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Introduction

After their experience in the first five-years, a better performance was expected from both the Federal and Provincial Assemblies. But they have not met the expectation. The Federal Parliament was unable to approve human rights-friendly policies and laws in 2023, as it remained largely focused on power politics. Performance of Provincial Assemblies was not much different. Some of the provinces did not enact even a single law. Both federal and seven Provincial Assemblies have completed their first year in a five-years term since election in November 2022. Based on the division of State power among three different governments, federal, provincial, and local they are responsible for enacting their own laws (Article 56, 2015). There is a bicameral parliament House of Representatives (HoR) and National Assembly (NA) at the federal level whereas provinces have single-chamber assemblies, with the municipal assembly and rural municipal assemblies at the lowest levels (Article 83, 175, 221, 2015). This chapter briefly analyzes performance of federal parliament and the provincial assemblies.

Delay in Law Making

Law making is the prime responsibility of a parliament. But the federal parliament enacted only one law in 2023, apart from the three bills related to the budget. Over two dozen bills, including those related to transitional justice awaits enactment. This demonstrates the parliament's failure to fulfill its prime responsibility of law making in 2023.

The relationship among political parties that had soured in the end of first term of the elected body did not improve in the 2nd term as well. The parliamentary activities during 2023 that had focused on government formation, forging alliances, and obstruction of sessions are all evidences of the deviation of parliament

from its prime responsibility of lawmaking. No effort was made to enact laws related to human rights, implementation of fundamental rights and those for enhancing livelihoods. More importantly, the parliament's role was limited to frequent votes on confidence motions and endorsing the budget related laws. Like in previous years, the presence of lawmakers at parliamentary meetings was minimal, and the participation of senior leaders of all parties in parliamentary debates was rare. The leaders did not prioritize the tasks that the parliament needed to complete.

In 2023, the parliament did not have regular question and answer sessions with the Prime Minister and Ministers. Zero hour and Special Hour of the Parliament were also not as effective compared to the past. Parliamentary rules allow lawmakers to raise issues on national concerns to livelihood related matters during zero hour, and the Special Hour is reserved for speakers representing their parties. The speakers at these sessions used the time for addressing party-related concerns to pacify their constituencies.

The parliamentary business began on 9 January 2023, and the meeting on 8 February elected Devraj Ghimire of the Unified Marxist Leninist (UML) as Speaker of House of Representatives (HoR). Two days later, Indira Rana Magar was elected as Deputy Speaker of the HoR. Likewise, on 6 February, the National Assembly elected Urmila Aryal as Vice-chairperson and Jayanti Devi Rai, as chairperson of the Bill Committee.

The parliament failed to reach a consensus on bills related to transitional justice, which were contested also by the first parliament elected under the 2015 Constitution. This year, the role of the parliament's in implementing laws and policies for protecting and promoting human rights and monitoring of government actions – in terms of human rights – was

reduced to almost nothing. The parliamentarians also raised very few human rights related concerns to draw government attention at the Zero Hour and Special Hour at the Federal Parliament.

Joint Meetings

Six joint meetings of the federal parliament were held in 2023. One such meeting, on 31 October, was addressed by the UN Secretary-General Antonio Guterres. Only one joint meeting of the first session of the HoR and 13th session of the National Assembly was held. The joint meeting was held on 10 January 2023, where the then President Bidhya Devi Bhandari had addressed both parliaments (House of Representative, 2023). Another joint session brought together the second session of the HoR and fifth session of the National Assembly on 7 April (House of Representatives, 2080). On 19 June, President Ram Chandra Poudel had presented the government's policies and programs at another joint session.

Poor Attendance by Senior Party Leaders

Parliament is an important platform for elected representatives to debate and enact laws and spotlight matters of concerns related to the livelihoods and wellbeing of people. But the attendance of sessions by parliamentarians was poor. Like previous years, the attendance was low for senior party leaders. Some parliamentary meetings had to be postponed due to insufficient attendance to meet required quorum. According to parliamentary records, the attendance of sessions by parliamentarians was around 60%.

Obstruction of Parliamentary Session or Legislative Process?

The main opposition CPN-UML obstructed the parliament repeatedly and disrupted normal business, under various pretexts. The UML disrupted parliament

sessions to protest against the President's decision to authenticate the Bill to Amend the Citizenship Act, the government's decision to bring District Election Office under the District Administration Office, the ruling over installation of a gold-plated spire (*Jalahari*) on the Pashupatinath temple, the Prime Minister's statement on border dispute with India and also his public statement over Pritam Singh's, support to elect him as the head of government. The UML also disrupted parliamentary sessions demanding the Home Minister's response on the gold smuggling case and to demand a high-level investigation committee to probe gold smuggling from the Tribhuvan International Airport in Kathmandu.

This year, there were two sessions of both the chambers of the Federal Parliament. Altogether 93 meetings were held in the first session – 28 in the first session and 65 in second session of the HoR (Ghimire, 2023). No other bills except three related to budget – the Appropriation Bill 2023, the Finance Bill-2023 and the Bill to Raise National Debt 2023 – and the late endorsement of Bill to Amend some Nepal Acts Related to Civil Code 2023, were approved by the parliament. Ten bills, including the bills related to transitional justice, were registered at the HoR on 9 March and eight bills forwarded by the National Assembly were not enacted. Two bills endorsed by the National Assembly were not even tabled at the HoR.

At the end of the year there were 20 bills remaining to be enacted at the HoR. Of them, 10 had originated at the HoR and 10 had been sent there by the National Assembly. After the new parliament took office, 26 bills, including five approved by the National Assembly, and one approved by the HoR became inactive after the term of the earlier HoR ended (Samsad Darpan- 2022).

Overall, the National Assembly had a better performance in terms of bill management as compared to the HoR. It endorsed 10 bills, including four approved over the period, whereas two bills—one at the Assembly and another one at its committees— were pending. Sixty-seven meetings—19 in 13th session and 48 in 14th session – of the Assembly were held this year. Two bills were withdrawn during the 13th session and one in the 14th session.

In 2023, there were 23 bills—ten originated from HoR and 10 approved by the National Assembly — and three bills under consideration at the Assembly – were pending. Three bills registered at the HoR – Non-Governmental Medicines and Health Materials (Regulation and Control) Bill, Banking Fraud and Punishment Bill and Customs Bill had not been tabled. Likewise, two bills approved by National Assembly — National Dignity Bill 2079 — and Electricity Trade Bill — had not been tabled at the HoR. The Immigration Bill was under consideration at the National Assembly and two other bills were at the committees.

Accountability of Government

The Constitution of Nepal has envisioned that the Prime Minister and Ministers will be accountable to the Federal Parliament (Article 76, 2015). This is done by government functionaries by responding to the questions of lawmakers in parliament. This year, some ministers, and even the Prime Minister, responded to questions raised by parliamentarians.

There was a decline in issuing ordinances this year compared to the past but the government did issue an ordinance. It was done on 3 May, or five days after the end of the parliamentary session and four days before the house session. The government also issued an ordinance relating to Some Nepal Acts Related to Civil Code 2023 (Ordinance, 2023). The

provisions changed by the ordinance have already been enforced.

A resolution is a tool to draw the attention of the government to political or legal issues, to implement a policy arrangement or to formulate a new policy or to submit a proposal in writing in parliament and discuss something that needs urgent attention. The parliamentary regulation has provision for resolution motion, motion on urgent matters of public importance and the motion to call attention (Regulation 2075, 2079 B.S). None of the eight motions registered in parliament in 2023 were discussed. One resolution motion was filed in the first session of parliament whereas four, including three motions on urgent matters of public importance, were registered at the HoR. The National Assembly approved two resolution motions and a motion on urgent matters of public importance.

Binod Chaudhary, a member of parliament, registered a resolution motion in the first session of HoR on how to strengthen the country's economy. But no discussion was held on that issue. In the second session, four resolution motions were registered. Sumana Shrestha of Rashtriya Swatantra Party (RSP) registered a resolution motion demanding action against those involved in sending Nepalis to U.S. using fake Bhutanese refugee documents. Another RSP leader Dol Prasad Aryal filed a resolution motion demanding the withdrawal of Constituency Infrastructure Development Program and stopping the granting of amnesty by the President haphazardly. Bijraj Bhakta Shrestha from RSP also filed a resolution motion demanding control of the Dengue outbreak. Likewise, RSP lawmakers had registered a motion on urgent matter of public importance demanding investigation into gold smuggling and controlling the Lumpy Skin disease in cattle. Lilanath Shrestha of CPN-UML had registered a motion on an urgent matter of

public importance demanding declaration of Madhesh as a drought area. Both the sessions of parliament ended without the motions being discussed. (Ghimire 2023)

This year, the National Assembly discussed two resolution motions and a motion on urgent matters of public importance. A resolution motion to ensure social, cultural, economic, political justice and prosperity by ending discrimination and oppression of Dalits was registered by Bhuwan Bahadur Sunar in the 13th session (Resolution Motion 2023). The Prime Minister responded to the queries raised in the discussion. The National Assembly Chairman Ganesh Prasad Timalsina directed the assembly's thematic committee to implement the resolution and keep monitoring the issue (Kantipur, 2022). Likewise, a resolution motion registered by Parliamentarian Prakash Pantha was approved. The Prime Minister had also responded to questions during the discussions.

The National Assembly discussed a motion on an urgent matter of public importance demanding to prepare short-term, mid-term and long-term policies and plan to build a robust economy (Motion on the urgent matter of public importance, 2023). This motion had been registered by Madan Kumari Shah (Garima). Finance Minister Dr. Prakash Sharan Mahat had responded to questions raised by parliamentarians.

Annex 8 and 9 of the House of Representatives Regulation and National Assembly Regulation, and Annex 8 deals with the question and answer (Q/A) session.

One Q/A session was held on 18 May and another on 29 September. The Members of Parliament asked 15 questions related to different ministries (Ghimire, 2023). Altogether 76 questions were registered in the first session of HoR. All the questions were registered by Prem Suwal of the Nepal Majdoor Kisan Party.

Of these, 55 were tabled (Federal Parliament Secretariat, 2023). Likewise, Sumana Shrestha of the RSP had registered eight questions related to the Ministry of Federal Affairs and General Administration.

Prem Suwal, Sumana Shrestha, Dilendra Prasad Badu, Pradip Poudel, and Tejula Chaudhary had asked 115 oral questions on the performance of various ministries in the second session of the HoR (Federal Parliament Secretariat, 2020). There was no Q/A session in the National Assembly.

Federal Parliament Committee Meeting

Parliamentary committees are mini-parliaments where detailed discussions on bills and matters related to monitoring, evaluating and controlling government activities take place. There is a provision for 10 thematic committees in the HoR and four in the National Assembly (Regulation 2075, 2079 B.S). Article 54 and Article 292 of Constitution of Nepal 2015 provide for two joint committees, therefore there are 16 committees in the federal parliament. Legally, these committees are permanent and can function throughout the year. However, it had taken months after the elections before the 10 committees of HoR and two joint committees were formed. The Speaker was able to announce names of parliamentary committee members only on 29 April, the last day of the first session, owing to the failure of parties to agree on the list. The names were endorsed unanimously (*Himal Khabar*, May 2023). However, it then took four months before the heads of parliamentary committees were elected.

Parliamentary Hearing Committee: Process and Formalities

The Constitution provides for a 15-member joint committee consisting of members from both houses of the fed-

eral parliament to conduct parliamentary hearings of candidates recommended for appointments for Chief Justice and justices of the Supreme Court, members of Judicial Council, chiefs and members of the constitutional bodies and Nepal's Ambassadors abroad. The recommendations are made by the Constitutional Council (Article 292). However, the parliamentary hearings have been reduced to mere matters of procedure and the committees have largely endorsed all nominees. Furthermore, parties could not agree on electing a head of the hearings committee and was chaired by the senior most member present (*Himal Khabar*, May 2023).

Inaction Towards Transitional Justice

Bills related to transitional justice remained pending at the Law, Justice and Human Rights Committee of the HoR for over seven months. The bills were tabled

Box 3.3.1:
Parliamentarian Joing Meeting: Key Points Highlighted by UN Secretary-General Antonio Guterres on Transitional Justice

- ▶ The process should facilitate to heal the scars of war through transitional justice, providing closure to the questions it raises, and fostering peace among traumatized victims, individuals, families, and communities.
- ▶ Transitional justice stands its best chance of success when it adopts an inclusive and comprehensive victim centric approach, prioritizing the empowerment of victims in its processes.
- ▶ Beyond the essential elements of truth, reparations, and justice, meaningful solutions in transitional justice must ensure the full participation of women and address the needs of all victims of human rights violations.

for amendments of Commission on Investigation of Disappeared Persons, Truth and Reconciliation Act 2014. Despite agreement on most issues, the political parties have some key issues where there has been no agreement. The bill was tabled at the committee on 19 May, when it had formed a sub-committee for detailed discussion.

The sub-committee has agreed to extend the term of Commission of Investigation on Enforced Disappeared Persons and Truth and Reconciliation Commission for four years from the two month it previously had.

The parliamentary committee has added a new provision to allow registration of complaints by rape victims and those who faced serious sexual violence during the conflict (1996-2006). The clause-wise report says, after the appointment of chairperson and members, the commission will publish a public notice for victims or on behalf of victims if they have been deprived of filing the complaint, providing them a one-time three-month period for the same (Report 2080).

During clause-wise discussions the lawmakers also agreed to have a separate bench at the Supreme Court to conduct hearings on transitional justice cases. The bill also proposes allowing the victims to appeal at the court if they are not satisfied with the relief package decided by the commissions. However, other issues such as the inclusion of arbitrary killing and crossfire deaths as cases of serious human rights violation, addressing the concerns of people affected in armed conflicts, among others, remained unsettled (Mahara, 2023).

Delay in Bill Formulation in Provincial Assemblies

The functioning of provincial assemblies mirrored the federal parliament both in terms of legislative functions and oversight of executive actions.

Some provinces out of the seven were unable to enact a single legislation. Six provinces had presented annual budgets and related bills and approved them within deadline. But the Koshi Province was unable to get it done and issued the budget as an ordinance.

Koshi Province

The first meeting of the Koshi Province Assembly was held on 14 April. This year, the Assembly had 55 meetings. The Assembly elected three Chief Ministers and voted twice on vote of confidence motions. A Chief Minister although appointed was relieved from responsibility even before he faced a confidence vote (See: Executive). Similarly, the Speaker of elected from Assembly resigned six months after the appointment resulting in no speaker till the end of the year. Eight bills were approved by the Koshi Assembly in a year. The bill on spending approved by the assembly had not received the ascent of the head of the province till the end of the year (*Udghos*, 2023).

Madhesh Province

The province had the longest running winter session among provinces and it ended on 16 July after holding 36 meetings (*Ekagaj*, 2023). Seven bills were registered at the Assembly during the session. Of them, three bills – Bill to Amend Acts 2022, Financial Bills Related to Budget 2023 and Appropriation Bill 2023 — were approved. The remaining four were at the thematic committees. These were bills related to sport development, protection of children, one on the formation of a local service and one on vehicle transport management.

The Assembly has seven thematic committees. Two of these committees took until November 30th to select their committee chiefs, primarily due to disagreements over power sharing arrangements

Bagmati Province

In Bagmati province, Chief Minister Shalikram Jamarkattel had to seek a confidence vote twice in the first session of Provincial Assembly following a change in ruling coalition. Sixteen assembly meetings were held in this session (*Nagarik*, 2080). The Assembly session was unable to form parliamentary committees or enact any law.

The second session approved the government's annual budget for fiscal year 2022/23. The session ended after 38 meetings, which also included approval of one resolution motion and one attention motion. Likewise, four bills, including two budget related bills – Finance Bill-2023 and Appropriation Bill 2023 – were approved.

Gandaki Province

The Gandaki Assembly which had ended at the end of 2022, had its first meeting on 2 February 2023. It held 57 meetings of first and fourth sessions. The second and third sessions were convened specifically to hold confidence votes determining the continuation of the Chief Minister's role. Following the changes in federal government, two parliamentarians were elected Chief Ministers of Gandaki. Initially, Khagaraj Adhikari of CPN-UML had been elected and was replaced by Surendra Raj Pandey of the Nepali Congress. The Bill Related to Provincial Civil Service and Bill Related to Local Service (Formation and Operation) were tabled in the first session in 2023. Both the bills were approved without amendment. These ordinances had been introduced by former Chief Minister Krishna Chandra Nepali.

The provincial parliament tabled bills to amend the law as per government's convenience. It had registered bills to amend 34 provincial laws, including the one on the official working language. The amendment bill had also included amend-

ments of the law related to the management of the assembly (*Nepal Press*, n.d.). The Provincial Assembly also approved a bill on forest regulation and management despite reservations of the local governments. The Provincial Forest Law has curtailed the rights of local communities.

Like parliamentarians in the Federal Parliament, lawmakers in this province presented themselves at the assembly only for attendance. The parliamentary committees took six months to form and had to wait for another two months to elect the chiefs owing to failure to agree on political power sharing.

Lumbini Province

Thirty-five meetings were held at the Lumbini Assembly during two sessions in 2023. The first session had 10 meetings but no bill was approved. (*Gautam/Shah*, 2023) Out of seven bills tabled in the assembly four were approved in the second session.

Two governments were formed in Lumbini province in 2023. Lila Giri, of the CPN-UML was appointed as chief minister on 27 December 2022. Following the collapse of the power-sharing deal between CPN-UML and Maoist Centre, the government was toppled. Thereafter, Dilli Bahadur Chaudhary of the Nepali Congress was elected as chief minister on 27 April 2023, with the support of eight parties including Maoists of the total 10 parties represented in the parliament.

Karnali Province

The Karnali Assembly convened two sessions this year. The first session of the second term of the Provincial Assembly elected the Speaker and Deputy Speaker and resolved a confidence vote of the Chief Minister. Fifteen meetings were held during the first session.

The second session of the Assembly approved the budget, policies and programs and various finance bills (*Naya*

Patrika, 2022). Heads of four thematic committees were elected during this session.

The Assembly also unanimously passed two bills: the Karnali Province Academy Bill and the Province Civil Service Employees Bill. The Bill to amend Karnali Province Sports Development Act 2019, Bill to make arrangements for Karnali Province Police Service and the Bill to make arrangements for Electricity Service were referred to the thematic committees. The second session had 39 meetings.

Sudurpaschim Province

A total of 37 meetings were held in the Sudurpaschim Assembly in 2023. Of them, nine meetings were held in the first session and 28 in the second session. Over the year, the assembly approved four bills—Bill to Amend Economic Act in Sudurpaschim Province 2022, Bill to Implement Economic Proposal of Sudurpaschim Province Government-2023, Appropriation Bill and Bill to Amend Public Documentation Certification (Work procedure) Act 2023. Two of these were new and two were amendments.

The committees on on Province Affairs Committee, Public Account Committee, Economic and Natural Resource Committee and Social Development Committees were formed on time but efforts by the assembly to select heads of parliamentary committees were futile. (*Nepal Live*, 2023).

Conclusion

Both Federal And Provincial Assemblies failed in the key responsibility as legislatures, particularly in making laws and checks and balance of the executive. More importantly, the impacts of political adjustments in the federal ruling coalition also triggered similar changes in the provinces. The federal parliament could have set an example of mature parliamentary

functioning, which it was unable to do owing to partisan politicking. The immaturity demonstrated extended across chambers, irrespective of the issues discussed. For example, if the HoR was obstructed, meetings of the National Assembly were also obstructed, even without valid reasons related to the business there. The assembly began functioning only after settlement was reached in the lower house. The politics of consensus at the level of the top leadership that began after 2006 has continued and that has adversely affected the establishment of sound parliamentary procedures. Individual members have also largely failed to speak their minds on matters of public importance, fearing repercussions from the top leadership. They did not even speak up, for example, when a bill to replace an ordinance was approved much after the end of the constitutional deadline for the same. In effect, the legislature and its members have become mere party functionaries for executing the directives of their party leaders.

This year, the Federal Parliament failed to promulgate key laws including the Federal Civil Service Act and the Federal Education Act. The government was also unable to give the legislature enough law-making business. On 7 October the government sent the School Education Bill to parliament two months after the approval by the Council of Ministers. But the government hasn't been able to send the education bill to the House even after five months of saying so. A coincidence – perhaps – even content related to cabinet decisions seems to have been removed from the official website of the Office of the Prime Minister and Minister of Council. This year, there was only one non-governmental bill and this had

been sent to the HoR by the upper house. The functioning of the provincial assemblies was also not much different from the federal parliament.

Recommendations

Both legislature bodies-- federal parliament and provincial assemblies— are people's representative institutions. The effectiveness of these institutions contributes to institutionalizing democratic norms and values. The following recommendations are given to the executive authority holding government to promote parliamentary practice and effectiveness so that they could be accountable toward the people.

- ▶ Enhance the Federal Parliament's effectiveness in fulfilling its core responsibilities, including legislative functions, government oversight, and serving as a representative voice for the public.
- ▶ Foster accountability by mandating the government to address parliamentary matters raised during emergency, zero, and special times.
- ▶ A time-bound system should be developed to seek progress on implementation of parliamentary motions and periodic updates.
- ▶ An annual work schedule should be developed to facilitate timely approval of bills upon their introduction to parliament.
- ▶ The government and parliament should collaborate to draft and enact laws in accordance with the constitution within a one-year timeframe
- ▶ Specific standard should be developed to monitor government activities and tighten screws on proposed bills
- ▶ Develop parliament as a professional law-making institution

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Udghosh Daily. (2023). One year of Koshi State Assembly passed in confusion: total number of meetings was 55. Parliamentarian got 1.9 million allowance. <https://udghoshdaily.com/news/520627-240105102036/detail> Pushpa Kamal Dahal (Prachanda), who was appointed as Prime Minister with the support of UML parties for the first time in 2022 and Following the presidential election and a shift in the power coalition, the Prime Minister secured a vote of confidence for the second time during two meetings held in 2022, with the backing of the Nepali Congress.
In affirmation of this, the majority of attendees in both meetings granted a vote of confidence to the Prime Minister for the second time in 2022.
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After the completion of the House of Representatives election as stipulated in Article 93 of the Constitution, the President convened a joint session of both houses of the Federal Parliament in 2022. This session marked the inauguration of the first meeting of the House of Representatives for its second term and the commencement of the thirteenth session of the National Assembly, both held at 4:00 PM on the same day.

In 2023, an Ordinance issued by the President was introduced during the first meeting of both Houses of the Federal Parliament in accordance with clause (c) of clause (2) of Article 114 of the Constitution of Nepal. However, a replacement bill should have been certified by the President on the same day. During the deliberation on this matter in the House of Representatives, the Minister of Law, Justice, and Parliamentary Affairs, who presented the bill, acknowledged procedural errors and apologized for treating the Ordinance Replacement Bill as a regular bill. Consequently, the Minister requested that the bill be processed as a common bill based on its content. Following this, the President of the Assembly, utilizing privileges granted by the constitution, instructed that the bill proceed without setting a precedent. Consequently, the bill was passed by the National Assembly on the same day and certified by the President in 2023

National Assembly, 2023 Highlights of Assembly during 13th Session, National Assembly Nepal. <https://na.parliament.gov.np/uploads/attachments/4upycaxhsogmnr8.pdf>

The bill passed by both houses of the Federal Parliament in 2022 and sent to the President for verification was returned to the Parliament for reconsideration. Subsequently, it was passed by the Parliament again in the same manner and sent for verification. However, it was not verified within the period prescribed by the Constitution and was returned to the Parliament once more. The current President, Ramchandra Paudel, approved the bill sent by the previous Parliament nine months before he was elected in 2023.

A proposal of urgent public importance was registered in the Assembly regarding the “Effective implementation of short-term, medium-term, and long-term policies and plans to build a strong economy” in 2023, House of Representative Nepal.

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