
The Practicing of Parliamentary Democracy in Federal Nepal

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Article History: Received 20 July 2023; Reviewed 17 Aug. 2023; Revised 2nd Sep. 2023; Accepted 15 Sept. 2023

Abstract

This article assesses how the parliamentary democracy (PD) in federal Nepal works. Nepal's federal parliament spent six years, but the notion and practice of PD are gradually fading. It descriptively analyzes the condition of cabinet, the parliament session, the role of the opposition parties, and the motion of confidence. The federal parliament practices the old-fashioned types political culture and the absence of democratic traits. The House session works for 364 days within 43 times meeting adjourned. The federal parliament also faced two times parliament dissolutions and one time PM failed to secure the vote of motion. Likewise, 41 times cabinet had been reshuffled and lower representation of women ministers. More than 50 times federal parliament obstructed, protested, and encircled. It studies qualitative methods of descriptive and analytical design. The source of data is secondary. Hence, this paper concludes that the practice of PD in the federal parliament survived but no reasonable outcomes were achieved.

Keywords: Houses, Council of Ministers, Political Parties, Vote of Confidence, and democracy

Introduction

This article presents a descriptive analysis of how parliamentary democracy (PD) is practiced in federal Nepal. The main research question is whether the PD in federal Nepal changed the practice of parliamentary culture with a strong presence of opposition roles, deliberative debates of the Houses and viable mode of the stable cabinet, otherwise, has remaining the bite of undemocratic and immature culture. In recent years, Nepal has practiced a federal model of PD. Historically, the PD of Nepal was established more than six decades of its antiquity; was first introduced in 1959 AD (65 years ago) but was strangled in 1960 AD due to the party less Panchayat system. While again reinstated in 1990 phase-I and 2006 phase-II democratic movements respectively. In the present day, Nepal has held two federal parliamentary elections; 2017 and 2021. There were thirteen political parties including two independent members of parliament (MPs) in the present House of Representatives (HoR)

and seven parties in the National Assembly (NA). However, three major political parties; the Nepali Congress, the Communist Party of Nepal-UML, and the CPN-Maoist Center headed the Nepali politics.

PD system is nevertheless dominating the political system. It has a long history and relevance in the entire world. It is not a perfect notion but a popular system that may struggle to make a stable institution. In a system of government, it is the opposite of the presidential system (Bealey, 1999, p.360). Unlike, it is the system of parliamentary majoritarian. In addition, parliament is a governmental legislative body that represents the electorate, makes laws, and oversees the government through hearings and inquiries. The term 'Parliament' is Anglo-Norman in origin and dates back to the 14th century. A parliament is divided into two chambers: Unicameral and Bicameral. PD is a chain of delegation and accountability (Strom et al., 2003). Accountability is an essential parameter for this system of government. It is the system of immense power of the people. Similarly, "the government is headed by a prime minister who is the leader of the party or coalition commanding a majority in the parliament (Thakur, 2001). Parliament is the architect of the executive power authority.

Presently the democratic scenario has changed. Even though, a liberal philosophy is in fading. There has been the practice of weak parliamentary democracy. For this, it is significant for the global system to revise the theme of practicing PD. Today, not only Nepal, but also, the US, and Europe's political systems have suffered from a democratic deficit (Varoufakis, 2023). Even, the largest democratic state; India also suffered from a democratic process, akin called as the temple of democracy (Chowdhury, 2022, p.9). Thus, the PD has also lost its effectiveness. There is a declining process of scrutiny, debate, and dissent in parliament (Ansari, 2023). Further, its attributes must be "reactive, unpredictable, sometimes illogical" (Rogers and Walters, 2015, p.385). As per this, the worldwide accepted political system, however, is now struggling to revive the parliamentary traits.

Before earlier, there have been remarkable studies of the Nepali parliament; Joshi and Rose (1966) on *Democratic innovation in Nepal-a case study of political acculturation*, Gupta (1993) on *Politics in Nepal-1950-60*, Baral (1977) on *Oppositional politics in Nepal*, Baral (2004) on *Political parties and parliament*, Karki (2010) on *Parliament System in Nepal: Analysis of Nature of Nepali political Parties* and Hachhethu (2015) of *Trajectory of Democracy in Nepal* described an in-depth analysis of PD of Nepal. Despite that, in federal Nepal, there is no significant transformation of the PD. There has been a continuing fragile democratic process. The competitive and cohesive democratic pillars do not work healthy way. Notwithstanding, there have been new political parties entered in the federal House and even joined the cabinet. PD is important today due to ensuring public opinion and building a common bridge to the citizens. Thus, Nepali PD needs a more independent-minded, vibrant, inclusive and capable

parliamentarian to transform the democratic process. This paper's main finding observed that after the federal parliament, how the Nepali parliamentary democracy works.

Research Methodology

The research is based on the qualitative method. The data analysis is thematic and descriptive. This research objective is to briefly examine the practicing of PD in federal Nepal. Mainly, this research is dependent on secondary sources. The resource material of this research related as books, library research of various scholars, articles, analysis, newspapers, and opinions are simultaneously used. The overall objective of the paper asserts that the practicing of PD changed the democratic culture during federal Nepal or same as the earlier.

Literature Review and Approach of the Study

It is believed that PD has the real voice of the people. It is always a good representation. However, today, parliament is a complex political institution. In this context, Bagehot (1867) in his book, *The English Constitution* and Shugart (2006) mentioned that the parliament system is called as a "fusion of power". Tharoor (2017) asserts the logical sense of the Westminster which emphasizes the executive needs a majority in the parliament. The legislative influences the executive. Similarly, Schmitt (1988) highlights that 'openness and discussion' were outdated in the PD (p.xviii). Hopkinson (2018) explores that democracy can be better for state institution building and their capacity. He further suggests that the democratic structure and practices sustain the parliamentary democracy while Fartyal (1971) writes the role of the opposition is significant for the country's development. It states that government and parliament should function democratically otherwise opposition opposes them. It constitutes the demarcation line between democracy and dictatorship, for, it functions as the watchdog of the liberties of the people. It is the alternative government and focuses on the discontent of the people (p.vii). But, in federal Nepal, the role of the opposition is decreasing. In the words of Fartyal, in the multiparty system, the opposition consists heterogenous groups that fight against each other and function in a state of frustration (p.3). Rogers and Walters (2015) explain the role, procedure, power, culture and habits in the parliament. It also describes their institution's effectiveness and weaknesses. Further, it expresses that the influence and future of the parliament depends upon the sense of "parliamentarians" (p.386). Similarly, in the interpretation of this study, three approaches; the Westminster, behavioral/behavioralism, and rational-choice institutionalism have analyzed the practice of PD in federal Nepal.

Data Presentation

This paper focuses on the House, the role of the opposition, and the federal cabinet and thereof.

The House of Nepal

The Houses of Parliament of Nepal, also known as the Sanghiya Sansad, consists of two Houses to be known as the HoR (aka *Pratinidhi Sabha*) and the NA (aka *Rashtriya Sabha*). Another, state legislature/assembly should be unicameral (State Assembly-*Pradesh Sabha*). Nepal's PD is being developed on the portion of multiethnic, multilingual, multi-religious, and multicultural characteristics to build an egalitarian society with proportional inclusion and participation. There has been an absence of adequate debates, discussion, and commitment in the houses. The exercise of power-hungry attributes yet be remain in the federal parliament. MPs of the political parties have obstructed the house session with party interest. The federal house had also repeated the parliament dissolution formula. Currently, three PMs have been elected, and three speakers of the House have also been elected by the federal parliament. The Joint session of both federal Houses (HoR and NA) had exercised the 11 business meetings within various parliamentary affairs. However, the sitting of the federal House session (Budget, Monsoon, and Winter) of HoR (2018 onwards) is illustrated.

<i>1st Federal Session</i>				
<i>Session</i>	<i>Session Summon</i>	<i>Termination</i>	<i>Meeting Days</i>	<i>Sitting Hours</i>
<i>Budget Session [February-May]</i>				
<i>First</i>	5 March 2018	3 April 2018	11	15 Hrs. 30 Minutes
<i>Second</i>	6 May 2018	27 Sep.2018	79	193 Hrs.25 Minutes
<i>Fourth</i>	29 April 2019	19 Sep. 2019	65	193 Hrs. 40 Minutes
<i>Sixth</i>	8 May 2020	2 July 2020	26	103 Hrs. 25 minutes
<i>Seventh</i>	7 March 2021	19 April 2021	9	12 Hrs. 25 minutes
<i>Special Session</i>	10 May 2021	10 May 2021	2	4 Hrs. 10 Minutes
<i>Eleventh</i>	17 May 2022	17 Sep. 2022	68	251 Hrs. 15 minutes
<i>2nd Federal Session</i>				
<i>First Session</i>	9 January 2023	28 April 2023	28	-
<i>Monsoon Session [July to September]</i>				
<i>Eighth</i>	18 July 2021	16 August 2021	10	20 Hrs. 15 Minutes
<i>Ninth</i>	8 Sep. 2021	29 Oct. 2021	13	5 Hrs. 40 minutes
<i>Winter Session [November-December]</i>				
<i>Third</i>	26 Dec. 2018	24 March 2019	46	61 Hrs. 5 Minutes
<i>Fifth</i>	20 Dec. 2019	6 April 2020	24	35 Hrs. 30 minutes
<i>Tenth</i>	14 Dec. 2021	15 March 2022	11	7 Hrs. 50 minutes

Source: Federal Parliament Secretariat (2023, p.9).

In the above sitting day of the federal parliament session, HoR has functioned for 364 sitting days so far. Of all the session functioned within amidst continuous disruptions, obstructed by the House. However, the 7th session had the lowest sitting days (9). In addition, 2nd federal session functioned within sitting days (28) and is still ongoing. In previous session of the transformed legislative parliament (2 October 2015-14 October 2017) functioned for 245 sitting days for their three session; first session (44), second session (135), and third session (66) respectively (Federal Parliament Secretariat, 2022, p.12).

Consequently, the parliament meeting was adjourned due to the reason of no sign of adequate presence of lawmakers (i.e. quorum). Presently, the fake Bhutanese refugee case and gold smuggling scam also adjourned the meeting. The opposition parties especially NCP (UML), Rastriya Prajatantra Party, and Rashtriya Swatantra Party demanded a high-level committee for investigation. As per this, practice of federal parliament, the following meeting adjourned.

S.N.	Meeting Adjourned	Remarks
1.	Budget Session [February-May]	
2019	1 time	special reason
2020	5 times	special reason
2021	1 time	special reason
2022	5 times	special reason plus Covid-19
2023	6 times	special reason
2.	Monsoon Session [July-September]	
2019	5 times	special reason
2022	3 times	special reason
2023	8 times	special reason
3.	Winter Session [November-December]	
2019	2 times	special reason
2020	1 time	special reason
2022	4 times	special reason
2023	2 times	special reason
Total	43 times	

Source: Federal Parliament Secretariat (2023).

In the above elucidates data, the session of parliament had been adjourned numerous times. Altogether, three sessions of the parliament meeting adjourned 43 times. Mostly, the meeting adjourned due to some specific/ special reason of the parliament. In the federal parliament, meeting adjourned party protests, lack of quorum, government and opposition disputes, omitting the agenda, bills, consensus, and agreement on resuming the parliament (between the ruling alliance and opposition parties). Mostly, the budget session meeting adjourned (18 times) rather than the monsoon session (16 times) and winter session. However, the winter session meeting was the least adjourned (9 times).

S.N.	Prime Ministers	Vote of Confidence	No-Confidence	Abstained/Neutral	Present
1.	Khadga Prasad Oli	208	60	-	268
	Second time	93	124	15	232
2.	Sher Bahadur Deuba	165	83	1	249
3.	Pushpa Kamal Dahal	268	-	2	270
	Second time	172	89	1	262

Source: Federal Parliament of Nepal and Parliament Secretariat (2023).

The analysis of the vote of confidence determines the government's trust. Parliament checks the confidence motion of the government. Three federal PM of Nepal exercised the motion of confidence. Generally, they won the vote of confidence in the parliament. But, during One period of the first-floor

test, PM Oli failed to secure the vote of confidence motion. In addition, PM Dahal's first-floor test motion, they unanimously won the motion of confidence in the parliament. At that time, there was an opposition-less floor test. It is a historic moment but challenges the question of democracy, its tools, and whether dissent is enduring or not. PM Oli won the first-floor test with (208) motion, while Deuba (165) and Dahal (268 and 172) respectively.

The Federal Cabinet

Resilient and innovative leaders democratically exercise government patterns. Thus, good leaders construct the team with leadership skills and management ability (Nye, 2008) to the effectiveness and efficiency of the administration. In PD, the cabinet led by the PM, however, is elected through MPs' vote of confidence. Article 76 of the constitution of Nepal deals with the status of the Council of Ministers (COM), constituted by the PM. Thus, the cabinet is the paramount policy in formulating government institutions. As per this, mostly Cabinet of Nepal (CoN) is mostly exercised through alliance/ or coalition form. Therefore, coalition governments pursue a largely “accommodative” agenda (Martin, 2004, p.445) which attracts their all co-partners. Even though, after federal Nepal, the coalition government has also been uninterruptedly in succession. The culture of the coalition agreed upon by Nepali political parties. CoN is always in an unstable position. None of the PM or his partners/ ministers completed the full five years term, due to coalition and party rifts. This has directly waned the parliamentary democratic process. Former PM KP Oli dissolved parliament and cabinet within two times. Oli dissolved the House on 20 December 2020 and 22 May 2021, which is unconstitutional experts also asserted. For this, after the federal government, the cabinet has been reshuffled numerous times within their interest.

S.N	Oath	Prime Ministers	Cabinet Reshuffle	Cabinet Completed
1.	15 Feb. 2018	Khadga Prasad Oli	15 times reshuffle	18 April 2021
	13 May 2021	Second term-Oli	5 times reshuffle	24 June 2021
2.	13 July 2021	Sher Bahadur Deuba	9 times reshuffle	4 July 2022
3.	25 Dec. 2022	Pushpa Kamal Dahal	12 times reshuffle	14 August 2023
	Total		41 times cabinet reshuffle	

Source: Federal Parliament Secretariat (2023, p.21-28) and Office of the Prime Minister and Council of Ministers (OPMCM).

Cabinet reshuffle is needed mostly after the vacant post (retired, resigned, and punished) of the government. Another reshuffle criteria is performance and governance style. Cabinet reshuffle to balance intra-party rifts and ease 'non-performers' (Mathew, 2023) and their co-partners. However, in recent years of PD, it is not the expansion of performance appraisal but the "distribution of the spoils of power" (Indian Express, 2021). Despite that, the Nepali cabinet has also been reshuffled only for power-bargaining and kept their leadership in a safe zone through an alliance/ or coalition process. Even, cabinet expansion left the theme of inclusiveness and proper representation. In seven decades of political

development, the Nepali cabinet was dominated by male ministers with a high degree of portfolio. In the above data analysis, the federal cabinet was also reshuffled 41 times. PM KP Oli's first and second cabinet extensions with 20 times, while the Deuba cabinet was 9 times and the Dahal cabinet was (12) times respectively. The below table examines the ratio of women number within various categories who amalgamated the Oli, Deuba, and Dahal cabinets.

Cabinet in Federal Nepal (2018-onwards)	Women Status							
	B/C	A/J	Dalit	Ma.	Tharu	Bac.	Newar	Others
KP.Oli 1st Cabinet- 49 members	1	3	1*	1	1	-	-	-
Oli Second Cabinet- 45 members	1	2+1*	2*	2	1	-	-	-
Deuba Cabinet- 33 members	3	-	-	2	-	-	1	-
Dahal Cabinet-25 members	1	1	2	2			1	
Total	6	7	5	7	2	-	2	-

Source: Federal Parliament Secretariat (2023). Note: B/C- Brahmin/Chhetri, A/J-Adhibasi/Janajati, Ma-Madhesi, Bac.-Backward. 1*- State Ministers.

In the above data illustration, there is still a few number of women were joined to shared cabinet with male ministers. There is also the absence of an equal share of inclusiveness in the federal cabinet. In Oli's first 49-member-led cabinet, only 7 ministers were women while in his 45-member second term, 9 ministers were women. But in his two terms, Dalit women shared the cabinet as state ministers (*Rajya Mantri*), and One Adhibasi/Janajati woman was also equivalent to state ministers. Further, in Deuba cabinet led 6, and the Dahal cabinet led 7 women ministers.

The Role of Opposition

Criticism is the real path of PD. Without an opposition party, there is no government accountability. It ignores one-party dominance in the Parliamentary house. It interprets and analyzes whether the parliament doing wrong or right. For this, strong opposition is important for the maintenance of a democratic system. Furthermore, (Chanakya, 2020) asserted that;

"The opposition's job is to ruthlessly critique the government, point to gaps in each policy decision, speak up for those who are not being heard in decision-making, mobilize both grassroots and elite opinion against the ruling dispensation, and eventually, through elections, displace the party in power and win a democratic mandate" (Chanakya, 2020).

Unfortunately, Nepali political parties have lacking a strong presence in the federal parliament. Political historian Rajesh Gautam asserted that "all parties wanted to get into the government. The opposition parties only focused on toppling the government and getting to power themselves" (Khatriwada, 2023). The opposition parties have passive on criticizing the decisions and actions of the government. They use

their tactic only on a party basis. Both the ruling and opposition parties have been zero tolerance and silent in several cases; smuggling of gold via TIA, fake Refugees case, Lalita Niwas Land grab scam (The Kathmandu Post, 2019 & 2023; Bhandari, 2023). The ruling and opposition parties are unaccountable their own words, duties, and behavior of tolerance. In the first floor test of PM Dahal's vote of confidence, parliament is opposition-less. It is against the spirit of the PD system. The opposition political parties have obstructed, protested, and encircled the federal parliament various sessions within more than 50 times (Federal Parliament Secretariat, 2023, p.101). Thus, the role of opposition is shrinking in federal Nepal.

Conclusion

The federal parliament of Nepal second tenure is ongoing process. However, the practice of parliamentary traits is not reasonable. Political status-quo attributes yet survived. Democratic norms and values are in waning. Parties MPs ignore the theme of parliament practice. The role of the ruling and opposition either for government and session didn't satisfactory. Amidst, six decades of parliamentary practice, the federal Nepal something changed and transformed. New political parties raised and counter old-fashioned parties. However, the attributes of change and continuity does not transformed. The previous traits of political culture, power-hungry and party interest parliamentary opinion thriving the federal parliament. The federal first tenure, opposition role is totally absent. The ruling/ or opposition parties only needed the government leadership. In addition, women in the cabinet are not adequate and shared with few numbers. Parliament dissolution and one time PM failed to secure vote of motion in the federal Nepal. Opposition parties have forgetting their role and the ruling party would changing their cabinet with due interest are the practice of federal PD. The theme of minority is absent. Of all the session has functioned amidst ongoing parliament obstruction, protest, and enclose the parliament. The federal cabinet also formed quickly and survived with short-term. First federal parliament failed to completed their five-years tenure. At last, hopefully, in six decades of PD of Nepal, the practice of federal parliament will be run in a stable and correct direction.

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