

First Review Report:

Review of the political activities in Provincial Assembly of the Province 1 as part of a study project on the Role of the Opposition in a Parliamentary Democracy during the months of November 2020 to January 2021



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As a part of the study on the Role of the opposition in the parliament, the following activities in the House has also formed a basis to complement for the study. It is published with the intention of further continuation of debate and interactions from the conscious public domain.

Background of Province 1:

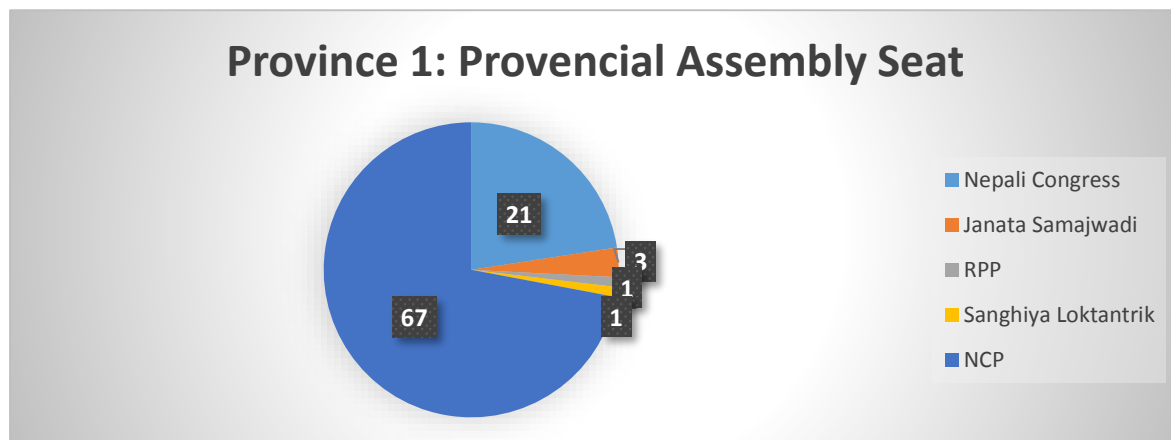
The last election held in 2017 resulted in a victory of Nepal Communist Parties alliance NCP (UML) and (Maoist Centre) securing 67 seats combined (UML 51 and Maoist Centre 15, an independent candidate joined NCP later) in the Provincial Assembly and formed the Government. The Nepali Congress with 21 seats, the second largest party in the Provincial Assembly, became the main opposition. The Provincial Assembly has seven committees to facilitate the running the assembly affairs namely Justice, Administration and Legislation, Good Governance, Finance, Public Account, Social Development, Industry, Tourism and Environment, and Natural Resources and Infrastructure Development. Provincial Assembly is a unicameral assembly and it comprises of members representing 56 from first-past-the-post system and 37 from proportional representation.

Province 1 lies in the easternmost part of seven provinces of Nepal with an area of 25,905 square kilometers, which comprises 14 districts. It has a population of 4,534,943 according to 2011 census. However, the official language is Nepali, the other languages spoken are Maithili and Limbu. The province takes pride in holding 5 tallest mountains above 8000 meters high including Sagarmatha, the highest peak of the world.

Its Provincial Capital is unanimously declared to be seated in Biratnagar of Morang district.

The composition of the Provincial Assembly in Province 1 and political balance:

The composition of political parties' representation in the Provincial Assembly is presented herein with a pie diagram.



Since the dissolution of the Federal Parliament by the President at the recommendation of the Prime Minister, the national politics has taken a nasty turn with accusing each other within the ruling Nepal Communist Party resulting its split vertically into two parties one led by the current Prime Minister and the other by dissenting group led by Madhav Kumar Nepal and Puspa Kamal Dahal “Prachanda.”. The repercussion of the federal politics has created the cascading effects spilling over to all the Provincial and local levels as well. Each dissenting group has begun counting the numbers on their sides and measuring the strengths to oust other. Since six of the seven provincial governments are headed by the Nepal Communist Party, it is obvious to see the political fallout. The outcry and the impulse of the impact has already felt in some provinces with the registration of no confidence motion against the sitting Chief Minister.

It is said that in Province 1, the Dahal/Nepal group has 42 lawmakers in their side leaving Oli with 22 members. In such a situation and calculation of the numerical strength in the Provincial Assembly, the role of the opposition would be a deciding factor to turn politics in its favor. However, the politics of the Nepali Congress is not much different of the NCP, the provincial leaders may also seek concurrences for any political maneuvering of their political boss from the center.

The Assembly is indifferent in naming the Province:

Even after the formation of the Provincial Assembly and completing almost three years of its tenure, it is most disheartening to call the province with a numerical order. It is none other than to blame the seer negligence and incapability of the Provincial Assembly members to give a proper name to the province despite having commanding majority of a single party in the Assembly. The other provinces have already found their names except province 1 and province 2. In many occasions before sitting the session of the Assembly assured a decision to this effect but without any success. The assembly members of both the ruling Nepal Communist Party (NCP) and opposition parties have demanded that the province should be named immediately and also mounted pressure on the government to purpose a name to the province at the earliest date possible, but due to the lackluster and reluctance of the government it is pending idle.

It has been learnt that the main opposition of the Provincial Assembly has been consistently putting pressure by drawing the attention of the Speaker over the delay in naming the province. Arguably, the impasse in taking the decision has and deliberately delaying it has badly tarnished the image of the province.

Citing the example of Hetauda and Lumbini, many lawmakers of the province accuse the leaders for lacking the assertiveness instead being dependent on party central leaders' instruction and guidance. If the leader of the province is capable of asserting their constitutional obligation and right. As per constitutional provisions, provincial assemblies have the right to decide the names of the provinces and their capitals with a two-thirds majority.

The Opposition is ineffective to put pressure on the ruling to bringing bills that strengthens the federalism:

The Provincial Governor of the Province 1 has summoned the seventh session of the provincial assembly for 7 Magh 2077. The six sessions of the assembly have legislated 54 bills in order to regulate the provincial structure and its administration. There are five bills pending in the committees of the assembly to be tabled for their approval. Among the important bills those legislated from the assembly are the vehicles and transportation, natural disaster management Act 2075 (amendment bill), provincial police management, public health, provincial industrial business, and good governance. However, some of the crucial bills with regard to strengthening the federal structure like provincial Civil Service Commission, management of universities, higher education is still awaiting to get into the legislation process, the provincial assembly seems in its ease for not having any pressure or urgency from either side of the bench the ruling and opposition.

The spilling effects of the federal government is apparent in the functioning of the Provincial Assembly:

After the dissolution of the House of Representatives by the President at the recommendation of the Prime Minister, the fallout of its immediate effects are apparent everywhere from top to the bottom at the national level. However, the provincial assemblies have their own set of

numerical strength and political objectivity localized at the regional level, political biasness, balance, affiliation and counter balance strategies are taking primacy to garner support for their party and party leadership. The squabbling within the NCP's has resulted into a vertical split into two, one going extreme to dissolving the House and the other splinter group accusing the government pursuing an authoritarian character daring to take unconstitutional step by dissolving the House with sinister motives.

The Provincial Assembly of the Province 1 is not the exception to become aloof from the national politics and run its business independently. The splinter faction of the ruling party has registered a no confidence motion with the signature of 37 members of the assembly against the Chief Minister Sher Dhan Rai. The motion of no confidence would get its floor once the assembly begins on 7 Magh 2077. In a 93-member assembly, it requires votes of 47 members to pass the no-confidence motion, which means additional support is required for it to get through. Even to oust from the party's assembly leader, the opposing faction required 33 numbers of members in their favor.

In this situation, holding 21 seats in the assembly, the opposition party Nepali Congress has emerged as a major player to support or oppose the no-confidence motion, which means the party may elect to choose either in the merit basis of the functioning of the existing government or aligning with the disgruntled faction of the ruling. In both the case, Nepali Congress would have the advantages of seeking plum and space in the government.

Provincial Government's response to tackle Pandemic:

Since the coronavirus (Covid-19) pandemic was hit hard in the province, its management of the facilities for tracing and treatment was appreciated by many, but could not get proper attention and support from the provincial administration. Although, the provincial assembly is prompt than other provinces to enact the legislation to support the treatment of the pandemic. The role of the opposition to this end was also helpful in bringing the attention of the government to address the grievances of the people.

The test of the administrative efficiency and efficacy of the health management shall be complemented with the support of the provincial government with the availability of resources, incentives, facilities, trainings, administrative and logistic support to deliver the inoculation drive unhindered of the vaccination process in the province.

Opposition in the street against Dissolution of the House of Representatives:

Following the directives of the party's central committee decision to oppose and demonstrate in the street against the dissolution of the House of Representatives and calling for a fresh mandate of the people through fresh election. The provincial leaders of the province 1 and its cadres along with their supporters are demonstrating in the street according to the calendar provided by the NC's headquarter. It also has the effect in the functioning of the provincial assembly making the party leaders at odd to hold a single line of political move and maneuvering.