

# DRAFT CONSTITUTION OF NEPAL

People-Powered, Democratic, and Inclusive — Working Draft v0.2 (14 September 2025)

This expanded draft centers people's sovereignty through direct democracy, recall, participatory budgeting, radical transparency, and strict anti-corruption architecture—while preserving a workable three-tier federal system.

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## **PREAMBLE**

We, the people of Nepal—sovereign, diverse and equal—determined to end discrimination and poverty; to ensure dignity, liberty, justice and fraternity; to protect our mountains, forests and rivers; to secure opportunities for our youth to prosper at home; and to hold all power to account—do hereby adopt and enact this Constitution.

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## **PART I – FOUNDATIONAL PROVISIONS (Arts. 1–12)**

### **Article 1 – The State**

- (1) Nepal is an independent, sovereign, secular, inclusive, federal democratic republic.
- (2) Sovereignty and state authority belong to the people and are exercised directly and through their representatives and institutions.

### **Article 2 – Supremacy of the Constitution**

This Constitution is the supreme law; any law or act inconsistent herewith is void.

### **Article 3 – Territory and Boundaries**

The territory of Nepal comprises its internationally recognized boundaries, including airspace and waters.

### **Article 4 – Official Language and Languages of Nepal**

- (1) Nepali in Devanagari script is the official language of the Federation.
- (2) Provinces may adopt additional official languages by law.
- (3) The State shall protect and promote all national languages and ensure mother-tongue education.

### **Article 5 – National Symbols**

As provided by law and Schedule VI.

### **Article 6 – Capital**

The capital of Nepal is Kathmandu, subject to change by federal law by two-thirds majority.

### **Article 7 – Equal Citizenship**

Women and men have equal, independent rights to acquire and confer citizenship to children and spouses as provided by law.

### **Article 8 – Secularism & Religious Freedom**

- (1) The State is secular and protects all religions and beliefs.
- (2) Freedom of religion or belief is guaranteed, subject to rights of others and public order.

### **Article 9 – Federal Structure**

Three levels—federal, provincial and local—operate with autonomy within Schedules I–III.

### **Article 10 – Inclusive State**

Proportional inclusion of women, Dalit, Adivasi/Janajati, Madhesi, Tharu, Muslim, persons with disabilities, geographically disadvantaged and other marginalized groups in state organs.

**Article 11 – International Law**

Ratified treaties form part of law; courts interpret domestic law consistently with human rights obligations.

**Article 12 – Right to Local Self-Government**

Local governments are autonomous within competence and accountable to residents.

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**PART II – DIRECTIVE PRINCIPLES, STATE POLICIES & DUTIES (Arts. 13–24)****Article 13 – Directive Principles**

Build a just, inclusive society; eradicate poverty; ensure balanced development; protect environment; expand opportunity for youth; eliminate corruption.

**Article 14 – Social & Economic Policies**

Universal access to basic health, education, water/sanitation; fiscal equalization to poorer units; employment-intensive public works and skills programs.

**Article 15 – Youth Opportunity & Innovation**

National apprenticeships; dual TVET; start-up procurement windows; support for returnee migrants and remote work.

**Article 16 – Equality & Environmental Impact Assessments**

EqIA and SEA are mandatory for bills and major projects.

**Article 17 – Land & Natural Resources**

Equitable access; royalties and benefit-sharing with local communities.

**Article 18 – Cultural Policy**

Protect languages, scripts, cultures and heritage; mother-tongue instruction supported.

**Article 19 – Good Governance**

Open budgets, e-procurement, beneficial ownership disclosures, and public participation.

**Article 20 – Science, Technology & Digital Transformation**

Expand connectivity, protect data, support innovation.

**Article 21 – Duties of Citizens**

Uphold the Constitution, respect diversity, protect environment, pay taxes, defend the nation as provided by law.

**Article 22 – Duties of Public Officials**

Integrity, asset disclosures, conflict-of-interest rules; accountability in law and ethics.

**Article 23 – National Unity**

Promote solidarity, prevent hate speech and incitement to violence, resolve disputes peacefully.

**Article 24 – Implementation Targets**

Parliament to set benchmarks for inclusion, youth employment, poverty reduction; annual reporting.

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**PART III – FUNDAMENTAL RIGHTS (Arts. 25–72; 35A; 36A–36B)****Chapter 1 – General Provisions & Remedies****Article 25 – Nature of Rights**

Rights are directly enforceable; limitations must be reasonable, necessary and proportionate.

**Article 26 – Remedies**

Courts may issue writs and structural orders with monitoring for systemic violations.

**Article 27 – Non-Derogable Rights**

Life, dignity, freedom from torture, slavery, enforced disappearance, retroactive criminalization and discrimination on inherent grounds (Schedule IV).

**Article 28 – Equality in Citizenship & Family**

Women and men enjoy equal, independent rights in citizenship, marriage, guardianship and property.

**Article 29 – Free Legal Aid**

Indigent persons receive competent legal aid from first contact with the justice system via a National Legal Aid Authority.

**Chapter 2 – Equality & Non-Discrimination****Article 30 – Equality Before Law**

Equal protection and benefit of the law for all.

**Article 31 – Prohibition of Discrimination**

Discrimination on grounds including caste, ethnicity, language, religion, sex, gender, sexual orientation, disability, origin or economic status is prohibited; affirmative measures permitted, reviewed every 10 years.

**Article 32 – Equality Tribunals**

Nationwide Equality and Anti-Discrimination Tribunals; Supreme Court appellate oversight.

**Chapter 3 – Civil & Political Rights****Article 33 – Life & Dignity**

Right to life and dignity.

**Article 34 – Liberty, Due Process & Fair Trial**

Due process in arrest, detention and trial; coerced confessions inadmissible.

**Article 35 – Privacy & Data Protection**

Personal privacy and data protected by law.

**Article 35A – Right to Good Administration**

Timely, impartial administrative action; reasoned decisions; review/appeal; administrative silence deemed refusal subject to appeal.

**Article 36 – Expression, Information & Media Freedom**

Freedom of expression, press and information; no prior censorship; only proportionate legal limits.

**Article 36A – Right to Peaceful Protest & Assembly**

Content-neutral regulation; force as last resort; independent review of incidents.

**Article 36B – Algorithmic Transparency**

Right to explanation, human review and contestation where automated systems materially affect rights or benefits; publish impact assessments with safeguards.

**Article 37 – Association & Movement**

Rights to association and movement guaranteed.

**Article 38 – Religion or Belief**

Freedom guaranteed consistent with Article 8.

**Article 39 – Political Participation**

Right to vote, be a candidate, and participate in public affairs under conditions of equality.

**Chapter 4 – Economic, Social & Cultural Rights****Article 40 – Education**

Free and compulsory basic education; progressive free secondary; need-based scholarships for higher education; mother-tongue instruction supported.

**Article 41 – Health**

Right to basic services and emergency care; universal National Health Insurance with subsidies for the poor.

**Article 42 – Work & Social Security**

Fair wages, safe conditions, collective bargaining; social protection including old-age, disability, maternity and unemployment benefits.

**Article 43 – Housing, Food & Water**

Adequate housing, sufficient food, and safe drinking water.

**Article 44 – Culture & Language**

Communities may preserve and promote language, script and culture.

**Chapter 5 – Group-Specific Protections****Article 45 – Women**

One-third representation in elected bodies; equal pay; freedom from gender-based violence; reproductive health.

**Article 46 – Dalit**

Abolition of untouchability; targeted land, housing, education and enterprise measures; representation.

**Article 47 – Adivasi/Janajati & Indigenous Peoples**

Recognition of identity, languages, customary practices consistent with rights; fair share in state organs and resource benefits.

**Article 48 – Madhesi, Tharu, Muslim & Other Minorities**

Equal participation and inclusion.

**Article 49 – Persons with Disabilities**

Accessibility, inclusive education, assistive technology and social protection.

**Article 50 – Children & Youth**

Children's best interests paramount; youth rights to education, skills, employment and participation via National and local youth councils.

**Article 51 – Elderly**

Income security and health services.

**Article 52 – LGBTQ+ Persons**

Equal rights; non-discrimination; legal recognition as provided by law.

**Article 53 – Migrant Workers & Returnees**

Protection abroad; reintegration, skills recognition and credit access at home.

**Chapter 6 – Environmental Rights****Article 54 – Clean Environment & Climate**

Right to a clean and healthy environment; GLOF and disaster risk management; polluter-pays; inter-generational equity.

**Article 55 – Environmental Information & Participation**

Public access to information and participation in environmental decisions.

**Article 56 – Remedies**

Restoration, compensation and injunctions for environmental harm.

**Article 57 – Limitations**

Any limitation must meet Article 25(2); Schedule IV rights non-derogable.

**Article 58 – Horizontal Application**

Equality, labour and environmental rights bind private actors as provided by law.

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**PART IV – REPRESENTATION & ELECTIONS (Arts. 73–94)****Article 73 – Electoral System**

60% FPTP; 40% PR with open lists; Inclusion Matrix in Schedule III applies;  $\geq 10\%$  of PR seats for candidates under 35; conscience votes protected on rights/anti-corruption bills.

**Article 74 – National Assembly**

Provincial balance and inclusion.

**Article 75 – Provincial & Local Elections**

Mixed systems aligned to inclusion principles.

**Article 76 – Election Commission**

Independent; enforces inclusion, transparency and may order re-polls.

**Article 77 – Political Parties & Candidate Democracy**

Internal democracy with competitive leadership elections every four years; open/transparent primaries; full candidate disclosure of assets, taxes, conflicts and donors.

**Article 78 – Campaign Finance Basics**

Expenditure caps; real-time disclosure; public funding matched to small donors and inclusion; ban on donations from entities with public contracts or foreign control.

**Articles 79–94**

Delimitation, thresholds, media fairness (incl. online ad transparency), silence periods, dispute resolution.

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**PART IV-A – DIRECT DEMOCRACY & PEOPLE’S OVERSIGHT (Arts. 94A–94N)****Article 94A – Citizens’ Initiative**

1% of voters across at least half the provinces may file a bill; Parliament must vote within six months or it goes to referendum at the next general election cycle.

**Article 94B – Recall of Elected Officials**

Recall after a one-year grace period; 25% petition threshold; majority with  $\geq 40\%$  turnout removes the official; by-election follows; guardrails against repeated vexatious petitions.

**Article 94C – Referenda**

Mandatory for changes reducing core rights/basic structure; optional via Parliament or citizen initiative; turnout/supermajority rules in law.

**Article 94D – Participatory Budgeting & Social Audits**

≥5% of local capital budgets via participatory budgeting; annual public hearings and social audits for large projects.

**Article 94E – E-Petitions & Right to a Hearing**

Threshold e-petitions must be heard within 30 days and answered within 60 days.

**Article 94F – People’s Assemblies (Deliberative Mini-Publics)**

Representative citizen panels review major bills and publish recommendations prior to final vote.

**Article 94G – Right to Information Plus**

Proactive publication: line-item budgets, contracts, beneficial ownership, asset declarations, lobbying diaries, court statistics.

**Article 94H – Whistleblower & Witness Protection**

Independent office ensures anonymity, protection and rewards.

**Article 94I – Lobbying & Influence Transparency**

Mandatory registry; meeting logs; gift bans; three-year revolving-door rules.

**Article 94J – Public Appointments Commission**

Merit-based selections for oversight bodies, with open hearings and parliamentary confirmation.

**Article 94K – Term Limits**

PM: two full terms; Ministers: cumulative 12 years; local executives: two terms.

**Article 94L – Unexplained Wealth Orders**

Courts may require explanation of disproportionate assets; seizure if unexplained, with due process and appeal.

**Article 94M – Community Consent & FPIC**

Significant land/culture projects require community consultation and, for indigenous peoples, Free, Prior and Informed Consent.

**Article 94N – Protection of Protesters & HR Defenders**

Safeguards from surveillance, SLAPPs and harassment; independent oversight of public-order policing.

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**PART V – LEGISLATURE (Arts. 95–126)**

Legislative powers; EqIA and fiscal notes required for all bills; public hearings; citizens’ initiative interface; constructive vote of no-confidence; committee subpoena powers; open data for legislation.



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## **PART VI – EXECUTIVE (Arts. 127–154)**

Ceremonial President; Prime Minister with parliamentary confidence; inclusive Council of Ministers; proactive disclosure of cabinet decisions and contract beneficial owners.

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## **PART VII – JUDICIARY & CONSTITUTIONAL JUSTICE (Arts. 155–192)**

Supreme Court, High Courts, subordinate courts; permanent Constitutional Bench; specialized Equality and Anti-Corruption Courts; National Legal Aid Authority; **Article 161 – Class Actions & Public Interest Litigation**; **Article 162 – Time Standards & Digital Courts** (e-filing, virtual hearings, open cause-lists).

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## **PART VIII – INTER-GOVERNMENTAL RELATIONS & FEDERAL FINANCE (Arts. 193–226)**

Clear exclusive/concurrent/residual powers; Inter-Governmental Council; objective equalization and conditional grants; royalty sharing with community component; binding dispute resolution.

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## **PART IX – LOCAL GOVERNMENT (Arts. 227–244)**

Autonomy within competence; mandated transparency; Dalit-woman representation at ward level; ward legal aid desks; participatory planning; social audits; local right of recall for directly elected executives.

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## **PART X – PUBLIC FINANCE & INTEGRITY (Arts. 245–274)**

Fiscal rules; Auditor General with full access and public reports; open contracting; citizens' budgets and spending dashboards; taxpayer bill of rights.

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## **PART X-A – POLITICAL PARTIES, CAMPAIGN FINANCE & LOBBYING (Arts. 274A–274N)**

Public funding matched to small donors; real-time online disclosure; media fairness and online ad transparency; independent campaign finance regulator; anti-defection reform (conscience votes protected, wholesale switches require re-election); foreign donation ban; audit standards and sanctions.

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## **PART XI – ANTI-CORRUPTION & PUBLIC ACCOUNTABILITY (Arts. 275–293)**

Empowered CIAA; whistleblower protection; asset declarations; conflicts of interest; beneficial ownership registers; integrity pacts; revolving-door limits; lobbying registry.

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## **PART XII – SECURITY, POLICE & EMERGENCY (Arts. 294–323)**

Civilian control; provincial police; strict emergency limits with judicial review; non-derogable rights preserved.

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## **PART XIII – INDEPENDENT COMMISSIONS (Arts. 324–370)**

NHRC with binding effect absent reasoned rejection; Inclusion & Equality Commission; Natural Resources & Climate Commission; Election Commission; Data Protection Authority; Language & Culture Commission; Information Commission; Auditor General; Public Service Commission.

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## **PART XIV – SOCIAL PROTECTION & HUMAN DEVELOPMENT (Arts. 371–401)**

Social protection floor via digital ID; universal health insurance; equitable school finance; apprenticeships/dual TVET; youth entrepreneurship fund; diaspora bonds and remittance fee caps; independent evaluation.

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## **PART XV – ENVIRONMENT, CLIMATE & NATURAL RESOURCES (Arts. 402–442)**

Precautionary and polluter-pays principles; national GLOF program; resilient infrastructure; community forestry and PES; sustainable hydropower with environmental flows and resettlement safeguards; air quality and waste management.

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## **PART XVI – MEDIA, DATA & DIGITAL RIGHTS (Arts. 443–463)**

Editorial independence; anti-SLAPP; RTI and open data; comprehensive data protection; political ad libraries; platform transparency for state-funded content; cybersecurity and e-governance standards.

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## **PART XVII – INTERNATIONAL RELATIONS & TREATIES (Arts. 464–480)**

Non-alignment; regional cooperation; migrant protection; climate diplomacy; transparent treaty ratification.

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## **PART XVIII – AMENDMENT OF THE CONSTITUTION (Arts. 481–489)**

Two-thirds in both Houses; provincial consent where powers/boundaries affected; **mandatory referendum** for core clauses; citizen-initiated amendments ( $\geq 1\%$  voters) must be tabled or go to referendum.

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## **PART XIX – TRANSITIONAL, SAVINGS & REVIEW (Arts. 490–500)**

Continuity of laws; phased implementation; 10-year reviews of affirmative measures; five-year constitutional implementation reviews; transitional justice consistent with human rights; authoritative Nepali text and certified English translation; entry into force and repeal.

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## **SCHEDULES (Outlines)**

### **Schedule I – Federal List**

Foreign affairs; defense; currency; international trade; national highways; large hydropower; federal taxation; IP; national standards; immigration; citizenship; statistics.

### **Schedule II – Provincial List**

Provincial police; provincial roads; health and education standards implementation; agriculture extension; provincial taxation; culture and languages; land management within norms.

### **Schedule III – Concurrent & Local Powers**

Local roads; primary health; basic education; WASH; markets; environmental protection; disaster management; social protection delivery; business registration.

### **Schedule IV – Non-Derogable Rights**

Life; dignity; freedom from torture, slavery, enforced disappearance; legality in criminal law; equality on inherent grounds; habeas corpus.

### **Schedule V – Oaths of Office**

Standard oaths.

### **Schedule VI – National Symbols**

Flag, emblem, anthem.

### **Schedule VII – Inclusion Matrix (Illustrative)**

Minimum thresholds across state organs and PR lists for women ( $\geq 33\%$ ), Dalit, Adivasi/Janajati, Madhesi, Tharu, Muslim, disability; youth ( $\geq 10\%$  under 35 in PR allocations); provincial adaptations.

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## IMPLEMENTATION NOTES (Non-binding)

- **People over politicians:** Citizens' initiative, recall, referenda, participatory budgeting and public appointments oversight shift power to the people.
- **Transparency by default:** Beneficial-ownership, lobbying diaries, real-time finance disclosures and open contracting make corruption harder.
- **Youth retention:** Apprenticeships, start-up procurement, diaspora finance and universal services create prospects at home.
- **Time-bound inclusion:** Affirmative measures are data-reviewed every 10 years to sustain fairness and social cohesion.
- **Climate resilience:** Hard-wires mountain risks (GLOF, landslides) and community forestry incentives.