

JUDICIAL BLOW: THE HINDU EDITORIAL ON NEPAL SUPREME COURT REINSTATING PARLIAMENT

Relevant for: International Relations | Topic: Effect of policies and politics of developed & developing countries on India's interests

A Constitution Bench of the Supreme Court of Nepal quite rightly [overturned Prime Minister K.P. Oli's decision](#) to unilaterally [dissolve Parliament in December 2020](#) and which was later approved by President Bidya Devi Bhandari. The ostensible [reason for Mr. Oli's decision](#), clearly without any merit, was inner party intrigue within the ruling Nepal Communist Party (NCP). The Court correctly observed that there was the possibility of the formation of a new government in case Mr. Oli did not enjoy the confidence of Parliament, and therefore ruled his decision unconstitutional. The NCP has since then fractured politically into two factions, one led by Mr. Oli and the other by [Pushpa Kumar Dahal and Madhav Kumar Nepal](#), both former Prime Ministers who belonged to the erstwhile Nepali Maoists and the Communist Party of Nepal (Unified Marxist-Leninist), respectively. These parties had merged into the NCP in 2018. But this fracture is not yet formalised even though the [Dahal-Nepal faction has "expelled" Mr. Oli](#) from the party. In defence of his decision, Mr. Oli had argued that he required the support of a two-thirds majority to govern the nation and had sought re-elections, but the Supreme Court's decision has now rendered that moot by restoring the *status quo ante* as of December 2020. The Court also went on to scrap all appointments made by the government after the dissolution of Parliament on December 20, 2020.

Having received such a stinging rebuke by the Supreme Court, the right course of action for Mr. Oli should be to resign on moral grounds, but knowing the combative politician, that is not going to happen. The NCP's vertical split into two near-equal factions in Parliament should allow the formation of a new government if the Dahal-Nepal faction chooses to support an alternative — it has already pledged support to Nepali Congress (NC) leader Sher Bahadur Deuba if the NC stakes claim to form a new coalition government. The repeated changes in government should not surprise anyone as Nepal has a history of unstable regimes and frequent changes in Singha Durbar's occupants since the end of absolute monarchy in 1990. But the NCP missed a historic opportunity after it came to power with a two-thirds majority in the bicameral Federal parliament and in six of the seven provinces. Mr. Oli could have used the mandate in 2018 to ensure a stable regime, and governance and development in a country battered by the 2015 earthquake, political instability, and now the COVID-19 threat. His government singularly failed on most counts, and he and other NCP leaders could not work as a cohesive unit. The electorate's expectations of a stable regime, the first elected one since the promulgation of its Constitution, have been belied yet again due to the failure of the political leadership.

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