

GOVERNANCE

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कभर स्टोरी

Government's Move to Issue Five Ordinances Raises Democratic Concerns

अध्यादेशमा भ्रष्टाचार र अपराधको संशोधनले बाहुदार जग्गामा दे

नवराज मैनाली/नयाँ पत्रिका

The government, despite holding a two-thirds majority in the Parliament, has opted to rely heavily on ordinances to enact laws. In just a week, the president approved five different ordinances while parliamentary sessions remained stalled. Discussions on more bills are also ongoing. This unilateral move to amend key legal provisions has raised serious concerns about decision-making processes and democratic integrity.

The ordinances have also raised concerns about the government favoring specific individuals or groups. For instance: the amendment on Section 137 of the Muluki Criminal Code allows individuals—except those sentenced to life imprisonment, those with sentences over 10 years, or foreign nationals—to appeal in the higher courts by depositing an additional 15% of their bail or surety amount. The ones sentenced to life imprisonment or for more than 10 years can appeal from the custody. However, individuals over 75 years old or suffering from severe illness under the punishment can appeal only by depositing the bail amount. Here, the legal experts argue this could disproportionately benefit those accused of corruption, tax evasion, and other criminal offenses, including political elites implicated in high-profile cases like the Lalita Niwas land scam.

Similarly, changes to the Land Reform Act allow landless squatters to claim up to 120 hectares of land if settled since 2009. However, this provision contradicts the earlier Supreme Court's Constitutional Council order barring the distribution of forest and national park land. The Department of Forest and Land Preservation highlights that landless squatters have encroached 484 hectares of forest and 3,840 hectares of protected areas. Such actions could further endanger forest land and national parks. Also, the process of verifying long-term settlement claims remains a significant challenge. Similarly, the amendments also allow real estate companies to sell land exceeding previous legal boundaries, raising environmental and regulatory concerns.

The constitution has a provision on ordinances to address urgent legislative gaps when Parliament is not in session. However, the current situation does not meet these criteria. The opposition has been requesting for a parliamentary session, which the government appears reluctant to convene. The governance through ordinances diminishes the role of Parliament and the elected representatives of the people, and paves way for constitutional manipulation and power imbalances favoring the ruling parties. Such rushed decisions will erode public trust in governance institutions and set a troubling precedent for future policymaking.

Read more: [Nayapatrika](#)

Governance Issues of the Week

- 1. NDRRMA plans 100 billion reconstruction drive :** The National Disaster Risk Reduction Management Authority (NDRRMA) has estimated that over NRs. 100 billion will be required to rebuild the disaster-damaged infrastructures across the country including roads, homes and schools. The meeting of the National Disaster Council has approved a comprehensive plan for post disaster reconstruction and rehabilitation efforts, with work starting January 14th.

Read more: [The Himalayan Times](#)
- 2. Sub-committee recommends 18 as a legal marriage age:** The Parliamentary Sub-Committee on Law, Justice, and Human Rights has proposed lowering the legal marriage age in Nepal from 20 to 18 years, citing societal challenges linked to the current age limit. The committee also recommended establishing legal provisions for "living together," as legal cases related to this issue continue to increase. The recommendations were made as part of the post-legislative scrutiny of existing laws.

Read more: [Nayapatrika](#)
- 3. Transitional Justice process estimated to cost NRs 40 billions:** The government has estimated that completing Nepal's Transitional Justice process will cost NRs. 40 billion. Under the amended Enforced Disappearances Enquiry, Truth and Reconciliation Commission Act, approved in August 2024, the commissions have four years to complete their tasks. However, the government has yet to appoint commission heads. The total cost will depend on the timeline, and while support from development partners has been sought, interest remains limited.

Read more: [The Kathmandu Post](#)
- 4. DDC pays property tax due for 32 years:** The Dairy Development Corporation (DDC) has paid NRs. 10.2 million in property tax to the Kathmandu Metropolitan City, covering the 32 years since its property was established. The Revenue Department of the metropolis had issued notices to 12 government-owned commercial institutions, including the DDC, urging them to settle overdue taxes. This payment is part of ongoing efforts to enforce the property tax regulations as outlined in the city's Revenue Act, 2075.

Read more: [Kantipur](#)
- 5. Political misuse of community buildings :** The Sudurpaschim Province has spent NRs. 2.55 billion over five fiscal years (2075/76 to 2080/81) to construct 444 community buildings. However, these buildings, built under names like youth clubs, women and dalit clubs, NGOs, and memorial foundations etc, have primarily served as centers for political cadres. The province also allocated funds for constructing political party offices, raising concerns about the misuse of public resources for partisan interests.

Read more: [Kantipur](#)
- 6. Govt slow in capital expenditure:** The government has significantly lagged in capital expenditure, spending only 16.16% of the allocated budget in six months of the current fiscal year. Out of the total NRs. 352.35 billion set for capital expenditure, only NRs. 56.93 billion was utilized between mid-July and mid-January. This underperformance heavily impacts the construction and infrastructure sector that stimulates economic growth and drives development efforts.

Read more: [Republica](#)

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