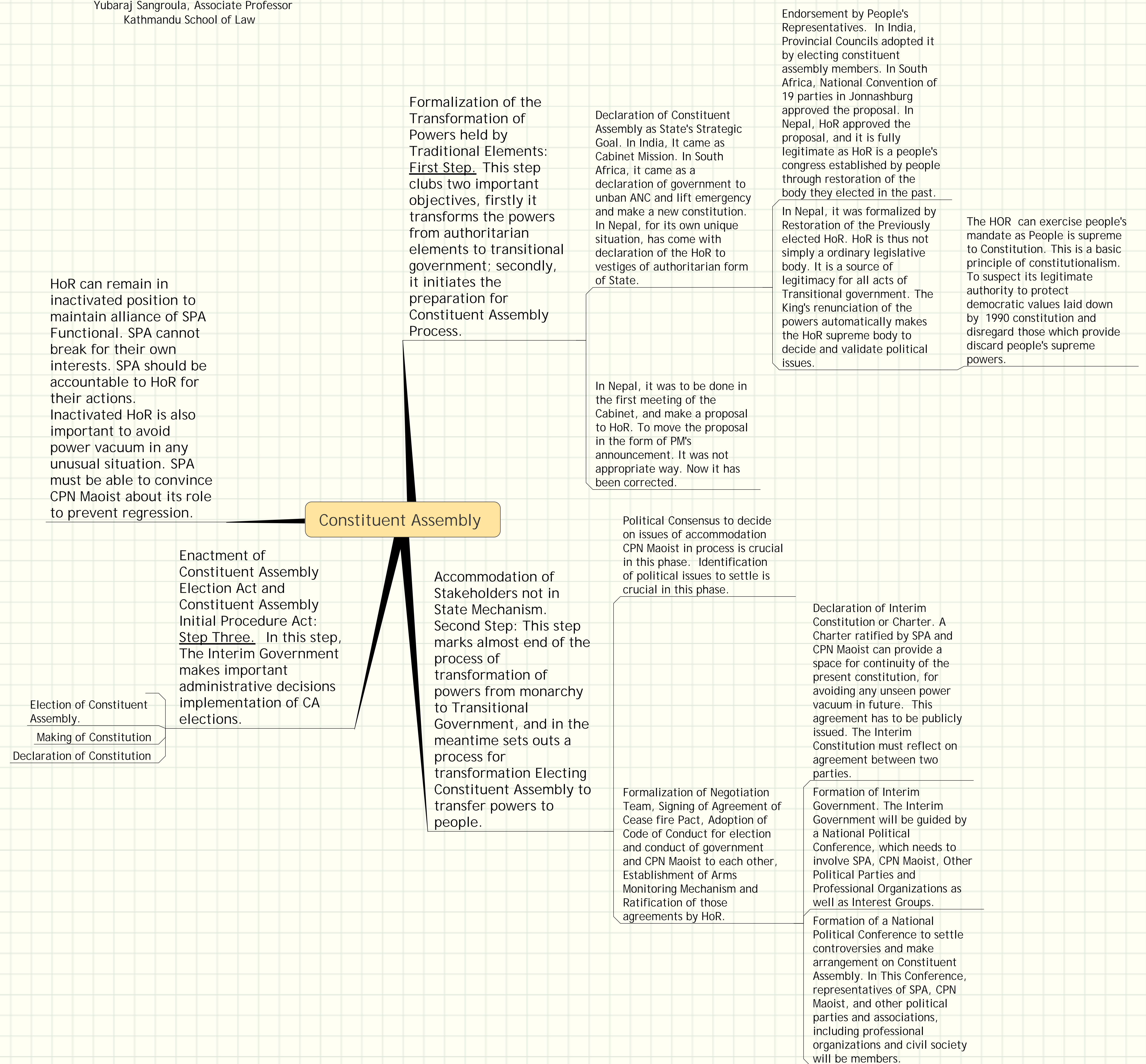


Procedural Structure for Constituent Assembly Process

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HoR can remain in inactivated position to maintain alliance of SPA Functional. SPA cannot break for their own interests. SPA should be accountable to HoR for their actions. Inactivated HoR is also important to avoid power vacuum in any unusual situation. SPA must be able to convince CPN Maoist about its role to prevent regression.

Constituent Assembly

Formalization of the Transformation of Powers held by Traditional Elements: First Step. This step clubs two important objectives, firstly it transforms the powers from authoritarian elements to transitional government; secondly, it initiates the preparation for Constituent Assembly Process.

Declaration of Constituent Assembly as State's Strategic Goal. In India, It came as Cabinet Mission. In South Africa, it came as a declaration of government to unban ANC and lift emergency and make a new constitution. In Nepal, for its own unique situation, has come with declaration of the HoR to vestiges of authoritarian form of State.

Endorsement by People's Representatives. In India, Provincial Councils adopted it by electing constituent assembly members. In South Africa, National Convention of 19 parties in Jonnashburg approved the proposal. In Nepal, HoR approved the proposal, and it is fully legitimate as HoR is a people's congress established by people through restoration of the body they elected in the past.

In Nepal, it was formalized by Restoration of the Previously elected HoR. HoR is thus not simply a ordinary legislative body. It is a source of legitimacy for all acts of Transitional government. The King's renunciation of the powers automatically makes the HoR supreme body to decide and validate political issues.

The HOR can exercise people's mandate as People is supreme to Constitution. This is a basic principle of constitutionalism. To suspect its legitimate authority to protect democratic values laid down by 1990 constitution and disregard those which provide discard people's supreme powers.

In Nepal, it was to be done in the first meeting of the Cabinet, and make a proposal to HoR. To move the proposal in the form of PM's announcement. It was not appropriate way. Now it has been corrected.

Accommodation of Stakeholders not in State Mechanism. Second Step: This step marks almost end of the process of transformation of powers from monarchy to Transitional Government, and in the meantime sets outs a process for transformation Electing Constituent Assembly to transfer powers to people.

Political Consensus to decide on issues of accommodation CPN Maoist in process is crucial in this phase. Identification of political issues to settle is crucial in this phase.

Declaration of Interim Constitution or Charter. A Charter ratified by SPA and CPN Maoist can provide a space for continuity of the present constitution, for avoiding any unseen power vacuum in future. This agreement has to be publicly issued. The Interim Constitution must reflect on agreement between two parties.

Formation of Interim Government. The Interim Government will be guided by a National Political Conference, which needs to involve SPA, CPN Maoist, Other Political Parties and Professional Organizations as well as Interest Groups.

Formation of a National Political Conference to settle controversies and make arrangement on Constituent Assembly. In This Conference, representatives of SPA, CPN Maoist, and other political parties and associations, including professional organizations and civil society will be members.

Enactment of Constituent Assembly Election Act and Constituent Assembly Initial Procedure Act: Step Three. In this step, The Interim Government makes important administrative decisions implementation of CA elections.

Election of Constituent Assembly.
Making of Constitution
Declaration of Constitution

Formalization of Negotiation Team, Signing of Agreement of Cease fire Pact, Adoption of Code of Conduct for election and conduct of government and CPN Maoist to each other, Establishment of Arms Monitoring Mechanism and Ratification of those agreements by HoR.