

**Tenth Review Report: Role of the Opposition in a Parliamentary Democracy  
November and December 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 and contemporary political issues 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.*

## **House Obstruction Continues at the Winter (10th) Session as well.**

The Summer Session of the House was prorogued by the Government on October 29 amid protests of the lawmakers belonging to the main opposition, the Communist Party of Nepal (UML). The winter session of the Federal Parliament which is also called the bills session, which began on December 14, 2021, is again being fallen victim of the House obstruction from the main opposition party as a continuation of the previous 9th session. The 9th session, which was convened on September 8, 2021, lasted 51 days and held thirteen meetings was prorogued without endorsing a single bill, except those related to the budget. There are 57 bills pending in the two Houses of the parliament—42 in the Lower House and 15 in the National Assembly.

The statement of the leader of the opposition, “we won’t allow House to function as long as people who are legally expelled by the party are present in the House,” indicates its resoluteness towards its demand without giving a trace of flexibility for allowing the House to function smoothly.

The opposition has alleged the House Speaker for failing to take actions against the lawmakers expelled from the party CPN (UML) at a notice served in time, instead of facilitating those dissenting factions to split the party and form a new one separately. The notice was served on August 17 informing the House Speaker about the removal of 14 dissident lawmakers from the party and recommending to take actions against them by stripping their membership of the House of Representatives. 13 days later the Speaker replied that the action was not needed as they had already formed a new party, CPN (Unified Socialist.) Undeniably, the Speaker used a fifteen-day timeline that the law has entrusted upon him, which allowed the dissents or splinter group to register a new party. If the Speaker had taken instant actions, according to the House rule, their membership could have been stripped off. But the Speaker has duly followed the law and in the course, nobody can force him/her to dictate time-bound instant actions. And most importantly, the decision and actions of the House Speaker, with regard to his duty and performance, are unquestionable.

The UML has filed a writ petition at the apex court challenging the Speaker’s decision. But no hearing has taken place yet. Playing with the double sword, the UML wants the House to decide on the matter that is sub-judice in the court, which is against the judicial norms and constitution that bars to discuss any sub-judice case in the House.

Obstructing the House continuously for such a long time is a serious concern of the governance and system under which it functions. It seems that the leader of the opposition through this sort of obstinacy wants to prove the irrelevancy of the present House, which he had ferociously dissolved twice before calling for a fresh peoples’ mandate.

## **The political air is filled with confusion:**

Since the first time on December 20, 2020, last year at the recommendation of the then Prime Minister, the President of Nepal suddenly dissolved the House of Representatives and announced a polling date on 30 April 2021, which ignited tussle and twisting fists within and among political parties seeking judicial remedy for the reinstatement and continuity of the Federal House. The House was reinstated on 23 February 2021. The re-instated House once again, in second time, dissolved by the

President on 22 May 2021, which was later again reinstated by the decision of the Supreme Court.

With this decision of the Supreme Court, the leader of the main opposition Nepali Congress took the helm of the Government heading a coalition government of five other fringe parties, NC, NCP (Maoist Centre), NCP (United Socialist), Rastriya Janamorcha Nepal and Janata Samajbadi Party. The ruling party, the Nepal Communist Party (NCP) had to succumb to its failed strategy and sit into the opposition despite being the single largest party.

A year later, the government leadership has changed, but political confusion continues. The judiciary is in a crisis and the Parliament is deadlocked. As long the stalemate prolongs at the House, the political confusion increases, which in neither way is good for the new emerging democracy. In such a circumstance, the unwanted elements may try to fish in the troubled waters, which need to take serious consideration and maintain caution.

The current constitution is a document of compromise between different political and ideological forces from the radical left, reformed minded left, liberal, to the centrist and the rightists. In any of the available environments, in case the present system fails to deliver the expected result, the possibility always remains that the inbuilt ideological carvings of different groups sprout as a political dogma in the fore to rule the roost. That is the danger hovering around the political landscape of Nepal.

Ideological or indoctrinated methodological attack from different quarters for their ideological gain may spoil the essence of the democracy and create a field for instability and anarchism if it is not timely controlled and remedial prescription applied.

### **Conclusion:**

The role of the opposition undeniably is “to question the Government” for its actions and inactions, scrutinize and monitor for its lapses, loopholes, inefficiency, and unaccountability towards the people. It is also the role of the opposition to control the government for any excessiveness and uncontrolled behavior in exercising its executive power that crosses the set limit by the constitutional obligation. The opposition is the one to keep a close watch on the ruling for maintaining a balance of power between the constitutional bodies. In this perspective, the role of the opposition is paramount in order to maintain and strengthen the democratic system of governance.

While observing the activities of the opposition of the Federal Parliament of Nepal, the role of the opposition could be categorized into two broad baselines: one, submissive and loyal opposition and the other subversive and aggressive opposition. There lacks the third mild, soft and creative, in between these two extremes poles. The constructive and active opposition which is desired after all could have rejoiced, rejuvenated and reinvigorated the system as a whole and consolidated the parliamentary system of governance. Hopefully, passing through the time and exercising the system as well as coming of the age, the maturity and wisdom will prevail with a cultured, well-developed and devised parliament and opposition would be seen in the coming days.