

PARLIAMENT WATCH – NEPAL*

JULY 2011



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The Tenth session of the Legislature-Parliament, which began early May, and continued during the month of June and July, is still in session. Altogether 17 meetings were convened in July. The major highlights of those meetings are as follows:

1. The *twenty-sixth* and *twenty-seventh* meeting of the Tenth session of Legislature-Parliament commenced on 3 July 2011, at 16:10 hours, presided by the Speaker, Rt. Hon'ble Subas Chandra Nembang. The meeting began with the Rt. Hon'ble Prime Minister, Mr. Jhala Nath Khanal,¹ submitting the Policies and Programs of the Government of Nepal 2068/69 B.S., to the Rt. Hon'ble President, Dr. Ram Baran Yadav who was to present the Policies and the Programs in the very sitting of the Parliament. The government's policies and programs presented to the Parliament had something for everyone, but lacked priority and focus. From climate change to cultural heritage preservation, the policies envisioned to create a socialist economy in the long run.² The Policy is aimed at national unity, integrity and sovereignty, ending all types of discrimination. Completing the task of drafting the constitution, maintaining constitutional supremacy, the rule of law and good governance, protecting and promoting human rights, and implementing past agreements between different political parties is the key, according to the Policy Paper.³ Having read out the document provided by the Prime Minister, President, Dr. Yadav, also said that the country was at a critical juncture in history. He requested the Assembly to lead the people towards prosperity by institutionalizing peace and constitution and providing stability.

The Government's Policies and Programs presented to Parliament, however, failed to satisfy coalition partners and the opposition alike. "The policy paper has nothing new to offer and it is just a continuation of the past," said UCPN-Maoist leader and former finance minister Dr Baburam Bhattarai. "UCPN-M is neither satisfied nor dissatisfied," he added. Similarly, Top Bahadur Rayamajhi, Minister for Physical Planning and Works, who represents UCPN-Maoist, said the paper is not progressive and revolutionary. "It's status-quoist." he said. The main opposition Nepali Congress also voiced similar concerns. "The policy document is unnecessarily long and reminds of Panchayat regime," said Nepali Congress leader and former finance minister, Dr Ram Sharan Mahat. "It has tried to address all, but could not set any priorities," he said, adding that it lacked direction. "The policy paper fails in major areas like promoting democratic norms and values, and the peace process and is unable to address current economic crisis in the country," he said, adding that it is against the democratic system, pluralism and fundamental rights.⁴

¹ The Prime Minister is from the Communist Party of Nepal (United Marxist-Leninist).

² *Starry-eyed government promises the moon*, published on 2011-07-04 at www.thehimalayantimes.com.

³ *Ibid.*

⁴ *Nothing new under the sun: Allies, Opposition*, published on 2011-07-04 at www.thehimalayantimes.com.

Despite strong reservations with and over a dozen amendment proposals from the opposition parties,⁵ the Government's annual Programs and Policies were endorsed by a simple majority,⁶ thereby clearing the way for presenting fiscal budget for 2011/12.⁷

2. The *thirty-second* and *thirty-third* meeting, held on 15 July 2011, witnessed the budget speech⁸ by the Finance Minister, Hon'ble Bhart Mohan Adhikari.⁹ For the first time in Nepal's parliamentary history, this year's budget was leaked to the press and public before being presented to the parliament. The budget leak led Parliament to appoint a seven-member committee to probe the matter. The budget speech was actually delayed by a day, due to pressure from Madhesi parties over inclusion of their demands. But confusion over its presentation led to the leak. Besides newspapers and television channels airing its contents hours in advance, the Finance Ministry's website also posted the entire budget, even as Finance Minister Adhikari was presenting it.¹⁰ The probe committee has already submitted its report to the Speaker who opines that the budget leak was a wrong act and it is necessary to pay attention to the suggestions given by the committee so that such incidents are not repeated in the future.¹¹
3. The *thirty-fourth*, *thirty-fifth* and *thirty-sixth* meeting, held on 16 July 2011, basically discussed the budget, whereas, the *thirty-seventh* meeting, held on 24 July 2011, witnessed no major agenda concerning the Bill, except delivery of speeches by different members on contemporary issues. The *thirty-eighth* to *forty-second* meetings, held on different dates during July, witnessed obstruction by the opposition party, Nepali Congress, over the issue of the resignation of the Prime Minister¹² which is a prime item on the agenda of the 5-point deal that was agreed and signed, to extend the term of the Constituent Assembly.¹³

Human Rights and Governance Issues

Since no major Bills, except the Bills relating to Projection on Income and Expenditure and other associated Bills with regard to the budget, were introduced in the parliament during the reporting period, there is no issue worth mentioning, so far on human rights and good governance. The Public Accounts Committee (PAC) of the Legislature-Parliament, however, remained as vigilant issuing orders to state utilities on different issues. The last was the order

⁵ The amendment proposals were allowed to be brought in within the House in the subsequent *twenty-eighth*, *twenty-ninth*, and *thirtieth and thirty-first* meetings held respectively on 05, 06 and 07 of July, 2011.

⁶ *Annual plans: House okays government policies programs*, The Kathmandu Post, 08 July 2011; *House majority endorses government policy, programs*, Republica, 08 July 2011.

⁷ *House passes policy paper sans 'people's war'*, The Himalayan Times, 08 July 2011.

⁸ For budget details, please refer to the Ministry of Finance Portal <http://www.mof.gov.np>.

⁹ The Finance Minister, Mr. Adhikari, also belongs to the Communist Party of Nepal (United Marxist-Leninist).

¹⁰ *PM in trouble over budget leak*, The Hindustan Times, published on 16 July 2011.

¹¹ See basically, *House panel puts in budget leak report*, published on 2011-07-31 at www.thehimalayantimes.com.

¹² Nepali Congress has been continuously obstructing the House proceedings demanding Prime Minister's resignation. Please refer to the news headlines post July 25 at www.thehimalayantimes.com, www.myrepublica.com, www.nepalnews.com and www.ekantipur.com.

¹³ For more details, please refer to the Monthly Report of May 2011.

issued by the sub-committee of PAC, which has been investigating possible irregularities in the distribution of 2G and 3G spectrum by the Nepal Telecom Authority (NTA), to furnish details of top officials involved in frequency allocation and issuance of limited mobility licenses, along with the details of the decision-making process.¹⁴ Similarly, the Parliament Hearing Special Committee (PHSC) summoned Deputy Prime Minister (DPM) and Foreign Minister, Mr. Upendra Yadav and Foreign Secretary, Mr. Madan Kumar Bhattarai, regarding the ministry's proposal to appoint Hari Kumar Shrestha as the next Ambassador to Bangladesh. Earlier the committee had sought a written clarification from the ministry on the issue. Expressing dissatisfaction over the ministry's written clarification, the PHSC summoned the DPM on 13 July. However, DPM did not present himself to furnish clarification over early recommendation of the new envoy.¹⁵ PHSC stating DPM's absence as "contempt of parliament", warned of taking necessary action if he does not present himself at the next meeting that was slated for 17 July. A majority of PHSC members criticized DPM for not attending the meeting as he had been summoned well in advance.¹⁶

¹⁴ *PAC packs a punch in telecom probe*, Republica, published on 26 July 2011. See also <http://www.ekantipur.com/the-kathmandu-post/2011/07/26/money/>, last accessed on 28 July 2011.

¹⁵ Clause 119 of the Constituent Assembly (Conduct of the Business of Legislature-Parliament) Rules, 2008 states that the cabinet can recommend parliamentary hearing for a new envoy "only after the ambassadorial post falls vacant". But in this case this was not complied.

¹⁶ *Panel summons Yadav*, the Himalayan Times, 11 July 2011. See also Kosh Raj Koirala, *PHSC summons Minister Yadav Again*, Republica, 14 July 2011.