

High-level Committee and Dissatisfaction of the Chair of the Constitutional Committee

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A seven-member high-level taskforce comprising of senior leaders from seven political parties was formed when consensus could not be reached in the thematic committees of the CA, meetings of the CA, and discussions in the report studying committees and constitution-drafting process was stalled. Amidst allegations that the parties were more focused in the race to head the government and the CA members put pressure on their parties to work on the constitution-drafting, the formation of the taskforce gave a ray of hope. The formation of taskforce of senior leaders was openly challenged by the Constitutional Committee chairperson Nilambar Acharya.

The 27 parties had formed the high-level taskforce on October 11, 2010 when there was no consensus among the parties on the reports of eight thematic committees. The taskforce members were UCPN (M) chairperson Pushpa Kamal Dahal, Nepali Congress parliamentary leader Ram Chandra Paudel, CPN (UML) chairperson Jhala Nath Khanal, Madhesi Janadhikar Forum president Upendra Yadav, Nepal Peasants and Workers Party (NPWP) president Narayan Man Bijukchhe, Prajatantrik Samajbadi Dal chairperson Prem Bahadur Singh, and Sanghiya Loktantrik Manch CA member Rukmini Chaudhari.

The meeting of the taskforce on October 13, 2010 selected UCPN (M) chairperson Pushpa Kamal Dahal as its coordinator. The taskforce started its work on the 210 disputed issues identified by the report studying committee. To facilitate the work of the taskforce, a provision was made to have an associate in the meetings, and accordingly, Deb Gurung from UCPN (M), Ramesh Lekhak from Congress, Bharat Mohan Adhikari from UML, Ratneswor Lal Kayastha from Forum, Sunil Prajapati from NPWP, Basudev Chaudhari from Loktantrik Rastriya Manch, and Hikmat Bahadur Deuba from Prajatantrik Samajbadi Dal could participate in the meetings.

The taskforce garnered consensus on issues of local bodies, chief minister in the states, unicameral parliament in the states and others. Many were optimistic that the taskforce comprising of senior leaders would resolve the dispute seen in the constitution-drafting process. It was taken as an achievement that the senior leaders were in the taskforce when there were accusations that the senior leaders were not taking the constitution-drafting process seriously even as the CA members were actively working for it. Tarai Madhes Loktantrik Party CA member Hridayesh Tripathy claimed, "The sitting of senior leaders from three parties to discuss constitution-drafting is positive."

However, the chairperson of the Constitution Committee Nilambar Acharya was not happy at the formation of the taskforce. Questioning the legitimacy of the taskforce, he said, "Even if the taskforce resolves disputes seen in the constitution-drafting process, it will not be binding."

According to the chairperson Acharya, the taskforce only has political legitimacy. He said that the taskforce would have been good if it had constitutional legitimacy and it would have been effective if it was formed by the Constituent Assembly. Acharya commented that formation of the taskforce by the 27 parties while the Constituent Assembly existed had degraded its credibility and authority.

According to chairperson Acharya, since the taskforce was formed by the parties, the Constitutional Committee does not have to recognise it. He stated that if the committee/mechanism had been formed by the Constituent Assembly, it have had constitutional legitimacy. The discussions of disputes in the taskforce while the Constituent Assembly was elected, formation of thematic committees and the Constitutional Committee to seek consensus gave grounds to question the credibility and authority of the Constituent Assembly.

There was no conducive atmosphere in the thematic committees and the Constituent Assembly as the senior leaders were absent and other leaders supported their party positions. Discussion among the 27 parties would be lengthy and would not be effective in a big group, thus there was the possibility that even small issues would spoil the atmosphere. The taskforce was formed to distract the attention of the public by electing the prime minister, calm the anger of the public, ease the pressure on the senior leader from the CA members and public not to amend the CA calendar of events, and work on the constitution-drafting. CA chairperson Subash Nemwang had a significant role in the process.

Initially, the taskforce term was extended for 12 days, then 11 and 15 days; it was active until December 11, 2010. The taskforce was able to gain consensus on 127 out of 210 disputed issues. The consensus arrived at language policy, citizenship, local bodies and others sent the message that if the senior leaders participate, the disputes will gradually be resolved. However, disputes on the form of government, election system, state restructuring, and basic principles of constitution remain to be resolved.