

PARLIAMENT WATCH – NEPAL

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The Tenth Session of the Legislature-Parliament continued, and as many as 06 meetings¹ were convened, during the month of October. The major highlight of the month is as follows:

The budget session of the Legislature-Parliament, adjourned previous month² and resumed on 13 October, witnessed profound disparagement of the opposition over the issue of government's 'inaction' to oust two 'tainted' ministers from the cabinet.

As soon as the meeting commenced, Hon'ble Ram Chandra Poudel,³ having secured the permission from the Speaker, demanded that Mr. Prabhu Shah,⁴ the Minister of Land Reforms and Management, be terminated⁵ and referred to the court as the Public Prosecutor's Office in the Parsa district intended to give him amnesty⁶ because he was not prosecuted despite proven guilty (as the major conspirator) under the police investigation⁷ in a murder case of the then president of Bishwa Hindu Yuva Sangh,⁸ Mr. Kashi Nath Tiwari.⁹ Similarly, Hon'ble Bhim Prasad Acharya of the Communist Party of Nepal (United Marxist-Leninist)¹⁰ raised question, inter alia, on the secessionist (separatist) remarks made by the Defense Minister, Mr. Sharat Singh Bhandari,¹¹ and demanded his immediate termination from the council of ministers. He even warned that unless minister Bhandari, along with the Minister for Land Reforms and Management, Prabhu Shah, are terminated, and the Prime Minister responds to the issues, raised by the opposition parties, being present in the parliament, no sessions would be allowed further. Immediately after this remarks of Mr. Acharya, all the opposition members in the parliament rose from their respective seats in protest, thereby obstructing the house proceedings, after which the Speaker adjourned the meeting and postponed the session until 16th afternoon. Three consecutive meetings convened thereafter witnessed disruption from the opposition for the same issue.¹²

¹ The sixty-fourth to sixty-ninth meetings were convened during 13 to 24 October, 2011.

² The sixty-third meeting of the Legislature-Parliament held on 22 September 2011 had adjourned the next sitting of the parliament till 13th of October 2011.

³ Mr. Poudel is the leader of the main opposition party and represents Nepali Congress in the Legislature-Parliament.

⁴ Mr. Shah represents United Communist Party of Nepal (Maoist) [UCPN (M)].

⁵ The Parliamentary Party meeting of the Nepali Congress, held on 13 October, had officially decided to obstruct the parliamentary activities until Prabhu Shah, accused of a murder case, resigned from his post and Prime Minister delivered replies in the parliament. The details were retrieved from the *Himalayan Times* portal, www.thehimalayantimes.com, last accessed on 14 October 2011.

⁶ The Parsa District Attorney's Office, which is the ultimate authority as per the law to decide the government cases whether prosecuted or not, had refused to entertain the case of Shah, citing lack of evidence.

⁷ Prabhu Shah came under a cloud after police arrested two men, including his aide, who had said that the crime was committed with the order of Shah.

⁸ Yuva Sangh is a militant, pro-monarchy Hindu organization.

⁹ Deceased Tiwari was gunned down by two motorcycle-borne assailants in the year 2010. And despite the denials the Maoists were suspected of having undertaken the retaliatory attack as Tiwari led mob in Birgunj city had attacked a peaceful Maoist demonstration and had assaulted senior leaders, including Prabhu Shah who was then a Member of Parliament, in a bid to break up an indefinite strike called by the Maoists in 2009. For further information, please see the news story, *Opposition Storm Buffets Nepal PM Ahead of India Trip*, published in *The Times of India* on 16 October 2011.

¹⁰ Mr. Acharya is the chief whip of the NCP (UML) which is the second largest party in the Legislature-Parliament.

¹¹ Mr. Bhandari, who represents the Madheshi Janaadhikar Forum (Democratic), had publicly expressed his views that no laws of the land could stop Madheshi people if they decided to separate 22 districts in the Terai region from the mainland Nepal.

¹² The sixty-fifth to sixty-seventh meetings, convened on 16th, 17th and 18th respectively, of Legislature-Parliament were adjourned due to the obstruction by the opposition parties.

Among those who heavily criticized the Prime Minister over this issue were Hon'ble Ramesh Lekhak of Nepali Congress, and Hon'ble Agni Kharel of Communist Party of Nepal (United Marxist-Leninist). Hon'ble Ramesh Lekhak had said that the government's attempt to protect leaders allegedly involved in criminal activities and his silence at the 'unconstitutional statement' of the Defense Minister were eroding the Prime Minister's image. He further pointed out that minister Bhandari can be tried for 'inciting subversion' for his 'separatist stance' under the Act Relating to Offense against the State, and stressed that the government should take initiatives to file a criminal case against minister Shah.¹³ Similarly Hon'ble Agni Kharel opined that, "anyone would have been handcuffed by now for such remarks against national unity but Bhandari was being left scot free" and also accused that the 'prime minister was trying to protect Shah'.¹⁴

It was the sixty-eighth meeting¹⁵ that paid heed to the opposition's demand. In that meeting, Prime Minister Dr. Babu Ram Bhattarai¹⁶ informed the parliament that Shah and Bhandari were relieved from their respective portfolios on the recommendation of concerned parties. As a matter of fact, Prabhu Shah had tendered his resignation after his party decided to call him back. The party had 'decided to recall Mr. Shah due to furor in parliament which was bound to affect the peace process and the drafting of the new constitution'.¹⁷ Similarly, Bhandari was also called back from the government by his party Madheshi Janadhikar Forum (Democratic) especially after a warning from the Prime Minister.¹⁸ Interestingly, Bhandari belongs to the bloc of Terai parties whose crucial support helped Dr. Bhattarai to win the Prime Minister's election a couple of month back.¹⁹

Human Rights Concern and Governance Issues

The human rights concern and the governance issue raised during the reporting period is the following:

As the foregoing paragraphs suggest no major issues which had the direct bearing on human rights were discussed in the parliament during October, one very prominent issue that made the headlines the whole month, however, was raised so far as governance is concerned. And the question raised relates to the disrespect shown towards rule of law and the prevalent impunity deeply rooted within the system. The tainted ministers should have resigned on their own respecting morality issue, and

¹³ See basically a news story, *Opposition Call to Sack Bhandari gets Louder*, published in *The Kathmandu Post* on 17 October 2011.

¹⁴ See basically a news story, *Opposition Continue House Obstruction*, published in *Republica* on 18 October 2011.

¹⁵ The sixty-eighth meeting of the Legislature-Parliament was convened on 19 October 2011, at 16:05 hours, presided by the Speaker, Rt. Hon'ble Subas Chandra Nembang.

¹⁶ Dr. Bhattarai represents UCPN (M).

¹⁷ The media adviser of the Prime Minister, Mr. Ram Rijan Yadav, issued a press statement to that effect after the consultations among the premier, Maoist chairman Prachanda and the tainted minister himself were over.

¹⁸ Prime Minister Dr. Babu Ram Bhattarai is known to have warned Bhandari to oust from the cabinet if his party did not decide to call him back. For details, please see a Nepalnews story, *MJF-Loktantrik calls back defense minister Bhandari from Government*, at www.nepalnews.com, last accessed on 20 October 2011.

¹⁹ For further details, please refer to our monthly report of August, 2011.

before the opposition's fervent pressure; it did not happen, however, because of lack of accountability which is one of the major problems in strengthening rule of law in the country.²⁰

²⁰ For further information, see the *Global Integrity Report*, available at www.globalintegrity.org.