

Constituent Assembly without Work Frequently

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The Constituent Assembly (CA) sittings went through indefinite postponements 20 times due to lack coordination and consensus among the parties. After the fourth sitting of the CA on June 18, 2008, the then-chairperson Kul Bahadur Gurung had indefinitely postponed the sitting until further notice. There was no sitting for another one and half months. After smooth sitting of the first three sitting, the CA sittings were pushed towards uncertainty after the fourth sitting. After a long consultation among the leaders of the political parties and CA members, the fifth sitting took place on July 15, 2008. The sitting unanimously endorsed the procedures for electing the president and the vice-president.

The 10th sitting on July 27, 2008, elected UML leader Subash Nemwang unopposed to the post of chairperson of the CA. then the CA sittings were postponed until further notice. There was no sitting for another three months. In the 11th sitting of the CA on November 10, 2008, coordinator of the Regulations (procedures) Drafting Committee, Narayan Man Bijukchhe presented drafts of the CA Regulations 2065 and CA (Conduct of Business of Legislature-parliament) Regulations 2065; these were endorsed by the 13th sitting of the CA on November 14, 2008. Then the CA sittings were postponed until further notice. The 14th sitting on November 16, 2008, unanimously endorsed the CA calendar of events proposed by the Business Advisory Committee of the CA.

Sittings postponed until further notice

S.N.	Date	CA sitting	Date of the next sitting
1	June 18, 2008	4th	July 15, 2008
2	July 27, 2008	10th	November 10, 2008
3	November 14, 2008	13th	November 16, 2008
4	December 2, 2008	16th	December 16, 2008
5	December 16, 2008	17th	December 29, 2008
6	December 29, 2008	18th/19th	January 6, 2009
7	January 6, 2009	20th	January 10, 2009
8	January 10, 2009	21st/22nd/23rd	January 13, 2009
9	January 13, 2009	24th	January 19, 2009
10	January 19, 2009	25th	April 13, 2009
11	April 29, 2009	27th	May 25, 2009
12	June 11, 2009	39th	July 12, 2009
13	July 21, 2009	51st	August 3, 2009
14	August 16, 2009	57th	September 9, 2009
15	September 17, 2009	63rd	November 15, 2009
16	December 23, 2009	76th	January 9, 2010
17	February 4, 2010	93rd	March 3, 2010
18	March 22, 2010	98th	March 30, 2010

19	April 2, 2010	100th	April 7, 2010
20	April 7, 2010	101st	n/a

Source: CA Secretariat

In the 16th sitting of the CA on December 2, 2008, CA chairperson Subash Nemwang informed the Assembly of the letter from the Election Commission to the effect that the vacant seat left by the resignation of Mohan Vaidya of UCPN (M) had been filled by Kuber Oli of the same party. Immediately, the Assembly was adjourned until further notice. In the 17th sitting on December 15, 2008, names of members of various constitutional, thematic, and procedural committees formed to draft the constitution were announced. Again, the sitting was adjourned until further notice.

The 18th and 19th sitting of the Assembly on December 29, 2008, endorsed the proposal to amend the CA Calendar 2008. On the same day, after the CA chairperson tabled the CA Regulations Amendment Drafts Committee Report 2008 by Regulations Amendment Drafts Committee chairperson Kalpana Rana for voting, it was endorsed unanimously. It was also informed that the CA sitting had been adjourned until the next notice. The 20th sitting on January 6, 2009 again amended the CA calendar. Then the chairperson informed the Assembly that the elections to the chairs of different committees would be held on January 13, 2009, and the Assembly was adjourned until further notice.

In the 21st, 22nd, 23rd sitting on January 10, 2009, the chairperson read the resignation of CA member Sushil Chandra Amatya, who had been nominated by the Council of Ministers. The chairperson also read the decision of the Government of Nepal to nominate Madhav Kumar Nepal to the vacant seat. The 23rd sitting decided to include Madhav Kumar Nepal, Baban Singh, and Sadarul Miya in the Constitutional Committee. Then the Assembly was adjourned until the next notice.

In the 24th sitting on January 13, 2009, the chairperson read the letter from the offices of the prime minister and the Council of Ministers to the effect that Achyut raj Pandey had been nominated in the vacant seat after Bishwa Nath Upadhya declined to take a seat in the Assembly. And, the sitting was adjourned until the next notice. The 25th sitting on January 19, 2009, endorsed the proposal of the chairperson to reshuffle and nomination of the members of the various committees of the CA. Then the sitting was again adjourned until further notice. The 26th sitting on April 13, 2009, unanimously endorsed proposal to amend the CA calendar of events.

The 27th sitting of the CA on April 29, 2009 again amended the CA calendar of events. After amending the calendar of events, the CA was again adjourned until further notice. In the 28th sitting on May 25, 2009, Amik Sherchan, chairperson of National Interest Preservation Committee, presented its Preliminary Draft Report 2009 and descriptive report based on the Preliminary Draft Report 2009. In the meeting, the Chairperson of the CA informed that 7 individuals including Narayan Khadka of Nepali Congress and Rashmi Raj Nepali of Rastriya Janamorcha had cast their dissenting note on the issues of federalism.

In the 39th sitting on June 11, 2009, discussions on the Preliminary Draft Report 2009 of the Committee on the Protection of the Rights of the Minorities and Marginalised Committees ended.

Then the CA was adjourned until further notice due to lack of business. In the 40th sitting on July 12, 2009, the chairperson of the Committee for Determining the Base of Cultural and Social Solidarity Nabodita Chaudhary presented its Preliminary Draft Report 2009.

In the 51st sitting on July 21, 2009, member discussion on the Preliminary Draft Report 2009 of the Committee for Determining the Structure of Constitutional Bodies ended. Then the CA was adjourned until further notice due to lack of business. In the 52nd sitting on August 3, 2009, chairpersons of the Committee for Determining the Structure of the Legislative Body Ramesh Rijal presented its Concept Paper along with Preliminary Draft Report 2009.

In the 57th sitting on August 16, 2009, the CA chairperson informed the assembly the voting for the chairperson of the Constitutional Committee scheduled for 8 am on August 17, 2009, has been rescheduled for August 28, 2009, on the advice of the Business Advisory Committee. He also directed the acting chairperson of the CA Manohar Prasad Bhattarai to publish the voting schedule and make other necessary preparations for the voting. In the same sitting, discussions on the Preliminary Draft Report 2009 of the Committee for Determining Structure of the Legislative Body ended. Then the Ca was adjourned until further notice. In the 58th sitting a month later on September 9, 2009, the chairperson, on the advice of the Business Advisory Committee, proposed amendment on the CA calendar of events 2008, and the Assembly unanimously approved it.

In the 63rd meeting on September 17, 2009, discussion on the Preliminary Draft Report 2009 of the Judicial System Committee ended. Again, the CA was adjourned until further notice. The CA adjourned after the report of the Judicial Systems Committee sat on November 15, 2009. In the 64th sitting, chairperson of the Committee on Fundamental Rights and Directive Principles Binda Pandey presented its Concept Paper and Preliminary Draft Report 2009.

The 76th sitting of the CA on December 23, 2009, amended the CA calendar of events, and it was adjourned again. In the 77th sitting on January 9, 2010, CA chairperson informed the Assembly that the CA membership of Matrika Prasad Yadav and Jagat Prasad Yadav of UCPN (M), elected from proportional system from then CPN (M), had ended as they were not in the party any longer as they had violated the decisions of the party and were expelled after disciplinary action. He also informed the two vacant seats in the Assembly.

In the 93rd sitting on February 4, 2010, member discussion on the Concept Paper and Preliminary Draft Report 2009 of the Committee on State Restructuring and Distribution of State Power ended. In the same meeting, Agni Prasad Kharel, coordinator of Concept Paper and Preliminary Draft Report Study Committee, presented its CA Suggestions and Directives to the Constitutional Committee Report 2009 based on the Concept Paper and Preliminary Draft Report of the Committee on Natural Resources, Financial Rights, and Revenue Sharing, and the proposal to send the report to the Constitutional Committee for integrated draft was unanimously passed. The CA was again adjourned until further notice. The next meeting took place one month. In the 94th sitting on March 3, 2010, Agni Prasad Kharel, coordinator of Concept Paper and Preliminary Draft Report Study Committee, presented CA Suggestions and Directives to the Constitutional Committee Supplementary Report 2009 based on the Concept Paper and Preliminary Draft Report of the Committee for Determining the Structure of Constitutional Bodies.

The 98th sitting on March 22, 2010, passed the condolence motion on the death of Girija Prasad Koirala, and the CA was adjourned until further notice. One week later, in the 99th sitting on March 30, 2010, Agni Prasad Kharel, coordinator of Concept Paper and Preliminary Draft Report Study Committee, presented its CA Suggestions and Directives to the Constitutional Committee Report 2009 based on the Concept Paper and Preliminary Draft Report of the Committee on the Protection of the Rights of the Minorities and Marginalised Communities.

The 100th sitting on April 2, 2010, unanimously passed the proposal of the CA chairperson to endorse the CA Suggestions and Directives to the Constitutional Committee Report 2009 based on the based on the Concept Paper and Preliminary Draft Report of the Committee on the Protection of the Rights of the Minorities and Marginalised Communities and to send both of them to the Constitutional Committee, and it was adjourned until further notice. In the CA meeting 5 days later on April 7, 2010, the CA chairperson declared the proposal representation seat of Girija Prasad Koirala vacant after his death. The CA was adjourned until further notice.

Conclusion

In two years, the CA had 101 sittings. Though the number of full CA sittings was low, there were many more meetings of Business Advisory Committee, 10 thematic committee, three procedural committees, the Constitutional Committee, and Report Study Committee. Fourteen reports have been prepared by the 14 committees of the CA and the Report Study Committee. There was no consensus among the parties on the main issues of form of government, election system, state restructuring, judicial system, legislative bodies, and others. There have been many consensuses through discussions. However, the CA is not without blame on the matter of constitution-drafting.

Constitution-drafting was impeded by the uncertainty of the CA sittings, its inability to endorse the preliminary reports and send them to the Constitutional Committee, and inability of the Constitutional Committee to prepare preliminary draft of the constitution. Further doubt on constitution-drafting and its promulgation on time is aroused by lack of consensus among the parties on major issues, the Constitutional Committee tasked with drafting the constitution not receiving the reports, and Report Study Committee not being in a position to submit all the reports while the CA had to be adjourned for indefinite periods.