

**News Update from Nepal – Extra edition  
May 19, 2006****Royal powers curtailed drastically**

In a “historic” and bold move, the reinstated House of Representatives on Thursday has declared itself “supreme” and - for the first time in the country’s history - has drastically curtailed the royal powers. The House unanimously passed the proposal presented before it by 84-year-old Prime Minister Girija Prasad Koirala this afternoon that has renamed His Majesty’s Government (HMG) Nepal as “Nepal Government” and Royal Nepal Army (RNA) as the “Nepali Army.” Similarly, Nepal - the only Hindu kingdom in the world - has been declared a secular state. The Rastriya Prajatantra Party and Rastriya Janashakti Party, which are not the constituents of the SPA, also supported the proposal tabled by Koirala. Speaker Subash Nemwang announced that the proposal was passed after no members of the parliament voted against the proposal. Earlier Prime Minister Koirala tabled the proposal depriving His Majesty the King of all the privileges enjoyed by him and declared the reinstated House as “supreme.” He then asked Speaker Nemwang to read out the proposal as he was not able to do so due to his ill health.

According to the proposal, the provision of Supreme Commander-in-Chief of the Royal Nepalese Army being held by HM the King has been scrapped. The provision has deprived the King of his control over 90,000 soldiers of the country. The next step is the dissolution of the Raj Parishad Standing Committee. The job of the royal advisory body, which became controversial following the February 1 royal takeover, will now be taken care of by the House of Representatives itself. The declaration also said that the parliament would form the necessary procedure to go for the election of the constituent assembly. The proclamation also said that the full executive power would have the parliament. The declaration has also deprived the King of his discretionary powers that were stipulated in the constitution of the kingdom of Nepal, 1990. Now onwards, the monarch will not have any authority to enact the law concerning royal succession, which will be done by the parliament.

The declaration scrapped the provision in the constitution that His Majesty the King’s acts could not be challenged before the court. Questions can now be raised against the king’s activities at the House of Representatives and the court. The monarch will no longer convene a session of the parliament as stipulated in the constitution. According to the proclamation, the Speaker of the House of Representatives shall convene the session on the recommendation of the Prime

Minister. A special session of the House can be called upon the request of 25 percent of the lawmakers. The cabinet will decide about the appointment of the army chief, mobilisation of the army would be done as per the decision of the council of ministers. However, that will have to be approved by the stipulated parliamentary committee.

The proclamation has also made the income and assets of the king taxable. The proclamation also said that the parliament would fix the expenditure of the Royal Palace. The House proclamation is so powerful that it has declared all the provisions of the Constitution and laws that contradict this proclamation as "nullified". The proclamation further said that it is not necessary to be a member of House of Representatives to be a minister. The proclamation also added that the government would make provisions for resolving the citizenship problem.

## **Highlights of the House of Representatives Proclamation 2006**

### **Related to legislature:**

1. The House of Representatives (HoR) will exercise all legislative powers of the country.
2. The HoR will decide the process towards moving to the Constituent Assembly.

### **Related to the Executive:**

3. The entire executive authority of the state of Nepal shall reside in the council of ministers. His Majesty's Government will henceforth be called as the "Government of Nepal."
4. A person, who is not a member of the HoR, can also be appointed as a member of the cabinet.

### **Related to the Army:**

5. The name of the Royal Nepalese Army has been changed as "Nepali Army"
6. Existing provisions related to the National Security Council have been scrapped. A National Security Council will be constituted to control, use and mobilize the Nepali Army under the chairmanship of the Prime Minister.
7. The council of ministers will appoint the Commander-in-Chief of the Nepali Army.
8. Existing provisions related to the Supreme Commander-in-Chief of the Army have been scrapped.

9. The organization of the Nepali Army will be of inclusive and national in nature.

#### **Related to the Raj Parishad (Royal Advisory Body):**

10. Existing provisions related to Raj Parishad have been abolished. Necessary activities being carried out by the Raj Parishad will be undertaken as managed by the HoR.

#### **Related to the Royal Palace:**

11. The House of Representatives will have the right to formulate, amend or annul the law related to the succession to the throne.
12. The HoR will decide about the expenses and privileges of the king.
13. Tax will be imposed on the private property and income of the king in accordance with law.
14. Questions may be raised in the court and HoR regarding the activities of the king.
15. The existing Royal Household Service will be made part of the civil service.
16. The security of the royal palace will be managed as stipulated by the council of ministers.

#### **Miscellaneous:**

17. Nepal will be a secular state.
18. An alternative arrangement will be made so as to change the existing "national anthem."
19. All organs and agencies of the state shall remain dutiful towards the HoR and exercise their right by realizing that their right emanates from the HoR.
20. Existing provisions of the Constitution of the Kingdom of Nepal 1990 and other laws – that are in contravention with the HoR Proclamation - will be declared null and void to the extent they contravene with this proclamation.
21. HoR will take decisions to resolve any problems that may come across towards implementing this proclamation

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