Crisis in Nepal

Why in news?

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Current face-off between the executive and the judiciary in Nepal will further erode the credibility of both institutions.

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What happened?

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- **The move to impeach the chief justice of Nepal's Supreme Court,** has triggered a new political crisis in Kathmandu.
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- Deputy PM and Nepali Congress leader resigned from the government after the impeachment motion signed by CPN (Maoist-Centre) and Nepali Congress, was moved.
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- On May 1 2017, the third largest constituent in the ruling coalition, the Rastriya Prajatantra Party (RPP), withdrew its ministers.
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- Though the RPP has not withdrawn support to the Pushpa Kamal Dahal-led government, the events have weakened the coalition government.
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- Under Nepal's constitution, a motion for impeachment moved by not less than one-fourth of the total membership of the House leads to the **suspension of the person** holding the constitutional position.
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- The notice will then be referred to **Parliament's Impeachment Committee,** which will scrutinise the charges and make its recommendations to the House.
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- No time limit is specified for its final disposal.
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- Soon after Nepal went through radical political changes in 2006, its constitution was replaced by an interim one, requiring even sitting judges of the Supreme Court to take oath afresh.

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- A system of parliamentary hearings was introduced, but **there were no structural checks** to ensure the committee acted in a bipartisan manner.
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- In consequence, those hopeful of appointment as **judges felt a need to please parties or leaders in the committee.**
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- The same practice was followed in appointments to other constitutional bodies and ambassadorial positions.
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Why this sudden turmoil?

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- At the root of the crisis is the **politicisation of the judiciary,** to which both the political parties and the judges have contributed.
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- The issue did not begin with present CJI, who took office as Nepal's first woman CJ, and is unlikely to end with her exit.
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- The independence of the judiciary was compromised soon after the 2006 Constitution came into being and political parties started to influence appointments to the bench.
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- The wise principle that **there must be separation of powers** of the executive and the judiciary was ignored by both institutions.
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- In 2012, the then-CJ became PM of a government that included ministers from political parties.
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- In turn, **the judiciary turned a blind eye to political activists,** including legislators, seeking nomination as judges.
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- Earlier this year, the stand-off between the bar and the executive and judiciary had reached a flashpoint when over 300 lawyers, including senior office-bearers of the Nepal Bar Association, resigned to protest the appointment of 80 high court judges.
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- These appointees allegedly were nominees of the ruling parties, namely the CPN (Maoist-C) and the Nepali Congress.
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- Nepal's transition from a monarchy to a republic has been chaotic.

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- The past decade has seen various stakeholders working at cross purposes in a bid to grab power at all costs, which has exposed the country’s ethnic and regional fault lines.
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- The failures of the political mainstream in nation-building could test the people’s faith in democracy itself.
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Source: The Indian Express

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