

PARLIAMENT WATCH – NEPAL

JANUARY 2012



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The New Year 2012 began with the ongoing business of the Tenth session of the Legislature-Parliament which commenced on May 2nd, the previous year. January 2012 witnessed a total of 10 meetings¹ convened in Nepal's parliament. The major highlight of the month is as follows:

The opening meeting² in January, among others, unanimously passed the amendment³ proposed by the Legislative Committee on the National Human Rights Commission (NHRC) Bill, 2011 that was later endorsed as an integrated part of the Bill.⁴ The NHRC of Nepal is a constitutional body hence is established in accordance with Article 131 of the Interim Constitution of Nepal, 2007.⁵ The other Bills which were introduced in the parliament in January were:

- (1) Nepal Health Services (Fourth Amendment) Bill, 2011
- (2) Civil Service (Third Amendment) Bill, 2011

The Civil Service (Third Amendment) Bill, 2011 was unanimously passed by the *eighty-fifth* meeting⁶ whereas the Nepal Health Services (Fourth Amendment) Bill, 2011 was passed by the *eighty-sixth* meeting⁷ of the parliament. Similarly, some of the important Agreements and Statutes, which were presented in the parliament during January, are as follows:⁸

- (1) Intergovernmental Agreement on Trans-Asian Railway Network
- (2) Statute of the International Atomic Energy Agency
- (3) Regional Cooperative Agreement for Research, Development and Training Related to Nuclear Science and Technology
- (4) South Asian Association for Regional Cooperation (SAARC) Convention on Cooperation on Environment.

The meeting unanimously passed these two important documents namely (i) Intergovernmental Agreement on Trans-Asian Railway Network, and (ii) Statute of the International Atomic Energy Agency, whereas only deliberations were over so far as the above-mentioned Regional Cooperative Agreement is concerned.⁹ The SAARC Convention on Environment, however, could not be passed due to the lack of quorum in the meeting.¹⁰

As in the previous months, January also witnessed obstruction of parliamentary proceedings mainly over two issues. The cabinet meeting on January 12 that aimed to legalize war-time transactions of property and land deals followed by a controversial statement of the Premier that "Nepal may be

¹ The eighty-fourth to ninety-third meetings were convened during 04 to 29 January, 2012.

² The first meeting of the month January 2012 was convened on the 4th at 13:30 hours in the Legislature-Parliament and presided by the Speaker Rt. Hon'ble Subas Chandra Nembang.

³ The Legislative Committee had proposed as many as 13 amendments which were later integrated in Clauses 2 to 35 of the Bill.

⁴ For more details on the Bill and the Act, please refer to the Monthly Report of December, 2011.

⁵ Section 2 (b) of the NHRC Act, 2012.

⁶ The eighty-fifth meeting was held on 06 January 2012.

⁷ The eighty-sixth meeting was held on 08 January 2012.

⁸ Based on the interview with the Under Secretary of the Parliament Secretariat, Mr. Murari Mahat.

⁹ These documents were passed and discussed in the eighty-fifth meeting of the parliament held on 06 January 2012.

¹⁰ The SAARC Convention was presented in the parliament in the eighty-seventh meeting held on 10 January 2012.

merged with either India or China if its peace process failed" which had irked the opposition parties.¹¹

The *eighty-eighth* meeting of the parliament¹² had to face first such obstruction of the month¹³. Lawmakers belonging to the major opposition parties, Nepali Congress (NC) and the Communist Party of Nepal (United Marxist-Leninist) [CPN (UML)] respectively, criticized the cabinet decision in the parliament.¹⁴ With this NC and CPN (UML) initiation, the obstruction continued in support of other parties in the parliament till the *ninety-second* meeting.¹⁵ This was the fifth time that the opposition parties obstructed the House to protest against the Maoist-led government's decision to legalize the purchase and transfer of ownership of land and other properties recognized by the so called Maoists People's Government during insurgency.¹⁶ The main demand of the opposition was the withdrawal of the decision; failing to which, according to them, meant further obstruction of the House proceedings. Actually, this decision of the government not only ignited the opposition's continuing obstruction but also had invited intervention from the judiciary. The Supreme Court (SC) of Nepal, hearing a writ petition on 19 January 2012, had issued a stay order preventing government from implementing the January 12 cabinet decision aimed at legalizing war-time property transactions. The stay order was continued even in the later hearings held by the SC.¹⁷

Another factor which led to the continuous disruption of the House relates to the controversial remarks of Prime Minister Dr. Babu Ram Bhattarai, who in an interaction with his preferred group of journalists, had said that "if we fail to come out from the buffer state mentality, there looms the threat of either merging with India or China". Several lawmakers¹⁸ objected the PM's version of saying, terming it to be the 'anti-nationalist' statement. Hon'ble Sunil Prajapati of Nepal Peasants' and Workers Party and Hon'ble Bishnu Poudel of NCP (UML) were vocal in this regard. Hon'ble Paudel opined that PM should apologize before the nation for his 'anti-national remarks' as he had threatened that failure to become a vibrant bridge between India and China and enact timely changes in its foreign policy, the country could merge with one of the two countries. "Bhattarai's remarks are highly deplorable," said Poudel and asked, "How could a Prime Minister make remarks against the country's territorial integrity and sovereignty?"¹⁹

¹¹ January media reports.

¹² The meeting was convened on 17 January 2012.

¹³ Based on the flyer, which they call it a Bulletin, of Parliament Secretariat, 17 January 2012.

¹⁴ Ibid.

¹⁵ The ninety-second meeting was convened on 27 January, 2012.

¹⁶ Basically see a Nepalnews story, "House proceeding obstructed for fifth consecutive time over controversial legal decision", 27 January 2012, available at <http://www.nepalnews.com/home/index.php/news/2/16267-house-proceedings-obstructed-for-fifth-consecutive-time-over-controversial-land-decision.html>, last accessed on 29 January 2012.

¹⁷ January Media Reports. See basically, a Himalayan Times story, "Nepal nixes Government move again", 1 February 2012, available at <http://www.thehimalayantimes.com/fullNews.php?headline=SC+nixes+govt+move%26sbquo%3B+again&NewsID=318659>.

¹⁸ These lawmakers include: (1) Hon'ble Bhim Bahadur Rawal of NCP (UML), (2) Laxman Prasad Ghimire of NC, and (3) Prakash Chandra Lohani of Rastriya Janashakti Party (RJP).

¹⁹ See Telegraph Nepal story, "Nepal PM merger remarks highly deplorable", 27 January 2012, available at <http://www.telegraphnepal.com/headline/2012-01-27/nepal-pm-merger-remarks-highly-deplorable:-uml-leader-poudel.html>.

Since House proceedings were mostly disrupted, no human rights issue as such came up for reporting in January. The month is special only because the parliament passed one very important Bill so far as human right is concerned. The NHRC Act, 2012 was promulgated in January. Please refer to the December 2011 report for the major highlights of the Act.