

Senior Leaders Skip CA Meetings

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The CA sat for 100 meetings in two years. According to the CA Secretariat employees, Nepali Congress president Girija Prasad Koirala had reached the CA meeting hall only four times. When he died on 20 March 2010, he had not signed on the attendance register even once. UCPN (M) chairperson Pushpa Kamal Dahal attended eight meetings. He attended five meetings after resigning from the prime minister's post. He last attended the meeting on 4 February 2010. Senior Nepali Congress leader Sher Bahadur Deuba attended seven meetings in two years. He did not attend a single meeting for the whole of 2066 BS (mid-April 2009 to mid-April 2010). Prime Minister Madhav Kumar Nepal attended 16 meetings of the Constituent Assembly.

Comparatively, UML chairperson Jhala Nath Khanal was more active in attending 34 meetings. Among leaders of the big parties, Nepali Congress parliamentary leader Ram Chandra Poudel has attended the most meetings. He not only attends the meetings but also participates in the discussions. He also gave presentations in his 63 meeting attendances. Leaders of the smaller parties attended most of the meetings and actively took part in discussions. Rastriya Janamorchha chairperson Chitra Bahadur K.C. attended 93 meetings.

By looking at the meeting attendance of the top leaders of the major parties, it is clear that the meetings are not their priorities. They did not take part in discussions in serious issues raised in the meetings. Instead of constitution drafting and issues to be covered under, they became more interested in rule and power. It never occurred to them to attend, sit through and take part in the discussions in the meetings, and that they have to conduct discussions among the public on constitution drafting. While they gave speeches outside the CA hall on party, constitution, and rule/state, they never gave a thought to addressing the issues raised in the process of reaching agreements, so much so that they never bothered about resolving the disputed issues. In their speeches, they tried to project a clean image by blaming other parties and leaders.

The leaders did not pay attention to the CA Rules and Regulations 2008. The Rule 132(1) of the Regulations states that the members have to notify the chairperson if they have to be absent for more than 10 days continuously. Rule 132(2) of the Regulations states that they have to give advance notification of such absences or within three days of attending the CA if there is a valid reason for not being able to do so earlier. Rule 132(3) states that notification of absence per the above rules should also state the reason and duration of the absence. Rule 132(4) has a provision that if it is an advance notice, then the chairperson has to present it to the CA for approval. The chairperson and the secretariat of the Assembly did not take interest in these provisions. The chairperson also fell behind in asking the senior leaders to attend the meetings so much so that even second-tier leaders could not be seen in the meetings. When this provision of advance notification was published by *Naya Patrika* (a vernacular daily) and a debate started on the possibility of loss of membership, only then the leaders started registering notification that they should have already done.

The 95th meeting of the Constituent Assembly on 4 March 2010 approved the notifications of absence of 52 CA members. Nepali Congress president Girija Prasad

Koirala gave his notification of absence from 5 June 2008 to 16 August 2009. UCPN (M) chairperson and parliamentary leader gave his notice for 23 July 2008 to 15 June 2009, UML chairperson Jhala Nath Khanal from 16 April 2009 to 16 August 2009, Nepali Congress senior leader Sher Bahadur Deuba from 12 February 2009 to 6 September 2009. The leaders were absent from the CA meeting also rarely attended the committee meetings. The Regulations provide for removal of members who are continuously absent without any notification. Regulations 2008 Rule 77 states, "The committee chairperson of the CA can remove any member from the committee if he/she is continuously absent for four days on the approval of respective committee chairperson, and notify the Constituent Assembly". However, none of the committee chairperson forwarded any recommendations to this effect.

Similarly, former prime minister and senior UML leader Madhav Kumar Nepal gave his notification of absence from 8 June 2009 to 16 August 2009 and from 17 August 2009 to 14 December 2009. Madhesi Janadhikar Forum chairperson Bijaya Kumar Gachhedar gave his notification from 22 June 2009 to 16 August 2009. Many leaders had stated as special reason for their absence but they had not clarified the reason beyond that.

The dispute was not only over power but also over many policies. The leaders formed the High-level Political Mechanism, composed of leaders of Nepali Congress, UML, and UCPN (M), to resolve outstanding issues on peace and constitution-drafting process. Their meetings and discussion took place in party and parliamentary party offices but also in Radisson, Shangri-La and other star-rated hotels. They had to sort out issues related to the form of government, electoral system, judicial system, state restructuring and others, but instead they concentrated their talks on power and it related issues. UML chairperson Jhala Nath Khanal had said many times that there had been no talks about constitution-drafting process in the High-level Political Mechanism.

There were no efforts to inform the CA about the talks within the High-level Political Mechanism and between the party leaders. The leaders could not set a precedent of keeping the legislature-parliament informed of the dialogues between the party leaders about the peace and constitution-drafting process. UML CA members Ram Nath Dhakal and Bijaya Poudel raised this issue the leaders' working style in the Assembly, which the top leaders did not attempt to address it. There were senior leaders of the parties in the Constitutional Committee; however, they did not try to resolve the disputes issues beyond presenting their own party's views. They simply delegated the responsibility to other leaders from the party in the Committee. The leaders were more focused on putting out their party's views rather seeking a consensus in the Committee discussions. That the Committee had to vote on 98 disputed issues in one day shows that the leaders did not seek consensus or failed to get agreements during the constitution-drafting process.

If the leaders had come to the full sitting of the CA to discuss on the reports of the 10 thematic committees, participated in the discussion, then consensus could be sought on the bases of these discussions. UCPN (M) chairperson Pushpa Kamal Dahal did not participate in any of the discussion on the committee reports. Even during the full sitting of the Assembly, other leaders attended who instead of seeking consensus put their own party views. It is not easy to draft a constitution when no single party has a two-third majority and the constitution cannot be drafted as per the wishes of a single party. The party representation in the Assembly looks like the constitution is another document of the agreement between the parties. Had the leaders taken this into account, they would have analysed the policy issues, listened to others, and presented their opinions accordingly. The absence and inaction of the top leaders in the full sitting of the CA reflected poorly on other leaders and their views also could not gain any importance and

to such a degree that these leaders felt that there is no alternative to a consensus between the senior leaders and it is only a formality to take part in these meetings.

Attendance in 101 meetings

Nepali Congress president Girija Prasad Koirala: 4 days

UCPN (M) parliamentary leader Pushpa Kamal Dahal: 8 days

CPN (UML) parliamentary leader Jhala Nath Khanal: 34 days

Nepali Congress parliamentary leader Ram Chandra Poudel: 63 days

Nepali Congress senior leader Sher Bahadur Deuba: 7 days

CPN (UML) senior leader Madhav Kumar Nepal: 16 days

Madhesi Janadhikar Forum parliamentary leader Upendra Yadav: 25 days

Madhesi Janadhikar Forum (Democratic) parliamentary leader Bijaya Kumar Gachhedar: 19 days

Tarai Madhes Loktantrik Party parliamentary leader Mahantha Thakur: 49 days

Rastriya Janamorchha parliamentary leader Chitra Bahadur K.C.: 93 days

Nepal Majdur Kisan Party parliamentary leader Narayan Man Bijukchhe: 43 days

Nepal Sadbhawana Party parliamentary leader Rajendra Mahato: 19 days

Notification of absence for special reasons

Girija Prasad Koirala: 5 June 2008 to 16 June 2009

Pushpa Kamal Dahal: 23 July 2008 to 16 August 2009

Jhala Nath Khanal: 16 April 2009 to 16 August 2009

Madhav Kumar Nepal: 8 June 2008 to 7 August 2009 and 17 August 2009 to 14 December 2009 (busy work schedule as well)

Bijaya Kumar Gachhedar: 22 June 2009 to 16 August 2009

Baburam Bhattarai: 10 November 2008 to 2 June 2009 and 27 October 2009 to 16 November 2009

Busy work schedule

Rajendra Mahato: 25 May 2009 to 11 June 2009 and 16 June 2009 to 16 August 2009 (special reason)

Sher Bahadur Deuba: 14 January 2009 to 6 September 2009

Krishna Bahadur Mahara: 7 August 2008 to 6 July 2009

Bishnu Prasad Poudel: 10 August 2008 to 16 August 2009

Janardan Sharma: 16 April 2009 to 5 June 2009

Sanjaya Kumar Shah: 29 April 2009 to 27 May 2009; 4 June 2009 to 26 June 2009; 1 July 2009 to 16 July 2009; 20 July 2009 to 16 August 2009 (special reason)

Ramshila Thakur: 25 May 2009 to 1 August 2009 (special reason)

Sharat Singh Bhandari: 25 May 2009 to 16 August 2009 (special reason)

Prakash Sharan Mahat: 25 May 2009 to 11 August 2009 (special reason)

Surendra Pandey: 26 May 2009 to 13 August 2009 (special reason)

Mohammad Aftab Alam: 4 June 2009 to 11 August 2009 (special reason)

Balkrishna Khand: 4 June 2009 to (special reason)

Uma Kanta Chaudhary: 22 June 2009 to 3 August 2009 (special reason)

Rambha Devi: 22 June 2009 to 7 August 2009 (special reason)

Salauddin Musalman: 22 June 2009 to 7 August 2009 and 17 January 2010 to 20 February 2010

Special reason: treatment of family members abroad

Mrigendra Kumar Singh Yadav: 16 July 2009 to 16 August 2009

Ram Bahadur Thapa Badal: 16 July 2009 to 16 August 2009 (special reason)

Dal Bahadur Rana: one month from 17 July 2009 (foreign trip)

Nima Lama: 18 July 2009 to 12 September 2009 (medical treatment)

Rupa B. K.: 30 July 2009 to 12 December 2009 (maternity leave)

Samita Karki: 8 August 2009 to 16 October 2009 (maternity leave)

Deepak Karki: 18 August 2009 to 10 October 2009 and 2066 Asoj to 2 August 2009

District Visits

Bishnu Prasad Rimal: 11 September 2009 to 19 September 2009

Amrita Thapa Magar: 3 October 2009 to 15 November 2009 (maternity leave)

Dilliman Tamang: 5 October 2009 to 22 November 2009 (medical treatment abroad)

Dip Kumar Upadhyaya: 7 October 2009 to 22 November 2009 (foreign trip)

Ram Saroj Yadav: 13 October 2009 to 9 November 2009 (personal household work)

Uma Bhujel: 13 October 2009 to 22 December 2009 (maternity leave)

Pratibha Rana: 18 October 2009 to 6 November 2009 (foreign trip)

Sunita Kumari Mahato: 28 October 2009 to 22 November 2009 (examination leave)

Laxmi Kumari Chaudhary: 18 October 2009 to 10 December 2009 (maternity leave)

Prakash Chandra Lohani: 3 November 2009 (1-1/2 month-long foreign trip)

Bishwa Nath Agrawal: 3 November 2009 to 16 January 2010 (personal household work)

Binod Kumar Chaudhary: 6 November 2009 (two weeks for special reasons)

Alauddin Ansari: 12 November 2009 to 22 December 2009 (Hajj trip to Mecca)

Amik Sherchan: 12 November 2009 tono month (medical treatment)

Angdawa Sherpa: 13 November 2009 to 25 December 2009 (medical treatment after an accident)

Mohammad Ishtiaq Rai: 20 November 2009 to 5 December 2009 (Bakr Eid, personal household work and special reason)

Chhiyama Rai: 30 November 2009 (personal busy schedule)

Baldev Sharma Majgaiya: 30 December 2009 to 14 January 2010 (foreign trip)

Damodar Chaudhary: 20 December 2009 to 12 February 2010 (personal household and party-related work)

Babina Moktan Lawati: 30 December 2009 (three week for party-related work)

Laxman Mahato: 4 January 2010 to 4 March 2010 (medical treatment)

Dharma Prasad Ghimire: 4 June 2009 to 12 February 2010 (hospitalisation)

Krishna Bahadur Gurung: 27 May 2009 to 10 June 2009 and 27 November 2009 to 31 January 2010 (special reasons)

Shrawan Kumar Agrawal: 20 January 2010 to 12 February 2010 (foreign trip on personal work)

Reasons for absence

Special reasons: 27

Busy work schedule: 3

Foreign trip: 9

Maternity leave: 5

Medical treatment: 4

Personal household work: 3

Party-related work: 2

Source: The Constituent Assembly Secretariat