Nepal: Oli Continues with his Antics: Is there a Hidden Agenda?

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It looks that Nepal is heading towards a Constitutional crisis.

There are many reasons.

1. The Case against dissolution is going at a very slow pace in the Supreme Court. Going by the time taken for the arguments in the Court, it is said that the earliest date for closing the case will not be before June 17th.

2. Elections are scheduled for April 30 and May 10. Unless the Supreme Court gives its verdict on the validity of dissolution, preparations for elections cannot be made.

3. The Election Commission is yet to decide as to which of the two factions of the NCP is the rightful one. There will be court cases, stay orders etc. Even to decide on the true inheritors of the Nepal Communist Party, the Commission has to hear their views and counter views and then take a decision. Here Oli is acting as if the Commission will recognise his own faction as the true inheritors. Last week he visited the Office of the Election Commission and told them not to bother themselves as to who would represent the NCP but to go on with the election preparations.

4. According to the Constitution, it is mandatory to convene the Parliament within six months of its dissolution of the House. June 20th is the last date by which time, the elections will have to be completed and the House convened with the elected members. Is it possible with the present pace in which the Supreme Court is moving? Will there not be a Constitutional Crisis if the House is not convened by June 20th? Does Oli have a Plan B to continue as the Prime Minister? He could do it by declaring an “emergency” and continue. Will the
International community particularly India and China accept the arrangement? India has so far avoided criticising Oli’s move and had distanced itself from the crisis on the ground that it is an ‘internal matter’. China for reasons of its own, may not back Oli and its continuing efforts to seek reconciliation and unity of the NCP has not borne fruit. Other Foreign Missions are divided over the current crisis. One media report suggested that the Foreign Missions are in no hurry to take any position as they do not see Oli’s House dissolution merely as a political take over unlike the one orchestrated by former King Gyanendra in 2005. Another major factor is that the case against the dissolution of the House is before the Supreme Court and so they will have to wait.

Curiously, Dahal and his group have been repeatedly calling for international intervention though in the past Dahal has been strongly critical of India’s supposed involvement.

The four former Chief Justices who had made a statement that the dissolution of the House was unconstitutional have maintained in their written response to the Supreme Court that their statement comes under the “freedom of expression” and does not attract contempt proceedings.

It is not yet clear whether Oli has given any written response to the notice of the Supreme Court. But he is going around supremely confident that elections will take place and all his meetings and Rallies have the flavour of “election meetings.” In the meetings he boasted of his great achievements in governance while in the affidavit to the Supreme Court he had said that despite a near two thirds majority he was being hampered by his colleagues in running the country efficiently and hence the dissolution!

On 11th of February, Oli held a cabinet meeting and transferred over a dozen Secretaries in violation of the Electoral laws. Elections have already been announced for April 30th and May 10 and the Government machinery is fully moving on the premise that elections will take place on the specified dates.

The transfer orders were considered by many as inappropriate. But Oli does not care as he thinks that he represents Nepal and anything goes!

The Nepali Congress is also acting in a funny manner. It has distanced itself completely from the Dahal’s group and had acquiesced in the constitutional appointments made by Oli knowing very well that Oli did not permit a Parliamentary Review of the appointments. Someone has said that the Nepali Congress is playing a politics of convenience with its feet on two boats.
While condemning Oli’s move of dissolution of the House, the Nepali Congress seems to feel that it has an advantage in the coming elections. Fake news is also spreading around that Oli may hand over power to the Nepali Congress President, Sher Bahadur Deuba in April. The Nepali Congress has also not strongly denied it. But Oli is too clever for Deuba and his hidden agenda as said before is to somehow continue in power!

Nepal is passing through interesting times. As I have said before, the pandemic, the pathetic condition of the migrants and above all transitional Justice for the victims of the civil war have all been pushed into the back burner and the task of all the politicians now appears to be how to survive and grab power.