

PARLIAMENT WATCH – NEPAL

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Commenced in early May, the Tenth session of the Legislature-Parliament continued, and 13 meetings altogether were convened, during the month of August. The major highlights of those meetings are as follows:

1. The *forty-third* to *forty-fifth* meetings, held on different dates during August,¹ witnessed obstruction by the opposition party, Nepali Congress, over the issue of non-implementation, and particularly the resignation of the Prime Minister which was one of the prime agendas of the 5-point deal that was agreed and signed for extending the term of the Constituent Assembly in May 2011.² The *forty-sixth* meeting,³ however, witnessed no objection from the opposition as the Deputy Prime Minister and Finance Minister, Mr. Bhart Mohan Adhikari,⁴ delivered a speech of public importance on behalf of the Prime Minister that was later endorsed by Hon'ble Ram Chandra Poudel⁵ terming it to be a satisfactory statement. The periodic report of the Agreement Execution Monitoring Special Committee, 2011 was submitted at the meeting by the Deputy Speaker, Hon'ble Purna Kumari Subedi, who was also the ex-officio vice-chairperson of the said committee. Similarly, the meeting unanimously passed the Charter of the Asian Institute of Technology.
2. The *forty-seventh* meeting of the Tenth session of Legislature-Parliament commenced on 12 July 2011, at 15:40 hours, presided by the Speaker, Rt. Hon'ble Subas Chandra Nembang. As soon as the meeting started, Hon'ble Sarita Giri,⁶ having secured the permission from the Speaker, and taking stock of a media report published in the Kathmandu Post daily, spoke over the issue of growing insecurity of Madheshi people⁷ and called on the attention of the government of Nepal on illegal arrest and detention of the human rights defenders of Madheshi origin;⁸ for which she not only demanded a special address by the Home Minister before the parliament, but also warned a more stringent move of disrupting the next parliamentary session if Home Minister ignored this issue. The next meeting of the parliament, the *forty-eighth* meeting,⁹ commenced with the speech by the Prime Minister who, had already resigned from the post and, was informing the parliament on the reasons of his resignation along with the activities carried out and tasks accomplished during his tenure. The Investment Board Bill, 2065 B.S. was passed by the majority in this meeting.
3. The *forty-ninth* and *fiftieth* meeting of the Tenth session of Legislature-Parliament were convened on 22 August 2011, at 15:30 and 16:10 hours respectively, presided by the Speaker, Rt. Hon'ble Subas Chandra Nembang. A decision of the Supreme Court, which upheld the government decision to declare a typical Nepali attire *daura* (pant), *suruwal* (shirt) and *topi* (cap) as a national dress, was confronted by Hon'ble Gopal Thakur of Communist Party of Nepal (United Marxist-Leninist); for which he demanded a special ruling of the Speaker to the government of Nepal for withdrawing the decision since it, according to him, divided

¹ The forty-third meeting was convened on 02 August 2011, Tuesday at 15:45 hours in the Parliament whereas forty-fourth and forty fifth meetings were convened respectively on 07 and 08 of August, 2011.

² For further details, please refer to the monthly report of May, 2011.

³ The forty-sixth meeting was convened on 10 August 2011, Wednesday at 15:40 hours in the Parliament.

⁴ Mr. Adhikari represents the Communist Party of Nepal (United Marxist-Leninist).

⁵ Mr. Poudel is the Parliamentary Leader of Nepali Congress Party.

⁶ Ms. Giri is from the Nepal Sadbhavana Party (Anandi Devi).

⁷ For further details on Madhesh and Madheshi issues, please refer to our monthly report of April, 2011.

⁸ For further details on human rights issue, please refer to the separate section "Human Rights Concern and the Governance Issues" below at the closing of the report.

⁹ The forty-eighth meeting was convened on 15 August 2011, Monday at 16:35 hours in the Parliament.

people of Nepal as Nepali and Non-Nepali, and a single cultural attire could not guarantee the nationality of all Nepalese. As this involved serious human rights issue of diverse communities living in Nepal, the Speaker had to give ruling on this in the subsequent *fifty-first* meeting¹⁰ of the parliament.¹¹ Similarly, the *fifty-first* meeting of the parliament witnessed yet another¹² expulsion of lawmakers from the parliament citing obstruction as against the parliamentary proceedings.¹³

4. The *fifty-second* meeting of the Tenth session of Legislature-Parliament was convened on 28 August 2011, at 13:05 hours, presided by the Speaker, Rt. Hon'ble Subas Chandra Nembang. This meeting elected Dr. Babu Ram Bhattarai¹⁴ as the new Prime Minister of Nepal. He secured 340 votes of the total votes of 575 lawmakers who participated in the prime ministerial poll. His rival, Nepali Congress Parliamentary Party Leader Ram Chandra Poudel, received 235 votes, with support from the third largest party CPN (UML).¹⁵ Dr. Bhattarai was later sworn in as 35th Premier of the nation.¹⁶ The subsequent sitting¹⁷ of the parliament, inter alia, extended the deadline of the Constituent Assembly (CA), which was expiring a couple of days later, yet again¹⁸ for a period of three more months by passing a Tenth Amendment Bill to the Interim Constitution of Nepal 2007, and suspending a legislative obligation¹⁹ which otherwise would have required 72 hours time for the Bill to get matured. Of the total 541 lawmakers present at the meeting, 537 voted in favor of the CA term extension and only four lawmakers from Rastriya Prajatantra Party-Nepal (RPP-N) stood against the proposal.²⁰

Human Rights Concern and Governance Issues

The human rights concern and the governance issues raised during the reporting period are the following:

1. *Madheshi Activists' Allegation* :

¹⁰ The fifty-first meeting was convened on 15 August 2011, Monday at 16:35 hours in the Parliament.

¹¹ For further details on human rights issue, please refer to the separate section "Human Rights Concern and the Governance Issues" below at the closing of the report.

¹² For the first time in Nepal's parliamentary history, four lawmakers were evicted from the house in June 2011 for their repeated obstruction of the house proceedings. For further details, please refer to our Parliament Watch—Nepal report of June 2011.

¹³ Those suspended second time were: Chandra Bahadur Gurung, Ram Narayan Singh, Kunti Shahi and Babina Moktan of the Rastriya Prajatantra Party - Nepal (RPP-N). They were suspended for a day as they continuously shouted slogans at the parliament meeting despite repeated requests from the speaker not to do so. They were hauled out respectfully by the marshals (please see a news story published in Republica on 25 August 2011). These lawmakers were basically demanding a referendum in two issues, (a) abolition of monarchy and, (b) declaring Nepal a secular state; something which was already decided by the first sitting of the CA in 2008, and the reinstated parliament in 2006 respectively. For further details, please refer to our monthly report of April, 2011.

¹⁴ Dr. Bhattarai is the Vice-Chairman of the United Communist Party of Nepal (Maoist).

¹⁵ Phanindra Dahal, *Backed by Madhes, Bhattarai is new PM*, The Kathmandu Post, 29 August 2011.

¹⁶ The Himalayan Times News Portal, www.thehimalayantimes.com, accessed on 31 August 2011.

¹⁷ The fifty-third, fifty-fourth and fifty-fifth meetings of the Tenth session of the Legislature-Parliament were convened on 29 August 2011, Monday at 17:25 hours in the Parliament.

¹⁸ The Interim Constitution (Ninth Amendment) Bill, 2068 B.S. had extended the deadline of the CA for a second time, for three months on 28 May 2011. For further details, please see our monthly report of May, 2011.

¹⁹ Clause 67 (1) of the Constituent Assembly (Conduct of Business of Legislative-Parliament) Rules, 2008.

²⁰ Those who cast their votes against the motion were: (a) Kunti Shahi, (b) Chandra Bahadur Gurung, (c) Babina Moktan Lawoti and, (d) Ram Narayan Singh.

Two right activists, basically operating in Terai region, had alleged that the government officials directly and indirectly threatened them for their work related to accountability and justice. Mr. Dipendra Jha and Mr. Ravi Thakur²¹ publicly declared that they can no longer continue their work in 'climate of fear'; for which they have also filed a written complaint with the National Human Rights Commission (NHRC). According to a media report,²² the human rights group, in March 2011, had released a report on extra-judicial executions in the Terai, documenting 133 cases which found that state security personnel had killed civilians and alleged armed group activists in 'encounters'. Armed groups were found to be involved in 128 cases of extra-judicial killings. In June, Dipendra Jha, who is also a lawyer, initiated public interest litigation in the Supreme Court, which issued a show-cause notice to the authorities concerned. The *Samyukta Loktantrik Madhesi Morcha* had also referred to the report while asking the government to conduct a full investigation into the matter. Jha had highlighted the issue with UN human rights officials in Geneva as well. Similarly, Thakur claimed that his opposition to illegal detention in Rupandehi had brought him in direct conflict with the local police there. "The police there often arrested young men and women without a warrant, and detained them for weeks without filing any case. All those arrested were inevitably from the Madhesi community, and there was clear discrimination. When the issue was raised, the police officials first denied that they had anyone in custody, and then accused them of acting on behalf of the armed groups."²³

For the above cause, Mr. Jha was reported to have been demanded to drop the case especially with regard to extra-judicial killings whereas Mr. Thakur was said to have been intimidated linking him up with the armed groups.

2. *National Dress Code Issue:*

On national dress code issue, the Speaker had to deliver the following ruling in the parliament just to break off the vehement opposition of the Madhes-based parties:

"As per the Article 5 (1) of the Interim Constitution of Nepal 2007, all the languages spoken as mother tongues in Nepal are the languages of the nation. Based on this ground, all the costumes used by the communities across the country – all the way from Himal to Madhes – are national attires; I draw the government's attention toward this issue, as it is a serious matter."

Following the announcement, the Madhes-based parties thanked him and allowed the parliament proceedings to resume.

According to the Madhesi representatives, the Supreme Court verdict was disrespectful to costumes used by other communities.

²¹ Mr. Jha is a Chairperson of a civil society organization called Democratic Freedom and Human Rights Institute (DFHRI), whereas Mr. Thakur is a District based Chairperson of Madhesi Human Rights Home (Kapilvastu).

²² Prashant Jha, *State of Nepali state: Govt. officials harassing us; Madhesi activists*, The Kathmandu Post, 12 August 2011.

²³ *Ibid.*