

UCPN(M) and UML Unclear on the form of Government

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In the beginning, UCPN(M) was in favour of directly elected executive president and went to the CA election its election manifesto declaring, 'President from directly elected system and prime minister from the election from parliament members. The tenure of president and prime minister would only be for two terms (Declaration Paper, CPN Maoist, February/March, 2008: 14)

That concept was submitted to the Committee for the Determining the Form of Government but after the party's central committee meeting decided to go for elected executive president from the parliament. Then UCPN(M) tone changed in the Committee. the UCPN(M) wrote a letter requesting to keep old concept of Maoist. After the UCPN(M) left the government, again it raised the issue of directly elected president in the Committee meetings, which severely impacted the work of the Committee.

at the same time, the third largest political party CPN(UML) is in favour of directly elected prime minister through the parliamentary system and had submitted the same concept paper in the Committee. But claiming the politburo decision, some UML leaders in the Committee supported Nepali congress's proposal of prime minister selection from the parliament in order to get support for its own proposal of electoral system and cast vote in favour of West Minister model of parliamentary system. But while signing on the Committee report, Ratna Gurung and other four members refused to sign due to UML's internal conflict, then the dispute reached upper level. The dispute was between the party chairperson Jhalanath Khanal and Bishnu Prasad Paudel of K. P. Oli camp.

The chairperson of UML, Khanal explained party position in favour of directly elected prime minister as mentioned in the election manifesto but Paudel countered that party's decision is the one as cast in the Committee. Then that dispute was not only limited within the party and parliamentary committee, it reached the full meeting of CA, and CA members speaking in the Assembly were also divided in two camps. Though this did not have the same impact as the UCPN(M) repeatedly changing concept paper in the Committee, it affected the signing on the report at the end. Therefore, the discussion in the CA is not only in the constitution-drafting process, but it has also been witness to internal disputes and conflict of political parties.

Madhes-based Madhes Janadhikar Party has introduced the directly elected executive president in accordance with its election manifesto. Another Terai-based political party Tarai Madhesh Loktantrik Party has mentioned in its election manifesto that "parliament will elect prime minister and form a government after getting a vote of confidence from the parliament". regarding the head of the state, "The election of the president would be from both houses and provincial parliament. The president will be the head of the state and his role would be mostly ceremonial". But at the time of proposing this

concept in the Committee, it got only 3 votes from 38 members in attendance from Om Prakash Yadav, Chandan Shah, Brij Kumar Gupta.

Same Drama in the Assembly

In the Committee, only a few CA members presented their independent and different opinion outside of the political party line and political whip, while majority of them toed the political party line whether wrong or right. NC and UML CA members were seen to use of their own conscience rather than political party whip. Among seven members of the Committee, Pradip Giri alone was in favour of the directly elected prime minister while other NC members were on the favour of directly elected executive prime minister from the parliament. Also, Bishnu Paudel was in favour of elected prime minister from the parliament accordance to the vote in Committee, disregarding the line of party chairperson and leader of the parliamentary committee Jhalanath Khanal.

In the assembly, UCPN(M) vice-chairperson Dr. Baburam Bhattarai said the West Minister parliamentary model cannot balance power and the directly elected president can balance the power centres. In the presidential system, power centre will not be divided and power struggle will end and government can get sustainability. Even chairperson Prachanda was present there to hear this speech. In the counter of that statement, Minendra Rijal, Minister of Federal Affairs and central member of Nepali Congress said, "We are not demanding improved monarchy in the name of executive president". He cautioned that centralised power can create another dictatorship.

Nepali Congress leader Pradip Giri was present to hear Dr. Baburam Bhattarai's speech, and Dr. Bhattarai was also during Pradip Giri's speech on suitable governance system. In his different opinion, Giri asserted that the UCPN(M) do not want presidential governance system like in the U.S.A. but rather a unique presidential model. He said that to understand the presidential system of America would be impossible without understanding political system, role of the opposition, the rights of lower and upper houses, relative power of the states, and constitutional provision of all-powerful Supreme Court. Therefore, in the opinion, the UCPN(M)-presented presidential model could bring in another dictatorship. Giri said that model or system and already failed model of West Minister system could not function in Nepal, thus directly elected prime minister and parliamentary system is appropriate in the context of Nepal.

The meeting of this Committee was not boring like other committees because parties' senior leaders' presence seemed to provide additional energy to the meetings although the CA members could not rise beyond the party lines. on the whole, mixed electoral system would be suitable to cover the diverse pluralism of the nation that would elect either the president or the president directly.

Box:**What is multiple member electoral system?**

The UCPN(M)-proposed 'multimember electoral system' gives unequal rights on the Nepali voter which is not democratic nor is it necessarily a party-less system. Till 1990s, Japan followed multiple member constituency and first-past-the-post electoral system, but people only cast a single vote and this became a problem. For example, if any constituency has seven seats, any party can field seven candidates but voters can cast down vote only for a single candidate. Is this system is desirable? It is very risky. For example, in the case of Kathmandu, there are 10 seats and voters can cast only one vote, the parties would not be forced to field all 10 candidates and may only field 2 or 4 candidates based on their probability of winning. Japan had experienced the same but now has shifted to single member constituency system.

Status of Committee members

UCPN(M)	Male: 13	Ashok Kumar Rokaya Chhetri, Buddhiram Gurung, Ghanashyam Yadav Ahir, Girirajmani Pokhrel, Keshab Rai, Nagendra Bahadur Dhimal, Narendra Bahadur Kunwar, Naresh Bhandari, Santa Kumar Tharu, Satyalal Mul, Tej Bahadur Mijar, Tekendra Prasad Bhatta, Top Bahadur Rayamajhi
	Female : 6	Durgadevi Paswan, Kumari Moktan, Pampha Bhusal, Shusila Kandangwa, Parbati Thapa (Shrestha), Yashoda Gurung (Subedi)
Nepali Congress	Male : 6	Ajaya Kumar Dwiwedi, Ganesh Bahadur Khadka, Jipchiring Lama Sherpa, Pradip Giri, Dr. Prakash Sharan Mahat, Shambhu Hajara Dusadh (chairperson of the committee)
	Female : 2	Pushpa Bhusal, Sita Gurung
UML	Male : 4	Krishna Prasad Sapkota, Gobinda Nepali, Pradumna Prasad Chauhan, Prithvi Subba Gurung
	Female : 3	Hasina Miya, Ratna Gurung, Sonam Chhejung Lama
MJF (Madheshi Janadhikar Forum)	Male : 2	Laxman Mahato, Om Prakash Yadav
	Female : 2	Durgadevi Mahato, Salama Khatun Mikrani
TMDP	Male : 2	Brijeshkumar Gupta, Chandan Shah
RPP	Male: 1	Alauddin Ansari
CPN (ML)	Male : 1	Yadubansha Jha
Sadvawana	Male : 2	Saroj Kumar Yadav, Shyamsundar Gupta