



NATIONAL
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**Strengthening Nepal's
Multiparty Democracy:
Party Discipline and
Anti-Defections Measures**

A Report on an NDI Seminar

July 25 to 26, 1997
Kathmandu, Nepal

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Party Discipline and Anti-Defections Measures**

A National Democratic Institute for International Affairs Workshop

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STRENGTHENING NEPAL'S MULTIPARTY DEMOCRACY: THE ROLE OF PARTIES IN PARLIAMENT

**July 25-26, 1997
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I. EXECUTIVE SUMMARY

On July 25 and 26, 1997, the National Democratic Institute for International Affairs (NDI), in cooperation with the Nepali Parliament Secretariat, sponsored a seminar in Kathmandu, Nepal entitled *Strengthening Nepal's Multiparty Democracy*. Responding to the concerns of Nepal's political leaders and experts about discipline in the parliamentary parties of their country's emerging democracy, NDI presented a comparative perspective on parliamentary practices with respect to parliamentary discipline, focussing primarily on parliamentary whips and anti-defections legislation. To achieve this end, NDI worked with a parliamentary organizing committee, established at NDI's suggestion and comprised of members from each of the parliamentary parties, including all of the chief whips, and two leaders of the Parliament Secretariat.

NDI and the parliamentary organizing committee agreed on two general objectives for the seminar. First, the seminar would raise the participants' awareness of practices of parliamentary parties in other countries. Second, the seminar would improve the participants' understanding of the whipping system and the then-draft anti-defections bill in Nepal. Through two days of discussion sessions, question and answer periods and smaller working groups, the seminar achieved its objectives, providing the participants with the opportunity for extensive multi-party dialogue on the role of parliamentary parties in general and on the anti-defections bill in particular, which contributed to an environment in which consensus on the bill was encouraged.

The seminar was attended by three international experts -- the Honorable Bryan Davies, former British MP and Government Whip; the Honorable Leo McLeay, the Australian House of Representatives Chief Opposition Whip; and Dr. Subash C. Kashyap, the former Secretary General of the Parliament of India and anti-defections measures expert -- and approximately 70 Nepali participants, the vast majority of whom were Members of Parliament (MPs). Throughout the seminar the Nepali participants were able to compare their own system with the Australian, British and Indian parliamentary systems. The following is a summary of the concerns, comments and conclusions of the seminar participants.

The participants and the international experts agreed that strong parliamentary democracies depend on strong and well disciplined political party systems. Recognizing the special challenges confronting newly democratizing legislatures, the participants realized that political parties play a fundamental role not only in perpetuating the democratic process but in establishing and consolidating the foundations of democracy itself. As National Assembly Chairman, Beni Bahadur Karki noted, "political parties are the main pillars of the democratic system. Parties can educate people about democracy, cultivate democratic culture and values, preserve the fundamental and human rights of the people, and keep the government from being undemocratic and despotic." Continuing this line of thought, Chairman Karki explained that weak party discipline in Nepal, "has

been a matter of national concern. Unless [it is] corrected, it is likely that [it] may undermine the very foundations and principles of our democracy (see page 11).”

As many participants argued, this lack of party discipline on the part of Nepali parliamentarians was manifested in a variety of ways including extreme factionalization within parties, voting against the party line and leaving one’s party to join a rival party or create a new one. The absence of party cohesion had led to the disruption of the legislative process, and, in its most extreme incarnation, had contributed to the collapse of governments and government coalitions. To address these critical issues, the Parliament of Nepal turned to the devices of whipcraft (defined by Dr. Subash Kashyap as legislative floor management) and anti-defections measures.

Responding to the participants’ concerns regarding the various interests competing for the loyalty of Nepali parliamentarians, the international experts discussed their experiences with the range of methods that can be employed to ensure the loyalty of members to party principles and policies including the enforcement of party discipline. The experts explained that discipline enforcement involves measures intended to enhance institutional stability and to combat other interests which may lay claim to members’ loyalties and threaten the democratic process. Moreover, they explained that the source of this capacity to enforce or persuade is a party’s management of rewards and sanctions, which are strategically parceled out among members of the party. While rewards may include ministerial postings, memberships and chairmanships of committees, and appointments on foreign delegations, sanctions can range from the withholding of perks to excommunication from the party.

The discussion on the first day of the seminar focussed on the status and function of the office of the whip. The international experts stated that party whips provide a vital two-way channel for communications, direction, coordination and persuasion within political parties. Thus, whips serve a dual function, i.e., promoting consensus and internal party democracy when possible and imposing enforcement methods when necessary. Following a discussion and question and answer period about the authority and specific responsibilities of the whip’s office in Australia, Great Britain, and India, the Nepali participants discussed the need to enhance the role of the whips in their legislature (especially to employ disciplinary measures).

On the second day, the discussion shifted to the Nepali anti-defections bill and its place within the broader context of anti-defections laws. For the purpose of the seminar, anti-defections measures were defined as any party or parliamentary rule or any law or constitutional amendment that is enacted to restrict, in any way, a legislator’s freedom to vote on issues in the legislature or to leave his/her political party (while still retaining his/her seat in the legislature). While the question was raised as to the “right” of Nepali parliamentarians to “vote their conscience” and abstain on occasion, the participants focussed on the need to provide a defense against so-called “unprincipled defections” --

that is, defections motivated by political opportunism and bribery. Recognizing the tension between personal opinions and common interests, the Nepali Congress Party Chief Whip, Ananda Prasad Dhungana, articulated the necessity for "...a balance between individual freedom and collective necessity. MPs are accountable to the electorate and to the constitution. Thus, individual freedom is important. [Yet,]...we must go to the root of this problem -- the growing trend of individualism and the erosion of our values (pages 49 and 50)."

Finally, stating the importance of this challenge to the newly democratizing Parliament of Nepal, the Speaker of the Nepali Parliament, Ram Chandra Poudel, explained:

Our task is to build a system for the future generation....We, the politicians, must put aside our selfish interests and place our priority on the institutional development and stability of democracy. We must avoid abusing our privileges. Our aim must not be to grab power but to grab it lawfully and ethically....The individual arrogance and the tendency to drift away from organizational policy and control have created a situation where the organizational effectiveness is paralyzed if not wholly destroyed (see pages 9 and 10).

Faced with this considerable challenge, several participants stated that the information presented at the seminar on different models of parliamentary practice heightened their understanding of whipping systems and anti-defections measures, and helped them to be more capable and committed to the task of consolidating their parliamentary democracy. As Ananda Prasad Dhungana concluded, "Thank you to NDI since you have encouraged us and increased our awareness. I hope the Nepalese will begin to organize these thought provoking seminars for ourselves since NDI cannot always do this for us (page 50)." This report, which is a record of the presentations and discussions of the seminar, should provide a valuable resource for Members of Parliament and others who are interested in the promotion of party discipline and the development of legislative institutions.

II. INTRODUCTION

Nepal's recent parliamentary history had been fraught with votes of confidence and votes of no confidence. Individual Members of Parliament (MPs) have been known to "cross the floor" on important votes, despite clear instructions from their whips to vote the party line. Infighting and factions within parties have led to situations where whole party factions voted, with impunity, against the wishes of their party leadership. Some political observers have complained that Nepali MPs are for sale to the highest bidder, especially when a ministerial post is in the offing. In this context, NDI's program sought to clarify parliamentary practices with respect to party discipline, parliamentary whips and anti-defections legislation.

A. Political History

Nepal is in a critical stage of its political development as it continues to struggle to emerge from a long history of authoritarian political rule. Nepal's first democratic legislature began functioning only in 1991, following the promulgation of a new constitution in 1990 under which power was passed from the King to the people. In only its second term as a representative, multiparty institution and having failed to complete its first term in the late 1990s, the parliament remains a weak institution.

During the twentieth century the state of Nepal emerged as small kingdoms were unified by their ruling kings. Subsequent kings took steps toward developing a constitution but retained extensive and discretionary power for themselves. Although Nepal held its first multiparty elections in 1959, the multiparty system did not last long. The 1960 constitution provided for a "partyless" system of *panchayats* (councils), which remained in effect until 1990. While periodic elections took place between 1960 and 1990, candidates were not allowed to compete on the basis of party affiliation and were approved by the King and his government without challenge by voters or the media. The National *Panchayat* was intended to confer some semblance of popular approval to the king's actions, but in reality its power was severely limited as royal consent was required for the introduction of legislation on any substantive issue.

Although political parties were banned under the *Panchayat* Constitution, underground political activities continued throughout the 1970s and 1980s. Political meetings and protests were met with immediate repression, and the government severely constrained the ability of parties to organize and develop a membership base.

In response to mounting domestic and international pressure in the late 1980s, the King finally lifted the ban on political parties and announced that he would seek changes to the *Panchayat* Constitution in 1990. The new Constitution abandoned the *Panchayat* system in favor of a multiparty parliamentary government, and multiparty elections were once again held in 1991.

The 1990 Nepali constitution provides for a bicameral Parliament consisting of a 205-member House of Representatives (*Pratindhi Sabha*) and a 60-member National Assembly (*Rastriya Sabha*). The members of the House of Representatives are elected by simple majority from single-member constituencies in 75 districts. Of the 60 members of the National Assembly, 35 are elected by the House, 15 are indirectly elected by the country's five regions and ten are appointed by the King. Bills may be introduced in either House of Parliament, provided that the finance bill is introduced in the House of Representatives.

In 1991, the historically strong Nepali Congress Party (NC) won a majority of

parliamentary seats. Over the next three years, internal party conflict and external dissatisfaction with alleged corruption and a troubled economy ultimately led, in 1994, to the King's dissolution of the government.

In the wake of the dissolution of the NC government, Nepal held national elections in which the United Marxist-Leninist Party (UML) won 88 of the 205 seats in the lower House to form a minority government, as the three other major parties did not forge a coalition to form a new government. Less than a year later, the UML lost a vote of no confidence. The then-new government coalition was comprised of the Nepali Congress Party, the Rashtriya Parajatantra Party (RPP) and the Sadbhavana Party. Although this government was in place for one and one half years, its tenure was fragile and there were two votes of no confidence during its short term. In a December 1996 vote of no confidence, the opposition narrowly failed (by two votes) to bring down the government. In the by-elections that followed shortly thereafter, the then-opposition UML gained three seats, bolstering its position within the parliament, and making it the largest party in the parliament. A failed vote of confidence in March 1997 led a government coalition which included the UML, the RPP and the Sadbhavana Party, that was in place in the summer of 1997, when NDI held its seminar on the role of parties in parliament. Before, during and after the July 1997 seminar, the government remained weak and there were constant rumors that a new government would be formed.

B. Party Discipline and Legislation

The Constitution of Nepal states that an MP's seat shall become vacant if the party of which that MP was a member when elected provides notification (in the manner set forth by law) that the MP has abandoned the party. At the time of the seminar, such a law had been drafted, but never adopted. Therefore, there was significant ambiguity about what constituted an MP "abandoning" his party. Different parties interpreted this issue differently, often in ways that appeared to serve their short-term interests. Pressure began to build for the enactment of a law which clearly specified instances that constitute "abandoning" a party. In the absence of this law, parties found it difficult to discipline their MPs. The vote of confidence in February 1997, which brought down the government, is illuminating: two NC MPs disregarded the instructions of the party whip and absented themselves. Subsequently, the NC informed the Speaker that it had dismissed those MPs from the party. Given the absence of anti-defections legislation, as called for by the Constitution, however, the Speaker lacked the legal foundation on which he could base a decision on the status of the two seats.

The February 1997 vote of confidence was not the first time that instructions of whips had been disregarded on important votes. Two factions of the RPP political party (known as the Chand and Thapa factions) had often disregarded the RPP whip and had not voted along party lines. In addition, many UML MPs had disregarded the UML whip during the important 1996 Mahakali Water Treaty vote (a vote that almost brought down

the government). This crossing of the floor, and others that it inspired proved very destabilizing and contributed to frequent and narrow votes of no confidence. As a result, the Parliament had less and less time to focus on its priorities of representing constituents, passing laws, and overseeing the government. It is for these reasons that NDI organized a seminar on the role of party whips and anti-defections laws.

C. Seminar Organization

On July 25 and 26, 1997, the National Democratic Institute for International Affairs (NDI), in cooperation with the Nepali Parliament Secretariat, sponsored a seminar entitled *Strengthening Nepal's Multiparty Democracy* in Kathmandu. NDI's seminar, addressed the concerns of Nepal's political leaders and experts about parties in parliament and sought to present a comparative perspective on parliamentary practices with respect to party discipline, specifically with regard to parliamentary whips and anti-defections legislation. (See Appendix A: Seminar Objectives and Preparations)

In preparation for the seminar, NDI worked with a parliamentary organizing committee, established by NDI's suggestion and comprised of members from all of the parliamentary parties, including all the chief whips, and two Parliament Secretariat leaders. All organizing committee members believed that the role of parliamentary whips and party anti-defections laws was the "burning issue" for all parties and many stated their belief that if this issue were not resolved, democracy would not survive in Nepal.

Based upon the advice of the organizing committee, NDI invited three foreign experts, two MPs from Westminster parliaments who had served as government and opposition whips, and a parliamentary staffer from the region with expertise in the anti-defections law of his own country, India. (See Appendix B: International Participants Biographies). NDI was very pleased to have the participation of:

- The Honorable Leo McLeay, the Australian House of Representatives, Chief Opposition Whip;
- The Honorable Bryan Davies, former British MP and Government Whip; and
- Dr. Subash C. Kashyap, the former Secretary General of the Indian Parliament.

The July seminar achieved its objectives: It succeeded in raising the seminar participants' awareness of parliamentary norms and practices in other countries and in improving their understanding of the whipping system and the then draft anti-defections bill in Nepal.

NDI's seminar and work with the organizing committee provided the parliamentarians with the opportunity for extensive multi-party dialogue on the bill, which contributed to an environment in which consensus on the bill was encouraged. NDI provided a forum whereby legislators could explore, debate, and draw conclusions about the forthcoming anti-defections bill as well as the role of party whips.

The impact of the seminar was concretely demonstrated by the fact that the parliament adopted the anti-defections bill shortly thereafter, in September 1997 (See Appendix C: Text of Anti-defections Bill). The bill passed with little opposition in either the upper or lower house of parliament. The passage of the bill following the NDI seminar is notable, given that the bill had been debated but never passed in the preceding four years. The seminar was ideally timed both to ensure that momentum for the issue did not dissipate and to clarify the MPs' understanding of the various issues relating to the anti-defections law. After the seminar, a number of amendments were made strengthening the proposed bill. (See Appendix D: Press Coverage of NDI's Seminar and subsequent adoption of the Anti-Defections Law)

In the months following its adoption, the law has been demonstrably important. Since the passage of the new law, two of the major political parties split into blocs in a manner that was in accordance with the 40 percent "group defection" provision of the bill. In the past, MPs could and would defect from their party and join another without any ramifications. In addition, in February 1998, the ruling coalition survived a no confidence vote which also demonstrates the impact of the anti-defections law in that members adhered to their party's whips during voting. Now that the opportunity for MPs to cross the floor with impunity has greatly decreased, political observers hope that a new era of political stability will be ushered into Nepal.

III. REPORT OF THE PROCEEDINGS¹

The "Strengthening Nepal's Multiparty Democracy" seminar was held on July 25 and 26, 1997 in Kathmandu, Nepal. In order to maximize the amount of interactive discussion and resource sharing, the seminar design combined plenary sessions, questions and answers periods, panel discussions, and working group sessions. Thus, a great deal of informal and open discussion occurred during the course of the seminar. (See Appendix E: Seminar Agenda)

The Seminar was attended by approximately 70 participants, primarily MPs, on both days. NDI provided all of the participants with a substantial welcoming packet with numerous publications on party whipping and anti-defections measures from other countries.

Day One, Friday July 25, 1997

Plenary Session I: Welcome and Introductions

NDI Senior Program Officer Maryam Montague announced the opening of the seminar and asked Speaker Ram Chandra Poudel to light the traditional Nepali inaugural lamp. Following the brief inauguration ceremonies, the Honorable Leo McLeay, the Chief Opposition Whip in the Parliament of Australia, welcomed the seminar participants, presented the objectives of the seminar, and introduced his fellow International faculty members.

In his brief remarks, **Mr. McLeay** stated,

"We as international faculty members are not here to offer you a prescription. Rather we are here to simply share with you our own parliamentary experiences from our respective countries. Some of our countries have a long history of democracy and others are relatively new democracies. However, I believe all of us will learn more about strengthening democracies at this seminar. On behalf of NDI I would like to thank you all very much, especially Speaker Poudel and Chairman Karki, for attending this seminar and I look forward to your participation today and tomorrow."²

Following McLeay's remarks, **Speaker Ram Chandra Poudel** addressed the audience.

¹This report is not a transcript or verbatim record of the proceedings. It is written from the notes taken by NDI program staff.

² The Speaker is the leader of the House of Representatives (lower house) whereby the Chairman is the head of the National Assembly (upper house).

Right Honorable Chairman, Honorable Members of Parliament, Distinguished International Visitor, Ladies and Gentlemen:

It is indeed my pleasure and privilege to be amongst you this morning. I would like to thank NDI for providing me this opportunity to say a few words in this opening session of the "Strengthening Nepal's Multi-Party Democracy" Seminar. I also would like to welcome the distinguished visitors who have come all the way from a long distance. Since this seminar topic is very important and timely I strongly encourage all of you to share your experiences frankly and freely. This will be quite helpful to all of us present in the seminar.

As you all know, the present democratic system was very hard earned after several decades of arduous struggle. Democracy has given us many freedoms and opportunities. Thus, our first task is to protect and strengthen the system as our future lies in moving forward on the path of democracy and pluralism.

Soon we will be completing a decade of the multi-party democracy in Nepal. So far our experiences have not all been positive. We have already had two general elections (including one mid-term election), premature dissolution of the House of Representatives, two local elections, changes of governments, one party majority government to several party coalition governments, and an unlawful dissolution of the parliament which was subsequently restored by the Supreme Court ruling. All of these events indicate that we have not been able to firmly march forward for the institutional development of democracy. Petty party politics and the race for narrow individual political interests has sometimes made our democracy vulnerable. Such a situation can endanger the whole system.

Free and fair elections are the essence of multi-party democracy. During the election unfair and unlawful activities must be avoided. In the absence of fair elections our democracy will fail and the society will become an anarchy.

Our task is to build a system for the future generation. To do this, democracy has to be established as a way of life and made accessible to the common people. We, the politicians, must put aside our selfish interests and place our priority on the institutional development and stability of democracy. We must avoid abusing our privileges. Our aim must not be just to grab power but to grab it lawfully and ethically. Therefore, we have to pay more attention to and concentrate on this issue of strengthening the multiparty democracy.

In a multiparty system the activities of the political parties have a great impact on the Parliament. The more dignified and disciplined the political parties are in their activities, the stronger the Parliament and the Parliamentary system will be.

The problems that arise in the Parliament are to a certain extent the result of the activities of the political parties. Thus, the confusion and contradictions that come up now and then in the nation can not be considered entirely separate from the internal activities of the political parties.

The tendency of an individual to become more influential than an organization is a great impediment to the institutional development of the multiparty democracy in our country. The individual arrogance and the tendency to drift away from organizational policy and control have created a situation where the organizational effectiveness is paralyzed if not wholly destroyed. Such a situation is very unhealthy for the institutional development of our democracy.

In our country the government is constituted and dissolved from within the Parliament. Thus, the Parliamentary political parties determine the level of political stability and honesty. Political exercises based on the norms and values of the party system for the formation of coalition government is understandable because it is quite transparent. Otherwise, the pushing and pulling of the individual prevails and can create not only instability and confusion but can also criminalize the entire political system in our society.

The topics which we are going to discuss during this seminar are quite important. The discussions on the role of party whips, comparative mechanisms for party discipline, and anti-defections measures will certainly help us to correct our shortcomings in the democratic system. I am confident that this seminar will help us to be more effective in carrying out our parliamentary responsibilities.

Finally, ladies and gentleman, I, on behalf of the Parliament of Nepal and on my own would like to once again thank NDI for organizing this seminar and providing me the opportunity to speak with you this morning.

I wish you all a successful seminar. Thank you.

National Assembly Chairman Beni Bahadur Karki then made the following presentation:

Honorable Speaker, Mr. McLeay, Mr. Davies, Dr. Kashap, Fellow Parliamentarians, Distinguished Guests, Ladies and Gentlemen:

I have the honor to heartily welcome you and to wish you very fruitful deliberations in this seminar. I greatly appreciate NDI's initiative for organizing this seminar in Nepal. The theme of the seminar, "Strengthening Nepal's Multiparty Democracy", and the topics of discussion--party discipline, party whipping, and anti-defections measures--are really very relevant in the present context of Nepal.

Since the democratic system of government has time and time again proven very useful, we in Nepal are trying by all means to preserve and strengthen our democracy in order to build our country's political stability and socio-economic development. Nepal's Constitution of 1990 envisages a multi-party system, parliamentary democracy, and constitutional monarchy. Political parties are the main pillars of the democratic system. Parties can educate people about democracy, cultivate democratic culture and values, preserve the fundamental and human rights of the people, and keep the government from being undemocratic and despotic.

But in order to be effective instruments of a well functioning Parliamentary democracy, parties need to strictly observe their parties' political ideology, principles, democratic values, and norms. The common malaise such as political defections, changing allegiance from one party to another, frequent floor crossings, the defiance of political whips, etc. are not uncommon in our country. In fact, they have been a matter of national concern. Unless they are corrected, it is likely that they may undermine the very foundations and principles of our democracy.

We are aware of these dangers and are working to introduce appropriate legislative measures and other necessary mechanisms. We have the constitutional provision for developing laws with respect to defections. We have felt a bill is very necessary for checking political defections and frequent changes of government. Presently, the National Assembly is considering an anti-defections bill. We also have the whipping system in the Parliament which works as a link of information, direction, and coordination.

We are happy that NDI has thoughtfully chosen this seminar topic since it addresses our present day political concerns. We are certain this seminar will make very useful and relevant suggestions on this topic and will really help us to strengthen our democracy.

Thank you all.

Plenary Session II: The Role of the Party Whips in the U.K., Australia, and India

The Honorable Bryan Davies

I would like to begin by outlining the process by which we organize political parties in the United Kingdom. The Parliament is quite large--it consists of over 650 MPs and presently my own party has over 400 members. Consequently, the whipping system and the way in which MPs fulfill their obligations is an important task.

The British system works on the principle that parties enter into a contract with the electorate based upon the parties' platform. However, when members are standing before their electorate, they stand on their own talents in addition to the party manifesto. For Members, it is essential that they keep the campaign promises they have made to their constituents. And for Party Whips, it is essential that they make sure the party is able to deliver the promises it made.

Thus, the party in government has an overwhelming priority to make sure it enacts the legislation it had promised during the campaign. At the same time, the opposition parties want the opportunity to put forth their own legislative ideas and obstruct those of the Government. Within the context of this confrontational arrangement, there exists a good deal of cooperation between the two sides -- when it is in their mutual interests. This cooperation is necessary for a reasonable working relationship to exist between the Government and the Opposition.

The Opposition may agree not to obstruct the passage of the Government's legislative program and in return the Opposition will be granted enough time to have a proper debate on the issues they consider to be of real importance (for instance allowing the debate of a Statutory Instrument on the Floor of the House).

Whether a party is in office or in opposition, all of the parties have a vested interest in getting its legislation passed and in maintaining order among its members. Parties ensure that their members support the party's legislation by establishing effective communication systems between the Whips and the members. The Whips operate as links between the party leadership and the backbench members.

To ensure this type of communication, my party holds weekly meetings when parliament is in session. During this mandatory meeting of the full parliamentary party, issues are discussed and decisions are made. Following this meeting the Whips send a weekly letter to all of the Members about the upcoming business of the House. In this letter, the Whips indicate when the MP's voting presence is either 'requested' (one-line whip), 'necessary' (two-line whip), or 'essential' (three-line whip).

In the U.K. we have a weak whipping system since we do not ask our members to support every single issue. We understand that there is bound to be a diversity of views among

our MPs and that some issues may be more important than others. Of course, the manifesto of the party is reinforced with the instruction that MPs are expected to vote with the party. However, on some issues there are free votes and the member reaches his or her own judgment on voting. The bulk of the parliamentary work, though, is based upon the party's beliefs and carried out through the three line whipping system.

We do not have an anti-defections law in the U.K. I must admit that I came to Nepal with some reservations on how such a law would work. But I will say that I have come around to see the merits of the anti-defections bill. I am very interested to see how it will work in Nepal.

In Britain there have been many instances where MPs, out of self interest, could have detached themselves from the party and thus I can see how parties may have benefited from such a law. However, it is almost impossible to see how MPs would gain from defection.

In Britain, where the parliament is over 300 years strong, whips do need discipline at times. They instill discipline by whipping but there are also other methods they use. They persuade members to follow the party line. Whips facilitate both a 'top-down' and a 'bottom-up' relationship between the leadership and the back-benchers. Whips not only promote the party line on behalf of the party leaders, they also articulate back-benchers' grievances about party policy to the leadership. Whips serve as valuable gauges of sentiments in the parliamentary parties. The Government relies on Whips for this kind of information in its planning of the legislative program.

In our country there are many whips. In order to form a link between the leadership and the backbenchers, each of the Whips is assigned both to regional groups of Members and to Government departments such as education, environment, etc. The whips are in constant contact with the members and are a source of advantage to members--helping Members get on committees, foreign trips abroad, and giving recommendations for higher office and ministries. So whips have more than just compulsion.

But Whips have no official powers of sanction against Members who wish to dissent from the official party line. All Whips can do is to try to dissuade them.

At the end of the day, the party needs discipline for effective operation and needs the two way communication between members and leadership to minimize the points of conflict and maximize the points of agreement and support. Politics of democracy is politics of consensus, not compulsion, for the good of the community. Whips are an important source of communication and consensus.

The Honorable Leo McLeay

I will now give you some examples from Australia.

In Australia, the party whips are the main conduit of information between members and the leadership. It is by necessity a two-way process. If working properly, the whips become a very important source of stability and communication.

In my party, there are three whips -- one Chief Whip and two others. We have three factions in my party and there is one whip from each faction. The Chief Whip must be a senior person with considerable influence with the leadership and a wide network among the backbenchers. The leader's door should always be open to the whip, and the whip's door should always be open to the backbenchers. But more importantly the whips must ensure that the leadership takes into account the backbenchers' concerns. It often falls to the whip to tell the party leadership it is time to be a statesman and take a softer line.

If a party has an open process internally, it will help the overall democratic system. A member should feel able to raise an issue at a party meeting rather than feel that the only opportunity to make their point known is through a vote in the House. In a country with a strong party system, it is important that the party be seen as being democratic from within.

So, how does the relationship between discipline, internal democracy, and openness work in Australia?

We have one of the strongest party voting systems in the world. We have compulsory elections that take place on a Saturday. If you do not vote, you must pay a fine. Approximately 95 percent of the electorate turn out for the vote.

Unlike the U.K., in the Australian Parliament, members are required to support the party regardless of issue. This allegiance only works if members have strong loyalty to what the party is doing. In the 18 years that I have sat in Parliament, there have not been any members who have switched from the government party to the opposition party or vice versa. In a few cases, members have left the party to become independents. The ideological differences between the Liberal and Labor parties are very great so it is unlikely that a member would switch from one party to the other.

Both the government and the opposition have very open democratic structures. There is strong internal party loyalty.

When the Parliament is in session, there is a party meeting every week. At this meeting, the party leader discusses issues that will come before the Parliament that week and the party members decide how the party will vote on legislation. The whip's job is to inform the leader of problems in advance so that the party leader can address these problems during the party meeting. Whips circulate weekly and daily programs to all members so that they are aware of legislation that will be discussed at the party meetings. At these meetings, decisions are made on where the party stands on particular pieces of legislation.

At times the debate will go beyond the meeting. If the debate takes too long, the concerned minister is asked to withdraw the piece of legislation until the party decides its stance. The outcome of this is that at the end of the day, all the members will support the party's decision. As a result, there is a very strong party system with whips ensuring that the members are being taken into the confidence of the leadership of the party.

In Australia, a vote can take place at any time on a Bill and an important role of the whips is to ensure that all the members are in the Parliament, especially if the majority of the government party is slim. There is a pairing system in Australia to accommodate those members who may fall ill or who are traveling. The whips handle this pairing system. When there is a very close majority in the parliament, the opposition may not be willing to give any pairs to the government. The role of the whip is to be ferreting members out to make sure that these members don't go home early, etc.

There have only been two instances of floor crossings by members in the Labour Party. In both cases, this floor crossing was sanctioned by the party in advance. In these instances, the members had strong constituency-based reasons to vote differently than the party whip. This floor crossing happened on a gold issue and a farming issue. But these were the only two instances in the last 18 years. There has been no instance of floor crossing that has threatened the government's existence. Also, groups of members have never crossed the floor together.

There are very strong party sanctions against those who cross the floor. If you don't vote along party lines, you won't get on the party ticket at the next election. There is very strong party loyalty on the part of voters. Only twice have members decided to run as independents and been reelected.

Whips do not behave coercively very often. Instead they ensure that party members come along in agreement. Coercive methods are not necessary if members feel that they have a stake in the decision-making process. It is this very democratic internal decision-making process in the party that is the glue that attaches the members to the party. This demonstration of openness in the party shows the voters that there is internal party democracy as well.

There are very few instances of free votes in Australia. These concern moral issues, such as divorce, abortion, etc. On all other policy issues the party members make the decisions on how they are expected to vote according to the majority decision.

I believe the trademark of a healthy democracy should be a democratic internal party decision-making process. This generates commitment to both party policy and leadership, and ensures loyalty and discipline. The whip's job is to be the policeman who ensures that loyalty is a two-way process between party leadership and party members.

Dr. Subash C. Kashyap

Right Honorable Speaker Poudel, Right Honorable Chairman Karki, Honorable Leo McLeay, Honorable Bryan Davies, Honorable Members of Parliament of the Great Kingdom of Nepal, and friends:

Nepal has never had the colonial model forced upon it. Nepal was never ruled by foreigners. And thus, Nepal is freer than India. During the last seven years of Nepal's restoration of democracy, I think that Nepal has achieved more than India has in the last 50 years. Nepal will overtake India soon. What Nepal can learn from India is what not to do.

I have no advice to give. Each country has to build its own institutions and take its own decisions according to its own needs. Perhaps a country can learn from the mistakes of others in a modern Parliament--all the expertise, experience, techniques, tools, and methodologies of floor management that have to be employed all the time.

Unfortunately, we in India have not so far paid due attention to the science and art of legislative floor management. The office of the whip is one of the most significant in parliamentary politics.

I shall confine myself to the position in India. Whips in India are party managers. As you well know, party directions issued by whips to members are also called whips. If we go back to the origins of the term whips or whipping, it is not very honorable. The Nepali word for whip (*achetak*) is much more honorable.

Every parliamentary party in India has a chief whip. Larger parties may have Deputy Chief Whips and Whips also. The Chief Whip of the ruling party or of the ruling coalition is an ex-officio Minister of Parliamentary Affairs and the Deputy Chief Whip or Whips may be Ministers of State or Deputy Ministers of Parliamentary Affairs.

With the exception of the ruling party in India, broadly speaking, the functions of the whips of all parties are very similar to each other. They are those of management, communication, persuasion, and discipline.

The Whip is a vital two-way communication link between:

- (I) the organization wing of the party and the legislative wing i.e., between the political party and the parliamentary party;
- (ii) members and the leader of his parliamentary party (problems arise if members are not taken into confidence and not given a feeling of being participants in decision making);
- (iii) the parliamentary party and government;
- (iv) the party and other parties in parliament to sort out common problems;
- (v) the ruling party and other party members (as individuals) to seek understanding and support for smooth and efficient working of parliament and pushing its own

interests through lobbying;

(vi) the parliamentary party and officers of the House, the Speaker, Deputy Speaker, Secretary General, and the Secretariat;

(vii) the two Houses, their Secretariats on the one hand and the government on the other.

The Whip, acting under the parliamentary party leader, has powers of patronage -- he selects and fields party speakers, he decides and recommends party members for committees, delegations going abroad, government boards, etc.

Whips have a duty to ensure and enforce attendance of party members. They have to keep their members informed of the party line on various issues. When necessary, whips issue party directives such as asking members to be present and to vote in support of the party stand.

Whips act as the eyes and ears of the party leadership. They have to keep the party leadership informed by giving them necessary feedback on feelings, views, etc. of party members. The whips must have their hand on the pulse of individual members to gauge any brewing dissatisfaction and dissent and convey it to the party leadership in time to enable the leader to nip the problem in the bud.

It is the parliamentary party leader's responsibility to designate his party whips. They must be persons of his absolute confidence. At times, they may have to perform on his behalf or be his spokesmen.

The Chief Whip of the ruling party (the Parliamentary Affairs Minister) is directly responsible to the Prime Minister, who is usually the leader of his House. In addition to all the functions of whips, the Chief Whip has many other responsibilities and functions. He advises the government on parliamentary affairs. He is the Chief Floor Manager. It is his job to plan legislation, to ensure smooth passage of government business. It is his duty to make and keep the House and to ensure quorum throughout. In case of small majority governments, minority governments, and coalition governments, continuance of government may depend on his ability to use "whipcraft". It is sometimes said that dossiers on individual members of one's own party as well as other parties are maintained and used to ensure obedience.

Having said this, I must clarify that a healthy political party system based on ideologies, policies, and programs has not yet emerged in India. Political parties are often personality oriented or based on narrow communal, caste, regional, parochial, or even outright criminal interest groups. Some of the parties actually are said to function as Mafia gangs. In fact, according to some analysts, all of the parties have come to depend on the underworld of crime. The most tragic development is that it has come to be believed that politicians have lost the respect of the people at large. Politics is no longer believed to be for the service of the people but has become a marked struggle for power

and for getting the maximum share of corruption and wealth.

Almost every party is faction ridden. Despite the recent inner party elections forced on every party, parties have little inner party democracy or transparency about their sources of funds, expenditures, accounts, etc.

A degree of dissent within the parties is allowed. That is why factions continue. But, in the matter of voting on the floor of the house, strong party discipline is enforced. There are a few cases in history when the conscience vote has been allowed by the party leadership. The strong discipline concept also leads to constant party break-ups, splits, mergers, and takeovers.

Disobedience of the whip may call for explanation and punishment by way of reprimand or even expulsion from the party and the denial of a ticket at the next election.

All that aside, so far as the constitutional position is concerned, "whip" is not even mentioned anywhere in the Constitution or even in the Rules of Procedure. Until recently, even the word "parties" was not mentioned. In 1985, the 52nd constitutional amendment added the tenth schedule known as the anti-defection law under which every member must remain the member of the party on the ticket of which he was elected. So parties now have constitutional recognition and status. It is now a matter of dispute whether a member can be expelled by the party. Along with it, party whips have also received constitutional relevance. But, we will talk about the anti-defection law tomorrow.

Questions and Answers Period

Question: How do you make sure that the parties don't overrun the individual sentiments of the members?

Answer: By having internal party democracy and frameworks within the parliament that allow members to discuss the issues. Then the individual members will reach their judgments. Most often, the members reach the decision of the party. But sometimes, when members need to represent their constituencies, they should be allowed to do so.

Question: All of this discussion on internal party democracy may help improve the parties, but not the parliament. How can we address this issue?

Answer: Mr. Davies: We need political parties rather than individual members in order for the electorate to be informed about the different policy issues. The political parties help to identify responses to needs. Because they have different responses, there are different political parties and platforms. This may seem like the individual member loses his/her individual freedom, but the party does have rights because it is on the party's platform that members get elected. But the party also has obligations. Namely not just to

instruct members but to build consensus among the MPs since they are important actors on the scene. A party's success depends upon how well it does that. We have very few defectors. One MP did cross over to the Labor party and we were very pleased. But we all knew that he would not win re-election in his district since his electorate saw his defection as betrayal. Others who have tried to defect in the past have not been re-elected because their electorates value the party they have elected more than the individual. Defections show disunity and members who do so have great difficulty with the electorate in the long term. We have to be clear that when my party got into internal disagreement, the people who punished us were the electorate who wouldn't vote for us again.

Question: In Australia do you have parliamentary committees as well as political committees and what are their respective roles? In Australia what is the protocol and within the parliament do they form political committees and what is their role?

Answer: Mr. McLeay: In Australia, the parliament has parliamentary committees and the committees each focus on a different issue such as the economy, defense, foreign policy, education, public accounts, and social services. The whips nominate Members for the committees and there is a proportionate number of committee seats based upon party representation. A government member must be the chair of the committee. There are Chief whips and two other whips for the opposition and the government. The smaller parties each have one whip. In the senate, each party has a whip but not a chief whip.

Question: Dr. Kashyap, when there was a coalition government in India what was the difference in the number of the whips and when these whips are in the government what is their role in the functions of the government?

Answer: Dr. Kashyap: There are only two types of members and two type of whips:
1) those in power; and
2) those not in power.

Whips act in a particular manner when in either category. In the case of different governments, the role of the whips is to keep the government going and in power through whatever means necessary. In politics, failure is inexcusable. Our role in politics is judged by success achieved. The job of the whip is the same irrespective of the parties.

Question: Mr. McLeay and Mr. Davies, thank you very much for sharing your experiences in your countries' parliaments, and political parties. Other than those issues in the party's manifesto, do you allow your members to vote freely and if so, can you cite some of these instances?

Answer: Mr. McLeay: In Australia, we don't allow members to vote on their own. They are required to support their party except on moral issues such as:

- 1) development and regulation of divorce laws;
- 2) federal legalization of abortion and federal funding (1979); and
- 3) euthanasia and assisted suicide.

Each party has a platform and voters expect members to follow their party's platform. During the campaign, the party develops a very comprehensive platform and the voters make up their minds based upon these detailed platforms.

Mr. Davies: The system in Britain is similar. There are divisions within the different regions of the country and because of the parties we have the concept of the referendum, which is a constitutional innovation. Until 1975, Britain had never held a referendum. In 1975, 1979, and in the near future many referendums will be introduced by the Labor party. Whatever the decision of the referendum, the party will then implement the decision. The big issues are: the relationship with the EU and how much power to give the Scottish and the Welsh. The government expects to deliver everything that is in their manifesto.

Similar to Australia, there are quite a range of moral issues which are dealt with in Britain. It is hopeless for the party to take a stand on such moral issues since so many MPs feel very strongly about these issues, especially those that are religious. Parties also allow MPs to vote freely on issues that are not of importance to the party, but may be important to the MPs. For example, fox hunting is currently being debated in Britain. Many people in the rural areas as well as the wealthy people support fox hunting and those people in the city do not support it. We have allowed MPs to vote freely on this issue.

Question: We have a provision in the law that states that the Prime Minister appoints the chief whip for the government. When in opposition, the party leader appoints the whip. However, it is not easy for the chief whip to issue whips to all of the government MPs since they may be from different parties. What do you do in your countries?

Answer: Mr. McLeay: In the Australian Labor Party, the chief whip and the whips are elected by the parliamentary party members. They are not appointed by the Prime Minister or the party leaders. In the Liberal Party, the chief whip is appointed by the party leader. In the National Party, the parliamentary party members elect the chief whip.

Mr. Davies: Different parties have different ways of handling this situation. You can only exercise that authority if you are the leader of both the party and the parliamentary party. We are then quite clear that the relationship between the chief whip and the party leader is one of independence. We accept the leader to appoint the chief whip. The British parliament has not had any history of coalition governments since we are a one party government. Thus, we don't have this issue of how one party's whip relates to their

coalition party's whip.

Dr. Kashyap: I am aware of this issue but in my presentation I avoided this issue because I didn't want to appear to take sides. The whips are supposed to be communication links between different parties--the whip's own party and the other parties in coalition or opposition. The whip of the ruling party is not just the whip of one party but is the whip of the coalition. The prime minister appoints the chief whip, but in a coalition the chief whip is supposed to represent all of the whips in the coalition. His official position is the Minister of Parliamentary Affairs so he also has an official role.

Question: Mr. McLeay and Mr. Davies, have there been instances of independent members joining a party? Also, are there times when members are allowed independent votes and has there been an instance when a member was not present during a vote and the government fell due to their absence?

Answer: Mr. McLeay: In Australia I can not recall any instance of an independent MP joining a party. In the last parliament, there were three MPs who left their parties and became independents. Two of these MPs left since there were going to lose their party endorsements and the other MP left because his party did not support his view on immigration. They were all re-elected. We do not have an example of the government falling due to an absent member mainly because in the last fifty years we have not had a coalition government, rather we have had a clear ruling majority. Members do not always vote with the party. In fact, as chief whip, I have sometimes turned the other way when MPs voted against the party's whip. The whips must exercise their own judgment.

Mr. Davies: Likewise, I can only give you two examples from the last fifty years on how British politics cope with this problem. For example, this year a conservative MP from a particularly strong Conservative constituency, was identified as taking bribes from a business. In Britain, Members must be clear and open of their support from business and economic forces and must not take secret bribes. The press informed the public of this member's secret bribes. The case was still pending during the election and the MP still stood in the election, although the press had publicized the facts. The Labour party did not field a candidate. However, the well respected independent chief correspondent of the BBC ran against the conservative MP and easily won. But the basis upon which he won was as an independent candidate who was only interested in serving for one five year term. "I am only running to get the current MP out of office," he said during his campaign.

On the other issue, the only time the government has fallen because of the lack of votes in Parliament was in 1979 when the Labor government fell. Usually there is enough of a majority to be able to stay in power because of the support of the minority parties. Of the 625 votes at stake, the speaker and deputy speakers cannot vote, 311 were for the government and 312 were against the government.

Question: In order to maintain stability in the government and to have freedom for members of parliament, freedom inside the parties is vital. One problem we have is that our parliamentary committees have not been that effective. How do we make the parliamentary parties more effective and should we have a whip in the parliamentary committees also?

In a book I read, they discuss the Asian standard and the western standard of democracy. How do you view this issue?

Answer: Mr. McLeay: In Australia we don't have whips for parliamentary committees. We expect that the committee chairman, who is a government member, to exercise some standard and discipline. The government tends to let the committee run their own course.

There is no such thing as an Asian or Western style of democracy. There is democracy or there is not democracy and we are all in different places along this path. Some get further than others, and some slip back. Italy for example has recently been very unstable. Does that mean they are more or less democratic? The hallmark of democracy is free and fair elections, an environment where people are not coerced into voting, and honest elected officials that do not involve themselves in corrupt practices. You are a democracy or you are not. The truth is, if you are a democracy you know it and if you are not a democracy you know it. It is reasonable to say that some countries are further along the road to the Greek vision of democracy.

Mr. Davies: There are democratic principles and all countries fall far short of these principles. I don't accept different models.

On the first question, in Britain we do not whip committees because they are meant to inquire and reveal. The government is bound to take a view on the investigation of the committee and these inquiries should be free of the whips.

Brief Presentations and Panel Discussion: How do Nepalese Party Chief Whips define their roles and responsibilities?

UML Chief Whip Mr. Rajendra Prasad Pandey: The role of the chief whip is extremely important. After 1990 we developed a bicameral system. The activities of the political parties are outlined in their respective manifestos. The rules and regulations in the House advise the members of the role of the whips. The roles of the whips in government and in opposition are different. When in the government, the chief whip has to work with the members to ensure that the government gets the majority of votes. Highlighting issues of public importance, whips also see to it that the members participate in the House activities. The presence of the members is recorded.

In order to provide leadership in the House there is a coordination committee. Article 24

of the Constitution has outlined the duties of the whips. The party's parliamentary board conveys to the members of the House the decision of the board and the whips give the directive to members.

In my experience, if a legislative policy were not in accordance with the peoples' interest we tried to see that it did not get through. We have at times directed our members to use the negative vote. The role of the opposition is to defy the government's policies and programs. One does not need a lot of votes.

When in the government, the chief whip has to see that the government does not collapse. When in opposition, we must always make our voices heard. We do this to help solve the country's problems.

The views of the members are important. Sometimes we make allegations that are not true and when we come into the government we realize this and we talk less and listen more. In order to ensure a majority, we have to give direction to the members when the government puts forth its policies. Members have to be present to vote in favor of the government on issues of national importance.

I am the chief whip of the coalition government and I have faced some difficulties in this role. Even if a party is quite small, it is still an active and important member of the coalition government. As chief whip, one has to be cautious and one must take into consideration the views of the smaller parties.

The whipping system we have used thus far is either by word of mouth, a letter, or by calling meetings in the parliament. In this process, the party leader and the chief whip play an important role in overcoming some of the obstacles. However, sometimes the whips are not able to give proper attention to the issues. In the upper and lower houses, the members should not sit on the other's benches. But we have seen instances when members have not respected their bench and have taken on other benches. Sometimes the minister himself has voted against his own government. During voting the absence of members shows that they do not take the issues seriously. There have been instances when members have boycotted voting called for by their own government. These are issues that I am putting forth in this seminar given my experiences as the Chief Whip.

NC Chief Whip Mr. Ananda Dhungana

Mr. Chairman, Distinguished Participants, Ladies and Gentlemen:

At the outset let me thank the organizers of this seminar for giving me this opportunity to express my opinion at this august gathering. Mr. Chairman, may I also welcome the international faculty members to Nepal. I appreciate their interest and initiative for giving their valuable time to be here with us to share their expertise and experience.

Mr. Chairman, the topics chosen by the organizers for this seminar are very appropriate

and timely for a country like ours. In Nepal, where we have had a very short experience with the democratic system and practice, an exercise of this kind is a welcome step. I am confident that this exercise will further enhance our efforts towards strengthening the multiparty democracy in Nepal. Following these words, I now would like to proceed towards the topic that I am supposed to dwell upon. I will attempt to focus upon the role of an opposition chief whip, as that is the responsibility that I have at the moment.

In any parliamentary democracy the political parties have their own party organization within the parliament and the whips are one of the essential elements of that organization. They operate as links between the leadership and other members of their parliamentary party in the house. In other words, whips are the communicators between the leadership and other ordinary members as well as responsible for the management of their respective parliamentary parties.

Apart from the above, the whips are also responsible for the smooth functioning of the business related to parliamentary affairs. The responsibilities of a whip include:

- keeping the members informed of the forthcoming business of the house;
- indicating when members' attendance is required;
- attending different meetings of party members;
- recommending the names of members to serve on different select and/or standing committees; and
- persuading the members on certain issues.

In spite of the enormous responsibility entrusted to the whips, they have little power to take disciplinary actions. The only power a whip may exercise is to recommend disciplinary action against the members in respect to any breach of the issued whip. Nevertheless, the whips have an important role to communicate the views of party leaders to their colleagues within the parliamentary party and vice versa. This mechanism of communication allows the members to express or vent their opinions to the whips which may have otherwise been expressed on the floor of the house or in another public forum. The whips are not only the advisors of the party leaders, they are also the binding force of the party. They have to know their members and this involves a close contact with all of the members, a knowledge of their interests, special talents, qualities, and potentialities.

Following the restoration of multiparty democracy in Nepal, the importance of a whip was realized by the political parties. Thus, this position was created by an Act passed by the Parliament. However, the powers to be exercised by a (Chief) Whip have not been defined in law or practice. The whip, as stated earlier, has no authority to exercise disciplinary action against any member defying the whip issued. This has been observed in practice several times. This very practice has led the political parties to draft the anti-defections bill, whose enactment is called for in the Constitution. The anti-defections bill is currently under the consideration of the National Council and I hope it will be adopted by the Parliament in the current session.

I believe the adoption of the anti-defections bill will aid in curtailing the gross party indiscipline that has been observed within this short span of time in Nepal. Nevertheless, even after the enactment of the anti-defections bill, I foresee problems relating to members who are elected to the parliament as independents. According to our Constitution, anti-defection is only applicable to those members who have contested the election under the banner of a political party. Similarly, the whips are in a dilemma when the party leader and parliamentary leader differ on an important issue as has happened in our country before. The issue becomes more acute as some members may be loyal to the party leader and other members to the parliamentary leader. I believe that the enactment of an anti-defections act will put an end to such an uncertain environment.

Mr. Chairman, in brief I have made my observations but I am open to any comments or suggestions and will be more than happy to hear of the experience of my colleagues from abroad, especially from India. The suggestions received will certainly aid us in refining the anti-defections bill to suit our environment and the need of the hour.

Thank you very much for listening to me. Thank you once again.

RPP Chief Whip Minister Sukla:

I would like to thank the organizers of this seminar. I appreciate the opportunity to discuss, for the first time in Nepal, the role of the Chief Whips in strengthening the democratic process. My colleagues have expressed most of my views, so my presentation will be quite brief.

The chief whips in the government have a set of regulations within which they operate. The role of the chief whip is not equivalent to the role of the postman. It is much more. The chief whip has a multi-dimensional role. The chief whip has to be a motivator and create a sense of team spirit amongst the MPs. He must inspire the MPs to effectively participate while also warning the party leadership about the MPs' concerns. The chief whip is a collective spokesman of the party. As a coordinator from party to party, from government to party, and from party to parliament, the Chief Whip's most crucial role is relating to the parliament since it is the most important forum.

The Chief Whip makes sure the parliament works smoothly and encourages democratic participation within the party. The effectiveness of the party is very essential to influence the government. The chief whip must be strong since he determines how the government will represent the party. The chief whip must do a quick consultation with the members and make quick decisions. The chief whip must see to it that every Member is satisfied and is part of the team--collectively saying the same thing.

While in government, the chief whips' duty is to see that the government gives consideration to the Members. The chief whip should ensure that members are given due respect and are heard.

Unfortunately all of these responsibilities remain an ideal. In practice, chief whips must do more and must be committed to improving their role. This will strengthen the country's democracy. Proper legislation should regulate and mandate the role of the chief whips. The current bill still does not adequately define the role of the chief whips.

Questions and Comments from the International Faculty Members to the Chief Whips

Mr. McLeay: Yes--the chief whip must be a statesman and a revolutionary. Now the international faculty members will ask the Chief Whip some questions.

Question from Mr. Davies: What do you think is an adequate time period for members to be informed of key whips? What machinery do you have in place to ensure communication with your members?

Answer from UML Chief Whip Pandey: There is adequate time for informing members if the issue at hand has come up well in advance and if the party has made a decision beforehand. However, during the Mahakali Treaty discussions, there was not adequate time to inform members on voting since during the parliamentary floor vote our party meeting was still going on and there was a lot of disagreement within the party committee.

Answer from NC Chief Whip Dhungana: On issues of national concern, naturally the party decides and we have to issue whips accordingly. These decisions are first made within the party. After the party has come to a decision, the parliamentary committee has to manage the decision of the party. Thus, when there is a delay in the party's decision, then we do face problems of adequate notification time. For example, with the anti-defections bill the party has to make a decision and at that time the party will issue the directive.

There are other bills where we do not need to have such extensive deliberations. We just consult the members. There are a few types of whipping. When we must pass the vote, we issue the whipping in writing. We haven't faced that much difficulty and we have always come to an understanding. Thus, we don't have to give that many directives.

RPP Chief Whip Minister Sukla: There is no such stated time period for notification in our regulations. Broadly speaking, until now, the MPs have never complained of too little time in the issuance of whips. The central working committee used to jointly discuss issues and then whips followed accordingly. This was also the case in the no confidence motion.

For the important issues, all views should be heard--even if there are diverging views. Thus, these views can be analyzed and discussed. There is a parliamentary party

committee which issues instructions to the parliamentary party leaders on whips.

Working Groups: Which System is Best for Nepal?

In small multi-party working groups, participants discussed the pros and cons of different systems and which system of party discipline is most appropriate for Nepal. Former Speaker Daman Nath Dhungana and Chairman Jaya Prakash Prasad Gupta led the two group discussions.

Group One Report

Moderator and Rapporteur: Former Speaker Daman Nath Dhungana

1) Within the parliamentary party system, the party should direct their members' votes through the party whip. The direction given by the party should be strictly followed. Otherwise the parliamentary system can not function.

2) The anti-defections bill is necessary but the legislation should not leave any room for the party leader to act undemocratically.

Group Two Report

Moderator and Rapporteur: Chairman Jaya Prakash Prasad Gupta

We, the members of Group Two, have had discussions and have come to a unanimous decision that in order to strengthen parliamentary democracy in Nepal, there must be a strong whipping system in the parliament. In this way, Nepal's multi-party system can run on the basis of norms and values.

We unanimously recommend that the following policy measures should be undertaken immediately:

Whipping will be placed into two categories:

- a) ordinary whipping; and
- b) special whipping.

The Chief Whip will circulate the party's decision in the form of a whip to all of its parliamentary party members. In the case of an ordinary whip, the parliament party member may vote his or her conscience without losing his or her seat. However, in some cases there may be appropriate punishments. In the case of a special whip, all members of the parliament party must vote according to the whip.

In order to implement the above, a special bill should be introduced in parliament.