

The Legislative Body of Nepal

There are three important organs of the state. They are : Legislative, Executive and Judiciary. Legislative is composed of the people's representatives who are either directly or indirectly elected by the citizens of a country. It is formed to formulate laws of a country.

Legislature can be bicameral (having two houses: upper house and lower house) and unicameral (having only one house). Currently, there is the provision of the unicameral legislature in our country which is called the Legislature Parliament. It will remain in effect until the general election shall be held for the new legislature under the new constitution. This parliament is the transformed form of the then Constituent Assembly whose task was to draft the constitution of Nepal and enact laws. According to the Constitution of Kingdom of Nepal, 2047 B.S., there was bicameral legislature in which the House of Representatives and National Assembly formed the legislature. The Interim Constitution of Nepal, 2063 had the provision of the unicameral legislature. But, these days, there is new constitution in Nepal which was drafted by the Constituent Assembly. Now, Nepal has adopted the federal system of governance in the changed political scenario. The Constitution of Nepal, 2072 BS has the provision of the bicameral legislature at the central level and each state/ province shall have the unicameral state legislature.

Criteria to be a candidate for Federal legislature (parliament):

Citizenship of Nepal

25 years of age for the House of Representative and 35 years of age for the National Assembly.

Committed to and respect the spirit of mass movement

Not in possession of profit oriented organization (office)

Not convicted by the criminal court.



Functions of legislature

It makes new laws and repeals and amends the old ones.

It passes budgets and taxes to be implemented by the executive.

It can raise questions about the policies and programs of the executive.

It presents no confidence to the government when required.

If it withdraws its support to the executive, Council of Ministers collapses.

Checks over Executive

It has the power to reject or accept the decision taken by the executive.

It raises questions against executive if there are irregularities and if the executive is not working as per the will of the people.

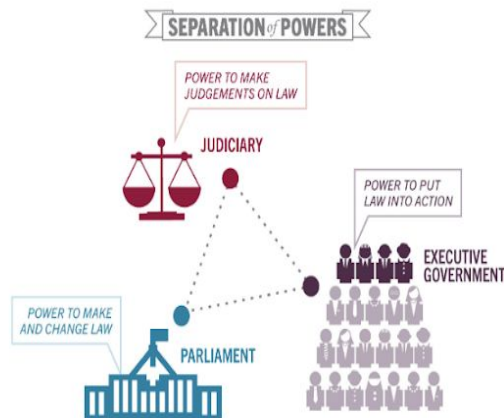
It has the power to approve the budget presented by executive..

It has the rights to dissolve the cabinet with 'Vote of No Confidence'.

Checks over Judiciary

It has the power to remove the judges through impeachment.

It has the right to approve the appointment of judges through the parliamentary discussion.



Importance of legislature

Legislature is necessary because it is the organ of the government that makes laws and passes them and also amends old laws. It is of greater importance. No democratic government can do its duty for the benefits of the people without law and cannot contribute to the development of the nation without law.

Legislative body of Nepal

The Interim Constitution of 2063 has vested the power on Council of Ministers. Initially, the parliament had 330 members and it has now been replaced with 601-member Constituent Assembly in 2064 BS. During the 1st election, Maoist emerged as the greatest power in the country and Pushpa Kamal Dahal became the first Prime Minister of Republic Nepal. In the recently concluded 2nd election, Nepali Congress became the superpower whose chairman Sushil Koirala is the current Prime Minister of Nepal. Subash Chandra Nemwang from the UML became the speaker of the house for both the times.

The Judiciary of Nepal



Judiciary is the independent organ of the government whose function is to provide justice for the innocent, punishment for the culprit and safeguard the rights and duties of the citizen.

The Judiciary of Nepal has been composed of the following tiers:

District court: There are 75 district courts in our country, each in a district. It consists of one chief judge and a judge who are appointed by the Chief Justice of Supreme Court under the recommendation of Judicial Council.

Appellate Court: There are 16 Appellate Courts in our country. It consists of a chief judge and other judges. If people are not satisfied with the judgment given by district court, they can file the case in this court.

Supreme Court: The Supreme Court is the final tier and the decision given by the Supreme Court are final and is applicable to all. It consists of a chief justice appointed by President on the recommendation of Constitutional Council and 14 permanent judges along with more judges as per requirement. The tenure of the Chief Justice is 6 years and the maximum age is 65 years. Supreme Court is the court of records. It has the power to interpret the constitution and it is also responsible for safeguarding the rights of the people.

Functions of Judiciary

i. Advisory functions:

Judiciary gives advice to the other organs and constitutional organs when required. Suggestion on national issues is the work of judiciary and also finds remedies for complicated legal matters.

ii. Judicial functions:

The main function of judiciary is to punish the culprit and give a proper verdict in support of innocent on the basis of the existing law. It decides the punishment for criminals and gives a decision regarding national issues.

iii. Interpretation of law and the constitution:

Another main function of the Judiciary is to explain the laws made by the legislature and implemented by the executive. It supervises the laws and clarifies the meaning of the laws and their provisions.

iv. Protector of people's rights and freedom:

The rights granted by the state are protected by the constitution as judiciary gives clear decisions about the rights and duties of an individual. It gives justice or verdict if any rights are violated.

Executive

The executive is the organ that exercises authority in and holds responsibility for the governance of a state. The executive executes and enforces law. Generally it consists of the councils of ministers, head of the state, head of the government. Executive makes programmes and policies and executes the law of passed by legislature. The executive work of Nepal are carried out in the government of Nepal.



In a broader sense, executive includes the law of the country that are empowered to implement by all the government employees. Executive directs, controls and conducts administration of the government. It works through the bureaucracy consisting of all from the secretary of the ministries to the peon of a VDC office.

In modern times, the importance of the executive has increased day by day. Before, the function of the executive was to maintain peace and order and mobilize revenue only. But now, the executive has to work for the all-round development of the nation apart from maintaining peace and order in the country.

The chief functions of the executive are as follows:



1. To maintain the law and order and protect the country from foreign invasion.
2. To impose taxes and run various development works.
3. To sign treaties and make good diplomatic relations, depute ambassadors to the foregin countries.
4. To run the adminstration of the country efficiently and provide basic service to the people.
5. To present budget in the parilament and operate it after the approval of the parilament.
6. To table the draft bill in the parliament for appropriate law.
7. To postpone the session of the parliament.
8. To manage daily adminstration.