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Provision of Fundamental Rights in the Constitutions of Nepal

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Abstract

Some rights are necessary to lead a life. Some of the rights which are enshrined in the constitution and are also recognized by the state are known as fundamental rights. People in democratic countries enjoy certain rights, which are ensured by the judicial system of the concerned country. Their violation, even by the state, would not be permitted by the courts. No democracy can function without basic rights. Constitution of Nepal cherishes "fundamental rights". Different social, religious, economic, and political problem in our nation makes fundamental rights significant. Constitution and fundamental rights have close connections with each other. Fundamental rights are amazingly important to guarantee the fullest physical, mental, and moral development of every citizen. They incorporate those basic freedoms and conditions which alone can make life worth living and to fill in as a check on the government.

This article is an endeavor to picture the chronicled background of the setup advancement alongside discretionary framework in Nepal by uniting the significant conditions and occasions in such away. This study is primarily based on constitutions, acts, ordinance, archives, and other documents issued by the government. This article has its principal topic to make readers analyze the different constitutions of Nepal regarding the development of fundamental rights in corresponding to the seven constitutions enacted by Nepal.

Keywords: fundamental rights, constitution, freedom, democracy, government.

Introduction

Background of the study

Fundamental rights are a group of rights that have been perceived by a high degree of protection from encroachment. These rights are explicitly recognized in a constitution or have been found under due process of law. Every citizen in a democratic country needs these rights to grow as balanced and responsible citizens. The constitution guarantees that all citizens will be equally protected by the laws of the country. There are, however, instances of violation of these rights far and wide with the United Nations assessing an aggregate of 357 killings and 30 forced vanishings of human rights defenders, journalists, and trade unionists in 47 countries in 2019 (Martin, p. 2).

Fundamental rights were originated in France at the end of the 18th century in 1789 with the declaration of the rights of man and the citizen right after the revolution (Phuyal, 2018, p. 11). The idea of human rights dates back to the natural law set up by the Romans in ancient times, which depended on the objective thoughts of the times. Be it in the era of Hesiod, Homer or Socrates, Plato, Aristotle or proponent of social contract theory, Hobbes Locke, Rousseau or be it Emanuel Kant under 16th Century; all of them have advocated, pleaded for the pursuit of human rights like the right to self-determination, freedom of expression, peace, security, tranquility and so on for the sublimity of human moral values and dignity. These rights are governed by Magna Carta in the constitutions of each state, quite simply because they are crucial for every human being. They are different from other rights set up by the constitutions. This is because they are inalienable (acquired at birth) and cannot be the object of transaction or exchange. Moreover, the defense of fundamental rights is generally a brisk cycle in judicial terms in democratic societies. This is because we believe them to be a fundamental mainstay of society. A fundamental right is a right that the constitution creates. Because of this, we have to consider the preexistence of a right to shape a fundamental right.

The fundamental rights are genuinely included in the constitution since they are viewed as basic for the development of the personality of every individual and to protect human dignity. These fundamental rights ensure civil freedom for all citizens to allow them to live in peace and harmony. These are the essential rights that every citizen has the right to enjoy, irrespective of their caste, belief and religion, place of birth, race, color, or gender. The vitality of fundamental rights is stated in the constitution. There are seven constitutions promulgated in Nepal whereas only six were implemented, all the constitutions have mentioned fundamental rights in various ways.

Statement of the problem

Though the history of different kinds of the political ruling system in Nepal is relatively long and the history of constitutional development and fundamental rights is found to be short. At the end of the Rana regime Government of Nepal Act, 1948 was introduced as the first constitution of Nepal but never got implemented. Democracy was introduced in 1951. The Interim Government of Nepal Act was formulated. Nepalese achieved basic rights after fighting for fundamental rights for a long period. After that, the fundamental rights have been given a place in every constitution of Nepal. Different ways were chosen in the formation of the constitution. Constitution provisioned different fundamental rights opportune according to the situation. Different political movements before the formation of the constitution are found to be helping in establishing fundamental rights. A collective knowledge within an article about constitutional development and provisions and implementation of fundamental rights in Nepal is still missing for the inquisitive readers. This article tries to explore and analyze the basic (fundamental) rights provisioned in the various constitutions of Nepal and their implementations along with remedies.

This article looks for the answers to the given research questions:

- What are the constitutional provisions regarding the fundamental rights of Nepal to date?
- What are the provisions of implementations and remedies of fundamental rights?

Objectives of the study

The general objective of this article is to discuss the development of fundamental rights of Nepal with the change of time, law, and situation. The study has the following specific objectives:

- To analyze the constitutional provisions related to the fundamental rights mentioned in all constitutions of Nepal.
- To examine the implementation of fundamental rights along with their remedies.

Methods and materials

The research methodology is a tracing of the scheme of supervising the entire research work (Melnikovas, 2018). The methodology is centralized on why, what, from where, when, and how data were assembled and inspected (Guba & Lincoln, 1994, p. 103). Based primarily on the qualitative approach, the study is textually exploratory. There are heaps of digital facts and figures regarding the fundamental rights mentioned in the constitutions of Nepal. These facts were taken out and dissected in this article. To this end, the library searching for books, reports, websites, and other materials were consulted and read extensively

before the descriptive writing was conducted. This study is built solely on secondary sources of data. This article delimited only on analyzing of the fundamental rights and evolution of fundamental rights in different constitutions of Nepal.

Discussion

The constitution is a body of fundamental principles or established precedents according to which a state or other organization is acknowledged to be governed. It is the main law of the land. Fundamental rights are basic human rights. Constitutions around the world provision fundamental rights as a basic human right. Magna Carta 1215, the Bill of Rights 1689, the French declaration of human rights of 1789, the American declaration of independence 1789, and the charter of UN beside the human rights declaration, 1948 are also regarded as the most valued milestones in embodying the core values of fundamental rights throughout the world. Following the international trends, Nepal has also been furnishing fundamental rights in its constitutions.

Fundamental Rights in the Government of Nepal Act, 1948

On January 26, 1948, Padma Shamsheer declared a constitution, the Government of Nepal Act. As the most imaginative and potentially most pragmatic response of the Rana regime to the challenge of the times, the constitution has a significant place in the political history of Nepal (Joshi & Rose, 1966, p. 64). In Nepal, Fundamental Rights first found its place in 1948's constitution, inspired by a discussion over the Universal Declaration of Human Rights and the Indian experience of constitution drafting (Phuyal, 2019, p.1). This constitution had mentioned fundamental rights under part II. Article 4 of the constitution stated that;

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 the 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, the security of private property as defined by the laws of the state as at present existing and laws and rules to be made hereunder.

Rana's regime was autocratic in nature. Revolutions took place since 1993 BS against the Rana rule in an organized manner. So, the constitution was promulgated to gag the revolution and to pretend to be running the country according to statutory law in front of the international community. Even though a few fundamental rights were stated, the situation of implementation was feeble. The provision corresponding to the essence of fundamental rights is not seen. Constitution was not implemented, even if it had been implemented, the execution of fundamental rights would not be possible. However, judicial protection was not provided to prevent the encroachment of fundamental rights (Phuyal, 2018, p.76). Thus, the right to constitutional remedy has not been mentioned in the constitution by the law, but even by the supreme court, which is provided in article 53, does not seem to be empowered to stop the encroachment of fundamental rights.

Fundamental Rights in the Interim Constitution of Nepal, 1951

In 1951, the Nepali Congress began preparations for revolution against autocracy Rana rule. One of the main outlines, their plan called for the establishment of a constitutional government under the King (Joshi & Rose, 1966, p. 71). Finally, the democratic force won and collapsed the hundred years-long families based on Rana rule. It was a constitutional provision for the management of the transitional phase of ending century long Rana rule and institutionalization of new democracy (Shrestha, Phuyal, & Dahal, 2020, p. 4). The constitution of 1951 only incorporated the directive principles of state policies under part ii, retrograding on the chapter of fundamental rights which ranges from article 14 to 21 as shown in table-1.

Table 1*List of fundamental Rights in Interim Constitution of Nepal, 1951*

Article	Fundamental Rights
Article 14	Equality before law
Article 15	Nondiscrimination on grounds of religion, race, caste, sex, etc.
Article 16	Equality of opportunity
Article 17	Implementation of Fundamental principles of law
Article 18	Ensure of rule of law
Article 19	Personal liberty
Article 20	Prohibition of trafficking of human beings and force begging
Article 21	No child labor

Article 14 of the constitution had mentioned equality before the law. It granted His Majesty's Government would not deny to any person equality before the law or the equal protection of the laws within the territory of Nepal. Similarly, article 15 was against discrimination on grounds of religion, race, caste, sex, etc. It stated that His Majesty's Government would not discriminate against any citizen on any grounds of religion, race, caste, sex, and place of birth or any of them. It also gave immunity to make special provision for women and children to the government.

Article 16 of the constitution granted the right of equality of opportunity. It ensured that there would be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the government. However, this article provided to the government making any provision for the reservation of appointments or posts in favor of any backward class of citizens, which, is not adequately represented in the service under government.

Article 17 ensured following the fundamental principles of law. It ensured that no tax would be levied or collected except under the authority of law. Similarly, this article granted to all citizens having the right to freedom of speech and expression, right to assemble peaceably and without arms, right to form associations and unions, right to move freely throughout the territory of Nepal, right to reside and settle in any part of Nepal, right to acquire, hold, and dispose of property and right to practice any profession or to carry on any occupation, trade, or business.

Article 18 had ensured the implementation of rule of law. Clauses of the article stated that no person would be convicted of any offense except for violation of law in force at the time of the commission of the act charged as an offense, nor be subjected to a penalty greater than that which might have been inflicted under the law in force at the time of the commission of the offense, no person would not be prosecuted and punished for the same offense more than once, and no person accused of any offense would be compelled to be a witness against self and so on.

Article 19 mentioned personal liberty. It vowed that no person would be deprived of a person's life or personal liberty except according to the procedure established by law or rules for the public good, or the maintenance of public order or the security of the state. Similarly, article 20 was regarding the traffic of human beings and begging. It mentioned that traffic of human beings and begging and other similar forms of forced labor would be prohibited and any contravention of the provision would be an offense punishable following the law. However, the government could impose compulsory service for public purposes, and in imposing such service. The article stopped the government to make any discrimination on grounds only of religion, race, caste or class, or any of them. Article 21 of the constitution was against child labor. It vowed that no children below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment.

Fundamental rights were furnished under Directive Principles and State policies of the constitution. Therefore, no questions could be raised in the court whether any of the provisions contained in this part was implemented or not. Thus, the implementation of fundamental rights in this constitution was very fragile.

Fundamental Rights in the Constitution of the Kingdom of Nepal, 1959

The period between 1951 and 1959 was formative because of an experiment with constitutional democracy, was also accompanied by political instability, which culminated eventually in a royal announcement that a general election would be held to introduce a parliamentary form of government instead of Constituent Assembly (CA) (Khadka, 1986, p. 430). King Mahendra promulgated the Constitution of the Kingdom of Nepal in 1959. The constitution of 1959 retained the chapter on fundamental rights and was hugely inspired by the British experience. It was the reflection of suggestions of Sir Ivor Jennings who came to Nepal during the enacting of the constitution (Khanal, 2005). Most of the fundamental rights in the constitution was copied from the constitution of 1951 but this time provision of fundamental rights was placed separately in part III, from article three to nine as shown in table-2.

Table 2

List of fundamental Rights in Constitution of Kingdom of Nepal, 1959

Article	Fundamental Rights
Article 3	Right to personal liberty
Article 4	Right of equality
Article 5	Right of religions
Article 6	Right of property
Article 7	Right of freedom
Article 8	Right of the public good
Article 9	Right to constitutional remedies

Article 3 of the constitution ensured the right of personal liberty. There were various provisions within the 12 clauses of the article. The article granted that no person would be deprived of a person's life or personal liberty saved under the law. Similarly, the trafficking of human beings, slavery, and forced labor was forbidden, but provision would be made by law compulsory service for public purposes. In the same way, no person would be punished for an act, which was not punishable by law when the act was done, nor would any person be subjected to a punishment greater than that prescribed by law for an offense when the offense was committed. The constitution ensured that no person would be prosecuted and punished more than once for the same offense in court and no person accused of any offense would be compelled to be a witness against self. The article stated that no person who was arrested would be detained in custody without being informed, as soon as was practicable, of the grounds of such arrest, nor would be denied the right to consult and be defended by a legal practitioner of person's choice and every person who was arrested and detained in custody would be produced before the nearest judicial authority, within twenty-four hours from such arrest, excluding the time necessary for the journey from the place of arrest to the court of the judicial authority, and no such person would be detained in custody beyond the said period except on the order of judicial authority. The article provisioned that no law providing for preventive detention would authorize the detention of a person for a longer period than three months.

Article 4 of the constitution was related to the right to equality. It ensured equal protection to all citizens by the laws. It vowed that there would be no discrimination against any citizen on grounds of religion, sex, race, caste, or tribe in the application of general laws. Similarly, there would be no discrimination against any citizen on grounds only of religion, race, caste, or tribe in respect of appointments to the government services, and there would be no discrimination also on the grounds of sex in respect of appointments to the government service that is open to both male and female. The article granted that no person would disseminate hatred, contempt, or create enmity between people belonging to different areas, or between different classes of people, castes, and tribes of Nepal.

Article 5 of the constitution provided the right to religion. It stated that every citizen, having regard to the current traditions, may practice and profess a person's religion as handed down from the ancient times, however, no person would be entitled to change of person's religion. Similarly, article 6 had provisioned the property right. No person would be deprived of a person's property following the law and every citizen was entitled to the right to earn, possess, hold and sell the property - these were the person's rights on property granted by article 6 of the constitution.

Article 7 of the constitution had entitled four types of freedoms - these were - freedom of speech and expression, freedom of assembly without arms, freedom to form associations, unions, and freedom of movement or reside in any part of Nepal. Article 8 was related to the public good. It ensured that every law and policymaking by the government would be for the public good.

Article 9 of the constitution related to the right to constitutional remedies. It was the first provision on the constitution for the remedies of the fundamental right, so the probability of operation of fundamental rights was comparatively high.

Unfortunately, the constitution could not go for the long last. King Mahendra dissolved the elected government and suspended the constitution only after a couple of years of its enactment.

Fundamental Rights in the Constitution of Nepal, 1962

King Mahendra took over politics in 1960. He dissolved the elected government. He announced a new constitution by a royal announcement on 16 December 1962, which adopted a party-less panchayat system. Political parties were banned. Panchayat was an absolute state commanded and controlled system that applied to discourage any kinds of political or social movements as well as democratic activities (Shrestha & Hachhethu, 2002, p. 37). It was the fourth constitution and third implemented constitution. In a short, the constitution was not in the line of democracy. The constitution of 1962 adopted both fundamental rights and directive principles of state policies in two different chapters. As table-3 shows, articles 10- 17 had furnished fundamental Rights under part III.

Table 3

List of fundamental Rights in Constitution of Nepal, 1962

Article	Fundamental Right
Article 10	Right to equality
Article 11	Right to freedom
Article 12	Right against exile
Article 13	Right against exploitation
Article 14	Right to religion
Article 15	Right to property
Article 16	Right to constitutional remedies

Article 10 of the constitution had provisioned about the right to equality. It stated that all citizens would have the right to equal protection of the laws, no discrimination would be made against any citizen in the application of general laws on the ground of religion, race, sex, caste, tribe, or any of them, and there would be no discrimination against any citizen in respect of appointment to the government service or any other public service only on grounds of religion, race, sex, caste, tribe or any of them.

Article 11 had mentioned the right to freedom. Within the eight clauses of the article, there were various types of freedoms provided to the citizens. Article granted that no person would be deprived of a person's life or personal liberty save per the law. Citizens could entertain six types of freedom. They were; freedom of speech and expression, freedom to assemble peaceably and without arms, freedom to form unions and associations, freedom to move to or reside in any part of Nepal, and freedom to acquire and enjoy the property or to dispose it of by sale or otherwise. Similarly, the constitution had ensured that no person would be punished for an act that was not punishable by law when the act was done, nor would any person be subject to a punishment greater than that prescribed by law for an offense when the offense was committed, no person would be prosecuted and punished more than once for the same offense in any court, and no person accused of any offense would be compelled to be a witness against self. The article vowed that no person who is arrested would be detained in custody without being informed, as is practicable, of the grounds of such arrest, nor would be denied the right to consult and be defended by a legal practitioner of person's choice. In the same way, every person who was arrested and detained in custody would be produced before a judicial authority within twenty-four hours of such arrest, excluding the period of the journey from the place of arrest to such authority, and no such person would be detained in custody beyond the said period except on the order of such authority.

Article 12 of the constitution ensured that no citizen would be exiled. Article 13 of the constitution had provisioned the right against exploitation. Traffic in human beings, slavery, and forced labor was prohibited, however, prohibition on forced labor would not be a bar to provide for compulsory service by law for public purposes, the article told. Article 14 provided the right to religion to the citizens. According to the article, every person may profess their religion as handed down from ancient times and may practice it

having regard to the tradition, however, no person would be entitled to convert another person from one religion to another.

Article 15 granted the right to property, which told that no person would be deprived of property, save following the law. Article 16 ensured the right to constitutional remedies.

The constitution of Nepal, 1962 was promulgated against of democratic system. It was a party-less system and had no political freedom. Separation of power and rule of law were not valued. King was the source of all state power. There was the right of remedies in the constitution in the case of violation of fundamental rights. Because of the lack of a fair and impartial judiciary, the right of remedies would be ineffective in practice. Similarly, there was a long list of conditions in article 17. Based on these conditions, the government could restrict the exercise of fundamental rights for the public good. Henceforth, the implementation of fundamental rights under the constitution was feeble.

Fundamental Rights in the Constitution of the Kingdom of Nepal 1990

In the force of the people's movement, the multiparty democracy was reintroduced in 1990. All the organs of the Panchayat system were dissolved, and a new interim government was set up. Finally, the constitution of the kingdom of Nepal had promulgated, which was in the line of constitutional monarchy and multiparty democracy. This constitution has incorporated fundamental rights from articles 11 to 23 as shown in table-4.

Table 4

List of fundamental Rights in Constitution of Kingdom of Nepal, 1990

Article	Fundamental Rights
Article 11	Right to equality
Article 12	Right to freedom
Article 13	Press and publication rights
Article 14	Right regarding criminal justice
Article 15	Right against preventive detention
Article 16	Right to information
Article 17	Right to property
Article 18	Cultural and educational rights
Article 19	Right to religion
Article 20	Right against exploitation
Article 21	Right against exile
Article 22	Right to Privacy
Article 23	Right to constitutional remedy

Among the 13 types of fundamental rights, nine were the same as provisioned in prior constitutions. Press and publications rights, right to information, cultural and educational rights, and right to privacy were the new fundamental rights mentioned in the constitution of 1990. As press and publication right, article 13 of the constitution ensured that no news item, article, or any other reading material would be censored, no press would be closed or seized for printing any news item, article, or other reading material, and the registration of a newspaper or periodical would not be canceled merely for publishing any news item, article or other reading material. Article 16 had provisioned about the right to information, which granted to every citizen the right to demand and receive information on any matter of public importance.

Similarly, article 18 provided cultural and educational rights. According to the provision, each community residing within Nepal would have the right to preserve and promote its language, script, and culture and they would have the right to operate schools up to the primary level in its mother tongue for imparting education to its children. Article 22 provided the right to privacy. According to the provision, the privacy of the person, house, property, document, correspondence, or information of anyone would be inviolable.

Social security was furnished in this constitution in a little quantity for the first time in the constitutional history of Nepal. Judiciary was fair and impartial. So, it was hoping that the constitutional remedy would be effective in the case of violation of fundamental rights. Henceforth, the implementations of fundamental rights seem to be uncomplicated but no progress was seen in the lives of people due to political instability.

Fundamental Rights in the Interim Constitution of Nepal, 2007

The House of Representatives was reestablished on 24 April 2006 with the success of People's movement II, which was dissolved on 22 May 2002. The main objective of the interim constitution was to elect the Constituent Assembly (CA) for making a new constitution. The sixth constitution which came in a democratic framework expanded the theme and content of rights along with the constitutional framework on a remedy. The existing Interim Constitution 2007 improves the content of rights to some extent and expands its scope on economic, social, and cultural rights, but lacks the remedial part on it. As table-5 shows, the constitution has mentioned fundamental rights from article 12 to 32 under part III.

Table 5

List of fundamental Rights in Interim Constitution of Nepal, 2007

Article	Fundamental Rights
Article 12	Right to freedom
Article 13	Right to equality
Article 14	Right against untouchability and racial discriminations
Article 15	Right regarding publication, broadcasting, and press
Article 16	Right regarding environment and health
Article 17	Education and cultural right
Article 18	Right regarding employment and social security
Article 19	Right to property
Article 20	Right of women
Article 21	Right to social justice
Article 22	Right of child
Article 23	Right to religion
Article 24	Rights relating to justice
Article 25	Right against preventive detention
Article 26	Right against torture
Article 27	Right to information
Article 28	Right to privacy
Article 29	Right against exploitation
Article 30	Right regarding labor
Article 31	Right against exile
Article 32	Right to constitutional remedy

The interim constitution of Nepal, 2007 had mentioned 21 types of fundamental rights. Among the seven types of fundamental rights were new then its prior constitutions. The remaining rights were the same as mentioned by the constitution of 1990. Article 14 of the constitution had mentioned the right against untouchability and racial discrimination as a new fundamental right. Similarly, article 16 of the constitution ensured the right regarding the environment and health. It was a novel fundamental right. Article 18 had incorporated the right regarding employment and social security. Article 20 had the right of women, article 21 had the right to social justice, article 22 had the right of the child, and article 26 was related to the right against torture. These were the new fundamental rights than previous constitutions of Nepal.

The constitution had a long list of fundamental rights. There were new rights guaranteed by the constitution. New rights were mainly concerned with social security. A mischief tradition of untouchability declared a punishable crime by the constitution. Similarly, the right of women, children, and various communities of Nepali society to mention in the constitution was appreciable. There was also the right of remedies, which ensured the security against the violation of fundamental rights. The major responsibility of the constitution was to manage the political environment of the transitional phase. The constitution barred the

responsibility successfully as well as safeguarding the fundamental right. By its nature of interim, the constitution has functioned till the promulgation of a new constitution through the CA in 2015.

Fundamental Rights in the Constitution of Nepal, 2015

Finally, the next CA could pass the new constitution. President Ram Baran Yadav put his signature on the Constitution of Nepal on September 20, 2015. The new constitution embraces the principles of republicanism, federalism, secularism, and inclusiveness. This constitution has the endorsement of enriched fundamental rights ranging from article 16 to 47, under part III that are as shown in table-6.

Table 6

List of fundamental Rights in Constitution of Nepal, 2015

Article	Fundamental Rights
Article 16	Right to live with dignity
Article 17	Right to freedom
Article 18	Right to equality
Article 19	Right to communication
Article 20	Rights relating to justice
Article 21	Right of the victim of crime
Article 22	Right against torture
Article 23	Right against preventive detention
Article 24	Right against untouchability and discrimination
Article 25	Right to property
Article 26	Right to freedom of religion
Article 27	Right to information
Article 28	Right to privacy
Article 29	Right against exploitation
Article 30	Right regarding a clean environment
Article 31	Right relating to education
Article 32	Right to language and culture
Article 33	Right to employment
Article 34	Right to labor
Article 35	Right relating to health
Article 36	Right relating to food
Article 37	Right to housing
Article 38	Rights of women
Article 39	Rights of children
Article 40	Rights of Dalit
Article 41	Rights of senior citizens
Article 42	Right to social justice
Article 43	Right to social security
Article 44	Right of the consumer
Article 45	Right against exile
Article 46	Right to constitutional remedies
Article 47	Implementation of fundamental rights

There are 32 types of fundamental rights incorporated in the constitution of Nepal, 2015. Almost all rights are the same as the previous constitution; rather there are seven new rights in the constitution. Right to live with dignity (article 16), right of the victim of crime (article 21), right relating to food (article 36), right to housing (article 37), rights of Dalit (article 40), rights of senior citizens (article 41), and right of the consumer (article 44) are quietly new rights written in the constitution for the first time. There is a unique provision in article 47 about the implementation of fundamental rights. According to the provision, the state has to make legal provisions for the implementation of the rights, within three years of the commencement of the constitution. Federal parliament passed several bills regarding the provision and signed them by the president of Nepal within the given time. It is a positive message for the implementation of fundamental rights.

This constitution has furnished the longest list of fundamental rights in the constitutional history of Nepal. There are a bunch of rights related to social security, the constitution has incorporated the word "socialism" has been influenced by it which makes this constitution amazing. The constitutional provisions regarding fundamental rights seem very ambitious on the one hand, as well as Nepali people are hoping for their necessities from the new republic and federal state. So, to fulfill these responsibilities would be very challenging for the state. Several international human rights have been approved by Nepal and are perceived as a genuine member of the international community. Sanctioning international commitment bounds to meet at least basic standards fastened in the international treaties in the content of the Fundamental Rights (Devkota & Khadka, 2009). The Supreme Court of Nepal has also repeatedly stated this position in various judgments. Henceforth, while re-writing the new chapter on Fundamental Rights, one should think of Nepal's international obligation, decisions of the Supreme Court, and some relative arrangements of some democratic countries to standardize or normalize the content.

Conclusion

Meanwhile, along with the evolution of the constitutional framework, the Fundamental Rights Act, 1948, and the Individual Liberty Act, 1948 were declared and revoked by the Civil Liberties Act, 1955. The current Civil Liberty Act is a long way behind the constitutional framework in guaranteeing individual rights. In a federal system, exhaustive legislation on the protection of fundamental rights may be instrumental in bringing uniformity in the implementation and interpretation of rights enumerated in the chapter of fundamental rights. The analysis of the evolution of fundamental rights exhibits that the chapters on fundamental rights and directive principles of the state policies developed in the subsequent development of constitutional history, but maintain a format with additional content. Henceforth, it would be relevant to discuss the arrangement and sequencing of rights in the new chapter of the new constitution.

These rights are regarded as fundamental because they are most essential for the attainment by the individual of his or her full intellectual, moral, and spiritual status. They prepare a child to grow into a good human being. Nepal has been aching from political instability for ages, as a result, seven constitutions have been promulgated in Nepal within a short period. Anyway, all constitutions have mentioned fundamental rights corresponding to the then time.

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