

## Conscience in Constituent Assembly

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Can the political parties issue whip to their CA members to support the party-line over constitutional issues and agendas or not – the CA Regulations is not clear about this provision. However, major political parties opted for the provision that allows the party to call for whip whereas the minor parties did not. Women, Madhesi and Janajati CA members too were against this provision. Major political parties held the opinion that without the provision for whip, their constitutional agendas were unlikely to draw a vote of majority, whereas minor political parties held the opposite opinion. But despite party differences, several women, Madhesi and Janajati CA members shared similar views over several constitutional issues and agendas.

Most of the CA members spent their energies in toeing their party lines. Many of them were hesitant in expressing their personal views on important issues. This intensified party contestation in several CA meetings called to discuss important political and constitutional issues. Things would have become much favourable for the nation had the CA members followed and acted out their own conscience over crucial constitutional issues.

However, CA member like Pradeep Giri expressed different views over the governmental system from that his NC party had put forward. Giri opined that rather than following the “West Minister” modality, the nation must opt for direct election system for the prime minister and indirect election for the president. Narhari Acharya and over a dozen CA members belonging to the NC put forward a similar view that the “West Minister” model has failed in the political context of Nepal. Similarly, Krishna Thakur, a CA member belonging to NC, expressed her opinion that Hindi language should also be given a status of official language in the new constitution.

Jhala Nath Khanal, the Chairman of the UML, in the beginning lobbied and gave strong support for the government system led by a directly elected prime minister. However, by the time the election was called by the Committee, several CA members belonging to UML voted for the “West Minister” model of the government. As a result, UML faced serious intra-party conflict. Lila Kumari Bagale, a CA member belonging to the UCPN (M), expressed her strong opinion that the indigenous communities should have major rights over the consumption of natural resources. Angdawa Sherpa, Urmila Thapa and Ushakala Rai, CA members belonging to UCPN (M), NC and UML respectively, held different views over the citizenship rights agenda put forward by their own parties. They held a common voice that the children born of a woman holding Nepal citizenship, no matter whether their father recognises them or not, too should hold rights to get citizenship in the new constitution.

Gagan Thapa, CA member from NC, expressed his opinion that the new constitution should guarantee “free education” for everyone till secondary school level. Pasang Sherpa and Chhabil Bishwokarma, CA members belonging to the UML, expressed their opinion different from the one their party had put forward as they called to remove “Madhes Movement” from the new constitution.

Sapana Pradhan Malla and Sarada Jha, CA members belonging to the UML; Ratna Sherchan from the NC; Kalpana Rana from the RPP; and Gayatri Shah from the Janata Party expressed their opinion that “women’s rights” along with “human rights” should remain as the fundamental rights of people in the new constitution.

Purna Prasad Rajbanshi, CA member belonging to the UCPN(M), differed over the federal restructuration format recommended by the Committee as he said that districts such as Jhapa, Morang and Sunsari must belong to Kochila Pradesh rather than Bhojpura Pradesh as recommended by the Committee.

Similarly, Amar Bahadur Gurung and Sabitra Gurung of UCPN(M) held their opinion other than the one put forward by the Committee as they stated that several Village Development Committees (VDCs) from Gorkha, Lamjung, Tanahu, Syanja and Parbat must belong to the “Tamuwan Pradesh”, not the “Narayani Pradesh”.

Shantidevi Chamar (UML), UCPN(M) CA members Bishwabhakta Dulal, Santoshi Bishwokarma and Chanda Devi Ram belonging to Dalit communities expressed their opinions other than the one held by their parties as they demanded that the new constitution should make 7% reservations from the local to the federal levels of political structures for the members belonging to the Dalit communities as part of compensation for suffering and humiliation that they have gone through for millennia.

Dhruba Aangdambe of the UCPN(M) objected the way the Committee has drawn the cartography of “Limbuwan Pradesh” as it excludes some historically important Limbu communities from districts such as Morang, Sunsari and Sankhuwasabha. Similarly, Aarju Deuba (NC) objected the way the Committee had included several areas inhabited by Khas-Chhetri from Kailali and Kanchanpur district in the “Awadh-Tharu Pradesh” and strongly urged the Committee to include such areas in the “Karnali Pradesh”.

## **Conclusion**

In a multiparty democracy, a party holds greater power than the individual leader. It is natural that the party needs to develop some long-term policies on the basis of discussions with its leaders and members. Several issues that do not go along with the party line are carefully handled in party meetings. In most of the cases, the party has every right to issue whip to its members to take a particular party policy or standpoint over particular social and political issues. However, no CA member going against his or her party-whip got punished though several CA members belonging to all major parties held opinions other than their party. In many important and crucial issues, the CA members articulated their party policies. Instead of realising and analyzing the seriousness of the agendas, many of them remained glued to their party ideologies.