

Eight Review Report: Role of the Opposition in Provincial Assemblies of Nepal
Review of the political activities during the months
July and August 2021



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As a part of the study on the Role of the opposition in the parliament, the following activities in the House and contemporary political issues has also formed a basis to complement for the study. It is published with the intention of further continuation of debate and interactions from the conscious public domain.

Background:

As part of a study on the Role of the Opposition Political Parties in countries where the parliamentary system of governance is functioning, following the precedence of the federal parliament, the role of the oppositions in the Provincial Assemblies of Gandaki and Lumbini Provinces have been depicted in this periodic report.

While reporting the activities and functions of the opposition political parties in the Provincial Assemblies, much of the works undertaken by the political parties or the policies pursued, irrespective of ruling or the opposition has the root of the national politics. The twist and turn of national politics begin with the merger of the Nepal Communist Party (UML) and Nepal Communist Party (Maoist Centre) and formation of Nepal Communist Party (NCP) and being unable to manage its intraparty rift and bickering, consequently, splitting of these two parties parting away as in the previous form, which has created rippled effect everywhere.

Much of the water has flown down in the Bagmati River since the breakaway of NCP by the court rulings and the parliament has seen its demise twice by the executive order and resurrected twice by the court order within six months.

With the issuance of the ordinance by the Government facilitating the dissent factions of Nepal Communist Party and Janata Samajbadi Party to register a new party, the splinter group led by Madhav Kumar Nepal faction of the Nepal Communist Party (UML) and Mahanta Thalur of Janata Samajbadi Party have obtained the Election Commission's approval as new political entities with the proposed name CPN (Unified Socialist) and Loktantrik Samajbadi Party respectively.

The splits in the largest and fourth-largest parties will have the overall political process impacted.

Its spillover effect, due to federal politics, has percolated and affected the functioning of Provincial Assemblies. Once elated by the electoral victory in 2017 securing nearly two-thirds of the majority in the Federal Parliament and forming a majority government in six Provinces after the merger of two communist parties, are facing a critical situation at the moment for their survival after the court annulled the merger. Being excited with the electoral victory, the Nepal Communist Party (UML) once declared that they would rule the country for the coming fifty years. But the vision suddenly crumbled down like a house of cards into pieces due to factional politics within critically facing the turmoil of a party break.

The political climate in the country is becoming uncertain once again with the fall of majority government and the formation of a new coalition government under the Article 76(5) of the constitution possibly inviting instability once again. The hope for political stability and the lasting of a government for a full five-year term has been shattered in disarray.

Returning to the coalition culture:

After the formation of a new Government led by Sher Bahadur Deuba, leader of the Nepali Congress, at the support of the Nepal Communist Party (Maoist Centre), the dissent faction of Nepal Communist Party (UML) led by Madhav Kumar Nepal and Janata Samajbadi Party, the coalition culture of governance has revisited and regained its hold in national politics of Nepal. The fall of the majority government, in a different pretext, however, is the culmination of a cunning power politics that would hold lasting effect in the days to come as a means for instability.

The breakaway factions of the two prominent parties- Nepal Communist Party (UML) and Janata Samajbadi Party- one led by Madhav Nepal and the other by Mahanta Thakur have registered their parties at the Election Commission, with the name CPN (Unified Socialist) and Loktantrik Samajbadi Party respectively.

After the registration of these two new parties at the Election Commission, Parliament has six political forces—CPN-UML, Nepali Congress, Maoist Centre, Janata Samajbadi Party, CPN (Unified Socialist) and Loktantrik Samajbadi Party (LSP). Three other parties—Rastriya Janamorcha, Nepal Majdoor Kisan Party and Rastriya Prajatantra Party—have their representation with one lawmaker each as independents because they are not recognized as national parties.

In a row after the fall of the Nepal Communist Party (UML) from the power, the political equation in all the provinces have been directly affected and come into conflict with the existing government and forming a coalition to topple it down. Already as a consequence, there are new governments in the Provinces Gandaki and Lumbini and also in the Karnali province with the alliance of the parties. Province two is not the exception as well, the political maneuvering is also taking place between the leaders Upendra Yadav and Mahanta Thakur.

Though a natural alliance between like-minded parties based on political ideologies and beliefs, the parties may go further with unholy alliances for a petty electoral gain as in 2017 the Nepali Congress had joined hands with Nepal Communist Party (Maoist Centre) in the local elections. Therefore, the possibilities of an uneasy alliance could not be denied. However, the chances of the left parties coming together looms large.

The alliances between the parties are taking shape in consideration the strategic plan for a long-term goal with electoral alliances in view of the upcoming elections with local level elections in seven months and federal elections in one and half years around. It looks with probability highly likely that the two left alliances led by Oli and Dahal separately would be formed for election purposes. The conventional force Nepal Congress will also try to have electoral gain through allying with like-minded groups. In the process, it seems that Nepal Communist Party (UML), Nepal Prajatantra Party, and Loktantrik Samajbadi Dal led by Mahanta Thakur may join together with the group led by Oli. Similarly, the other left group under the leadership of Pushpa Kamal Dahal Prachanda may join with the NCP (Unified Socialist) and Janata Samajbadi Party led by Upendra Yadav, which they have explicitly given hint about their interest. Other smaller left parties, like the Nepal Majdoor Kisan Party, may prefer to stand aloof and fight the election in its own strength, but the Nepal Communist Party (Samukta Janamorcha Nepal) may try to find an appropriate partner to join in the alliance. With regard to Nepali Congress, it may be contemplating to take advantage of the divided left forces.

The Coalition led the Government in Gandaki Province:

After the restoration of the House by the court verdict and the formation of a new coalition government led by the Party President of Nepali Congress, the political balance and composition of the House in the Provincial Provinces are being reconfigured. In the process, the Gandaki Province formed a new government under the leadership of Krishna Chandra Nepali, who was a leader of the opposition. The majority government of Chief Minister Gurung of the Nepal Communist Party fell down after the Maoist Centre, Janata Samajbadi Party and Janamorcha gave support to Krishna Chandra Nepali.

New Chief Minister appointed in Lumbini Province after incumbent Chief Minister resigns:

After the disgruntled assembly members signed a petition for summoning the House and no-confidence motion registered against the Chief Minister Shankar Pokhrel in the Provincial Assembly, the Chief Minister tried his luck to save the government implying several motivational tactics through asserting a political influence, including the horse-trading to bring into his fold the disgruntled Assembly Members. Apparently, when he could not count the required number in his favor and becoming sure of losing the trust vote, Chief Minister Shankar Pokhrel submitted his resignation to the Governor.

The existing 80 members in the 87 Members' Assembly, as many as 41 lawmakers of the opposition parties in Lumbini Province had filed a petition demanding the formation of a government in the province based on Article 168(2) of the Constitution of Nepal. Later, the governor of the Province appointed Kul Prasad K.C, the leader of the Nepal Communist Party (Maoist Centre), who commanded the support of the Nepali Congress, Janata Samajbadi Party, Rastriya Janamorcha, as Chief Minister of the Lumbini Province.

Three lawmakers of the Lumbini Provincial Assembly lost their seats:

Three Provincial Assembly members of the Janata Samajbadi Party (JSP) lost their seats after the party relinquished them from the party members when they joined the Pokhrel led government going against the party's decision. A few days later of their joining the government, the Chief Minister himself lost the majority in the assembly and submitted his resignation. The members who lost their membership have filed a petition at the Supreme Court seeking nullification of the decision of the party to dismiss their parliamentary membership. Their case is under consideration at the Supreme Court for its final verdict.

Ethical and Moral Decay Diminishes (Spoils) the Political Culture:

In the last several weeks as has been the political events were unfolding that has left a scathing disgrace in Nepali politics with notable and mournful actions of degradation of ethical and moral standard. While trying to safeguard the majority in the Provincial Assembly and protect the government to fall, it used all scornful tricks of taking members hostage and putting undue pressure to bring them into its fold. The way an absconded member of the provincial assembly Hon. Bimala Oli reported, after getting contact with her colleagues blamed the ruling party that she was taken hostage and kept under strict security at the residence of the Chief Minister for some days, which has prompted to raise a serious question of moral decadency of the political party.

Even after losing government, the Nepal Communist Party (UML) is trying to play a number game by submitting a notice to the Speaker of the Assembly urging to relinquish membership of Bimala Oli from the Provincial Assembly under the provision that she was dismissed from the party as a disciplinary action for violating the party whips. She was elected under the same electoral symbol the Sun, which means as a member of the Nepal Communist Party (UML), and later after the split of the Nepal Communist Party (NCP), a united front after the merger of two communist parties, in accordance with the legal provision, she had taken allegiance with the Nepal Communist Party (Maoist Centre).

Releasing a notice to this end, the Speaker of the Assembly rejected the allegation and confirmed her as a member of the Nepal Communist Party (Maoist Center). Similarly, the decision about Hon. Ajaya Shahi also went against it. The provincial secretariat has maintained that there is no strong basis to sack Shahi and Oli. With this decision, the attempt to destabilise the government by pulling down it through the number game has been unsuccessful.

Hon. Miss Oli is currently with the CPN (Maoist Center) and Shahi is also supporting the coalition government of Nepali Congress, Maoist Center, Janata Samajbadi Party, and CPN (Unified Socialist).

Inclusiveness only in the constitution:

The present government of the Gandaki Province led by Nepali Congress leader Krishna Chandra Pokhrel ridiculed itself inclusiveness by failing to include, despite the assurances, a Dalit into the Cabinet, which got its full shape after its formation forty days before. Mr. Dobate Biswakarma, a long-time colleague, a die-hard front runner for the political campaign with the ideological submission and political activists of the Nepali Congress was denied a position in the cabinet. He was taken by surprise when he heard the news of oath-taking by someone with

the position offered to him earlier. It was learned that the Chief Minister succumbed to the pressure against his will to appoint someone instead of Dobate. It seems that the faction politics within the party played an acute role as Dobate is assumed to be aligned with Ramchandra Paudel faction.

Split of the Nepal Communist Party (UML) into two entities and its fall out:

The immediate impact of the division of the Nepal Communist Party (UML) into two, one as the established ones and the other splinter group led by MK Nepal, is visible with its fall out in all the Provincial Governments and most particularly in Province 1 and Bagmati Province.

In province 1, the incumbent Chief Minister Sherdhan Rai has been replaced by Bhim Acharya in an attempt to protect the government of UML from falling. It seems that the change of guard is a reward for changing allegiance shifting camp from the dissidents. He was earlier close to the Madhav Kumar Nepal-led faction of the CPN-UML. Given the assembly's number strength, probably the government may have last for a month until the floor test for a trust vote in the assembly since the leader of the CPN (Unified Socialist) Madhav Kumar Nepal has announced not to vote in his favor.

In Bagmati Province, as soon as the ordinance was issued facilitating the parties to split with twenty percent of central party members, sensing the opposition alliance's attempt to displace the Chief Minister, resigned from the post and appointed Asta Laxmi Shakya, as Chief Minister. However, she was in the opposition faction before the appointment, it is assumed that she may have had fostered some understanding with the NCP (UML). But with the rise of the Congress-Maoist Centre alliance, backed by the Nepal group and Janata Samajbadi Party, Shakya's position could be in danger anytime soon.

Along with the Splinter group's initiation to register a separate political party at the Election Commission, the political scenario of the country has taken a different turn having its direct impact fall upon all provincial capitals changing the existing equations. It is quite visible that once the splinter group secures its legitimacy from the Election Commission as a separate legal entity the existing governments in Province 1 and Bagmati would crumble losing the majority in the assemblies.

In order to avoid the direct conflict of losing the existing government in Bagmati Province, the establishment has the tactical move by offering and appointing the Chief Minister position to the leader of the dissent faction bringing into its fold may once again face the consequences of losing the majority given the members of the assembly change the political site by joining the new party of the splinter group.

In a 110 number assembly, the coalition partners of Nepali Congress, Maoist Centre and Madhav Kumar led faction commands the majority and therefore if she intends to save her government and stick into the power, she may join with the Nepal faction.

The Maoist Centre has had its control in the Karnali and Sudur Paschim, with the government of its backing. However, in Karnali to save the government of Shahi, four of the Karnali provincial assembly members close to the Nepal faction sacrificed their assembly seats. Out of 40 members in the Karnali assembly, one member from the Maoist Centre and four from the UML were removed from their parties, thus reducing the number of assembly members to 35. With 12 members from the Maoist Centre and six from the Nepali Congress supporting him, Shahi is in a comfortable position.

In Sudurpaschim, too, the UML infighting has strengthened the Maoist Centre's position. As many as 18 members of the UML faction close to Nepal had recently voted in favor of the existing government of the Maoist Centre.

In Lumbini Province, one of the influential persons after Oli presumed to be succeeded in the leadership after Oli was replaced by Kul Prasad KC of the Maoist Centre. In Gandaki province, Krishna Chandra Nepali Pokharel replaced Prithvi Subba Gurung in June.

The situation in province 1 is also fluid since the government is sensing losing its strength in the assembly against the opposition alliance.

The only province, which has been least affected by the Communist Party (UML)'s split is province two. But not entirely, it is also affected with the formation of a Loktantrik Samajbadi Party under the leadership of Mahanta Thakur, the internal political dynamics may change if the assembly members deflect from one group to another, that means joins Mahanta's group defecting from Yadav's group.

The opposition is silent on River Diversion Project:

The Provincial Government of Lumbini has taken up an issue on the Kaligandaki River diversion project and initiated to have a dialogue with the stakeholders. The Project is envisaged to divert water from the Kaligandaki River to Tinau River at Butwal. Since the project would have complex multiple issues including the environmental and ecological adverse effects, the two provincial governments would longer horn on benefit sharing emanating out from the implementation of the project.

While the civic society and concerned stakeholders have raised serious concerns on the proposed river diversion project, the major opposition political parties are silent without any reactions and comments from their sides. The apathy of the opposition parties would complement and encourage the government to push forward the project without proper conduct of the study, dialogue and interactions between the local governments, environmentalists and civic society as well as taking on board all the political parties while taking such a vital decision of economic, social, religious, and environmental importance.

Main Opposition political party demonstrating its hurt ego:

Whenever the head of the executive branch chooses to follow the unethical and absolute path to rule the nation, the court has to exert its judicial exercise in interpreting the constitution and laws in order to protect the fundamental tenets of the constitution and values it inherits. In a series of political events that took place in Nepal at the beginning of the year 2021, the court has been busy settling the disputes between the political parties and government about the interpretation of the constitution, which on several occasions have ended with the court verdicts favoring the opposition's claim standing against the tyranny of the government.

In resolving the events, yesterday's ruling has now become the main opposition party in the federal parliament. It seems, therefore, that the ego of CPN (UML) has been badly hurt with losing sentiments. Therefore, the main opposition, CPN-UML, has been criticizing the July 12 Supreme Court ruling that reinstated the House of Representatives and directed the President to appoint Nepali Congress President Sher Bahadur Deuba as prime minister.

The party led by KP Sharma Oli has been arguing that the incumbent government was formed based on the court's ruling and not as per the popular mandate, even though Deuba had won over 60 percent support of the House of Representatives. When Deuba went for a floor test on July 18, as many as 165 members in the 271-member lower house had voted in his favor.

There could be dissatisfaction over the verdict of the court, expressing displeasure and criticizing the court is some that do not comply with the moral and ethical behavior of the principal opposition.