

Review Report: Role of the Opposition in a Parliamentary Democracy  
Review of the parliamentary activities during the months of August to  
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Reviewed By:

Election Observation Committee Nepal  
Buddhanagar-10 Kathmandu Nepal  
[www.eocnepal.org.np](http://www.eocnepal.org.np)  
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*As a part of the study on the Role of the opposition in the House of Representation and National Assembly, the following activities in the House 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. This report is prepared based on the observation of the political events activities and reactions as well as reflection of the common views and published material from house.*

Sudden closure of the House there has not been any parliamentary activities taking place except a formation of House Committees of the National Assembly, whose two years terms were ended recently. Although the House is not in session, the political parties including the ruling party and the principal opposition are engaged in their routine activities trying to patching up their differences and formulating strategies to consolidate their strength within the party and governance. Some of the activities listed below explain how the power asymmetries within the parties and outside it are functioning in a broader political realm.

### **The differences within the ruling party affects the Governance:**

The outbreak of the pandemic with the novel coronavirus and its impact in the national health system has invited as public health emergency. However the preparedness, strategy and management of the government from any angle and aspect proved to be ineffective to curb and control the virus spreading is such a magnitude and scale.

When the government had to be engaged in responding to addressing the pandemic, it was embroiled in a conflict over the selection of House Speaker and immediately after, the party held its Central Committee meeting, which was overshadowed by disputes over the Millennium Challenge Compact. When infections were soaring in various countries, however the government imposed a nationwide lockdown, the government failed to utilise the lockdown period for preparations to fight the pandemic. During the lockdown, the ruling party, instead, was in the midst of a conflict over PM Oli's resignation. At a time when countries across the world were employing their medical wherewithal and political will to fight the virus, in Nepal, the ruling party was engaged in infighting for political petty interests. While the government had a lethargic response to the pandemic, corruption cases emerged, making matters worse. The allegations were also pointed even toward health and defence minister's involvement. In order to hide incompetency of the government, to divert the attention from the pandemic, the focus was shifted to border issues with India by issuing a new political and administrative map with the inclusion of Limpiadhura, Lipulekh and Kalapani areas in it.

The internal wrangling within the ruling party has adversely affected the functioning of the government, while at the time the focus of the government should have been utilising its scarce resources and manpower to curb the coronavirus pandemic. The precious time of the members of the government consumed by the party work in trying out to address their internal conflict and so their priorities were misplaced.

***Role of the opposition:*** Being a respectable and responsible opposition is a good thing to win confidence and trust of the people is one thing, but being weak in itself and not to raise any reasonable issues to the table and oppose the ruling party for its misadventures is another. When the country is reeling under unprecedented level of economic and social hardship due to Covid-19 pandemic inflicted upon the public life, the government is hiding all its incompetency under the cover either of the nationalistic overtures or diverting public attention deliberately within party's rift and fraction of disgruntled leaders with no principle stand rather intended sharing power within the cronies and henchmen. The opposition is in no mood of alerting and criticizing the government for its irresponsible behaviour. Even the outcry of corruption cases unleashed by different sources in the medical supplies could not become a major issue for the opposition.

In order to show its strength and responsibility towards the people as a reliable alternative to the government, the opposition could have utilised this opportunity in its favour by vigorously opposing the regime's failure and incompetency by hard hitting in its weak parts raising questions of its legitimacy to govern. The opposition could have mobilise its sister organizations; such as students, labour unions, women, civic organizations, intellectuals and media. If it cannot mobilise the mass for its cause due to pandemic, it could have use the mass media including the electronic, and social media providing them materials, which can make headlines.

For mass mobilisation or gatherings through social interactions at a time of Covid-19 pandemic diminishes its possibility. However, other alternative means of social interactions to maintain contact and connections with the people are open, which should have been massively utilised by the opposition parties as a platform to criticise the functioning of the government, which they have measurably failed. The opposition parties, however in a scant appearance through press release and speeches, never appeared strongly lobbying their causes in the digital platform, social media and mass media, which they could have utilised preferably to show their strong resolve for the welfare and development of the people.

### **The Covid-19 pandemic exposes country's economic divide:**

Every day over 1,000 people visit Sukraraj hospital for tests, but the hospital can test only 300 samples in a day. The facilities and condition is also the same in other designated hospitals for Covid-19 test and treatment. The Ministry of Health and Population has designated 14 hospitals in Kathmandu Valley—nine public, three private and one community-run—for swab sample collection but most of the designated hospitals are not complying with the directives. And often times, the public hospitals also turn the public back unheeded for sample test. Some of the suspected cases do not show up at the hospitals for their swab test being feared that they would get infected at the hospital. The Covid-19 crisis has not only exposed the fragile health care system, but also the economic divide within the society. Even doctors admit that those who can afford it will pay and get tested, but the poor are being deprived of government facilities. Instead of giving priorities to the poor, influential and well-off people are getting tested. It has badly exposed the government for its priority, seriousness, preparedness, and management and treatment on containing spread of the virus. Meanwhile, there are not enough isolation beds in Kathmandu. According to officials at the Epidemiology and Disease Control Division, around 70 percent people who tested positive for coronavirus infection are in home isolation due to lack of isolation beds in hospitals.

In private hospitals it costs about Rs 60,000 a day to treat a Covid-19 patient and this could go up depending on the complications and the level of treatment. The cost includes Rs 30,000 for personal protective equipment (PPE) for doctors and nurses who attend to the patient in three shifts, which is out of reach for the people, who come from the weak financial background. Government's instruction to allocate 20 percent of hospital beds for Covid-19 patients are gone almost unheeded due to fear of the risk of spreading in infection among health workers and other patients. It is an example of state's failure to act on pandemic.

***Role of the opposition:*** It is also the failure of the opposition to put enough pressure on government to make it responsible towards the public health and act responsibly with tangible results that public can be assured of their protection. Instead of putting creative pressure through different means, the opposition is simply living idle by issuing some press notes and

advising the government to be effective in handling the pandemic, which is not enough with the magnanimity and velocity it is spreading and spiking at a larger rate at the community level.

**The Role of the Subnational Governments under the Federal Structure is questioned after the CDOs were entrusted to impose prohibitory orders to curb coronavirus.**

Under the advice and authorisation of the government, the imposing prohibitory orders in the districts restricting on public mobility, vehicular movements and ban on non-essential services with the objective to contain the spread of the virus by the Chief District Officers has come into question, which in expert's view tramples upon the spirit of federalism. More than a half of the 77 districts across the country were put under prohibitory orders. Many political scientists think that the Provincial and local governments should have been responding, in tandem with the federal government handle the pandemic of this proportion and magnitude as a national crisis. The experts also put questions on the rationale authorising to look after the administrative affairs even after the provincial and local governments are elected and functioning in place. Since Chief District Officers are appointed by the Federal Government, authorising them for asserting administrative authority undermine the spirit of devolve of power and principle of sub-national government. Since the constitution provides explicit authority to maintain peace and order in the provinces, instead of authorising the CDOs, there should have been a concerted and coordinated efforts from federal and local government, which could have been the better options to fight against the coronavirus.

Not only in maintaining law and orders with administrative affairs but also in the implementation of smaller and medium sized physical infrastructure development projects as such of road and bridges are hold by the federal government under its purview unwilling to transferring such projects under provincial and local governments with the spirit of the devolution of authority and federalism even almost five years after the constitution promulgation and three years after the elections that installed three tiers of government, while the provincial and local government are complaining about the reluctance of the government. Except the national highways, the smaller highways and roads and bridges are the responsibility of provincial and local government, according to the constitution. The federal government clinging on such projects exhibits its apathy towards transferring projects to local government, which seems the federal government lack the clear idea about handover procedures.

It is not only in the infrastructure projects but also equally represents federal government's incompetency in other areas of the governance as such in managing elementary and secondary schools, which shall have been managed under the supervision of the provincial and local government is still overseen by the federal government.

The Oli administration's move of empowering chief district officers seems to stem from the fact that it failed to respond to the coronavirus crisis in an effective manner. When it imposed the nationwide lockdown on March 24, the number of cases in the country stood at just two. It, however, squandered the four months of lockdown—as it neither improved quarantine facilities nor increased isolation beds. Due to the lockdown, the economy took a beating as people from lower economic strata suffered the most. The Government is also going broke with its coffers depleting. The federal government's failure to ensure proper coordination with the provincial and local governments is mainly responsible for the poor response to the Covid-19 pandemic.

***Role of the opposition:*** The one of the most fascinating characteristic of the constitution of Nepal is the devolution of authorities to the subnational governments under the federal structure. It is the opposition to warn the ruling against any overtures or actions that goes against the spirit of the federalism. The authorisation of Chief District Officers to impose restrictive orders on public movement goes against the spirit of the federalism as the constitutional jurisdiction explicitly falls under provincial government to look after the peace and order within its borders. The opposition has once again failed to criticise the government for its misjudgement and actions.

### **Government withdraws support to tracing and treating Covid-19 patients:**

The government, on October 5, 2020, has decided to perform tests and provide treatment free of cost to those who cannot afford to pay, which is against the constitutional guarantee as fundamental rights of the people and Public Health Act 2018 as well as the Supreme Court order to ensure free test to all. The constitution states, “Every citizen shall have the right to free basic health services from the state, and no one shall be deprived of emergency health services.” Hearing in a petition with regard to the Covid-19 pandemic and treatment of the patients, the Supreme has passed an order affirming that Covid-19 is an infectious disease, and as per legal provision, everyone has the right to get free diagnosis and treatment and therefore asked the Government to ensure free tests to all seeking services both at private and governmental health facilities. With the decision of the government with immediate effect, the people have to bear costs themselves if they are infected and have to treat in private or public hospitals. However, the government has spare it to the poor, single women, handicapped, frontline medical and security personnel, elderly and cleaning staffs. The decision of the Government has come at a time when the cases of coronavirus positives are rising exponentially. Responding to the Government’s decision, many believe that the Government is failing to perform its fundamental duty and constitutional obligation.

The decision of the government has been widely criticised and condemned for its lacklustre and indifference towards protecting the lives of its citizen, which should have been the priority of the government. It seems that the government is running away from its responsibility. Even the members of the ruling party is seen enraged and critical to the decision of the government. Labelling the decision as ludicrous, some blame the government that it has money to distribute to lawmakers but not for the treatment of the people. There is a widespread worry and rage across the spectrum that the government is there not to serve the people but to their party interests undermining people many a time. Worst of all, it is so disappointing and enraging that the government is uncaring, unresponsive and insensitive.

***Role of the Opposition Party:*** As usual the principal opposition in the House of Representatives, Nepali Congress, has issued a press statement terming the decision of the Government an extremely irresponsible act forcing people to pay for tests and treatment. The statement also reads that the Government has failed to protect the citizens from the coronavirus. It has also urged the Prime Minister to be sensitive and save the public from ongoing Covid-19 pandemic by ensuring free PCR tests and treatment to Covid-19 patient. According to the opposition, the decision of the government is inconsistent and incoherent to ensuring proper treatment and managing health facilities, which has raised the serious questions about the government’s existence.

### **Oppositions divert their concentration from the national issues to party internal dynamics:**

The principle opposition Nepali Congress has announced its fourteenth general convention for five days to be held in Kathmandu from Falgun 7-10, 2077 and concentrating on its internal management and power sharing within its dissenting groups. Since the temperature of internal party politics for leadership contest is heating up, its leaders and parliamentarians are least inclined towards other pertinent issues of the governance. At a time when the relevancy of the grand old party is questioned from many quarters with its declining role in the national politics with a weak representation in the Parliament, the youths are seeking their role to reinvigorate and reenergise by securing the leadership position.

Following the humiliating defeat at the hands of the Left Alliance during the 2017 general elections, in which the party won 23 seats of 165 in the first-past-the-post system and 40 of the 110 seats in the proportional representation system, leaders have been calling for a fundamental change in the way the party is run.

Many believe that who have expressed their intent to contest for the party presidency, seem to be fighting for their personal legacies, and not for changes in terms of organisation, and political ideology or to enthuse fresh ideas into the party. At the initial phase incumbent Sher Bahadur Deuba, 74, senior leader Ram Chandra Poudel, 75, vice president Bimalendra Nidhi, 63, general secretary Shashanka Koirala, 61, Krishna Prasad Situala, 71, Shekhar Koirala, 69, Prakash Man Singh, 64, Ram Sharan Mahat, 69, and Arjun Nar Singh KC, 72, have thrown their hat in the ring with their intent to fight for the leadership.

In order to revive the relevancy and image of the grand old party as beacon of the democratic ideals and torch bearer of the change, the party needs an overhaul in its organisational structure, leadership and ideology to cope with new emerging challenges. Only the leader, who is vocal, articulate, well-versed and has a clear-cut vision on domestic and international issues would be capable to re-establish, re-emerge its strength and enhance the party image shining again with regained its lost popular electoral base.

After the merger of Sanghiye Samajbadi Forum and Rastria Janata Party into a Janata Samajbadi Party has become the second largest party after the Nepali Congress, principle opposition in the Parliament, however squabbling within its power sharing and portfolio distribution for placing its leaders in a rightful place in the leadership ladder, is in oblivion from the scene for playing the role of a responsible opposition at a time, when the country is reeling under the pandemic, natural disaster from incessant rainfall, floods and landslides, people's suffering increasing due to incompetency and inability to cope up, lack of transparency of the government in tackling and handling the burning issues of the nation.

### **Opposition fails to raise issues of farmers:**

Nepali farmers is facing shortages of fertiliser at a time the most needed essential nutrient for their paddy. The government has badly failed to procure fertiliser basically the urea and Diammonium phosphate (DAP) in time and ensure to maintain the supply chain throughout the country despite tall promises of the government. Due to the failure of the government, the farmers may not get the high yields by the harvest time.

Amid the Covid-19 pandemic, which has brought all economic sectors down, agriculture is one sector that the country is looking up to, but economists say the fertiliser shortages could hugely impact the output. Paddy contributes approximately 7 percent to the gross domestic product and more than 60 percent of the working population is engaged in paddy farming which lasts for at least six months of the year. It affects the country's economic growth, increases food insecurity and affects the income of farmers.

The serpentine lines of the farmers in front of the cooperative centres waiting for their turn to fetch certain amount of fertiliser they have been desperate to top up their paddy fields. When the sixty percent of the population are affected due to incompetency of the government, the opposition parties are dumb silent in raising critical issues to the fore and warn the government for its inability and incompetency to timely take appropriate measures to address the grievances of the farmers.

### **Stampeding over the constitutional spirits and governance:**

Nomination and appointments of the members in the National Assembly, who had lost electoral contest for the House of Representatives has drawn flak as it contravenes with the letters and spirit of the constitution. The opposition parties, who were supposed to defend the constitution in its entirety are seen mute spectators without and objection and condemnation to the actions of the government. Even when the ruling party is trampling upon the constitution, the opposition seems to be silent.

### **The poor governance and weak opposition:**

As the Nepal Communist Party government enters the midway of its tenure, disenchantment continues to grow amidst the public, the government instead of admitting its failure to deliver kept on boasting of self-aggrandisement touting as performing well. The inaction of the government is seen in its lacklustre to response, and tackle the Covid -19 pandemic. Now the people are questioning if the presence of an absolute majority of a single party in the parliament is good for democracy.

Observing the dismal performance of the opposition political parties in raising pertinent issues and defending democracy in its substance and spirit people are also questioning if the numerical strength defines the role of the opposition in the parliament. Many suspects for the tyrannical style of modus operandi of the government is the product of lacklustre of the opposition parties to take up the issues strongly in the parliament and in the street. The principle opposition Nepali Congress which holds 63 seats against the ruling party's 174 seats is considered as a weak opposition. Analysts say democracy and good governance function well only if there is a strong government and an aggressive opposition. In Nepal's case, there was a strong government which lacked vision but was arrogant and a weak opposition which could hardly question the government's actions and subsequently, failed to make the government accountable to its actions. The opposition has also badly failed to question the government at a time when the Ministers have been dragged into corruption controversy. The comments or press statements from the opposition leaders often times are seen as a cosmetic statements made for public consumption only.

The question here arises whether the numerical strength or issues makes the opposition party's presence strong in the parliament. It should have been the issues, but the opposition has failed to raise the peoples' concern and national issues at its core to make aware the mass and seek

support of the people for their cause. Contrary to the expectation of the people, the leaders of the opposition are seen working hands in glove with the government in getting appointment for their favourites in plum positions of the government. Such a tendency of the opposition would deprive people of good governance, justice and service delivery. Many political observers believe that the reason for playing constructive role is attributed to the greed of its leader to seek constitutional positions. With the government failing to deliver and ensure good governance and the main opposition failing to play the role of the watchdog, the democratic system is would be at stake. This will ultimately erode people's trust in political parties and the government. That will be even more dangerous. It looks like the country is on a slippery slope.

While completing half of its tenure, the government has failed almost in many fronts in delivering to the expectation of the people despite his own slogan "Prosperous Nepal, Happy Nepali" promise. The most glaring example is of the corruption scandals which hit most of the time drew attention of the people were Land purchase deal of Nepal Oil Corporation, Wide-body and Narrow-body aircraft purchase deal, Land lease of the Nepal Trust to Yeti Group, the audio case of Security Printing Press deal, Health Equipment procurement deal with the Omni Group etc.

### **Is Vandalism an Opposition Culture?**

It is perceived that the cultured, principled and noble persons are represented in the Parliament and provincial assemblies as a people's representatives and the House is a place for decent arguments, debates and discourse based on factual, rational and logical decision over the issues and agenda presented before them that may have the direct or indirect repercussions to the boarder national interests as well as people's daily lives. Since the assemblies of the elected people's representatives are the highest law-making bodies, their role in shaping democracy and nurturing a democratic culture is immense and cannot be undermine by unruly and unwanted behaviours of the its members. Any act of its members that goes against the cultured behaviour not only undermine the assembly but also disrespect to the electorate. It is understandable that a well-behaved opposition is not only essential but also essentially a prerequisite for institutionalising, strengthening and stabilizing democracy.

The meeting of the Provincial Assembly of Province 5 was called on October 5, 2020 to hold further discussion on the government's proposal to name Province 5 as Lumbini and establish its permanent capital in Dang. As the Assembly members came to know that the move is brought by the government according to the instruction of the ruling party chairs, the Assembly members including some members of the ruling party itself became annoyed. Despite the protest of the opposition members, the government table the motion for discussion.

However, it is a common practice to picket rostrums and chant slogans against the disputed move in the federal parliament and provincial assemblies, but in a recent event, the opposition members were seen involved in trying to break chars and overturn tables in a raze over the issues of naming the province and declaring its capital. The actions of the Provincial Assembly members of the opposition party turn tables as the Provincial Assembly meeting started deliberating on the proposal to name Province 5 as Lumbini and establish its permanent capital in Deukhuri in Dang district.

Resorted to vandalism only exhibits a shameless behaviours of the members, which cannot be justified in any case as an action of a responsive and constructive opposition. The root cause of this problem behind the frantic behaviour was the reflection of unwarranted directives from



the ruling party chairs to name Province 5 as Lumbini and establishment of its capital in Deukhuri, which many believe is inconsistent with the principle of federalism not allowing federal assembly to function independently. In this sense, as the elected representatives, the opposition holds the right to protest and register its dissent views, but resorting to vandalism condemnable and beyond justification. It seems that some politicians lack the culture of civilized behaviour and unable to maintain decorum and decency of their position and institution. Vandalism, high-handedness and muscle-flexing rule the roost while debates and discourse are put on the back burner.