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Regmi Research (Private) Ltd,
Lazimpat, Kathmandu, Nepal.

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Government Of Nepal Act, 1948*

Whereas by virtue of the supreme authority vested through the instruments of their sacred Panja-patras by Sree Panch Maharajadhirajas of Nepal, dating from the Sambat year 1903 onwards, delegating all powers of the State upon the contemporaneous Sree 3 Maharajas,

And whereas, I, Maharaja Padma Shum Shere Jung Bahadur Rana, am now carrying on the administration of the country by virtue of the authority vested in me by the aforesaid Panja-patra,

And whereas, it is our fervent desire, through all social, economic and political developments to bring Nepal, this sacred country of Lord Pashupatinath, in line with the advanced nations of the world and give our beloved motherland her rightful place in the comity of nations,

And whereas through the resurrection of our ancient ideals of the Panchayat and other similar institutions, it is our declared policy to provide for the increasingly closer association of our dear people in every branch of administration and thus bring about enhanced prosperity and happiness to our people,

And whereas progress in giving effect to this policy can only be achieved by successive stages and must be guided by the cooperation received from those to whom new opportunities have been offered and by the extent to which further confidence can be reposed upon their sense of responsibility,

And whereas we consider it expedient that immediate steps in this direction should now be taken,

I, Maharaja Padma Shum Shere Jung Bahadur Rana, do hereby ordain and promulgate this Constitutional Act in the thirty-six year of the reign of His Majesty Sree 5 Maharajadhiraja Tribhubana Bir Bikram Shah.

* Free English rendering printed by the Joreganesh Press in 1948.

Part I
Preliminary

1. This Declaration may be cited as the "Government of Nepal Act, 2004" Sambat (1948 A.D.).
2. This Act shall come into force on 1st Baisakh, 2005 Sambat,

Provided that if it appears to His Highness that through local circumstances or other causes, it will not be practicable or convenient that all the provisions of this Act should come into operation simultaneously on that date, he may, notwithstanding anything in this section, fix an earlier or later date for the coming into operation, either generally or for particular purposes or areas, of any particular provisions of this Act. All provisions of this Act shall, however, come into force throughout the Kingdom before the end of the year 2005 Sambat.

3. The rule or succession relating to His Majesty the Maharajadhiraja Sree 5 and His Highness the Maharaja Sree 3, shall continue as heretofore in accordance with law, custom, and usage in that behalf and shall for all time be inalienable and unalterable.

Part II
Fundamental Rights And Duties

4. Subject to the principles of public order and morality this Constitution guarantees to the citizens of Nepal freedom of person, freedom of speech, liberty of press, freedom of assembly and discussion, freedom of worship, complete equality in the eye of the law, cheap and speedy justice, universal free compulsory elementary education, universal and equal suffrage for all adults, security of private property as defined by the laws of the State as at present existing and laws and rules to be made hereunder,
5. Subject to his physical, mental and economic capacity it shall be the duty of every citizen to promote public welfare, to contribute to public funds, to be in readiness to labour physically and intellectually for the safety and well-being of the Realm and bear true allegiance to His Majesty the Maharajadhiraja Sree 5 and His Highness the Maharaja Sree 3 and be faithful to the State and its constitution.

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Part III
Executive

6. Subject to the provisions of this Act, the executive authority of Nepal shall be exercised by His Highness Sree 3 Maharaja either directly or through officers subordinate to him.
7. (a) There shall be a Council of Ministers to aid and advise His Highness in the exercise of the executive authority of the State, chosen from among the members of the Legislature.
- (b) The Council shall consist of such number of Ministers, not being less than five, of which two at least shall be chosen from among the elected members of the Legislature, as His Highness may determine from time to time.
- (c) The Presidents and Vice-Presidents of Panchayats, who may be ex-officio members of the Legislature, shall also be regarded as elected members.
8. (a) His Highness the Maharaja or in his absence the Commander-in-Chief shall preside at meetings of the Council of Ministers. The ministers shall work within the framework of the rules made by His Highness for the purpose and be responsible to him.
- (b) His Highness shall also allocate portfolios among his ministers and determine their order of precedence.
9. The ministers appointed by His Highness the Maharaja shall be sworn as members of the Council and shall hold office for a term of four years. Any minister shall vacate his office before the expiry of his term only if he -
 - (a) submits by resignation under his hand addressed to His Highness the Maharaja,
 - (b) does not command the confidence of His Highness the Maharaja, or
 - (c) himself admits or is condemned by secret ballot of the Council of Ministers of having committed some grave offence.

Provided that:-

If he has vacated office under Sub-Section (a) or (b) above, he shall not cease to be a member of the Legislature for the remaining term of his office.

Contd...

10. The Ministers shall be entitled to receive such salaries and allowances, as may from time to time be determined by His Highness the Maharaja.

11. (a) The Council of Ministers shall transact all executive business of the State. It shall, however, be its special responsibility to give particular attention to all matters not falling within the purview of the Legislature, to lay down the general policy of the State, scrutinise the budget of the various departments, to give final consideration to the government bills to be placed before the Legislature, and to bring about coordination and cooperation between the various departments of administration.
- (b) Within the framework of the policy laid down by the Council of Ministers under this Act, the ministers shall, in their own discretion, administer the department or departments under them and shall prepare the estimate of their departments. They shall be responsible to the Council for all their acts of their departments and shall also submit to His Highness such information and explanation as he may require.
12. (a) There shall be an Advocate-General, appointed by His Highness, to give advice to the Government upon such legal matters as may be referred to him by the Government.
- (b) He shall have the right of audience in all Courts of the State.
- (c) He shall hold office during the pleasure of His Highness and shall receive remunerations as His Highness may determine.
13. There shall be set up from among the members of the Legislature, Administrative Committees to aid and advise the various departments of the Executive and thereby associate the opinion of the Legislature with the policy of the Government.
14. (a) These Committees shall deal with such departments as may be assigned to them by His Highness, whether these departments fall within the purview of the Legislature or not.
- (b) A Committee, appointed by His Highness from among the members of the Rastra Sabha, shall choose the members of the various Administrative Committees.
- (c) There shall be at least four members in each Administrative Committee, the Chairman of which shall be the head of the department for which the Committee has been constituted.

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- (d) The Administrative Committees shall deal with all matters of administrative policies and measures pertaining to the subjects allotted to them. All matters connected with the normal routine administration of the departments and with appointments, promotions or transfers of officers in the departments shall, however, be the sole responsibility of the minister concerned.

15. All rules and regulations pertaining to the working of these Committees shall be framed by the Government.

Part IV
The Legislature
A. The Panchayats

16. There shall be a "Gram" Panchayat for every village or a group of villages, which shall form a unit as specified by rules framed by the Government in this behalf, consisting of five to fifteen members elected by the vote of all adults with necessary qualifications, who will elect their own Pradhan Panch.
17. There shall be a "Nagar" Panchayat for every town or city or a group thereof consisting of ten to fifty members elected by the vote of all adults with necessary qualifications, who will elect their own Pradhan Panch in accordance with the rules prescribed by the Government in this behalf.
18. The Pradhan Panch of each Gram Panchayat and Nagar Panchayat shall elect from among themselves and if necessary from among their members fifteen to twenty members who, together with the special representatives as mentioned in the rules framed by the Government in this behalf, shall form the "Zilla Panchayat" in places to be notified by the Government. It shall elect its own President.
19. It shall be the duty of the Village, Town and City Panchayats, within the limits of the funds at their disposal and subject to the control of the Government and in the case of a Village Panchayat, to that of the Zilla Panchayat as well, to attend to all matters relating to the education, welfare and prosperity of the people and the territory under their charge, particularly justice, water supply, sanitation, construction and maintenance of roads, drains, bunds, bridges and public buildings, grazing lands, basic education, unemployment relief through cottage industries and other measures, which are likely to promote the health, safety, education, comfort and the social and economic well-being of the people.

Contd...

20. The Zilla Panchayats will receive from the center the allotted share of the funds for the Zilla concerned. They shall retain half of the fund for their own use and distribute the other half among the Village Panchayats within their respective jurisdiction in proportion to the amount contributed by the areas concerned.

21. The Zilla Panchayat shall coordinate the activities of the Village and Town Panchayats within its jurisdiction and shall aid and advise the Bada Hakim of the Zilla on matters of policy, relating to the welfare of the Zilla. It shall also perform such other duties as may from time to time be assigned to it by the Government.

B. Central Legislature

22. (a) There shall be a State Legislature of Nepal which shall consist of His Highness the Maharaja and two Chambers to be known respectively as the Rastra Sabha and the Bharadari Sabha.

(b) The Rastra Sabha shall consist of not less than sixty and not more than seventy members, both elected and nominated, as per Schedule "A" of this Act, provided that the ratio between the nominated and elected members be in the proportion of 2 to 3 or as nearly approximating to that proportion as possible.

(c) The Bharadari Sabha shall consist of not less than twenty and not more than thirty members, nominated by His Highness to represent as far as possible the chief national interests and activities.

(d) The Legislature of Nepal shall be a permanent body not subject to dissolution, but as near as possible one-fourth of the members thereof shall retire every year and new members elected or nominated as the case may be in accordance with the provisions in that behalf to be fixed up by the President at the beginning of the first session.

23. (a) The Chambers of the Legislature shall be summoned to meet at least twice every year.

(b) Subject to the provisions of this section, His Highness the Maharaja may in his discretion -

(1) Summon the Chambers of either Chamber to meet at such time and place as he thinks fit, and

(2) Prorogue or dissolve the Chamberse

Contd.a.

24. His Highness the Maharaja may in his discretion address or send messages to either or both Chambers. The Legislature shall with all convenient despatch consider any matter which it is required to take into consideration in such an address or messages.
25. Every Minister or the Chairman of the Administrative Committee or in his absence the Departmental Secretary and the Advocate-General shall have the right to speak in and otherwise to take part in the proceedings of either Chamber and any Committee of the Legislature, but shall be entitled to vote only in the Chamber of which he is a member.
26. (a) There shall be a President and a Vice-President of the Rastra Sabha, who shall respectively be nominated by His Highness the Maharaja and elected by the Chamber from among its members. In case of absence or vacancy of the President or the Vice-President nomination or election will take place as the case may be.
- (b) (1) The President and the Vice-President may resign their office by writing under their hand addressed to His Highness the Maharaja or may be removed from office by order of His Highness the Maharaja for reasons to be specified under rules to be made for the purpose and any vacancy occurring shall be filled by nomination or election as the case may be.
- (2) They shall vacate their office if they cease to be a member of the House. They may be removed from office by resolution moved by two-thirds of the total number of members of the Sabha and passed by a similar majority of the members voting.
- (c) The Commander-in-Chief shall be the President of the Bharadari Sabha and the Vice-President thereof shall be nominated by His Highness the Maharaja.
27. (a) Save as in this Act expressly provided, all questions in a Chamber or a joint sitting of the Chambers, shall be determined by a majority of votes of the members present and voting, other than the President or the person acting as such, who shall not vote in the first instance but shall have a casting vote in the case of equality of votes.
- (b) Either Chamber shall have the power to act notwithstanding any vacancy in the membership thereof and any proceedings in the Chamber or in a joint sitting of the Chambers shall be valid notwithstanding that it is discovered subsequently that some person, who was not entitled to do so, sat or voted or otherwise took part in the proceedings.

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- (c) If at any time during a meeting of a Chamber of the Legislature or at a joint sitting of both the Chambers, less than one-fourth of the total number of members of the Chambers or Chamber is present, it shall be the duty of the President or person acting as such, either to adjourn the meeting or suspend it until at least the required number of members are present.
28. Every member of the Legislature shall, before taking his seat, take an oath of office in the form and manner, prescribed by rules under this Act.
29. (a) No person shall stand for membership of both the Chambers.
- (b) If a member of the Legislature becomes subject to any of the disqualifications mentioned in Section Thirty of the next succeeding section, or by writing under his hand addressed to His Highness resigns his seat, thereupon his seat shall become vacant.
- (c) If for two consecutive sessions of either Chamber or for forty-five days running, a member of the Chamber, without the permission of the President thereof, absents himself from all meetings of the Chamber, his seat shall, become vacant.
30. A person shall be disqualified for being chosen as, or for being, a member of either Chamber -
- (a) (1) If he holds any office under the Government other than an office, declared by rules made under this Act not to disqualify its holder,
- (2) If he is of unsound mind,
- (3) If he is an undischarged insolvent,
- (4) If he is convicted of having violated rules about elections, made under this Act, provided that the time-limit of his disqualification shall be fixed by the same rules,
- (5) If whether before or after passing of this Act, he has been convicted of any offence and sentenced to imprisonment for not less than one year by a Court in Nepal provided that Government may, after his discharge, remove the disqualification after five years or earlier,
- (6) If he has been dismissed from civil or military service, provided that Government may remove the disqualification after five years or earlier.

Contd...

- (b) A person shall not be capable of being chosen a member of either Chamber while he is serving a sentence of imprisonment.
 - (c) The seat of a person charged as per above sections, disqualifying him from becoming a member of the Legislature shall remain vacant until final decision has been made on the subject by the Court or Authority concerned.
 - (d) For the purpose of this section, a person shall not be deemed to be disqualified under Section (a), (i), -
 - (1) If he is a Minister under the Government,
 - (2) If he holds certain pension or allowances through reasons other than an office of profit, or
 - (3) If he receives small freeholds or concessions for work in the villages.
31. If a person sits or votes as a member of either Chamber when he is not qualified or disqualified for membership thereof, he shall be liable in respect of each day on which he so sits or votes to a penalty of Rs 100/- to be recovered as a debt to the Government.
32. (a) Subject to the rules and standing order regulating the procedure of the Legislature, there shall be freedom of speech in the Legislature, and no member thereof shall be liable to any proceedings in any Court in respect of anything said or any vote given by him in the Legislature or any Committee thereof and no person shall be so liable in respect of the publication by or under the authority of the Legislature or any report, paper, or proceedings.
- (b) No member of the Legislature shall be liable to any arrest or imprisonment during the meeting of the Legislature and within the precincts of the Chamber or to any proceedings under civil process during the whole period of any particular session of the Legislature.
- (c) No member of the Legislature shall be liable to any punitive or disciplinary action by the President other than being expelled from the Chamber for infringing the rules or behaving in a disorderly manner.
33. Members of the Legislature shall be entitled to receive such salaries and allowances as may be prescribed by His Highness at the first instance and thereafter as determined by an act of the Legislature.

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34. (a) Subject to the provisions of this Act, any member of the Legislature may ask questions, move resolutions and introduce Bills regarding the welfare and administration of the whole of the Kingdom of Nepal or any part thereof and for the subjects of Nepal, wherever they may be residing, provided that His Highness the Maharaja may disallow the putting of any question, the moving of any resolution, and the introduction or consideration of any bill, at any stage in the Legislature, if he regards the same as not being in the public interest.
- (b) Nothing can or shall further be said or done in the Legislature by questions, resolutions, or Bills that shall in any way interfere with or affect the succession, position, rights, and privileges of His Majesty Sree 5 Maharajadhiraja or His Highness Sree 3 Maharaja as by ancient law, custom and usages established.
- (c) No questions shall also be raised or discussed in the Legislature about the personal character of any individual or in respect to the conduct of any judge in the discharge of his duties.
35. (a) Subject to the provisions of this Act with respect to financial and other Bills, a Bill may originate in either Chamber through any member of the House.
- (b) No Bill shall be deemed to have been passed by the Chambers of Legislature, unless it has been agreed to by both the Chambers.
36. (a) If after a Bill or any other measure has been passed by one Chamber and transmitted to the other Chamber,
- (1) the Bill is rejected by the other Chamber,
 - (2) the Chambers have finally disagreed as to amendments to be made in the Bill, or
 - (3) more than twelve months elapse from the date of the reception of the Bill by the other Chamber without the Bill being presented to His Highness the Maharaja for his assent,
- His Highness the Maharaja may summon the Chambers to meet in a joint sitting for the purpose of deliberating and voting on the Bill.
- (b) Any Bill thus passed at the joint sitting of the two Chambers shall be deemed to have been passed by both Chambers.

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(c) At a joint sitting of the two Chambers the President of the Bharadari Sabha or in his absence such person as may be appointed for the purpose by His Highness the Maharaja shall preside.

37. All Bills passed by the Legislature shall become Law only after being authenticated by His Highness, and receiving his formal "Seal".

38. (a) His Highness the Maharaja shall in respect of every financial year cause to be laid before the Chambers of the Legislature a statement of the estimated receipts and expenditure for that year.

(b) This statement shall show separately the following,-

(1) the sums required to meet expenditure described by this Act as expenditure charged upon the revenue of the State.

(2) The sums required to meet other expenditure proposed to be made from the revenue of the State.

(c) The following expenditure shall be expenditure charged upon the revenue of the State,-

(1) The Civil Lists of His Majesty Sree 5 Maharajadhiraja and of His Highness Sree 3 Maharaja.

(2) Expenditure on the armed forces.

(3) Pay, pension and allowances of public servants appointed by His Highness.

(4) Expenditure on foreign affairs, including matters governed by treaties or agreements, now in force or hereafter to be made.

(5) Expenditure for the purpose of the discharge by the Government of its special responsibilities with respect to the prevention of any grave menace to the peace and tranquillity of the country or any part thereof, the safeguarding of the financial stability and credit of the Government, the protection of the weak and depressed from the oppression and with respect to items of expenditure, if any, that may be classified for being spent at the exclusive discretion of His Highness the Maharaja.

(6) Salaries and allowances of members of the Council of Ministers, Advocate-General and Auditor-General.

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- (7) Expenditure on religious Guths and Trusts.
 - (8) Interests on Loans and charges on account of Sinking Fund.
 - (9) Any other expenditure declared by this Act or any other law, to be so charged.
 - (d) Any question whether any proposed expenditure falls within a class of expenditure charged upon the revenue of the State shall be decided by His Highness.
39. (a) So much of the estimates of expenditure as relates to expenditure charged upon the revenue of the State shall not be submitted to the discussion or vote of the Legislature, provided that discussion may be allowed in either Chamber on estimates referred to in Section 38 (c) (7), (8) and (9).
- (b) The expenditure with respect to grants on account of Panchayats shall fall within items to be submitted to the Legislature for discussion, provided that no curtailment shall be made on the estimates submitted.
 - (c) So much of the said estimates as related to other expenditure shall be submitted in the form of demands for grants to the Rastra Sabha and then the Bharadari Sabha and either Chamber shall have power to refuse to assent to any demand or to assent to any demand with such alterations as it might deem necessary.
 - (d) No demand for a grant shall be made except on the recommendation of His Highness the Maharaja.
40. His Highness shall authenticate by a signature all grants made and voted upon by the Legislature and no expenditure shall be deemed lawful unless so duly authenticated.
41. If in respect of any financial year, other expenditure becomes necessary over and above the expenditure theretofore authorised for that year a supplementary grant may be obtained from the Legislature in accordance with the process and provisions mentioned above.
42. (a) A bill or an amendment with regard to -
- (1) Imposing or altering any tax, or
 - (2) Government coinage and currency, or

Contd...

- (3) The borrowing of money and the undertaking of any financial obligation by the Government, or
- (4) Regulation about arms and ammunitions, shall not be introduced or moved except on the intimation of the Government.
- (b) Any bill or resolution affecting the religion or religious rites and usages of any class or institute shall be deemed to have been passed by the Legislature only if two-thirds of the members present and voting give their assent to it.
- 43. Provisions shall be made by Government for the smooth and speedy conduct of business in the Legislature. Provided that Government shall give consideration to the question of altering these rules if half the members of the House consider such alteration necessary.
- 44. All proceedings in the Legislature shall be conducted in Nepali.
- 45. (a) The validity of any proceedings in the Legislature or the conduct of an officer doing his rightful duty within the Legislature shall not be subject to the jurisdiction of any Court of Law.
- (b) Nor shall the validity of any proceedings in the Legislature be called in question on the ground of any alleged irregularity of procedure.
- 46. His Highness the Maharaja in Council may promulgate such emergency regulations as are necessary for the preservation of law and order in the country or any part thereof. Any such regulation shall be valid for a period not exceeding six months before which these regulations may be annulled by His Highness if he considers that the situation no longer warrants the continuation of these regulations.
- 47. (a) If, at any time, His Highness is satisfied that a situation has arisen in which, for the prevention of disorder and lawlessness in the country, the Government cannot be carried on in accordance with the provisions of this Act, he may, by proclamation,-
 - (1) assume to himself all and any of the powers vested by this Act upon any body or authority,
 - (2) declare that such questions as are defined in this Act shall be conducted in the manner prescribed by him in his discretion.

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- (b) Any such proclamation may be revoked or varied by a subsequent proclamation.
- (c) Within six months of such proclamation, His Highness shall summon the existing or in his discretion a new Legislature

Part V
Administration of Justice

- 48. Justice shall be cheap and speedy. Elementary civil and criminal justice shall be administered by the Village Panchayats in such manner and subject to such control and supervision as may be prescribed by law.
- 49. Justice shall be administered by judges in public Courts, established for the purpose. The Courts shall comprise Courts of first instance and also Courts of Appeal.
- 50. Subject to the provisions of this Act, the constitution and organization of courts, the distribution of jurisdiction and business among the courts and judges, the method of recruitment, terms of service and conditions of service of judges and all other matters relating to administration of justice shall be regulated by law.
- 51. Special Courts may, in extraordinary circumstances be established by His Highness the Maharaja, if he considers that the procedure of ordinary courts would not be adequate to secure the preservation of public peace and order.
- 52. His Highness shall appoint from among the members of the Legislature, a Judicial Committee, which shall consist of not more than 12 members including two members with special qualifications from outside the Legislature. This Committee shall have power -
 - (1) to act the Supreme Court of Appeal in special cases under such provisions as may be made under this Act,
 - (2) to frame rules and regulations for the administration of justice, and
 - (3) to carry out the provisions as specified in Section 67 of this Act.

Subject to the provisions of this Act, rules regarding the composition and functions of this Committee shall from time to time be framed by the Government.

- 53. (a) There shall be a High Court for Nepal.

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- (b) The High Court shall consist of a Chief Justice and such other Judges, not exceeding twelve in number, as His Highness may from time to time deem it necessary to appoint.

Provided that:-

His Highness may, on the recommendation of the Chief Justice, appoint to act as additional judges of the High Court, for such period, not exceeding two years, as may be required; and the judges so appointed shall, while so acting, have all the powers of a judge of the High Court.

54. Every permanent judge of the High Court shall hold office until he attains the age of sixty-five years:

- (a) A judge may by resignation under his hand addressed to His Highness resign his office;
- (b) A judge may not be removed from his office except by His Highness on a joint address by the Legislature, praying for such removal on the ground of proved misbehaviour or incapacity.
- (c) A judge may be removed by His Highness on the ground of gross misbehaviour or infirmity, physical or mental, if the Judicial Committee of the Legislature on reference by His Highness so recommends.
- (d) The judges of the High Court shall receive such remuneration as His Highness may fix; but the remuneration shall not be altered during their continuance in office.

55. The High Court shall be a Court of records and have such jurisdiction, and such power and authority over or in relation to the administration of justice, as may be vested in it by law.

56. The High Court shall have superintendence over all Courts for the time being subject to its jurisdiction, and may do any of the following things, that is to say,-

- (a) Call for returns;
- (b) Direct the transfer of any suit or appeal from any such court to any other court of equal or superior jurisdiction,
- (c) Make and issue general rules and prescribe forms for regulating the practice and proceedings of such courts,
- (d) Prescribe forms in which books, entries, and accounts shall be kept by the officers of any such courts;

Contd...

Provided that:

Such rules and forms shall be consistent with the provisions of any law for the time being in force.

57. Until steps have been taken in regard to any matter, covered by the provisions of this chapter, the existing laws and regulations in regard to that matter shall continue to be in force.
58. Provisions shall be made by law for the protection of judges and other officers acting judicially, for acts done or ordered to be done by them in good faith in the discharge of their duties.
59. Nothing contained in this Act shall derogate from the right of His Highness to grant pardons reprieves, respites, or remission of punishments.

Part VI Miscellaneous

60. As soon after the commencement of this Act as expedient, the Government shall provide for universal, free compulsory, elementary education, and technical and higher education will be provided by the State to the extent necessary to prepare candidates for wider opportunities of service of the people of Nepal. In addition, the State will provide as far as possible for the liquidation of adult illiteracy. The aim of educational institutions shall be good moral training, personal and vocational efficiency and the development of the spirit of nationality, and international friendliness.
61. The Government shall have the authority to raise loans for the development of the State or in times of emergency, provided that it shall lay this information before the Legislature at its next meeting.
62. (a) There shall be an Auditor-General to be appointed by His Highness the Maharaja and he shall draw such salaries and allowances as His Highness the Maharaja may determine. It shall be his duty to examine and audit the accounts of the State subject to such rules as may be framed in this behalf. He shall only be removed from office in like manner and on like grounds as a judge of the Pradhan Nyayala.
- (b) The Auditor-General shall submit to His Highness a report, relating to the accounts of the State for being laid before the Legislature.

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63. All acts and contracts made by the Council of Ministers in exercise of its executive authority shall be expressed in behalf of the Government of Nepal.
64. (a) The Government will frame rules implementing and elucidating this Constitution, specially with regard to Fundamental Rights, ranchayats, Judiciary, Audits, education, recruitment, promotions and transfers for the civil and military services and for the purpose of safeguarding the interests of public servants and the armed forces and for all matters not provided for in this Constitution.
- (b) The Government shall also make rules, governing the qualifications of the voters and candidates, delimitations of electoral areas, and other matters relating to election.
65. (a) There shall be a Public Service Commission, appointed by His Highness for the purpose of selecting qualified candidates to all civil posts under the Government.
- It shall consist of such members as may be appointed by His Highness for the purpose together with representatives of departments where vacancies may have occurred.
- (c) It shall be the duty of the Public Service Commission within the rules to be framed under this Act to examine the fitness and qualifications of candidates for government service and to submit their recommendation.
66. Whereas difficulties may arise in relation to the working of this Constitution for the first time, His Highness may make such rules and regulations, as may be needed for removing these difficulties and implementing the provisions of this Act.
67. Any dispute about the interpretation of any of the provisions of this Act or Rules framed thereunder, shall be referred to the Judicial Committee of the Legislature which shall give its judgement within two months from the date of reference. This judgement shall be deemed final for all purposes.
68. (a) At the expiration of seven years from the commencement of this Act or if possible earlier as His Highness the Sree 3 Maharaja, in his sole discretion, may determine, His Highness the Sree 3 Maharaja shall appoint a Commission as near half of whom as possible shall be elected by the Legislature for the purpose of enquiring into the working of the Government, the growth of education, and development of representative institutions,

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and matters connected therewith and the Commission shall report as to whether and to what extent it is desirable to extend, modify or restrict the degree of constitutional advance then existing therein.

- (b) The Commission shall also enquire into and report on any other matter which may be referred to the Commission by His Highness the Maharaja Sree 3.
- (c) His Highness the Maharaja Sree 3 shall, on report of that Commission, take such action as may be deemed necessary and desirable for implementing the recommendations of the said Commission.

Schedule (A)
Composition of Rastra Sabha

1. Elected Members:-

42.

(a) The Pradhan Panch of the following Zilla Panchayats:-

- | | | |
|-----------------|------------------------|-----------------------------|
| 1. East No. 1. | 13. Sallayana. | 25. Sarlahi. |
| 2. East No. 2. | 14. Piuthane | 26. Saptari. |
| 3. East No. 3. | 15. Dailekh. | 27. Siraha. |
| 4. East No. 4. | 16. Doti. | 28. Morang and Jhapa |
| 5. Dharukutae | 17. Dandeldhura. | 29. Palhi and Majh-khand. |
| 6. Ilam. | 18. Baitadi. | 30. Khajhane and Seoraja |
| 7. West No. 1. | 19. Jumla. | 31. Banke and Bardia |
| 8. West No. 2. | 20. Chisapani. | 32. Kailali and Kanchanpur. |
| 9. West No. 3. | 21. The Valley proper. | |
| 10. West No. 4. | 22. Para-Parsa. | |
| 11. Palpa | 23. Rautahata | |
| 12. Gulmi. | 24. Mahottari. | |

Contd...

(b) The Pradhan Panch of the following Nagar Panchayats: 4

33. Kathmandu.

34. Patan. 35. Bhaktapur.

36. Birganj.

N.B. The boundaries of constituencies may, taking the areas and population into consideration, be redrawn so as to give equal representation as far as possible, but the number of total seat shall in no case vary.

(c) List of the interests to be represented in the Rastra Sabha by election and the seats allotted to each.

<u>Interests (Constituencies)</u>	<u>No. of seats</u>
(1) Merchants and traders. Those paying Rs 1,000/- or more to the Government as Custom duty shall elect one representative from among themselves	1
(2) Zamindars and holders of Birtas. Those owning Ropanis or Bighas of land or more or those paying Rs or more to Government as land revenue shall elect one representative from among themselves.	1
(3) Intelligensia. Matriculates or Madhyamas or those with higher qualifications shall elect at least a graduate or an Acharya or those having equivalent qualifications in Nepali	2
(4) Government servants.	1
(5) Labour.	1

N.B. Rules and regulations concerning Sections (4) and (5) shall be framed by Government.

2. Nominated members.

28.

His Highness the Maharaja will nominate these.

Ministers During The Lichchhavi Period¹

By

Dhanabajra Bajracharya.

Ancient Sanskrit texts, such as the Manusmriti and the Arthashastra of Kautilya, mention two types of ministers, Mantri and Amatya. A Mantri was a minister who advised the King in affairs of State. The Amatya, on the other hand, helped the King to run the administration.

No inscription belonging to the Lichchhavi period in Nepal contains any reference to Mantri. However, the term Amatya occurs in three inscriptions.

The term Kumaramatya occurs in the Bhansarchok (Patan)² and Yangalhati (Kathmandu)³ inscriptions of King Narendra Deva. Kumaramatya assisted the Kumara (Crown Prince) in the discharge of his administrative duties. However, the duties of the Kumaramatya were not defined properly.

An inscription at Sankhu (Kathmandu)⁴ mentions Dharmarajikamatya. The inscription is broken and hence it is not possible to understand from it what the duties of the Dharmarajikamatya were. Some inscriptions of the Maurya Emperor Ashoka in India mention Dharmamahamatra as a minister in charge of religious affairs.⁵ It is possible that the Dharmarajikamatya denoted a similar functionary in Nepal during the Lichchhavi period.

¹Condensed from: "Lichchhavi Kalko Shasan Paddhati." (Administrative System During The Lichchhavi Period). Purnima, 22, Shrawan-Aswin, 2026 (July-September 1969), 111-116 PP; and "Lichchhavi Kalko Shasan Sambandhi Paribhashik Shabda Ko Vyakhiya." (Definition of Technical Terms Relating To Administration During The Lichchhavi Period), Purnima, 11, 6-17 PP.

²R. Gholi, Nepalese Inscriptions, No. 67.

³Ibid, No. 66.

⁴Ibid, No. 75.

⁵Dinesh Chandra Sarkar, "Abhilekh Sangraha", (A Collection of Inscriptions). P. 23.

Order Regarding Evidence Of Citizenship Status, 1919*

From Commander-In-Chief General Sir Bhim Shamsher Rana, K.C.S.I., K.C.V.O.

To Thakali Ditttha Devi Datta Sedhain of Kerung,

Greetings, when the question of collecting taxes from our ryots who had migrated to Tibet was referred (to the Prime Minister), an order was issued to ascertain whether they were in fact our ryots. Some of those who had migrated (to Tibet) have now come here and agreed to pay taxes. They number 122, including Sandu Bhote and one or two other persons from Manang and 4 persons from Mustang. They are clearly our ryots, and they approach our offices. They have requested for certificates to prove that they are ryots of Gorkha, because, in the course of their travels for purposes of trade, Tibetans demand Jagat (duties) and other payments from them on the ground that they are Tibetans.

It has not been possible to summon such other persons as are understood to be ryots of Gorkha, because they have left for different areas for purposes of trade. When inquiries were made regarding those who were available, 2 persons said that they had been offered as Gharjuwain (a son-in-law who lives in the house of his father-in-law as a member of the family) by their parents. You have submitted to us lists of these 2 persons, as well as of other persons who have been proved to be our ryots.

In Lhasa also, the custom is followed of collecting the Gyanpanzing tax from (Tibetan) ryots living in Olangchung and other places, other than such half-castes, and a request has been made that they should be permitted to pay this tax. Make inquiries of those regarding whom you have reported that no inquiries have been made because they have gone elsewhere for purposes of trade. If it is proved that they are ryots of Gorkha, compile records containing particulars regarding where they were born inside the territory of Gorkha, where in the Moglan they have settled down and how many years ago, their name and their age, collect the Gyanpanzing tax from them yearly at the rate of $1\frac{1}{2}$ Kala (Sha) Mohars each and issue the necessary receipts. Such receipts will constitute evidence of the fact that they are ryots of Gorkha. No other evidence need be furnished. So far as the 2 persons who say they have been offered as Gharjuwain by their parents are concerned, such an offer alone cannot deprive them of their rights as ryots. Collect Rs $1\frac{1}{2}$ from them in Kala Mohars as from other persons. Collect the tax only from those persons who are proved to be ryots of Gorkha. Do not collect it from those who cannot be proved to be our ryots, so that complaints are received later. Understand this and act accordingly.

Marga 12, 1976

(November 27, 1919)

*Yogi Narahari Nath (ed), Itihas Prakash Ma Samhi Patra Sangraha
(A Collection of Treaties In Light On History). Part I. Dang:
Falgun 2022 (March 1966). P. 147.

Nepali Envoy To China, 1792*

From King Ran Bahadur Shah,

To Damodar Pande.

Greetings. All is well here. We desire the same there. The news here is good. The Chinese Emperor is not insignificant. He is a great Emperor. We could have repulsed them with the blessings of (Goddess Shri Durga) when they came here this time. But it will not be good for the future to maintain hostility with the Emperor. He too desires to conclude a treaty, and that is what we too desire. Tung Thwang has sent a letter asking that one of the four Kajis be sent with letters and presents to offer his respects to the Chinese Emperor. Kajis used to be sent formerly to conclude treaties with Tanahu and Lamjung. We realize at present that it will not be proper for us not to depute a Kaji to the Emperor. When the matter was discussed with the other Kajis here, they said that Dandhar (Damodar) Pande, the recipient of Birta (land) grants and senior-most Kaji, should go. So you have to go. If there is any delay, (the interests) of the State will be harmed. You should therefore depart from there. So far as instructions are concerned, you are a Pande of our court. You are not ignorant of (matters) which will benefit the State and bring you credit. You know (such matters). In this respect, act according to your discretion. Submit a reply to this soon, within 1 ghadi (24 minutes) after you receive this royal order. Delay will be harmful.

Dated Thursday, Bhadra Sudi 13, 1849
(September 1792) at Kantipur.

* Sandhipatra Sangraha, op- cit. PP. 55-56.

Mustang Rajya, 1790*

From King Ran Bahadur Shah,

To Raja Wangyal Dorje of Mustang.

We hereby confirm your rule over the territories occupied by you from the time of your forefathers, adding thereto the territories situated north-east of Bandarpahat, along with Bharbung-Khola, Tarap-Khola, Langu-Khola and Chharkagaun, which had been encroached upon and occupied by Jumla. We also confirm the customary payments which you have been collecting in Thak, Thini, Barhagaun, Manang, Nar, Nisyan and other areas. Jumla, when it occupied your country, used to forcibly collect the Chhyakpol tax from those who visited it for trade. We hereby grant you (authority to collect) this tax. Do not create obstructions when our troops or nobles visit (your country) on any business. When you commence military campaigns in the north and the west, send wholeheartedly your troops and military supplies to join our troops. Attack the territories that are to be attacked, and guard those that are to be guarded. Formerly, you used to make Sirto and Mamuli payments to Lhasa and Jumla. Continue paying Rs 71 to Lhasa as before. A sum of Rs 929, along with 5 horses, which you used to pay to Jumla, should now be submitted to us at Kantipur on the first day of the month of Magh (January 14) every year. We hereby issue a copper-inscription to this effect. Be faithful to us, and comply with our orders. Rule over and enjoy your territories situated the (prescribed) boundaries from generation to generation.

Dated Wednesday, Jestha Sudi 5, 1847 (May 1790) at the capital, Kantipur.

*Sandhipatra Sangraha, op- cit. P. 671.

A Glossary Of Revenue, Administrative And Other Terms Occurring
In Nepali Historical Documents

Adai	...a	A royal palace functionary who looked after matters relating to Crown lands
Amil	...	The chief revenue officer or functionary of a district or village
Asmani	...a	Miscellaneous levies and payments such as judicial fines and escheats, which were not collected on a periodic basis
Baksauni	...	(1) A fine collected from Magar beef-eaters in Salyan. (2) Fees collected on Birta land transactions.
Bepari-Nayak	...	The head of the merchant community in Patan engaged in trade with Tibet.
Bhainsi Bhansar	...	A contract for the collection of taxes on the sale of buffalo-meat, milk and curd; fines collected for injuries caused by buffaloes from their owners; fines collected from members of the Kasai community and their escheat property; a levy on new-born buffalo calves; and transit duties on buffaloes in Kathmandu Valley.
Bhainsi-Puchhahi	...	A tax levied on buffaloes in the hill regions.
Bheshdhari	...	Members of religious orders, broadly classified into Sanyasis and Bairagisa
Bheti-Salami	...a	A tax collected from Indian mendicants, landlords and other persons who visited the Tarai regions of Nepal.
Bhot-Bhansari	...	An official in charge of the minting of coins for Tibet; he also exercised judicial authority over Nepali merchants in Tibet.

(To Be Continued)

Corrigendum

Regmi Research Series, Year 2, No. 3, March 1, 1970.

Page 53, Line 9

Instead of "... whose touch must be purified..." read "...whose touch need not be purified ..."
