secretary shall submit it to the Speaker and the Speaker shall allot the date and time for moving such motion.

(4) On the date and time allotted pursuant to Sub-rule (3), the Prime Minister shall, with the consent of the Speaker, move the motion having made a statement in the House in this respect.

(5) The Speaker shall allot the date and time to have discussion on the motion moved pursuant to Sub-rule (4), and the Prime Minister or, in case the Prime Minister happens to be in ill-health or s/he is unable to attend in person in the House for arising out of a circumstance beyond his/her control at the end of the time allotted, the Minister designated by him/her shall reply to the questions raised during the discussion.

(6) After the Prime Minister or the Minister designated by him/her replies to the questions, the Speaker shall submit the question to the House for decision whether or not the House has confidence in the Prime Minister.

(7) The decision of the House shall be made through division.

100. Motion of No-Confidence: (1) A motion of no-confidence stating that the House has no confidence in the Prime Minister may be moved in writing by one-fourth Members of the total number of Membership of the House pursuant to Sub-Article (2) of Article 55A. of the Constitution.

(2) The Members desiring to move the motion pursuant to Sub-rule (1) shall give a notice in writing to the Secretary General or Secretary at least seven days in advance.

(3) Upon receipt of the notice pursuant to Sub-rule (2), the Speaker shall allot the date and time for discussion on the motion and shall publish it in the Bulletin for advance information of all Members.

(4) On the date and time allotted pursuant to Sub-rule (3), the Speaker shall call the first signatory Member among the Members signing the motion or any Member authorized by him/her shall move the motion in the House and s/he may, if s/he so desires, give a statement in this respect

prior to moving the motion.

(5) The Speaker shall allot the time for discussion on the motion referred to in Sub-rule (4) and, at the end of such time, the Prime Minister or, in case the Prime Minister happens to be in ill-health or s/he is unable to attend in person in the House for arising out of a circumstance beyond his/her control at the end of the time allotted, the Minister designated by him/her shall give answers in respect of the motion and to the questions raised during the discussion.

(6) After the reply of the Prime Minister or the Minister designated by him/her as mentioned in Sub-rule (5), the Member moving the motion may, with permission of the House, withdraw the motion.

(7) In case the motion is not withdrawn as mentioned in Sub-rule (6) by the Member concerned, the Speaker shall put the motion for decision of the House.

(8) The decision of the House shall be made through division.

(9) In case the motion under this Rule has been passed by the House, the Prime Minister shall *ipso facto* be relieved from his/her office.

Chapter-16

Motion on Impeachment

- 101. Motion on Impeachment against the Chief or a Member of Constitutional Body:** (1) In case any Member desires to move a motion on impeachment against the Chief Justice or a Justice of the Supreme Court, the Chief Commissioner or a Commissioner of the Commission for the Investigation of Abuse of Authority, the Auditor General, the Chairperson or a Member of the Public Service Commission, the Chief Commissioner or a Commissioner of the Election Commission, the Chairperson or a member of the National Human Rights Commission on grounds of incompetence, deleterious conduct or failure to discharge honestly the duties of the office or s/he has become unable to discharge the duties of the office due to

physical or mental reason(s); such a Member shall, after obtaining the concurrence of one-fourth Members of the total Members of the House, give a notice of such motion to the Secretary General stating the grounds and reasons for moving the motion.

(2) Upon receipt of the motion under Sub-rule (1), the Secretary General or the Secretary shall present it to the Speaker. Such motion shall be scheduled for discussion on any sittings of the House within Seven days from the date of filing of such motion.

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

(4) After the motion as mentioned in Sub-rule (3) is introduced, the Speaker shall fix the time for discussion and after such discussion is over, the Member moving the motion may, if s/he wishes so, withdraw the motion with permission from the Legislature-Parliament.

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

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

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

(8) If the motion constituting the Inquiry Committee moved pursuant to Sub-rule (7) is adopted, the Speaker shall send the motion on

impeachment, together with the relevant documents, to the Inquiry Committee and send the information thereof to the body and the official concerned.

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

102. Tenure of Inquiry Committee: (1) Unless otherwise decided by the Speaker, the tenure of the Inquiry Committee shall be of Twenty One days in maximum from the date of its Constitution.

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

103. Procedures of the Inquiry Committee: (1) The Inquiry Committee shall commence its works immediately upon the receipt of the approved motion on impeachment together with the relevant documents.

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

(3) The Committee may seek an assistance of other authority, as may be necessary, in addition to that of the Legislature-Parliament Secretariat.

(4) In case the motion of impeachment introduced under this chapter has been based on the fact that any official has become unable to discharge his/her functions for physical or mental health condition, the Inquiry Committee may, in consultation with the Speaker, form a medical board comprising of three experts on the concerned subjects to examine the physical and mental condition of the concerned official and to submit a report thereof to the Inquiry Committee.

104. Report of the Inquiry Committee: (1) The Committee shall investigate into each of the charges having given a reasonable opportunity to the person being impeached to defend himself/herself and thereafter, consider

upon all of the facts involved thereto and decide as to whether or not the charges for impeachment is proved, and the Committee shall submit its report to the House having stated the grounds and bases thereof along with its recommendations.

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

105. Consideration on the report: (1) On the date and time prescribed by the Speaker, the Chairperson of the said Committee or in his/her absence, another Member prescribed by the Speaker, shall introduce a motion to the House to consider over the Committee report.

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

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

(4) In case the motion requiring sending Chapter-17 the report back to the Committee pursuant to sub- Rule (3) is passed, the report shall be sent to the Committee and the Committee shall send the report again to the House having conducted an inquiry within Seven days.

106. Motion Calling for Approval of the Report: (1) Upon completion of discussion on the report pursuant to Sub-rule (2) of Rule 105 or receipt of the report of Inquiry Committee to the House pursuant to Sub-rule (4) of the same Rule, the Chairperson of the Committee, or in his/her absence, another Member prescribed by the Speaker, shall introduce a motion to the House for consideration over the Committee report.

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

amendment to the report.

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

(4) On the motion of impeachment, the decision of the House shall be made through division.

(5) In case the report of the Inquiry Committee with the finding, upon conducting an inquiry pursuant to this Chapter against any office bearer, that the charge of impeachment is proved has been passed by a two third majority of the total Member of the Legislature-Parliament at the moment, the concerned office bearer shall *ipso facto* be relieved from the office.

107. Secret sitting of the Legislature-Parliament: (1) In case the Prime Minister makes a request that the discussion on national security and any matter of national crisis be held in a secret sitting, the Speaker may, if s/he deems such a request reasonable, decide to have the discussion on such subject matter in a secret sitting.

(2) No one shall be at the chamber while a secret sitting of Legislature-Parliament is in progress.

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

(3) The Speaker may maintain and publicize a brief description of the proceedings or decision of a secret sitting as he/she deems appropriate. Except the Speaker or the person authorized by his/her, no one shall be allowed to keep such records, publicize or let anyone else know about them.

(4) The procedures of the secret sitting shall be determined by the

Speaker.

(5) If it is deemed that the procedure of the sitting need not to be kept secret any longer, the Prime Minister or any Member designated by him/her may make such a proposal to the Assembly with the permission of the Speaker.

(6) Upon approval of the proposal by the Assembly, the Secretary General or the secretary shall prepare the proceedings and resolutions of such secret sitting and make it publicized as directed by the Speaker.

Chapter 18

Committees of the Legislature-Parliament

108. Committees may be formed: Legislative Committee, Thematic Committees and Special Committees may be formed under the Legislature-Parliament in order to assist in the regular works of the Legislature-Parliament

109. Legislative Committee: (1) There shall be a Legislative Committee formed in order to assist the Legislature-Parliament in performing necessary functions relating to regular legislation pursuant to Sub-Article (1) of Article 83 of the Constitution.

(2) The main duty of the Legislative Committee formed pursuant to Sub-rule (1) shall be to submit report to the House having had Clause-by-Clause discussions on the Bills introduced in the Legislature-Parliament.

(3) The Legislative Committee shall comprise of seventy-five Members in maximum and while forming such a Committee, attention shall be paid to proportional representation based on presence of women, indigenious/tribal people, *Madhesi*, *Dalit*, backward regions and other communities in the House, having made representation of all political parties representing in the Legislative-Parliament.

(4) The Speaker shall introduce the motion relating to formation of the Legislative Committee in the House for approval.

(5) The Members of the Legislative Committee shall elect a Chairperson from among themselves.

(6) The Minister for Law, Justice and Constituent Assembly Affairs shall be an *ex-officio* Member of the Legislative Committee.

(7) The tenure of the Legislative Committee shall be as long as the tenure of the House.

(8) Except the legislative procedures referred to in these Rules, other procedures of the Legislative Committee shall be as determined by the Committee itself.

110. Thematic Committees: There shall be following Committees in the Legislative-Parliament pursuant to Article 58 of the Constitution to make the government responsible to the Legislature-Parliament and as provide necessary direction and suggestion to the government, having made evaluation and monitoring the activities of the government made in the past and being made at present. The name and scope of each Committee shall be as follows:-

S.N.	Name of Committee	Working Areas
1.	Finance and Labour Relation Committee	Ministry of Finance, Ministry of Industries, Ministry of Commerce and Supplies, Ministry of Labour and Transport Management, National Planning Commission.
2.	Committee for International Relations and Human Rights	Ministry of Foreign Affairs, Ministry of Culture and State Restructuring, Ministry of Tourism and Civil Aviation, Ministry of Education, Ministry of Youths and Sports, Ministry of Law, Justice and Constituent Assembly Affairs, Office

S.N.	Name of Committee	Working Areas
		of Attorney General, National Human Rights Commission.
3.	Natural Resources and Means Committee	Ministry of Forests and Soil Conservation, Ministry of Water resources, Ministry of Land Reform and Management, Ministry of Agriculture and Cooperatives
4.	Development Committee	Ministry of Physical Planning and Construction, Ministry of Peace and Reconstruction, Ministry of Information and Communication, Ministry of Local Development, Ministry of Environment, Science and Technology
5.	Committee on Women, Children and Social Welfare	Ministry of Women, Children and Social Welfare, Ministry of Health and Population
6.	Committee on State Affairs	Office of the Prime Minister and Council of Ministers, Ministry of Defense, Ministry of Home Affairs, Ministry of general Administration, Commission for the Investigation of Abuse of Authority, Public Services Commission and Election Commission.
7.	Public Accounts Committee	Public Accounts and Report of the Auditor General

111. Additional Subjects to be assigned: The Speaker shall assign the subjects not included in Rule 110 to the Committee, which s/he deems to be

appropriate.

112. Formation of Subject Specialized Committees: (1) The Speaker shall nominate a maximum of Sixty three Members including the *ex-officio* Members to the Committees referred to in Rule 110 having obtained approval of the Legislature-Parliament.

(2) The Prime Minister shall be an *ex-officio* Member of all Committees and the Minister concerned with the areas of the Committee shall be an *ex-officio* Member of the concerned Committee.

(3) While nominating Members to the Committees, attention shall be paid to the number of political parties representing to the House and proportional representation of women, indigenous/tribal people, Madhesi, *Dalit*, backward regions and other communities.

(4) Except the Minister, a Member could not become a Member of more than one Committee at the same time.

(5) Notwithstanding anything contained in Sub-rule (4), in case any Member desires to attend and take part in the sitting of the Committee in which s/he is not a Member, s/he may do so having given prior information of the same at least one day in advance.

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

113. Election of Chairperson: (1) Except otherwise provided for in this Chapter, in each Committee under this Chapter the election of the Chairperson shall be held on the day allotted by the Speaker and the Secretary General or Secretary shall publicize the information thereof at least 48 hours in advance.

(2) A Member may propose another Member to be elected as Chairperson having seconded by another Member within Five o'clock in the afternoon of the day before the day of election and shall give the notice of the same to the General-Secretary or Secretary. Such a notice shall contain an undertaking of the proposed Member that "if elected, I agree to

work as a Chairperson.”

(3) Once the proposing Member presents the notice of the proposal pursuant to Sub-rule (2) to the Committee, the seconding Member shall second the proposal.

(4) If only one notice of such proposal is received pursuant to Sub-rule (2), the then-presiding Member shall announce the election of the proposed Member unopposed after the conclusion of the supporting Member’s statement. In case of receipt of more than one proposal, all proposals shall be discussed in turn, and after the statements by the respective 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 pursuant to Sub-rule (4), Members in favor of the proposal shall be asked to say “Yes”, while those against shall be asked to say “No”, and thereafter the Member who receives a simple majority shall be declared to have been elected as Chairperson.

(6) When one of the many proposals submitted for decision pursuant to Sub-rule (4) has already been approved, the proposed Member shall be deemed to have been elected as Chairperson and the rest of the proposals shall not be submitted for decision.

(7) The then-presiding Member shall also have a right to vote. In case of tie of votes, a lottery system shall be followed.

(8) The *ex-officio* Member shall be entitled to cast vote in the Committee to which s/he is a Member and s/he shall furnish the notice as to in which Committee will s/he exercise voting right to the Speaker within twenty-four hours from the date of publication of the notice of election.

Provided that, an *ex-officio* Member not being the Member of the Legislature-Parliament shall not have voting right thereto.

(9) No Minister shall be allowed to be elected as Chairperson and

shall be entitled to preside over Committee sittings.

(10) In the absence of a Chairperson, the eldest Member of the Committee present thereto shall preside over the Committee sittings.

(11) In case the eldest Member has been proposed for Chairperson, the second eldest Member present shall preside over the Committee sittings.

(12) The elected Committee Chairperson shall take an oath of office in the presence of the Speaker pursuant to Annex-2.

114. Tenure of Subject Specialized Committees and Circumstances in which Office of Chairperson and Member falls vacant: (1) The tenure of each of the Committees referred to in Rule 110 shall be for the tenure of the Legislature-Parliament.

Provided that, the Speaker may, having obtained approval of the Legislature-Parliament, alter the Members.

(2) The office of the Chairperson of the Committee may fall vacant in any of the following circumstances:-

- (a) In case s/he is no longer a Member of the Legislature-Parliament;
- (b) In case s/he becomes a Minister;
- (c) In case s/he resigns;
- (d) In case Two Third majority of the Members of the concerned Committee passes a resolution that one has not fulfilled the responsibility of his/her office with honesty.

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

- (a) In case one is no longer a Member of the Legislature-Parliament;
- (b) In case one becomes a Minister;

- (c) In case one resigns;
- (d) In case one is no longer a Member due to alteration pursuant to Sub-rule (1).

(4) In case the office of the Chairperson of the Committee and the office of a Member of the Committee falls vacant, it shall be fulfilled pursuant to Rule 113 and Sub-rule (1) of Rule 112 respectively, and the tenure of office of such a Chairperson and Member shall be for the remaining tenure of the Committee.

(5) In case the office of the Chairperson of the Committee falls vacant, it shall be fulfilled within one month of the date of convening the sitting of the House or the Committee.

115. Functions, Duties and Powers of the Thematic Committees: (1) Subject to its working area, the functions, duties and powers of each of the Thematic Committees shall be as follows:-

- (a) To evaluate the policy and programmes, resource mobilization, management, and other similar activities of the Ministries, Departments and the offices thereunder and to give necessary directives to the concerned bodies and to introduce an annual report along with appropriate comments, recommendations and directives to the House;
- (b) To check the estimates relating to revenue and expenditure of the Ministries, Departments and the offices thereunder and to give necessary directives to the concerned bodies on the methods of preparing the annual estimates, the alternate policy that could be adopted instead of the current policy in annual estimates and the savings that could be made on the amount of annual estimates, and to introduce an annual

report along with its opinions to the House;

- (c) To give necessary directives to the concerned bodies having studied on the measures taken by the Government of Nepal in order to fulfill the assurances given from time to time by the Members of the Council of Ministers on behalf of the Government, and to introduce a report to the House;
- (d) To conduct studies, monitoring and evaluation on whether or not the public property of a government body concerned with the subject has been misused and to give necessary directives, and to introduce a report to the House;
- (e) To give necessary directives to the concerned bodies having had discussion on the functions and activities under the prevailing Acts and Rules;
- (f) To monitor on the implementation of the reports of the Investigation commissions/Committees and probe commissions/Committees to be formed by the government from time to time, and to give necessary opinions, advices, and directives;
- (g) To carry out other functions as assigned by the House;
- (h) To launch its programmes subject to the budget and programmes approved by the speaker on the recommendation of the Committee; and
- (i) While performing the functions referred to in the Clauses above, to exchange ideas with the representatives of the concerned Ministries and Departments and with the experts on the subjects.

(2) The Public Accounts Committee shall check the unsettled amounts referred to in the Annual Report of the Auditor General submitted to the Legislature-Parliament and shall study and decide on the activities of the Auditor General and decide on whether or not the actions and activities conducted by the concerned bodies on the report of the Auditor General are as per the laws and are carried out in meaningful manner and check the public accounts of other public bodies, and introduce report to the House before submission of the annual estimates.

(3) The State Affairs Committee shall consider on the annual reports of the functions carried out by the Commission for the Investigation of Abuse of Authority and the Public Services Commission and the memorandum submitted by the Government of Nepal on to the Committee and shall conduct an evaluation and inquiry on whether or not the activities carried out by the concerned bodies are as per laws and are carried out in satisfactory manner, and it may give necessary directives to the concerned bodies and submit a report to the House.

(4) The International Relations and Human Rights Committee shall consider and deliberate on the annual reports of the National Human Rights Commission and of the Attorney General and submit report to the House having stated the following matters:-

- (a) Whether or not desirable progress has been made in honoring, protecting and promoting human rights and securing its effective implementation?
- (b) Whether or not the violators of human rights could have been brought to justice?
- (c) Whether or not the activities in raising awareness of human rights are satisfactory?
- (d) Whether or not the status of implementation of international human rights instruments to which Nepal

is a party is satisfactory?

- (e) Whether or not functions have been performed as per laws and in satisfactory manner in regard to investigation, appeal and withdrawal of the cases in which the state has become a party, practice by government lawyers in the cases in which the state has become a party, humane treatment with the accused persons detained in the custody including Sitting with lawyers and family relatives; and also whether or not the judicial precedents or interpretations laid down by the Supreme Court have been implemented effectively?
- (f) What sort of policies or working procedures need to be developed to effectively implement the aforesaid activities?

(5) The Development Committee shall conduct monitoring and evaluation on the implementation of the comprehensive peace accord referred to in the Interim Constitution of Nepal, 2006 and on the relief to be provided and rehabilitation works to be carried out by the government to the families of the deceased or disappeared persons and persons rendered disabled or displaced in the course of the armed conflict, and it may give necessary directives to the Government of Nepal.

(6) The Subject Specialized Committees may, in order to carry on the responsibilities of their respective areas in a well-managed way, frame necessary procedures and working calendar.

(7) In the course of performing the functions of the Committee, the Members may visit to necessary places with a prior approval of the speaker.

(8) The annual reports to be submitted by the Committees to the House under this Rule shall be submitted before submission of the annual

estimates, and other reports may be submitted at any time.

116. Special Committees: (1) There shall be Security Special Committee, Parliamentary Hearing Special Committee, Privilege Committee and other Special Committee as may be necessary.

(2) In case of need of forming a Special Committee other than those referred to in Rules 117 and 118, the Speaker shall submit to the House a motion along with the functions of such a Committee, its term of office and the names of the Members to be comprised in such Committee.

117. Security Special Committee: (1) Except in cases where the Nepalese Army has been mobilized for the reason of occurrence of a natural calamity as referred to in Sub-Article (5) of Article 145 of the Constitution, there shall be a Security Special Committee in the Legislature-Parliament for the purpose of approving the decision of the Council of Ministers, Government of Nepal to mobilize the Nepalese Army.

(2) In the Committee to be formed pursuant to Sub-rule (1), there shall be altogether eighty-one Members in maximum comprising of the Prime Minister, Defense Minister, Home Minister, three Ministers designated by the Prime Minister in the National Security Council as referred to in Sub-Article (1) of Article 145 of the Constitution, the Chairperson of the State Affairs Committee, along with representatives of all political parties representing to the House having regard to proportional representation on the basis of presence in the House of women, indigenous/tribal people, *Madhesi*, *Dalit*, backward regions and other communities. In special circumstances, the Speaker may alter the Members as may be necessary on the recommendation of the Conduct of Business Advisory Committee.

(3) The Speaker and Deputy Speaker shall be the *ex-officio* Chairperson and vice Chairperson of the Committee.

(4) The term of office of the Committee shall be up to the term of the

Legislature-Parliament.

(5) The office of a Member of the Committee may fall vacant in any of the following circumstances:-

- (a) In case s/he is no longer a Member of the Legislature-Parliament;
- (b) In case s/he resigns from the office of a Committee Member;
- (c) In case one is no longer a Member due to alteration pursuant to Sub-rule (2).

(6) The Prime Minister shall introduce in the Sitting the motion relating to mobilization of the army.

(7) The Chairperson shall call Sitting as may be necessary in order to have discussion on the motion introduced pursuant to Sub-rule (6). Presence of majority Members is necessary to hold the Sitting of a Committee.

(8) Decision of majority of the Members present in the Sitting shall be deemed to be the decision of the Committee. In case of equal division of votes, the vote of the Chairperson shall be decisive.

(9) With a condition of completing the discussion and of making decision on the motion introduced pursuant to Sub-rule (6) within 30 days of the date of mobilization of the army, other procedures of the Committee shall be as determined by the Committee itself.

(10) The report along with the decision made pursuant to Sub-rule (8) shall be submitted to the House as soon as possible.

118. Parliamentary Hearing Special Committees: (1) There shall be a Parliamentary Hearing Special Committee in the Legislature-Parliament for conducting parliamentary hearing with regard to the names proposed for appointment of the justices of the Supreme Court, Ambassadors and the Constitutional positions, which are appointed on the recommendation of the

Constitutional Council.

(2) In the Committee referred to in Sub-rule (1), there shall be seventy five Members in maximum nominated by the House having regard to proportional representation on the basis of presence in the House of women, indigenous/tribal people, *Madhesi*, *Dalit*, backward regions and other communities having made representation of all political parties representing to the House. In special circumstances, Members may be altered as may be necessary on the recommendation of the Conduct of Business Advisory Committee.

(3) The Members of the Committee shall elect one Chairperson from among themselves. In absence of the Chairperson, the eldest Member of the Committee shall preside over the sitting.

(4) The tenure of the Member shall be for the tenure of the Legislature-Parliament.

(5) The office of a Member of the Committee may fall vacant in any of the following circumstances:-

- (a) In case s/he is no longer a Member of the Legislature-Parliament;
- (b) In case s/he resigns from the office of a Committee Member;
- (c) In case one is no longer a Member due to alteration pursuant to Sub-rule (2).

119. Procedures Relating to Hearing: (1) While recommending or appointing to any of the following vacant offices, the concerned body shall have to send to the Committee having recommended the names of probable candidates for parliamentary hearing:-

- (a) Chief Justice and Justices of the Supreme Court;
- (b) Chief Commissioner and Commissioners of the Commission for the Investigation of Abuse of

Authority;

- (c) Auditor General;
- (d) Chairperson and Members of the Public Services Commission;
- (e) Chief Commissioner and Commissioners of the Election Commission;
- (f) Chairperson and Members of the National Human Rights Commission;
- (g) Ambassadors.

(2) After receipt of the name list pursuant to Sub-rule (1), the Committee shall conduct hearing within fifteen days of the date of receipt of the letter from the concerned body and send its report to the concerned body having prepared the opinion of the Committee for the concerned offices.

(3) In case the proposed name has not been rejected by opinion of the Committee referred to in Sub-rule (1), the concerned body shall appoint them in concerned offices, the information of which shall be sent to the Committee.

(4) The Chairperson shall call the sitting of the Committee as may be necessary. In order for holding the sitting of the Committee, the presence of 51 percent of the total number of Members shall be mandatory.

(5) The unanimous decision of the Members present shall be the decision of the Committee.

Provided that, in case there could not be unanimous decision and the Committee could not send its decision to the concerned body within the time referred to in Sub-rule (2), there shall be no hindrance in appointing to the office sent for consultation. In the case the Committee could not be unanimous, the actions taken in the Committee with regard to the name received for hearing, the documents received to the Committee and other

description shall be sent to the concerned body as soon as possible.

(6) The report along with decision made pursuant to Sub-rule (2) shall be submitted to the House as soon as possible. In case there is no sitting of the House or it is not in session, it shall be submitted to the Speaker and be submitted to the sitting held thereafter.

(7) Other proceedings of the Committee shall be as determined by the Committee itself.

120. Sitting of Committee: (1) Except otherwise provided for in this Chapter, the concerned Committee Chairperson may call the sittings of the Committees under this Chapter.

(2) The Chairperson or in his/her absence, the Member selected from among the Members themselves shall preside over the sittings of the Committee. In case the person selected by the Members has presided over the sitting, the information thereof shall be given to the Speaker.

(3) While presiding over a sitting by the person selected from among the Members, s/he may exercise all powers vested in the Chairperson.

(4) In case a sitting of the Committee or sub-Committee has to be held outside the premises of the Parliament building, a written permission of the Speaker shall have to be obtained.

121. Quorum: (1) Except otherwise provided for in this Chapter, the quorum of a Committee shall be One Fourth of the total number of Members.

(2) In case no quorum is constituted in the sitting of a Committee, the Chairperson may suspend the functions of the sitting until the quorum is constituted or adjourn the sitting for another time or day.

(3) In case a sitting of the Committee has to be adjourned for a consecutive two times for lack of quorum the Chairperson shall furnish the information thereof to the Speaker.

122. Actions on Consecutive Absence: The Member who has been absent for a consecutive five times in sittings of the Committee without permission of

the Chairperson, the Speaker may remove such Member from such Committee on the recommendation of the Chairperson and information thereof shall be furnished to the House as well.

123. Decision of the Committee: (1) Except otherwise provided for in this Chapter, the decision of majority of the Members present in the sitting shall be deemed to be the decision of the Committee, and in the event of equal division of the votes, the Chairperson shall exercise a casting vote.

(2) The decision of a sitting of the Committee shall be authenticated by the Chairperson.

124. Formation of Sub-Committees: (1) In case the Chairperson deems appropriate, s/he may form sub-Committees comprising of the Members of the Committee in order to conduct the internal proceedings or to submit report having studied on the subjects within the purview of the Committee.

(2) While forming a sub-Committee, the terms of reference of the sub- Committee and the time limit for completion of the works shall also be specified.

(3) In case the sub-Committee Members have to visit any place for submitting report having studied any subject matter, a prior approval of the Speaker shall be obtained through the Chairperson.

125. Entrance of Concerned Official or Expert: (1) In case the concerned Minister deems necessary having regard to the nature of the subject matter, s/he may, having obtained permission of the Chairperson, take the concerned official of the Government of Nepal or an expert on the subject to sitting while having discussion on any subject in the Committee. It shall be the duty of the concerned official or expert to be present in the sitting and give clear information on necessary matters.

(2) In case the Committee deems necessary, it may have discussion having invited the representatives and experts of the concerned party or pressure group or interest group.

(3) It shall be the duty of such representatives and experts of the concerned party or pressure group or interest group to be present in the Committee pursuant to Sub-rule (2).

126. Discussion to be Made Short: Whether or not the time is allocated for having discussion, in case the Chairperson deems that the discussion in the Committee is going to be long unnecessarily, s/he may shorten the discussion.

127. Powers to call for Submission of Documents or Presence of Any Person or Officials: (1) The Committee may call for submission of documents or require the presence of any person or official in connection with its business.

Provided that, in case the Minister deems that it would be detrimental to national security, peace and order or public or national interest if such a document is submitted, the Minister shall inform the Committee stating the reasons thereof. The decision of the Committee shall be final in this regard.

(2) The Committee may take statement or record the statement from the person or official caused to appear pursuant to Sub-rule (1).

128. Committee Report: (1) The Chairperson or the Member assigned by the Speaker during the Chairperson's absence shall submit the report of the Committee. habit

(2) While submitting the report, the Chairperson or the Member may give a short statement about the report, if he/she so desires.

(3) The concerned Minister shall implement the report submitted to the House.

(4) The Committee may submit a report to the House having conducted monitoring and evaluation of the implementation or non-implementation of its annual report.

(5) The Chairperson of the concerned Committee shall, within Two

days of the date of submission of such report to the House, give notice to the Speaker for having discussion on the monitoring and evaluation report referred to in Sub-rule (4) and the report submitted by the Committee on the subject assigned by the House.

(6) Upon receipt of the report referred to in Sub-rule (5), the Speaker shall give permission to the Chairperson of the concerned Committee to submit the report for discussion in any sitting to be held at any time after Two days.

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

(8) Discussion is said to have come to an end after the concerned Minister gives replies to the questions raised during the discussion.

129. Maintenance of Order and Discipline in the Committee: (1) The Committee Chairperson shall have all powers as exercised by the Speaker in order to maintain peace and order as well as discipline in order for the smooth running of Committee sittings.

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

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

130. Informing About Absence: Any Member remaining absent for Five consecutive sittings shall have to furnish the reasons therefor to the Chairperson and in case of the absence of the longer time, the information thereof shall be given to the Speaker and get it approved by the Speaker.

131. Secretariat of the Committees: (1) There shall be a Secretariat for each Committee under the Legislature-Parliament Secretariat.

(2) The Secretary shall be an *ex-officio* Secretary of each Committee.

(3) The Secretary may assign any officer under him/her to function as Secretary of any Committee of the Legislature-Parliament.

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

(4) The Secretary may, in order to assist in the functioning of the Committee, make necessary correspondence with the concerned Ministry, Department, or any agency.

- 132. Opinion may be Given:** The Secretary General and the Secretary may, with a permission of the Chairperson, express their opinion on the subject under consideration in the sitting.
- 133. Not to Take Part in Discussion and Decision:** In case any Member has his personal interest associated with any subject that is under consideration of any Committee, such Member shall not take part in the discussion and decision on the subject.
- 134. Decision on Jurisdiction of Committee:** If questions are raised regarding the jurisdiction of a Committee, the decision of the Speaker shall be final.
- 135. Sittings of Committee Chairpersons:** Sittings of the Committee Chairpersons shall be held from time to time to evaluate the performance and effectiveness of the Committees under the chairpersonship of the Speaker as necessary. The Committee secretaries may also take part in such sittings.
- 136. Publication and Inquiry of Rules and Orders:** The Rules, Byelaws, and the orders or notices issued under the authority delegated by the House shall be published in the Nepal Gazette and the concerned Minister shall make available six hundred and one copies of such Rules, Byelaws, and the orders or notices to the Legislature-Parliament secretariat. The concerned Committee shall conduct an inquiry and study about Rules, Byelaws, and

the orders or notices, and shall submit report in the House.

Chapter-19

Statement by Minister, Resignation and Tabling of Documents

137. Statement by Minister and Information: (1) A Minister may, with the consent of the Speaker, give statement or information on the subject of public importance in the sitting.

(2) No question shall be raised at the moment on the statement or information given pursuant to Sub-rule (1).

138. Tabling of Documents: (1) In case any Minister has cited any government document or report or any part thereof while giving a statement or information in the sitting, such document or report shall be submitted to the House.

Provided that, in case there is adequate reason and ground that submission of any document or report would be detrimental to national security, peace and order or public or national interest the Minister shall inform the House and s/he may not submit such document or report.

(2) In case a summary of any document or report is referred to, such document or report need not be submitted.

139. Statement by Resigning Minister: (1) A Minister who has resigned from the office of a Minister may, with the consent of the Speaker, make a statement to the House on the resignation s/he has immediately given.

(2) No discussion shall be held on the statement given pursuant to Sub-rule (1).

Provided that, after the statement is over, any other Minister may give statement in that regard.

Chapter-20

Treaties or Agreements

140. Submission of Treaty or Agreement : (1) In case a treaty or agreement, to which Nepal or Government of Nepal has to become a party, needs to be

ratified, acceded to, approved or accepted by Legislature-Parliament pursuant to Article 156 of the Constitution, the concerned Minister shall give a notice to the Secretary General or Secretary at least five days in advance enclosing the attested copies of such a treaty or agreement having stated the nature of the treaty or agreement and the following details relating thereto: -

- (a) Objectives of the treaty or agreement which needs to be ratified, approved or accepted, the major provisions of it, and the reasons and justification for Nepal or Government of Nepal to become a party to it;
- (b) The benefits to be derived from such a treaty or agreement and the obligation to be borne therefrom;
- (c) Description as to whether or not a separate law has to be enacted for implementing such a treaty or agreement;
- (d) In case of a multilateral treaty or agreement, if there are countries being parties to it, their name and number;
- (e) In case of need of reservation in a multilateral treaty or agreement, the reason thereof and the proposal for reservation.

(2) Upon receipt of the notice pursuant to Sub-rule (1), the Secretary General or Secretary shall notify all Members at least one day in advance stating the date and time of presenting of the treaty or agreement having enclosed a copy thereof.

(3) While presenting the treaty or agreement for ratification, accession, approval, the Minister concerned shall make a statement and shall move for general discussion to be confined on whether or not to ratify, accept or approve the treaty or agreement.

(4) The Speaker shall allot the time for general discussion on the treaty or agreement to be held pursuant to Sub-rule (3).

(5) The Minister concerned shall answer to the questions raised during discussion at the end of the discussion.

141. Amendment on Reservation : (1) If any reservation may be made under the provisions of the treaty or agreement or if any declaration may be made clarifying the position of Government of Nepal in respect of the interpretation of any provision of such treaty or agreement, a Member intending to move an amendment within the limits of the matter shall give a notice of such an amendment to the Secretary General within forty-eight hours of the closure of general discussion on such a treaty or agreement pursuant to Sub-rule (3) of Rule 140.

(2) In respect of the amendment received pursuant to Sub-rule (1), the Speaker shall have powers to accept or reject or to accept with amendments subject to the provisions of these Rules.

142. Methods for Debate and Decision on Treaty or Agreement: (1) While having discussion on a treaty or Agreement pursuant to this chapter, the Speaker may apply, *mutatis mutandis* the procedures referred to in Chapter-12 of these Rules which are generally applied in respect of debate on the Bills.

(2) Upon completion of the general discussion on the treaty or agreement pursuant to Sub-rule (1), the Speaker shall put the treaty or agreement to the House for decision as to whether or not the treaty or agreement should be ratified, acceded, approved or accepted in the original form or if reservation could be made to any Clause of such a treaty or agreement, the reservation or declaration and the amendment suggested to it pursuant to Rule 141, if any.

Chapter-21

Provisions Relating to Approval of the Proclamation or Orders of State of Emergency

143. Motion for Approval of the Proclamation or Orders of State of

Emergency: (1) In case a proclamation or order has been issued by the President of Nepal pursuant to Sub-Article (1) of Article 143 of the Constitution, the Prime Minister shall give a notice relating to a motion for approval of such proclamation or order to the Secretary General in such a manner that such declaration or order may be approved within one month of the date of issuance of such an order.

(2) The notice referred to in Sub-rule (1) shall be given Five days before the day on which discussion shall be held on the motion.

(3) Upon receipt of the notice referred to in Sub-rule (1), the Speaker shall fix the day and time to introduce it in the House.

Provided that, while fixing such a date and time, it shall be fixed in such a manner that the time of one month is not lapsed from the date of issuance of it.

(4) On the day and at the time fixed by the Speaker pursuant to Sub-rule (3), the Prime Minister shall, with the approval of the Speaker, introduce the motion to the House having given a statement as to the basis and reasons for issuing the declaration or the order.

(5) Upon submission of the motion pursuant to Sub-rule (4), the Speaker shall fix the date and time to have discussion on the motion. The discussion shall be over after the Prime Minister, or in case the Prime Minister happens to be in ill-health or s/he is unable to attend in person for arising out of a circumstance beyond his/her control, the Minister designated by him/her gives replies to the questions raised during the discussion.

(6) Upon completion of the discussion pursuant to Sub-rule (5), the

Speaker shall submit the motion to the House for decision.

(7) On the motion introduced pursuant to Sub-rule (1), the decision of the Legislature-Parliament shall be based on division.

144. Motion for Extending Duration of the Proclamation or Orders of State of Emergency: (1) The Prime Minister shall give to the Secretary General a notice of the motion for extending the duration of the proclamation or order pursuant to Sub-Article (5) of Article 140 of the Constitution five days in advance.

(2) Other procedures relating to the motion referred to in Sub-rule (1) shall be as stated in Rule 143.

145. Information to Council of Ministers: The Secretary General shall inform the Council of Ministers as to whether or not a motion under this Chapter has been approved.

Chapter- 22

Provisions Relating to Approval of Orders to Remove Constitutional Difficulties

146. Submission of Orders to Remove Constitutional Difficulties: (1) In case the President has issued an order to remove Constitutional Difficulties in order to implement the Constitution pursuant to Article 158 of the Constitution, the Prime Minister shall, within three days of the date of issuance of the order, give information of the same to the Secretary General for the purpose of getting it approved by the Legislature-Parliament.

(2) Upon receipt of the notice referred to in Sub-rule (1), the Secretary General shall immediately furnish the notice to the Speaker.

(3) The Speaker shall determine the date and time to submit the report to the sitting within five days of receipt of the notice referred to in Sub-rule (1).

(4) In case the notice referred to in Sub-rule (1) has been received at a time when the Legislature-Parliament is not in session, the Speaker shall

determine the date and time to submit the report to the sitting within five days of the date of commencement of the session.

147. Approval of Order: (1) With regard to the notice received pursuant to Rule 146, it shall be submitted for decision after completion of general discussion on it in the sitting.

(2) In case the motion submitted pursuant to Sub-rule (1) is passed by a two third majority of the number of Members present therein, it shall be deemed to have been approved.

(3) The Secretary General shall submit the Prime Minister the information of the decision made pursuant to Sub-rule (2).

Chapter-23

Miscellaneous Provisions

148. Attorney General to Express Opinion: (1) In case the Speaker deems it necessary to seek legal advise of the Attorney General, s/he may allow the Attorney General to express opinion having been present in the House.

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

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

149. Special Powers of the Secretary General: The General-Secretary shall be entitled to enter into any sitting of the Legislature-Parliament or of any Committee or sub-Committee thereof to instruct or control the Secretary or other officer on duty in the sitting, and s/he may give advises relating to the procedures demanded by the Sittings.

150. Security of Records: (1) The Secretary General shall cause to keep the records of decisions and documents of the proceedings of the Legislature-Parliament and its Committees.

(2) The Secretary General shall not allow anyone to take out from the building of the Legislature-Parliament the records to be maintained

pursuant to Sub-rule (1) without an order of the Speaker.

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

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

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

Provided that, this Rule shall not be deemed to have hindered the Legislature-Parliament or any committee to appoint a separate legal expert for that purpose and to get his/her assistance.

- 153. Nomination of Member:** Except those provided for in these Rules, the Speaker shall nominate a Member to represent to a Committee concerned with the Legislature-Parliament, group, association, or the like bodies having regard to the knowledge, skills, interests, and the party structure in the House and the formation and proceedings of such a Committee, group, association, or bodies shall be as prescribed by the Speaker.

- 154. Right to Regulate the Entrance:** (1) Generally, the sittings of the Legislature-Parliament shall remain open.

(2) The Speaker shall have power to regulate the entrance, taking into consideration the convenience of those who are interested in observing the proceedings. The Speaker may also make or cause to be made provisions for entrance passes, whenever the need arises to regulate the

entrance.

(3) Any person who has entered the building with an entrance 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 building on the order of the Speaker.

155. Short Description of Proceedings of Legislature-Parliament: The short description of proceedings of the Legislature-Parliament shall be made available to the Members.

156. Internal Procedures: (1) The Speaker may, in consultation of the Conduct of Business Advisory Committee and with approval of the Legislature-Parliament, frame internal procedures as may be necessary.

(2) In the internal procedures to be framed pursuant to Sub-rule (1), the following procedures shall, *inter alia*, also be included:

- (a) Procedures of Inter-parliamentary Union of Nepali National Group;
- (b) Procedures of various friendly groups of Inter-Parliamentary Union.

157. Suspension of Rules: A Member may, with the permission from the Speaker, introduce a motion for suspension of a particular Rule under these Rules that the Rule be not applied to a particular issue which is currently before the Assembly for consideration. If approved, such a Rule shall be considered suspended for that period.

158. Power to Remove Difficulties: The Speaker shall have powers, subject to the Constitution and these rules, to issue necessary orders and directives in order to remove difficulties appearing in the implementation of these Rules. Such orders and directives shall be submitted before the sitting of the House to be convened immediately for approval. All such approved orders and directives shall be deemed to have been incorporated in these Rules.

- 159. Interpretation of these Rules:** The Speaker shall have powers to interpret these Rules, and his/her decision shall be final.
- 160. Functions of Secretary General may be Carried out:** In the absence of the Secretary General, the official delegated by the Speaker shall perform all functions to be performed by the Secretary General under these Rules.
- 161. Functions of Secretary may be Carried out:** In the absence of the Secretary, the official delegated by the Speaker shall carry out the functions prescribed to be carried out by the Secretary under these Rules.
- 162. Amendment to Rules:** (1) The House may bring necessary amendments to these Rules.
- (2) A Member may, if he/she deems an amendment necessary, notify the Speaker of the proposal to amend these Rules along with reasons for the amendment.
- (3) The Member may introduce a proposal asking the House with due permission of the Speaker, for approval to set up an Amendment Committee, including suggested names, if the Speaker deems it necessary.
- (4) The Committee formed as per Sub-rule (3) shall consist of Members as needed, and the Members shall select the Chairperson among themselves.
- (5) The procedures upon submission of the report by the Committee to the House shall be as those applicable to a Bill except otherwise altered by the Speaker.
- 163. To be as per Constituent Assembly Rules:** It shall be as per these Rules on the matters provided for in these Rules, and it shall be as per the Constituent Assembly Rules, 2008 on the matters not provided for in these Rules.
- 164. Repeal:** The Legislature-Parliament Rules, 2006 have been repealed.

Annex-1

(Relating to Rule 8)

Oath of office to be administered by the Prime Minister

I, being completely loyal to the country and people, do hereby solemnly resolve / swear in the name of God that I shall, with genuine loyalty towards the Interim Constitution of Nepal, 2006, which ensures that state authority and sovereignty is vested in the people of Nepal, truthfully and impartially carry out my duties and responsibilities as the Prime Minister, putting myself strictly within the limits of the existing laws, always thinking the good of the country and the people in high esteem, without fear, biasness, prejudice or ill-will and I also do hereby solemnly pledge that I shall not disclose any matter coming to my knowledge in the course of discharge of my official duty whether or not I remain in office, except while being obliged by the law in force for the time being.

Date.....

Name.....

Signature.....

Annex-2

(Relating to Sub-rule (12) of Rule 113)

Oath of office of the Chairperson of the Committee

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

Date.....

Name.....

Signature.....