

# PARLIAMENT WATCH – NEPAL\*

## JUNE 2011



---

\* Conceptualised, implemented and funded by South Asians for Human Rights; Research carried out and assistance provided by Transparency International, Nepal. Researcher Advocate Kamal Pokhrel.

The Tenth session of the Legislature-Parliament, which began early May, continued during the whole month of June and is still in session. After the deadline of the Constituent Assembly (CA) was extended in May 28, the first meeting commenced on 03 June 2011. Altogether 12 meetings were convened during the month of June. The major highlights of those meetings are as follows:

1. The *fourteenth* meeting of the Tenth session of Legislature-Parliament commenced on 3 June 2011, at 16:10 hours, presided by the Speaker, Rt. Hon'ble Subas Chandra Nembang. At the commencement of the meeting, Hon'ble members delivered speeches on contemporary issues followed by an address of the Opposition Leader, Hon'ble Ram Chandra Poudel,<sup>1</sup> who emphasized on strictly abiding by the 5-point deal,<sup>2</sup> both in letter and spirit, so as to complete the peace process. Then the Speaker read out the letter received from the President's Office notifying the certification of two Acts: namely the Prevention of Money Laundering (First Amendment) Act, 2068 B.S. and Ethnic Disparity and Untouchability (Crime and Punishment) Act, 2068 B.S.<sup>3</sup>
2. The *fifteenth* meeting commenced on 7 June 2011, at 15:45 hours, presided by the Speaker. This meeting discussed the "Civil Procedure Code, 2067" B.S. presented by the Minister for Law and Justice, Hon'ble Prabhu Shah,<sup>4</sup> wherein, a member from the ruling party Hon'ble Khim Lal Devkota<sup>5</sup> actively participated. The minister later gave clarification on questions raised by lawmakers. Similarly, the *sixteenth* meeting, which commenced on 13 June 2011, at 15:45 hours, discussed the "Criminal Code, 2067 B.S." presented by the Minister for Law and Justice, Hon'ble Prabhu Shah. After the discussion of the Bill, the Speaker presented the Bill for assent but was immediately cautioned by Hon'ble Ramesh Lekhak<sup>6</sup>, who notified the lack of quorum – that was later confirmed – the Speaker then adjourned the meeting without passage of the Bill.
3. The *seventeenth* meeting commenced on 19 June 2011, at 18:45 hours, presided by the Speaker. The house encountered yet another disturbance created by some members who had been demanding a separate Bill on inclusivity. Amidst the disturbances, the Speaker, however, read out the letter received from the President's Office, notifying certification of the "Garbage Management Act, 2068 B.S." For the first time in the parliamentary history of Nepal, this meeting suspended four of its members for repeatedly obstructing house proceedings. Among those suspended were: Hon'ble Rukmini Chaudhary of the Federal Democratic National Front, Hon'ble Bishwendra Paswan of the Dalit Janajati Party, Hon'ble Buddha Ratna Manandhar of the Nepal National Party, and Independent Member, Hon'ble Sadrul Miya Haque. These "lawmakers, who obstructed House several times in the past demanding a guarantee of inclusive nature in the upcoming constitution, were hauled out by the marshals of the parliament."<sup>7</sup> They were suspended for seven days. They were evicted for obstructing

---

<sup>1</sup> Mr. Poudel represents the Nepali Congress Party which assumes the opposition bench in the parliament.

<sup>2</sup> It was the 5-point agreement which saved the CA. For details, please see the previous report of May.

<sup>3</sup> For more details on the Ethnic Disparity and Untouchability (Crime and Punishment) Act 2068 B.S., please refer to the monthly report of May 2011.

<sup>4</sup> Mr. Shah represents the UCPN (M).

<sup>5</sup> Mr. Devkota also belongs to the UCPN (M).

<sup>6</sup> Mr. Lekhak represents the Nepali Congress Party in the parliament.

<sup>7</sup> See *Four MPs suspended for seven days*, published online on [www.nepalnews.com](http://www.nepalnews.com), 19.06.2011, available at <http://www.nepalnews.com/archive/2011/jun/jun19/news14.php>.

- the Minister for Local Development, Hon'ble Urmila Aryal<sup>8</sup> who was to inform parliament on an important issue, bounced cheques, and was proceeding to the rostrum.<sup>9</sup>
4. The *eighteenth* meeting commenced on 22 June 2011, at 14:20 hours, presided by the Speaker. This meeting discussed two important international conventions, namely: the "International Convention for the Suppression of the Financing of Terrorism, 1999", and the "United Nations Convention Against Transnational Organized Crime". The lawmakers of the major political parties actively participated in the meeting. Notably, a proposal for amendment was moved by Hon'ble Usha Kala Rai<sup>10</sup> on the International Convention for the Suppression of the Financing of Terrorism in the subsequent *nineteenth and twentieth* meeting<sup>11</sup> of parliament. This meeting ratified (with majority) the Convention with reservations.<sup>12</sup> The Convention Against Transnational Organized Crimes was also ratified by majority. Other meetings,<sup>13</sup> convened during the month of June, contained nothing of significance, except, discussions on the principles and priority of Allocation Bill.

Apart from the aforementioned achievements, another landmark investigation was carried out by a Committee of the Legislature-Parliament in June. As soon as a news item, of the sorry state of Tribhuvan International Airport (TIA) runway was published, the Public Account Committee (PAC), took up the case, *suo motu*, carried out field inspection of the TIA runway on 30 June 2011. "After holding discussions with construction entrepreneurs, consultants, Chief of TIA Improvement Project, Dhruva Das Bhochhibhoya; Director General of TIA, Ratish Chandra Lal Suman and Secretary of the Ministry for Tourism and Civil Aviation, Ganesh Raj Joshi, PAC reached a conclusion that use of substandard materials and slipshod construction were the reason behind the sorry state of TIA helipad and runway."<sup>14</sup>

Concluding that millions of rupees must have been misappropriated, while constructing the helipad and runway, PAC told the Commission for Investigating Abuse of Authority (CIAA) to dig deeper to find the culprits and bring them to book. The House panel concluded that the

---

<sup>8</sup> Ms. Aryal represents the Communist Party of Nepal (United Marxist-Leninist).

<sup>9</sup> Since these lawmakers were obstructing the Minister from going to the rostrum, which according to the Speaker, was the violation of Clause 46 of the Constituent Assembly Rules 2065 B.S. that strictly requires maintaining peace and tranquility as well as the disciplines of the Members in the House. In this case, these lawmakers were repeatedly obstructing the house despite the Speaker's recurrent rulings.

<sup>10</sup> Ms. Rai represents the Communist Party of Nepal (United Marxist-Leninist).

<sup>11</sup> The *nineteenth and twentieth* meeting of the parliament was convened on 24 June 2011 at 11:30 hours, and presided over by the Speaker.

<sup>12</sup> The reservation reads, "Nepal hereby declares that it does not consider itself bound by the provision of paragraph 1 of Article 24 of the International Convention for the Suppression of the Financing of Terrorism".

<sup>13</sup> The *twenty-first* meeting was convened on 26 June 2011 whereas the *twenty-second and twenty-third* meeting was convened on 27 June 2011. The last meeting of the month, June, was *twenty-fourth* and *twenty-fifth* meeting which was convened on 28 June 2011, and was adjourned till the 3<sup>rd</sup> of following month.

<sup>14</sup> *Parliamentary committee asks CIAA to bring guilty to account*, published on 2011-06-30 at [www.himalayantimes.com](http://www.himalayantimes.com).

sorry state of helipad and runway has not only affected air services but also tarnished Nepal's image in the international arena.<sup>15</sup>

The Committee also directed the Ministry of Tourism and Civil Aviation and Civil Aviation Authority of Nepal (CAAN) to immediately get the contractors to carry out repairs.<sup>16</sup>

---

<sup>15</sup> *Ibid.*

<sup>16</sup> Bikash Sangraula, *PAC seeks action over TIA overlay, helipad defect*, available at [http://www.myrepublica.com/portal/index.php?action=news\\_details&news\\_id=32967](http://www.myrepublica.com/portal/index.php?action=news_details&news_id=32967), last accessed on 5 June 2011.