



## Parliamentary Hearings Turned into Ritual

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The Parliamentary Hearings Special Committee appointed eight justices to the Supreme Court recommended by the Judicial Council after a long dispute and debate. The hearings amidst serious accusations against the justices and the Committee not blocking their appointment have raised questions on the propriety of parliamentary hearings. However, the Constituent Assembly was more focused than before on constitution-drafting. The Constituent Assembly members discussed on the issues of consensus and disagreement based on the reports prepared by various committees of the first Constituent Assembly. On the divided issues, there were not any different opinions as compared to the first Constituent Assembly. The Constituent Assembly members expressed their opinions according to their party positions; therefore, there was no achievement besides taking ownership of the reports. The dispute within the third largest party in the Constituent Assembly UCPN (M) created turmoil, and frenzied atmosphere within UML arose due to the forthcoming party convention.

### **Recommendation Approved in the End**

After the formation of the new government, it was being criticised from all sides for not taking the process of appointments in the constitutional bodies, the Supreme Court, ambassadors, and others issues. As the number of justices in the Supreme Court was decreasing and the number of cases kept rising, the focus was on appointment of justices. After pressure from all sides for appointment of permanent justices, the Judicial Council as per the constitutional provisions<sup>1</sup> recommended eight candidates for parliamentary hearings<sup>2</sup>. The Judicial Council recommendations got into dispute from the beginning. It was opposed on the grounds that eight were recommended for parliamentary hearings only after Prakash Wasti and Bharat Karki who had worked in the Supreme Court had retired. Some of the nominees were accused of having controversial past. There were 27 complaints against them in the Parliamentary Hearings Special Committee<sup>3</sup>.

While there were discussions and comments going on about the justices, the Chief Justice Damodar Prasad Sharma did not want to comment on these issues. He stated that since the issue was in the Parliamentary Hearings Committee, he did not feel it was appropriate to comment on the issue<sup>4</sup>. In the Committee, much displeasure was expressed at the judges. By the statements made by Constituent Assembly members, it looked like that many of the recommended names would be

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<sup>1</sup> Article 135 of the Interim Constitution 2063 has provision for parliamentary hearing of justices.

<sup>2</sup> The Judicial Council had recommended judges Baidhya Nath Upadhyay, Om Prakash Mishra, Deepak Raj Joshee, Cholendra Shamsher JBR, Gopal Parajuli, Gobind Kumar Upadhyaya, Debendra Gopal Shrestha, and Jagadish Prasad Sharma Paudel.

<sup>3</sup> In the Committee, there were 6 complaints against Baidhya Nath Upadhyaya, 7 against Gopal Parajuli, 2 against Deepak Raj Joshee, 2 against Gobind Upadhyay, 1 against Om Prakash Mishra, 1 against Debendra Gopal Shrestha, 6 against Cholendra Shamsher JBR, 2 against Jagadish Sharma.

<sup>4</sup> Kantipur TV. 5 May 2014.

difficult to endorse. However, after the parliamentary hearings started, there was division among Constituent Assembly members. Mainly Congress Constituent Assembly members were favour of endorsing the candidates while UML and UCPN (M) Constituent Assembly members were against it. Constituent Assembly members from smaller were mostly opposed to it. This was evident in the first meeting of the Hearings Committee<sup>5</sup>. The meeting decided to recall the decision-minutes of the Judicial Council stating that it had recommended wrong people for the job. At the time, the Judicial Council was under pressure to revise its decisions for recommending people not meeting the standards. Nepal Bar Association president Hari Krishna Karki demanded that the recommendation be revoked. However, Judicial Council member Khem Narayan Dhungana claimed that the recommendations were as per the standards and the recommendations would not be revised<sup>6</sup>.

While the dispute on the recommendation of the Judicial Council was going on, UML chairperson Jhalanath Khanal was on a China visit. Therefore, UML could not claim the Judicial Council decision as wrong. However, the standing committee meeting of the party decided to hold consultations with all stakeholders if the decision is flawed it could have long-term consequences. UML discussed this issue with legal professionals close to it. The Hearings Committee decided to call the recommended judges and those registering complaints to the Committee<sup>7</sup>. The Judicial Council objected to the Committee's decision to call it and replied that it would not come to the Committee<sup>8</sup>. UML vice-chairperson as well as deputy prime minister and Home Minister Bamdev Gautam stated that the decision to call the Judicial Council to the Committee was wrong and also instructed Constituent Assembly members to support the decision to recommend the judges<sup>9</sup>.

As the dispute was going on, the Supreme Court issued an interim order that stated the Judicial Council cannot be called to the Committee as "[C]alling the members of the Judicial Council to the Hearings Special Committee and questioning them will raise question marks on the propriety of the Judicial Council chaired by the Chief Justice and comprised of other senior-most justices but also on the independent judiciary and parliamentary system as well as might lead to unnecessary and indecorous conflict between the parliament and judiciary<sup>10</sup>. Then Prime Minister Sushil Koirala 'intensified his lobbying efforts among the senior party leaders and Constituent Assembly members to forcefully endorse the recommendation'<sup>11</sup>. He met UCPN (M) chairperson Pushpa Kamal Dahal and Laxman Lal Karna of Sadbhawana Party and others during this time.

There was much discussion on the letter of refusal by the Judicial Council to not attend the Committee hearings. Congress Constituent Assembly members tried to defend the decision of the Judicial Council while Constituent Assembly members from UML, UCPN (M), and smaller parties

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<sup>5</sup> The first meeting of the Parliamentary Special Hearing Committee for endorsing the justices took place on 8 May 2014.

<sup>6</sup> Kantipur TV. 9 June 2014

<sup>7</sup> The meeting of the Hearing Committee on May 13, 2014 had decided to call the Judicial Council, recommenders, and the judges to the Committee.

<sup>8</sup> Khadka, Ghanshyam. May 16, 2014. *The Council not going to the Committee*. Kantipur, p.1.

<sup>9</sup> Kantipur TV. May 15, 2014.

<sup>10</sup> Interim order issued by Supreme Court justice Girish Chandra Lal on 16 May 2014.

<sup>11</sup> Basnet, Balkrishna. 16 May 2014. *Prime minister on "improper" endeavor*. Kantipur, p1.

voiced their objections<sup>12</sup> who stressed on withdrawing the recommendations itself. 48 central committee members from UML pressurised Chairperson Jhalanath Khanal not to endorse the recommendations of the Judicial Council<sup>13</sup>. Due to this dispute, the meeting of the Hearings Committee had to be stopped abruptly one day<sup>14</sup>. The next meeting decided to send a letter to the Judicial Council concluding that the words and language used in the letter from Judicial Council was against the decorum. The Judicial Council clarified in its response that it was not its intention to harm the dignity and decorum of the Committee. Then the Committee interviewed the complainants and heard from the judges. UML, UCPN (M), and Janamorchha Nepal which had been demanding revision of the recommendations slowly came around to agreeing to participate in the parliamentary hearings<sup>15</sup>.

There was discussion among the political parties regarding the appointment of the judges. There was an agreement among Congress, UML, and UCPN (M) to divide the posts among the parties in the second nominations and investigations into disputed nominees was weakened<sup>16</sup>. The role of Minister for Law and Justice Narahari Acharya was questioned in the recommendations of nominees with controversial backgrounds. The Law Minister stated that he gave priority to the process though it is fair to examine whether wrong persons have been included<sup>17</sup>.

The Committee started the hearings for the justices. Constituent Assembly members asked them uncomfortable questions. However, after not being satisfied, the Constituent Assembly members raised questions about Chairperson Kul Bahadur Gurung and the justices themselves. In the hearing, Chitra Bahadur KC said, 'He (Justice Deepak Raj Joshee) left without answering any of our questions, and if this continues, please put end to this farce called a hearing, Chairperson'<sup>18</sup>. The Committee took three days for the hearings of the justices. Justices Baidya Nath Upadhyay and Om Prakash Mishra were endorsed unanimously. There was voting for the other six justices. UML, UCPN (M), Rastriya Janamorchha, Samajwadi Party and CPN (Unified) opposed Deepak Raj Joshee and Cholendra Shamsher JBR<sup>19</sup>. UCPN (M) Constituent Assembly member Top Bahadur Rayamajhi went against the party line and supported Cholendra Shamsher JBR<sup>20</sup>. Justices Gopal Parajuli, Gobind Kumar Upadhyaya, Debendra Gopal Shrestha, and Jagadish Prasad Sharma Paudel were opposed by solely by Chitra Bahadur KC of Rastriya Janamorchha. During voting, none of the motions against the justices got two-third members of the Committee, thus the recommendation of the

<sup>12</sup> There were 17 Congress Constituent Assembly members, 15 from UML, 17 from UCPN (M), and 25 from smaller parties.

<sup>13</sup> *Parishad ko sipharis anumodan nagarna UML ma dabaab*. Retrieved June 5, 2014, from <http://setopati.com/raajneeti/11523>

<sup>14</sup> The Hearings Committee meeting of May 2, 2014 had to be stopped mid-way.

<sup>15</sup> Bhandari, Kiran. *UML-UCPN (M) le aath nyayadhishko sipharis punaraavlokan hunuparne maag tyage*. Retrieved June 5, 2014, from <http://setopati.com/raajneeti/11609/>

<sup>16</sup> Basnet, Balkrishna and Khadka, Ghanshyam. May 4, 2014. *Nyaadhish sunuwaai khukulo*. The Kantipur, p.1

<sup>17</sup> *'Chintaa malai pani chha'*. May 23, 2014. The Kantipur, p.1

<sup>18</sup> Khadka, Ghanashyam. *Nyayadhis lai sunuwaai ma 'unmukti'*. May 25, 2014. The Kantipur, p.1

<sup>19</sup> 25 votes were cast against Deepak Raj Joshee and 24 against Cholendra Shamsher JBR.

<sup>20</sup> Budhathoki, Bishnu. *Cholendra ko sadhai virodh garne Top Bahadur Rayajmajhi paltiya*. Retrived June 5, 2014, from <http://setopati.com/raajneeti/11917>

Judicial Council was endorsed. RPP Nepal boycotted the voting. The next day, all the eight justices took oath of office and secrecy and started their work<sup>21</sup>.

### **Start of Constitution-drafting**

Of the five committees of the Constituent Assembly, the Constitutional, Political Dialogue and Consensus Committee, the Committee to Study and Determine Constitutional Records, and the Constitution-Drafting Committee and their sub-committee became very active. Particularly, the sub-committees under the Committee to Study and Determine Constitutional Records prepared the points of agreements and disagreements of Constituent Assembly I. The sub-committees under this Committee prepared reports on the points of agreements and disagreements based on the reports of the Committee on Fundamental Rights and Directive Principles, Committee for Protection of Fundamental Rights of Minority and Marginalized Communities, Committee for Restructuring of the State and Distribution of State Power, Committee on Determination of the form of the Legislative Organs, Committee on Judicial System, Committee on Division of Natural Resources, Financial Powers and Revenue, Committee for Protection of National Interests, Committee on Determination of Bases for Cultural and Social Solidarity of Constituent Assembly I.

After holding discussions, the Committee to Study and Determine Constitutional Records sent the agreed issues to the Constituent Assembly and disputed issues to the Constitutional, Political Dialogue and Consensus Committee. The Committee also sent a report on agreed and disputed issues to the Constituent Assembly. The Constituent Assembly started discussions by giving the report of each committee five days. During these discussions, the Constituent Assembly members presented themselves along the party lines similar the Constituent Assembly I. 'The discussions on the principles of agreed and disputed issues of the thematic reports remained disappointing.'<sup>22</sup> Even the senior leaders could not present themselves differently. 'The leaders who had been jointly saying that the Constituent Assembly I was unsuccessful because of failure to resolve disputes again put forward mutually conflicting views on the process of dispute resolution and the model of federalism'<sup>23</sup> which instead of bringing newness was a foreshadowing of former Constituent Assembly. The Constituent Assembly started sending the agreed issues after the discussion to the Constitution-Drafting Committee.

The Dialogue Committee also became active. It formed a sub-committee to perform its task. The sub-committee concluded that the agreements by the government with different political parties, groups, and sides will be mentioned in the constitution and discussion was held on the principles for such issues. The Committee also requested the government to implement the agreements with various political parties and groups to help with constitution-drafting process. The chairperson of the Committee Baburam Bhattarai was also holding talks with the political parties outside the Constituent Assembly on issues to be included in the constitution-drafting process.

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<sup>21</sup> Press release by the Supreme Court on May 27, 2014

<sup>22</sup> *Bolne dherai, sunne kam*. May 19, 2014. The Kantipur, p.3.

<sup>23</sup> Phuyal, Rajendra. May 30, 2014. *Adaan aa-aafnai*. The Kantipur, p.1.

The Constitution-Drafting Committee also became active. While the issues of constitution were being discussed in different sub-committees of the Constituent Assembly and in the Constituent Assembly itself, the Constitutional Committee held a series of discussion with legal professional on these issues as well. They suggested that the draft constitution be prepared on the bases of ground realities, culture, and balance of power of the country. They also stressed on the need for balance of power among the executive, the judiciary, and the parliament.

After the Constituent Assembly forwarded the agreements in different sub-committees and in the Constituent Assembly, the Constitution-Drafting Committee formally notified that it had started to draft the constitution from May 30, 2014. In the press conference on the 100 days of the government, the government spokesperson and Minister for Information and Communications Minendra Rijal claimed that preparing the base for drafting the constitution on the basis of consensus was the government's main achievement.

In the meantime, Constituent Assembly chairperson Subash Chandra Nemwang updated the Nepal-based diplomatic community on the progress in constitution-drafting, and Nepal Bar Association organised a special Constitutional Conference, which drew several conclusions on such issues as state restructuring, judiciary, form of government, election system and others. It suggested that while delineating states, it should be based identity based on present social, geographical and historical basis, and capability; and each should be multilingual, multicultural, and multi-identity, and should have a supreme court, state high court, and districts court, and a separate constitutional body should be formed to nominate the judges for all levels. The conference also recommended, among others, that the form of government should have division of authority between the president and the prime minister and proportional election system should be followed<sup>24</sup>.

### **Chaos in UCPN (M)**

While a dispute was going on between chairperson Pushpa Kamal Dahal and leader Baburam Bhattarai factions, UCPN (M) organised its national conference in Biratnagar to resolve the dispute and provide a new direction to the party. In the conference, Dahal said, 'The road map of the convention (held in Hetauda) will be revised along with party reformation. The road map is the life of the party and organisation its body. Both are needed. But important thing is the road map'<sup>25</sup>. During the opening of the conference, party leader Bhattarai stated a campaign for new party should be initiated. In the closed session, Bhattarai criticised the political report by Dahal. He accused the document on the whole of being continuity of the old and without any notable rupture or leaps.

Basically the faction of chairperson Dahal and Bhattarai could not agree on the party posts. Though there was no dispute on selection of the chairperson, there were many disputes for other posts.

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<sup>24</sup> The recommendations and conclusions of the special Constitutional Conference of the Nepal Bar Association on May 31, 2014.

<sup>25</sup> BC, Ganga and Ghimire, Madhav. June 2, 2014. '*Punjibadi kranktika adharbhut kaam pura*'. The Kantipur, p.1.

There was no agreement between factions of chairperson Dahal and Bhattarai for division of posts in the talks. The Bhattarai faction expressed its dissatisfaction at the nominated names to the central committee. After there was no agreement between the leaders, the closed session had to be halted. Bhattarai faction leaders Top Bahadur Rayamajhi, Hisila Yami and others accused the nominations of being one-sided and stated they would not stay in the central committee. Then Bhattarai accused the only 'yes-man' had been brought into the party<sup>26</sup>.

The Bhattarai faction boycotted the conference stating that its demands were not addressed. Instead of resolving the disputes, the UCPN (M) Biratnagar conference brought more disputes into the open. This drew new lines of disputes between the factions of chairperson Dahal its leader and Bhattarai. Both factions returned to the capital with loads of unresolved disputes. The next meeting of the central office in the capital stressed the need to include Bhattarai faction as in the central committee. This created a sort of pessimism in UCPN (M). Chairperson Dahal while reviewing the community revolution in Nepal stated that the whole revolution is in crisis and heading for erosion<sup>27</sup>. After unsuccessful attempts to bring the Bhattarai faction into the fold, chairperson Dahal announced the names of 84 central committee members from his faction in a press conference in the capital<sup>28</sup>. He stated that 'there was no dispute about the [party] line'<sup>29</sup>.

Then leader Bhattarai became more outraged. He criticised the leadership for trying to run the party alone. With the ongoing dispute within the party, chairperson Dahal continued his attempts to find a consensus with the Bhattarai faction. He held discussions with Bhattarai and requested Bhattarai and his faction to return to the central committee. Bhattarai stated that there was no plausible basis for transformation of the party and there was no possibility of returning to the central committee. The Bhattarai faction boycotted the next meeting of the central committee<sup>30</sup>. Then the meeting of the central committee was adjourned for a couple of days stating that Bhattarai faction would be included. In the meantime, there were a series of talks between chairperson Dahal and leader Bhattarai and Bhattarai was ready to participate in the central committee. The central committee meeting of May 19 suggested the party leadership to find a long-term solution to the problems. UCPN (M) formed a 149-member central committee after including members from the Bhattarai faction. Though he declined to be vice-chairperson, Bhattarai agreed to return as senior leader to the headquarters. The leaders also 'agreed to take constitution-drafting as the main goal, manage the intraparty struggle, and discuss on respecting the dissenting opinions in the next general convention'<sup>31</sup>.

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<sup>26</sup> 'Yes-man' maatrai jamma paariyo. May 7, 2014. The Kantipur, p.1.

<sup>27</sup> Kantipur TV. May 10, 2014.

<sup>28</sup> UCPN (M) chairperson Dahal had announced the names of 84 central committee members from his faction on May 11, 2014.

<sup>29</sup> Press release of the UCPN (M) of May 28, 2014.

<sup>30</sup> The Bhattarai faction had boycotted the central committee meeting of May 16, 2014.

<sup>31</sup> BC, Ganga. May 7, 2014. *UCPN (M) ma padiya vivaad milyo*. The Kantipur, p.1.



Bhattarai and his faction members participated in the central committee meeting of May 22, 2014<sup>32</sup>. Bhattarai claimed that instead of dividing the party, he had wanted to transform it<sup>33</sup> and stated while putting forward his difference of opinion that 'we have not reached an agreement. I have note of dissent in politics'<sup>34</sup>. Chairperson Dahal stated, 'Some had not thought we would stand in the same place again; this is a historic event'<sup>35</sup>.

Then the issue of division of posts gained importance in UCPN (M). After there was no agreement between the two parties, UCPN (M) decided that it would hold elections for the posts of officials, politburo and standing committee members. The next attempt to find consensus within UCPN (M) was unsuccessful. After it was decided to hold election for politburo members, Bhattarai faction boycotted the process. Even in the absence of Bhattarai faction, elections for standing committee members and officials went ahead. Interestingly, though Bhattarai faction was absent in the elections, some of his supporters were elected to politburo, standing committee and officials, which he criticised. UCPN (M) leadership posts were divided without agreement from Bhattarai faction<sup>36</sup>.

### UML Focused on General Convention

UML central committee meeting decided to hold its ninth general convention in Kathmandu from July 3 to 9, 2014. UML publicity department head Pradeep Gyawali stated that the dates had to be postponed due to important work on its manifesto being incomplete. UML had postponed the dates twice before. This time, the leaders were confident that the convention would be held on time.

Senior leader Madhav Kumar Nepal started on a nation-wide campaign to create an atmosphere in his favour, while leaders and supporters of KP Sharma Oli, another chairperson hopeful, became very active even though he was in Bangkok. Vice-chairperson Vidhya Devi Bhandari proposed KP Sharma Oli as chairperson, Bamdev Gautam as vice-chairperson, and Ishwor Pokharel as general secretary in the forthcoming general convention. Senior leader Madhav Kumar Nepal announced his candidature for chairperson for the ninth general convention and published his policy paper as well. However, Secretary Shankar Pokharel argued that for a senior leader to file candidacy for chairperson would not be proper as per the party constitution<sup>37</sup>.

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<sup>32</sup> *UCPN (M) ko baithak ma sahabhaagi bhaye Baburam*. Retrieved June 5, 2014, from <http://setopati.com/raajneeti/11722>

<sup>33</sup> Kantipur TV. May 8, 2014.

<sup>34</sup> *Bhattarai samuha farkiyo*. May 23, 2014. The Kantipur, p.3.

<sup>35</sup> *Bhattarai samuha farkiyo*. May 23, 2014. The Kantipur, p.3.

<sup>36</sup> The meeting had given responsibility of the party as a whole to chairperson Prachanda, parliament and research to senior leader Baburam Bhattarai, international relations to vice-chairperson Narayan kaji Shrestha, organisation and monitoring coordinator to vice-chairperson Post Bahadur Bogati and its secretary to general secretary Krishna Bahadur Mahara (UCPN (M) press release of May 31, 2014).

<sup>37</sup> 'Neta Nepal addhyakshya ma uthnu vidhaan sammat chhaina', secretary Pokharel. Retrieved June 5, 2014, from <http://setopati.com/raajneeti/12134>

## Miscellany

President Ram Baran Yadav signed the much-disputed bills on Truth and Reconciliation Commission and Commission on Enforced Disappearances<sup>38</sup>. The Supreme Court issued an order to the government to nominate 26 to the Constituent Assembly within 15 days by excluding those who had lost in the direct election, not elected from the proportional candidate list, and those affiliated to political parties. In the Supreme Court, it is stated, “The provision exists to give completion to the Constituent Assembly and should not be made an issue of political interests. And it is necessary to keep in the mind the need to rise above the political division of posts to complete the goal of constitution-drafting”<sup>39</sup>. After failing to nominate the 26 Constituent Assembly members within the given 15 days, the government filed an appeal to stave off a possible case of contempt of court<sup>40</sup>.

In the meantime, the police arrested Constituent Assembly member Sanjaya Kumar Sah, the supposed mastermind of the Janakpur bomb incident. Candidates filed nominations for by-elections to the four vacant seats of the Constituent Assembly. The budget session of the Constituent Assembly was called May 30<sup>41</sup>. However, the opposition parties obstructed the Constituent Assembly proceedings demanding implementation of previous agreements<sup>42</sup>.

## Conclusion

The provision of parliamentary hearings is essential for appointment of competent and morally upright justices to the Supreme Court. However, political parties and their Constituent Assembly members should use their own consciences to ensure that. If the justices are recommended under political influence and hearings are held based on it, the parliamentary hearings become meaningless. Instead of serious study and research, the questions to the justices based on complaints against raised questions on the dignity and character of the justices, and it also lowered the standards of the Constituent Assembly members asking those questions. Parliamentary hearings that bring a rift between the Constituent Assembly members and justices raise the dignity neither of the courts nor of the parliament. If parliamentary hearings are to be made effective, it is necessary to ask questions to the justices after serious research and study and nomination of justices with bad conduct should be stopped. Only then the propriety of parliamentary hearings will remain. It is clear that the tradition of the ruling parties tying the justice nominations with its prestige and the opposition parties just contesting them will not benefit anyone.

<sup>38</sup> President Ram Baran Yadav had signed the bills on Truth and Reconciliation Commission and Commission on Enforced Disappearances on May 11, 2014.

<sup>39</sup> The order of the Supreme Court on May 12, 2014.

<sup>40</sup> Khadka, Ghanashyam and Neupane, Kulchandra. May 28, 2014. *26 sabhaasad baare punaravlokan nivedan*. The Kantipur, p.1.

<sup>41</sup> President Ram Baran Yadav had called on May 2 for session of the Constituent Assembly from May 28 onwards.

<sup>42</sup> Budhathoki, Bishnu. *UCPN (M) ra RPP (Nepal) dwaaraa sansad baithak avaruddha*. Retrieved June 15, 2014, from <http://setopati.com/raajneeti/12092>



It is a positive step to identify the issues of disagreement and consensus from Constituent Assembly I, which also provides a proper space while working through various sub-committees formed by the different committees. However, if the previous trend of discussion for discussion's sake continues, then consensus seems difficult. Political parties can express their position, but it is also necessary to seek consensus on various issues based on balance of power. Only then the constitution-drafting process can proceed smoothly. The process of identifying issues of dispute and consensus, sending them to the Constituent Assembly and then onto the Constitution-Drafting Committee has made constitution-drafting process manageable and effective.

It is not unusual in parliamentary system to discuss and divide important issues among political parties. However, attempts to bypass the existing provisions to suit oneself and failure to find consensus even then should be taken as a failure of the political parties and the government. The same is true in the case of the 26 nominees to the Constituent Assembly by the Council of Ministers. Lack of due diligence by the government, agreement only among the political parties, and problems within the parties will not only result in failure to nominate the 26 members on time but also raises serious questions on the decision capabilities and working style of the political parties.

## Major political developments

### May 2:

- Smaller eight parties form a joint forum for common issues in the Constituent Assembly stating the Constituent Assembly is under the domination of status quoist political parties.

### May 3:

- UCPN (M) leader Baburam Bhattarai demands general convention of the party.

### May 4:

Prime Minister Sushil Koirala directs his ministers to make works directly related to the public more effective.

- Constituent Assembly member Sanjaya Kumar Sah, accused of masterminding the Janakpur bomb incident, is apprehended.

### May 5:

- The central committee meeting of UML decides to hold its ninth general convention in Kathmandu from July 3 to 9, 2014.
- Informal talks between leaders of Congress and UML. UML leader Pradeep Gyawali informs that there has been an agreement on division of nominations to 26 members to the Constituent Assembly and leadership of the 11 parliamentary committees.
- Constitution-Drafting Committee holds consultation with legal experts. Suggestion to prepare the draft of the constitution based on the principles of constitutionalism.
- The sub-committee of the Committee on Constitutional Political Dialogue and Consensus Building writes to the Ministry of Peace and Reconstruction to provide copies of past agreements with various groups.

### May 6:

- Minister for Information and Communications Minendra Rijal claims that the government has been able to fulfil its main objective of preparing an atmosphere for constitution-drafting.
- Politburo meeting of CPN (M) decides to hold its national conference during second week of Asadh.
- UCPN (M) chairperson Pushpa Kamal Dahal is elected chairperson unanimously. Baburam Bhattarai boycotts the conference.

**May 8:**

- Meeting of the Parliamentary Hearings Committee. Dispute among the members. Decision to call the meeting notes of the Judicial Council alleging that it has recommended wrong persons to the justices of the Supreme Court.
- Constitution-Drafting Committee holds consultation with legal experts. Suggestion to provide space to all parties whatever method and process is followed to draft the constitution.

**May 9:**

- Meeting of central office holders of UCPN (M) reviews the boycott of Baburam Bhattarai faction and stresses on inclusion of Baburam Bhattarai faction in the central committee.
- Judicial Council member Khem Narayan Dhungana claims that the recommendations of the justices to the Supreme Court have been as per the standards and asserts that there will be no review on the recommendations.
- Nepal Bar Association chairperson Hari Krishna Karki says demands withdrawal of recommendations of Judicial Council of justices to the Supreme Court.

**May 11:**

- UCPN (M) chairperson Pushpa Kamal Dahal holds a press conference in the capital. Announces the names of 84 central committee members without including any leaders from the Baburam Bhattarai faction.
- President Ram Baran Yadav signs the bills on Truth and Reconciliation Commission and Commission on Enforced Disappearances.

**May 12:**

- Meeting of senior leaders of Congress, UML, and UCPN (M). Discussion on nomination of 26 members to the Constituent Assembly, formation of Commission on Enforced Disappearances and Truth and Reconciliation Commission and nomination of ambassadors and heads of constitutional bodies based on political consensus.
- Constitution-Drafting Committee holds consultation with legal experts. Suggestion to prepare the draft of the constitution taking into account the ground realities, culture, and balance of power of the country.
- Meeting of UML standing committee decides to hold discussions with all parties claiming that faulty recommendations of justices to the Supreme Court will have long-term consequences.
- After the Parliamentary Hearings Special Committee asked for a copy of the minutes of the decisions taken while recommending justices to the Supreme Court, the Judicial Council provided it.

- The Supreme Court issues an order to the government to nominate 26 members the Constituent Assembly within 15 days.

**May 13:**

- The Parliamentary Hearings Committee decides to call the recommended justices and complainants to the Committee.
- Constituent Assembly chairperson Subash Chandra Nemwang informs the Constituent Assembly that Sanjaya Kumar Sah has been suspended from the Constituent Assembly after he is found guilty of masterminding the Janakpur bomb incident.
- Former Maoist activist Puskar Gautam, who was given a life sentence by Okhaldhunga District Court on the killing of Ujjan Kumar Shrestha, is sent to the Central Jail, Sundhara.

**May 14:**

- UML holds consultation with legal experts close to the party on the recommendations of the Judicial Council of justices to the Supreme Court.

**May 15:**

- Meeting UML parliamentary party decides that it was wrong to call the members of the Judicial Council to the Parliamentary Hearings Committee and instructs them to support the nomination of the justices.
- Schedules of by-election published. Decision to hold elections using electronic voting machines.

**May 16:**

- Meeting of UCPN (M) central committee is boycotted by Baburam Bhattarai faction.
- The Supreme Court issues an interim stay order against calling of the members of the Judicial Council to the Parliamentary Hearings Committee terming the decision was unconstitutional.
- President Ram Baran Yadav calls for budget session of the parliament from May 30.
- Constituent Assembly chairperson Subash Chandra Nemwang updates the heads of diplomatic missions on the progress on constitution-drafting.

**May 17:**

- Meeting of UCPN (M) central committee is postponed for two days to include the Baburam Bhattarai faction.
- The prime minister lobbies the smaller parties to nomination of the justices recommended by the Judicial Council.

**May 18:**

- Members of the Parliamentary Hearings Committee express outrage at the letter of the Judicial Council informing of its decision not to attend the hearings. UCPN (M) and UML members demand returning the recommendations itself. Congress members defend the Judicial Council and the recommended justices.
- Talks between Prime Minister Sushil Koirala and UCPN (M) chairperson Pushpa Kamal Dahal. The prime minister requests chairperson Dahal to help on nominations of the justices.
- Discussion between UCPN (M) Pushpa Kamal Dahal and Baburam Bhattarai factions. Bhattarai faction ready to participate in the central committee meeting.

**May 19:**

- Vidhya Bhandari in a programme in the capital of the faction of UML leader KP Sharma Oli announces the nomination of Oli as chairperson, Bamdev as senior vice-chairperson, and Ishwor Pokharel as general secretary.
- Dispute in the Parliamentary Hearings Committee regarding the letter and decision of the Judicial Council to not attend the hearings. Congress members state that it should be taken as routine. Members from the UML, UCPN (M), and smaller parties in favour of answers.
- The Committee on Constitutional Political Dialogue and Consensus Building requests the government to help in constitution-drafting process by implementing the past agreements with different political parties and groups.
- Constitution-Drafting Committee holds consultation with experts. Suggestion to take into account balance of power among the executive, parliament, and judiciary.
- Meeting of UCPN (M) central committee suggests its leadership to find long-term solutions.
- The 33-party alliance which includes CPN (M) submits a memorandum to the Prime Minister Sushil Koirala; demands for round-table conference.

**May 20:**

- Meeting of the Parliamentary Hearings Special Committee is postponed after dispute among members on sending a letter to the Judicial Council.
- Dispute in Rastriya Prajatantra Party regarding party leadership. Lokendra Bahadur Chand and Prakash Chandra Lohani accuse chairperson Surya Bahadur Thapa of not reliving himself responsibility as per rotation and ask him to hand over leadership.
- UCPN (M) central committee. Baburam Bhattarai faction also participates.

**May 21:**

- The Parliamentary Hearings Special Committee objects to the words and language of the letter from the Judicial Council, which is deemed to be against the decorum of parliament. Decision to send a letter to the Judicial Council. Decision also to ask why the recommendations follow the principle of inclusion.
- Meeting of the Constituent Assembly. Difference of opinion between members on whether military training should be provided to those 18 years and above.
- Schism in the 2-member Dalit Janajati Party.

**May 22:**

- Meeting of UCPN (M) central committee. Bhattarai faction also participates. Bhattarai states that it is not his intention to divide the party but to transform it.
- Meeting of the Committee on Constitutional Political Dialogue and Consensus Building asks the stakeholders to provide suggestions on issues to be included in the new constitution.
- The Parliamentary Hearings Committee starts hearings from the complainants.

**May 23:**

- Meeting of UCPN (M) central committee. Election to be held for officials and members of politburo and standing committee.
- Discussion between Prime Minister Sushil Koirala and CPN (M) chairperson Mohan Vaidya. CPN (M) secretary Dev Gurung states that the prime minister has agreed to hold a large conference of all parties to discuss the issues raised by the party.
- Rastriya Prajatantra Party chairperson Surya Bahadur Thapa informs that he will leave the post as his term is over as per the rotation system. States it is the responsibility of the central committee to elect the new chairperson.
- The Judicial Council sends a letter to the Parliamentary Hearings Special Committee and clarifies that it was not its intention to bring into disrepute the dignity and decorum of the Committee. The Committee starts hearings on the recommended justices.

**May 24:**

- Day-long attempts to find consensus on members of the politburo and standing committee and officials fails. UCPN (M) states elections will be held the next day.



- UCPN (M) nominates candidates for the by-election on June 22. Decides to nominate Lilamani Pokharel from Kathmandu constituency 2, Bhuwan Chaudhary from Bardiya constituency 1, Khushi Ram Pakhrin from Chitawan constituency 4, and Ram Samajh Rana from Kailali constituency 6.
- Hearings of Deepak Raj Joshee and Gobind Kumar Upadhyaya who were recommended by the Judicial Council for justices at the Supreme Court by the Parliamentary Hearings Special committee are over.
- Madhesi Janadhikar Forum (Nepal) expels four leaders from the central committee including senior leader Bharat Bimal Yadav.
- General convention of RPP (Nepal) begins in the capital.

**May 25:**

- Hearings of justices at the Parliamentary Hearings Special committee are over.
- UCPN (M) elects 51-member politburo. Baburam Bhattarai and his faction absent.
- Government spokesperson and Minister for Information and Communications Minendra Rijal holds a press conference and claims that preparation of constitution-drafting based on political consensus is its main achievement.

**May 26:**

- The Parliamentary Hearings Special Committee endorses the eight justices to the Supreme Court recommended by the Judicial Council. Voting for six justices; two unanimous. RPP (Nepal) boycotts the voting.
- UCPN (M) central committee selects 16 members to the standing committee.
- The chairperson of the Committee on Constitutional Political Dialogue and Consensus Building Baburam Bhattarai holds a press conference and informs that informal talks are being held with parties outside the Constituent Assembly on issues to be included in constitution-drafting.
- CPN (M)-led 33 party alliances decides to boycott the by-election scheduled for June 22.

**May 27:** UCPN (M) officials confirmed through election process.

- The government files an appeal at the Supreme Court asking for review of its decision on nomination of 26 members to the Constituent Assembly.
- The eight justices endorsed by the Parliamentary Hearings Special Committee start their work.
- Kamal Thapa is re-elected chairperson of RPP (Nepal) after defeating Padma Sundar Lawati.

**May 28:**

- UML central committee meeting criticises the 100 days of the government as not being effective; postponed until June 1.
- Constitution-Drafting Committee to start drafting the constitution from May 30.
- A writ is filed at the Supreme Court demanding the stay order against allocation of Rs one million to the Constituent Assembly members for constituency development.

**May 29:**

- Meeting of Constituent Assembly. Prime Minister Koirala states that if consensus fails then the constitution will be promulgated on time through voting on disputed issues.

**May 30:**

- The Constitution-Drafting Committee informs that it has started to draft the new constitution.
- Sub-committees formed for preamble and definition; fundamental rights and directive principles and commissions; judiciary; parliament; and executive.
- Meeting of UML parliamentary party criticises Finance Minister Ram Sharan Mahat of arbitrary off-budget transferring of funds.
- Meeting of legislature-parliament is obstructed by opposition parties accusing of arbitrary off-budget transfers.
- Legal experts suggest state restructuring on the basis of identity and capability and presidential system of government in the new constitution.

**May 31:**

- UML senior leader Madhav Kumar Nepal announces his candidacy for chairperson in the ninth general convention and makes public his policy paper.
- Meeting of UML parliamentary party criticises the party leadership for the party's ineffective role in the government and Constituent Assembly due to incompleteness of the parliamentary party.
- Work division of UCPN (M) leaders.