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## **Nepal:The drama of two ordinances and loss of Face for PM Oli:**

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In the midst of the global pandemic- the Wuhan Virus and Nepal's vulnerability, Prime Minister Oli brought in two controversial ordinances unrelated to the management of the Virus and he had to withdraw them in five days hurriedly when he found his own senior leaders and the regular opposition were up in arms against the ordinances.

The move was certainly against Constitutional propriety and is an assault on democracy. In the process there was a widespread feeling that Oli was instrumental in kidnapping one of the Opposition MPs to Kathmandu from Janakpur to engineer a split in the Terain Samajbadi Party. It looks that Oli's poor health, factions within his party and the devastating blow of the Wuhan Virus are all taking a toll on his ability to lead the country as he was doing before.

It is still not clear why Oli took such a risk - Was it to consolidate his own position in the midst of the pandemic when the country is in disarray or did he feel threatened about his own leadership in the Government and the Party? At any rate one cannot but agree with Siddhi B. Ranjitkar of Kathmandu Metro that Oli's Act was like that of the famous mythical character Bhasmusara who ended up hurting himself in the process in his attempt to destroy everyone else!

This drama concerns two ordinances- one related to the political parties and the other on the Constitution Council.

The ordinance on the political parties sought to ease the process of splitting and forming of a new political party by allowing 40 percent of either the Central Committee or that of the Parliamentary members to take such a decision. Earlier both would be necessary for the formation of a new party.

The second one related to the functioning of the Constitutional Council which consists of six members namely, the PM in the chair, with the Chief Justice, Speaker, Deputy Speaker, Chairman of the National Assembly and the Leader of the Opposition. The Council makes appointments to Constitutional bodies like the Commission of Investigation of Abuse of Authority, National Human Rights Commission and even Ambassadorial appointments. It is a powerful one. The earlier provision was that the appointments should be unanimous and the present ordinance sought to make it easier by accepting decisions by a simple majority.

The ordinances were approved by the President on 20th of April with great alacrity without raising any objection or query and were also approved to be withdrawn with the same alacrity on the recommendation of the Cabinet on the 24th. This five-day drama was totally unnecessary and only showed Oli's desperation in the present political context in Nepal.

The one on the party split was triggered by an imminent split in the Samajbadi party that had seventeen members in the Parliament. One Renu Yadav of SP along with five others were already in Kathmandu to prepare for the split and one other MP Surendra Yadav was allegedly (forced?) brought to the Capital overnight to join the group to proceed with the split. It is alleged that the "kidnapping" of the MP from Janakpur was with the approval of PM Oli.

To frustrate the split, the leaders of the Samajbadi Party led by Baburam Bhattarai smartly moved and moved quickly to merge the party with the RJP just hours before the split. The RJP had 16 MPs and the SP 17 MPs and the Renu Yadav and company could not have made forty percent in the merged party of 33 MPs!

The question is- Why did Oli try to split the SP? Was it to move for Constitutional Amendments which would need the support of either the SP or the RJP. Certainly not as Oli from the beginning had no intention of moving for Constitutional amendments to satisfy the demand of the Madhesi Groups. The Madhesi Groups both the SP and the RJP and more particularly the former, foolishly believed that Oli was sincere only to be disappointed finally! Its Chief Upendra Yadav was happy with his ceremonial post of Deputy Prime Minister and could not care less about justice to the Madhesis.

In the NCP, it is estimated roughly that 121 MPs belong to the former UML and 53 belong to the former Maoist Party. One reason given is that if the Maoist faction was to leave the Ruling party, Oli would need the support of other minor parties for a simple majority to continue and hence his desperate bid to get a new party to split out of the existing two Terain Parties. But this does not fully explain this foolish move as there was no immediate danger of a split within the Ruling Party. There is also a presumption here that other leaders like Madhav Nepal and Bam Dev Gautam of former UML would stick with Oli. This may not happen.

It is said that the Party Secretariat consisting of nine members first met and discussed about the ordinance. Dahal was of the view that the ordinances should be withdrawn. Oli was defiant and had said that the ordinances have already been approved by the President. Later in

the day, six of the members of the Secretarial separately met at Bam Dev Gautham's residence to discuss the developments and demand a meeting of the Standing Committee to discuss the issue. This perhaps unnerved Oli to quickly withdraw the ordinances.

The other ordinance on Constitutional Council was necessitated by the fact that the Opposition leader Sher Bahadur Deuba never agreed to any of the suggestions of the Government in the Council and many Constitutional posts remained vacant due to differences and lack of unanimity. In fact it is said that Deuba never approved any of the suggested appointments. The Ordinance was supposed to remove this impediment by letting the decisions to be accepted by a simple majority and not by all unanimously as was required now.

Oli has learnt a lesson but it is doubtful whether he would give up his penchant for taking unilateral decisions without consulting his senior colleagues! After the drama of the two ordinances, it could be safely said that the once dominant position of Oli both within the Government and the Party is getting shaky.

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