

*Koshi Provincial Assembly Rule of Procedure*



# Provincial Assembly Procedures

Samapda Pandey

**A Primer**

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## **KOSHI PROVINCE ASSEMBLY**

### **1. INTRODUCTION**

In Nepal, the Constitution of Nepal was promulgated by the Constituent Assembly on September 20, 2015, and became a federal democratic republic. Nepal has transformed into a federal structure after a 240 years long unitary form of government and presently, there are 77 districts, 7 provinces, 753 local levels. Each province has a separate government along with its federal government. According to Article 176 of the Constitution of Nepal, 2015, following the dissolution of the provincial assembly all the members forming the Provincial Assembly are elected. The term for the Provincial Assembly is five years, except when dissolved earlier.

Candidates for each constituency are chosen by the political parties or stand as independents. Each constituency elects one member under the first past the post system (FPTP or FPP) of election. Since Nepal uses a parallel voting system, voters cast another ballot to elect members through the party-list proportional representation. The current constitution specifies that sixty percent of the members should be elected from the first past the post system and forty percent through the party-list proportional representation system. Women should account for one-third of the total members elected from each party and if one-third percentage is not elected, the party that fails to ensure shall have to elect one-third of the total number as women through the party list proportional representation.

The Koshi Province Assembly is one of the province assemblies of Nepal which was formed through an election in 2017. In Koshi there are 14 districts (Taplejung, Panchthar, Ilam, Sankhuwasabha, Tehrathum, Dhankuta, Bhojpur, Khotang, Solukhumbu, Okhaldhunga, Udayapur, Jhapa, Morang, Sunsari), one metropolitan city, 2 sub metropolitan city, 46 municipalities, 88 rural municipalities, and 1157 wards, having 28 constituencies for the federal parliament and 56 constituencies for the provincial assembly. The current Chief Minister of Koshi Province is Hikmat Kumar Karki. Parshuram Khapung is the governor of Koshi Province and the speaker of the Provincial Assembly is Baburam Gautam. Among 93 seats in the Provincial Assembly, 40 seats are occupied by the CPN-UML, 29 by Nepali Congress, 13 by CPN (Maoist Center), 6 by Rastriya Prajatantra Party, 4 by CPN-Unified Socialist, and 1 by People's Socialist Party. The major function of the Koshi Province Assembly is to pass the laws as it is the supreme law-making body of Koshi State.

## 2. OVERVIEW

### General introduction

All the proceedings in the Province Assembly are guided by the rule of procedure. According to the Rule of Procedure of Koshi Province Assembly-2074, the Speaker of the Assembly convenes the meeting on the specified days keeping in view the workload of the House. The meeting shall begin at a time fixed by the Speaker, but if the meeting couldn't start for up-to two hours from the time of convening the meeting, the speaker can postpone it and inform the members about the next meeting. At the beginning of each session, leaders or representatives of all political parties will be given time to speak as determined by the Speaker. The presence of the Minister in the meeting is mandatory and in case of discussion on any particular subject related to the ministry.

The secretary prepares the work plan of the assembly a day before the meeting as directed by the Speaker and a copy is usually delivered to each member and the parliamentary party. A Business Advisory Committee consisting of members from all political parties represented in the assembly under the chairmanship of the Speaker is formed to advise on the priorities and timing of the issues to be presented in the meeting of the Province Assembly. The members who want to register the bill should give notice to the secretary from 11 am to 2 pm.

After the arrival of the Speaker in the meeting room, and the national anthem is played, the Speaker begins the meeting. After the member who has submitted the proposal with the consent of the speaker has spoken, the other members can speak in the order in which the Speaker has called or indicated the name. No member can speak on the same proposal more than once without the permission of the speaker. But the proposing member can speak again at the end of the discussion to answer. And the discussion ends after the member submitting the proposal responds.

What the member has said should be related to the issue under consideration of the Provincial Assembly. And the Speaker presents the proposal under consideration in the Assembly as a question while presenting the decision of the Province Assembly. Then fix zero hours and special time considering the workload of the Province Assembly to present any contemporary issue which the members of the Province Assembly considered necessary.

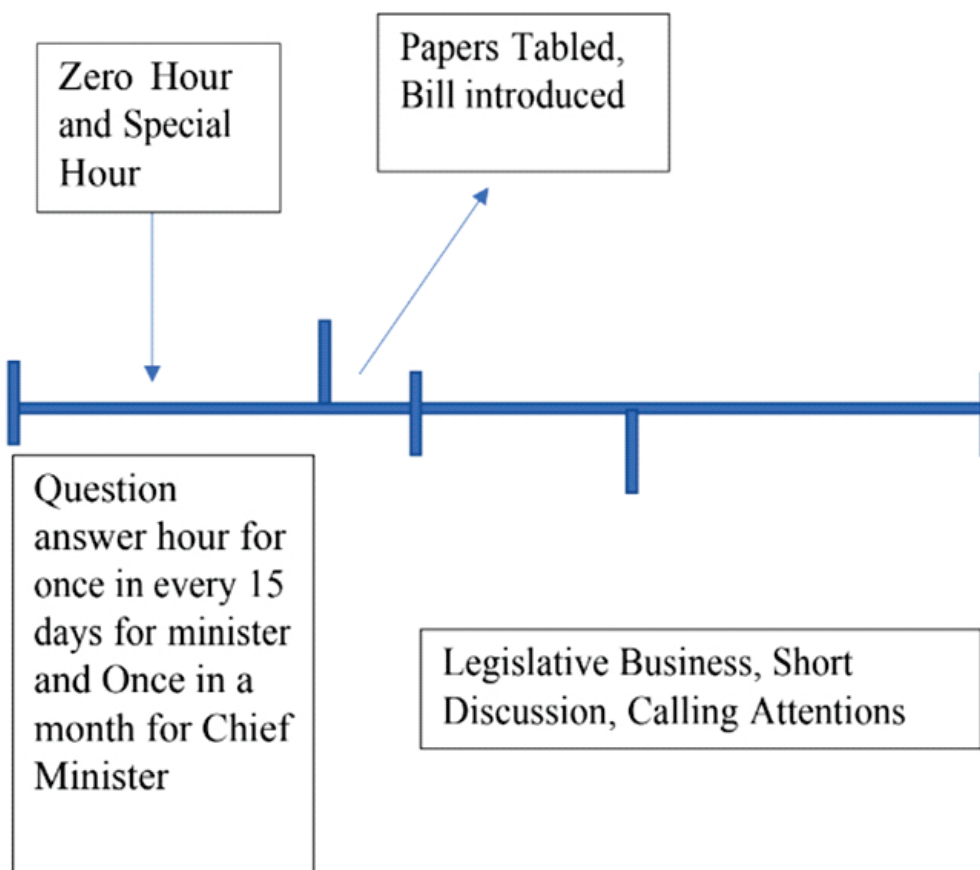
If any member wishes to discuss the matters of urgent and public importance, he or she must notify the

Secretary at least two hours before the commencement of the meeting and the proposal must be supported by at least two members. If the Speaker considers the matter of urgent and public importance necessary and of public importance, he approves the proposal in consultation with the Minister concerned.

## 2.1 Question Hour

Members of the Koshi Province Assembly can ask questions on any matter of public importance within the responsibility of the Province Government. The first one and a half hours of at least one meeting of every week of the regular session will be allocated for question-and-answer time. After the question-and-answer period is over, other proceedings start as per the agenda of the meeting. Any member wishing to ask a question should inform the secretary with the details of the questions (question to be asked and concerned minister). There are two different types of questions i.e., Oral and Written questions. The oral question is asked orally by the Member of Assembly and is answered orally by the Minister-in charge. For written questions, the concerned ministry has to answer in a written form. Both oral and written questions are to be answered within 10 days by the ministry.

### A Day in Provincial Assembly:



### **Zero Hour and Special Hour**

The Zero Hour is usually used to raise the urgent matter, which cannot wait for the notice period required under other procedures.

To raise the matters during Zero-hour, Province Assembly members have to register their name two hours before sitting out of the meeting. For zero hour the Speaker should allocate reasonable time, not less than 3 mins, to raise the matters. The concerned Minister should answer the questions raised in Zero hour in relation to relevant ministries and departments at least once a week before the assembly.

In the Special hour the Member of Province Assembly gets the time as per the strength of their party decided by the Business Advisory Committee.

**Laying Papers:** During this period various papers such as annual reports of ministries, public sector undertakings, government bodies, audit reports by the OAG (Office of Auditor General), government notifications, etc. are also laid on the table of the Province Assembly.

### **Question Hour**

The question hour is used by Provincial Assembly Members to hold the Province Government Accountable for its actions. Facts relating to policies, etc. can be questioned and Ministers are answerable for their Ministry's action.

There are two different types of questions- oral and written and questions.

#### **Oral Questions:**

An oral question is asked by a Provincial Assembly Member and answered orally by the Minister-in-charge. A separate list of questions for oral answers is prepared. But in one day, more than twenty questions for oral answer will not be kept in the list. Also, not more than two oral questions per member will be included in the list. The question put by each member should be answered verbally by the concerned minister within ten days at the most.

#### **Preparing for an Oral Questions**

Since the answer to an oral question can be followed by supplementary questions, they are better used when asking about the government's views and policy inclination.

Supplementary questions can be used to get answers to the issues that the government may not have explained in its reply to the questions.

**Written Questions:** A written question receives a written reply from the Ministry. A separate list of questions for written answers is prepared. But in one day, more than fifty questions for written answers will not be kept in the list. The written questions should be answered by the concerned Ministry within ten days in a written form.

### **Preparing for written Question**

Written questions do not allow for follow-up questions. This is why they are more conducive for getting answers to the queries related to data/ information.

### **Debate and Motions:**

The Koshi Province Assembly Members may raise and debate on different issues within the Province Assembly. Where some of them are voted by the Assembly and some are just discussed with no successive voting.

### **Calling Attention (Rule 46)**

A Koshi Province Assembly Member, with the prior approval of the Speaker, may draw the attention of the concerned Minister to matters of public importance. The Minister may, if he shows desire, respond immediately to the meeting or the subsequent day. But no further discussion can be done after the Minister replies to the questions. The member wishing to draw attention shall give notice one day before in advance. A Member will be able to draw attention not more than twice in one meeting. If there are more than two notices only two draws for one day are approved by the Speaker, and the other two draws on the agenda shall be determined by a lottery method.

### **Proposal of urgent notice of public importance: (Rule 58)**

If any member wishes to discuss the matters of urgent and public importance, the notice of the motion shall be given to the Secretary at least two hours before the commencement of the meeting, and such motion shall be endorsed by at least two members. The reason for discussing the proposal should be given in the written form. If the Speaker deems the subject of the proposal to be of urgent and public importance the proposal will be approved in consultation with the concerned minister. The concerned minister will answer the questions raised in the discussion.



## **Motions (Rule 70 -79)**

Members of the Provincial Assembly can submit resolutions on the matters of public importance. The resolution should be related to the following matters.

- To express an opinion or recommendation.
- To express support or opposition to any action or policy of the province government or to draw attention for reconsideration.
- To give any message or instruction.

The Speaker allows the submission of a resolution on any other matter deemed appropriate and necessary. The presenter of the resolution must inform the secretary about the resolution he/she wants to submit at least seven days in advance. But the minister can submit a resolution with at least three days' notice. No member other than the Minister can propose more than three resolutions in the same session without the permission of the Speaker. The Speaker of the Assembly decides whether the resolution is acceptable or not, in consultation with the Business Management Advisory Committee. The Speaker can make necessary amendments to the resolution (if needed) under this rule. A copy of the resolution approved by the Speaker for submission to the meeting is distributed to the members to submit the amendment two days before the submission of the resolution. No more than one resolution of one member will be put on the agenda in one meeting and no more than two resolutions will be put in one meeting.

After the Speaker has announced the name, the member who wants to present the resolution can present his resolution in the Assembly and while doing so, he can read the details of the resolution and give a statement. But with the permission of the Speaker, any member may authorize another member to present his/her resolution. The member may also express a desire not to submit the resolution and that resolution is considered to have been withdrawn by him. The member submitting the resolution and the concerned minister get twenty minutes to speak. The Speaker of the Assembly determines the time to be given to the members who wish to speak. At last, the concerned minister responds. After the discussion, if there is an amendment on the resolution, the amendment is done and the assembly decides on the resolution. The Secretary sends a copy of each resolution approved by the Assembly to the Council of Ministers and the concerned Minister. The concerned minister should implement the approved resolution and send information to the secretariat immediately.

### Address from the Chief of the Koshi Province and Offer of thanks:

According to Article 184 of the Constitution, the Chief of Province shall address the meeting of the Provincial Assembly by presenting the annual policy and program of the Province Government.

Under Article 184 (2) of the Constitution, the Chief of Province shall address the meeting of the Provincial Assembly as needed.

The Chief Minister will table a copy of the address in the meeting held after, the Chief of Provincial addresses the Provincial Assembly.

The Speaker will present a motion of thanks in the Provincial Assembly, to thank the Chief of Province for the address made by him/her and will present the proposal for decision in the meeting.

### Legislation:

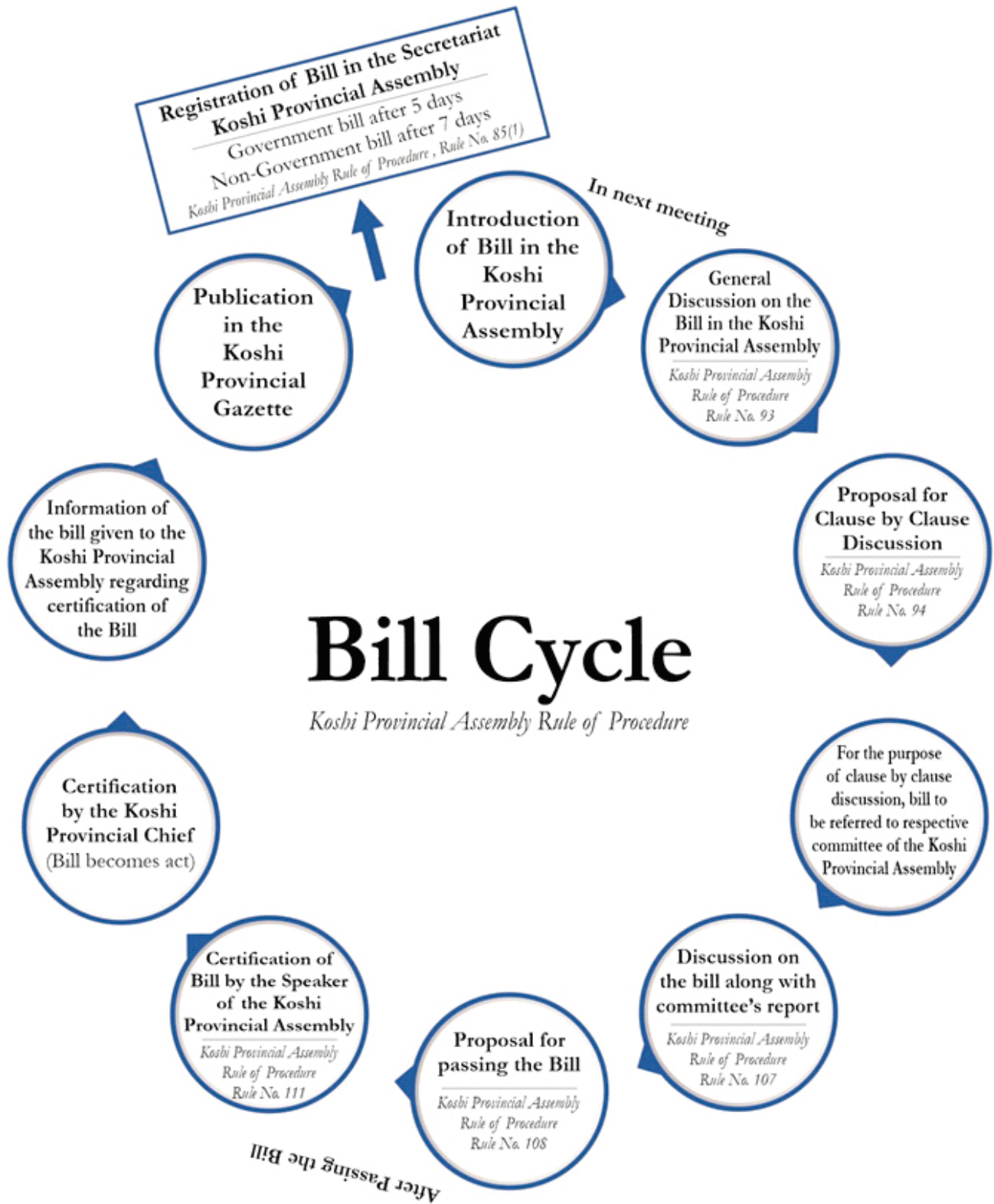
A legislative proposal, known as a Bill, has to be passed by the Provincial Assembly and obtain the Governor's assent to become an Act. Government Bills are introduced by Ministers and Private Member Bills by any other Koshi Provincial Assembly Member. While the procedure to introduce and pass these Bills is the same, no Private Members Bill has ever been passed.

Table 1: Kinds of Bills in Koshi Provincial Assembly:

Kind of Bills	Subject	Introduction	Passage
<b>Ordinary Bills</b>	Anything under Schedule 6 of the Constitution of Nepal	Introduction in Provincial Assembly	A simple majority of the Koshi Provincial Assembly
<b>Money Bills</b>	Involving taxation, borrowing, government funding, payment, or withdrawal of money from the consolidated or contingency fund	Introduction on Provincial assembly by Provincial Finance Minister	A simple majority
<b>Amendment Bills</b>	Amends the provision of the constitution	Introduction on Provincial Assembly by Chief Minister.	A simple majority

## The Law-Making Process:

Figure: Steps Leading to the Enacting of a Law



- **Circulation:** A Bill is circulated at least three days before it is scheduled to be introduced in the Koshi Provincial Assembly.
- **Introduction:** The Minister moves a motion to introduce a Bill in the Koshi Provincial Assembly. He/ She has to give the notice seven days prior, before moving on this motion. However, government bills can have the freedom to give a five-day notice. If the motion to introduce Bill is defeated, the Bill cannot be introduced.

A Koshi Provincial Assembly member can also object to the introduction of a Bill if the Bill imitates legislation outside the jurisdiction of the Provincial Assembly. A Koshi Provincial Assembly Member opposing the introduction of a Bill has to give notice regarding his/her objections to the Bill one day before being listed for introduction. When the motion to introduce a bill is opposed, the Speaker can allow the opposing Provincial Assembly Member and Minister in-charge to give a brief statement.

#### **Reference of Bill to a Standing or Select Committee:**

Once a Bill has been introduced it may be referred to a committee for a detailed examination.

#### **Consideration and Passing**

##### **Discussion:**

Once the report of the Legislature Committee or Select Committee has been received by the Provincial Assembly, it is taken up for dialog. The time apportioned for the debate is given to distinctive parties based on their strength in the Assembly. The party leadership will choose which member will talk inside the distributed time.

##### **Clause-by-clause Discussion:**

Once a common dialog on a Bill has taken out, it is examined clause- by- clause. The movement to receive a Bill into thought is at that point raised. At this stage, Provincial Gathering Individuals can move revisions to the Bill. For this, after the common brief talk, a take note must be given inside 72 hours of a common discourse for any alterations to a Bill. A Provincial Assembly Member has got to clarify the reasons for moving the particular correction. Any amendment can become a part of the Bill in case it is acknowledged by a larger part of Provincial Members.

### Preparing for a Debate on a Bill

- A few things to consider while preparing for a legislative debate are: Are there any obscurities in definitions?
- What is the report of the Legislative Committee or particular Subject Committee on the Bill?
- Does it negate any other existing laws within the country?
- What are the merits of the legislation?
- According to the objectives of the Bill, what are the possible approaches that can be taken?
- Are there any arrangements within the Bill that are counter to each other?
- Does the financial memorandum lay out the budgetary suggestion of the provisions of the Bill for the State?
- Is there a sensible level of adjustment within the Bill in indicating the points of interest and clearing out sufficient flexibility for the Rules?
- 

### Final Vote:

The Minister can then move the Bill that passed. At this stage, the debate is limited to contentions either in support or against the Bill, as amended within the past arrangement. A simple majority of Koshi Provincial Assembly Members present and voting is required for an Ordinary or Money Bill to become a law.

**Ordinance:** The ordinance issued by Article 202 of the Constitution of Nepal is presented by the concerned Minister in the meeting of the Provincial Assembly after the issuance of the ordinance within 60 days after the Provincial Assembly resumes. When submitting an ordinance, the details of the reasons and circumstances for submitting such it should be attached. Any member can submit a proposal for rejection of the ordinance. For that, the member must inform the secretary about the proposal for rejection of the ordinance within three days of their submission. The reason for rejecting the ordinance should also be mentioned. The other processes of passing the ordinance are similar to the processes involved in passing the Bills.

**Government Assent:** Once a Bill has been passed it is presented to the Governor for assent. And once the Governor gives his/her assent, the Bill becomes Act.

- **Governor returns the Bill:** Except Finance Bill, the Governor may return a Bill to the Koshi Provincial Assembly for reconsideration. If the Provincial Assembly passes the Bill, in the same or amended form, and sends it to the Governor again, he/she has to give assent.

### **Subordinate Legislation:**

Most laws give for Rules and Regulations to be framed by the government, and other authorities, after a bill has been passed. This can be known as subordinate legislation and incorporates Rules, Regulations, Orders, Schemes, and Bye-laws.

### **Private Member Bill:**

Private Member Bills are the bills that can be presented within the Provincial Assembly by Provincial Assembly Members who are not Ministers. Within the Koshi Provincial Assembly, a notice of seven days must be given by a Provincial Assembly Member to present Private Member Bills.

Private member bills are utilized by Provincial Assembly Members to highlight gaps in the government bills, draw attention to the matters of national concern, and represent open opinion within the house. The method of entry of a Private Member Bill is similar to that of a Government Bill.

### **The Provincial Budget (Chapter 16)**

The finance minister presents the Revenue and Expenditure estimates in the assembly during the budget session in the Provincial Assembly.

Some important document that is tabled at the time of presentation of the Provincial Budget include the following:

- **The Annual Financial Statement:** Summarizes the expenditure and receipts of the government.

After the discussion on revenue and expenditure, the finance minister requested to table the Financial Bill.

### **Budget Session of the Provincial Assembly:**

**Process:** After the budget is tabled, a general discussion on the broad budget measures takes place. No voting is done at this stage. The Provincial Assembly may go into recess for about two weeks while detailed estimates of ministries' expenditures, called Demand for grants, are examined by the

Department Related Standing Committees. The committee submits reports on each ministry's Demand for grants.

### **Figure: Budget Session of the Provincial Assembly**

#### **Discussion:**

Once the Departmentally Related Standing Committees table their reports, a discussion takes place on the working of various ministries. After the demand for grants is passed by the Provincial Assembly, they are consolidated into an Appropriation Bill. The Bill seeks to withdraw funds from the consolidated Fund of Koshi for sanctioned expenditure.

The Appropriation Bill and the Finance Bill are then passed by the Provincial Assembly and are sent to the governor to publish in the Gazette.

#### **Vote on Account and Supplementary Demand for Grants:**

The Province Government also brings a vote on an account in advance which permits government expenditure until the final budget has been passed. During this year, if the government needs to spend any money which has not been approved by the Provincial Assembly, it can introduce Supplementary Demand Grants, seeking approval. These are consolidated into an Appropriation Bill.

#### **Provincial Assembly Committee:**

Pursuant to Article 193 of the Constitution, a thematic committee and special committee may be formed to manage the working system of the Provincial Assembly, to make the provincial government accountable to the assembly, to monitor and evaluate the work done by the government, and to give necessary instructions or opinions. Provincial Assembly Committees are composed of groups of the Provincial Assembly Members. These committees review proposed laws, oversee activities of the government, and scrutinize government expenditure. Their reports allow for informed debate in the Provincial Assembly, as well as increase the efficiency and expertise of the Provincial Assembly. Committees also provide forums to build consensus across the party lines and enable consultations with independent experts and stakeholders.

#### **Kinds of Provincial Assembly Committees**

There are various Provincial Assembly Committees, namely Business Advisory Committee, Subject

committees, Special and Ad Hoc Committees. The chair of different committees is appointed by the election. While seats on some Committees are allocated to parties in proportion to their strength in the Assembly, some are determined by a vote in the Provincial Assembly.

### **Business Advisory Committee:**

A working system consultation consisting of a maximum eleven members including members of all political parties represented in the Koshi Provincial Assembly under the chairmanship of the Speaker to advise on the order of conduct of the meeting and other matters deemed necessary by the Speaker. The Deputy Speaker and the Law Minister shall be the ex-officio Vice-Chairperson and members of the Committee respectively. The Koshi Provincial Assembly consists of 11-member Business Advisory Committee members.

**Subject Committees** are of seven kinds

S.No.	Subject Committee	Working Area
1	Committee on Justice, Administration, and Legislation	Ministry of Internal Affairs and Law, Delegated Legislation, Office of the Attorney General.
2	Good Governance and Planning Committee	Office of Chief Minister and Council of Ministers, Provincial Public Service Commission, Good Governance Monitoring and Planning.
3	Finance Committee	Ministry of Economic Affairs and Planning, Banking, Finance and Insurance
4	Public Account Committee	Regarding Public Accounting of the Province.
5	Social Development Committee	Ministry of Land, Agriculture and Cooperative, Ministry of Social Development, Consumer Affairs.
6	Industry, Tourism, and Environment Committee	Ministry of Industry, Tourism, Forest and Environment
7	Natural Resources and Infrastructure Development Committee	Ministry of Physical Infrastructure and Development, Natural Resources



**Special Committee:**

A special committee may be formed for other functions besides the thematic committee to fulfill the responsibilities of the assembly. If a special committee has to be formed, the Speaker shall present in the meeting the proposal including the list of the members of the committee, mentioning the work to be done by such committee and its duration.

Ad Hoc committees are appointed for a specific purpose by the speaker of the Provincial Assembly.

**Privilege Committee:**

There will be a privilege committee in the assembly. In the Privileges Committee, the Speaker shall nominate eleven members with the consent of the House. But no minister can be a member of the privilege committee.

**Duties and powers of the subject committees:**

1. To discuss and submit reports on bills related to ministries, commissions and departments falling within their respective jurisdictions.
2. To evaluate the policies and programs, resource mobilization, management and other related activities of the ministries, departments and subordinate bodies and giving necessary instructions to the concerned bodies and submitting the annual report with appropriate comments, recommendations and instructions to the meeting,
3. Examine the revenue and expenditure estimates of ministries, departments and concerned bodies and prepare the annual estimates, alternative policies that can be adopted instead of the policies contained in the annual estimates, and give necessary suggestions and instructions to the relevant agencies regarding how much savings can be made from the amount in the annual estimates. and submit an annual report to the meeting with their opinion,
4. To Study, monitor, and evaluate whether the public property of the government body concerned has been misappropriated and give necessary instructions, and to submit the report in the meeting.
5. To discuss the actions taken by the state government in accordance with the prevailing laws and regulations and to give necessary instructions to the relevant agencies and to submit a report in the meeting,

6. To Give necessary opinion, advice, and direction to the concerned body by monitoring the implementation of the report submitted by the investigation commission/committee formed by the Province Government from time to time.
7. To monitor and evaluate the work done by ministries, departments and other agencies and give necessary opinions and advice in this regard,
8. To do other work assigned by the meeting,

**Annexure 1: List of Procedures Requiring Advance Notice:**

Rule No.	Particulars	Notice requirement/Notice Period
Rule 41	Starred and Unstarred Questions	Not Specified
Rule 45	Half-an-hour Discussions	3 days prior
Rule 90	Circulation of Bill	3 days in advance
Rule 85	Notice for leave to introduce Private Member Bill	7 days prior but government bill have the freedom to be present 5 days prior
Rule 91	The opposition to the introduction of Bill	Prior 1 day
Rule 96	Notice of Amendments to Clauses or Schedules	72 hour after the first discussion
Rule 127	Reconsideration of Bills returned by Governor	To be passed by the Governor within 15 days, with or without amendment, if again submitted for Governor's assent.
Rule 54	Motions	The written notice must be given to the Secretary in advance
Rule 46	Calling Attention	The notice should be given one day before
Rule 85	Special Mentions	Should be given three days before the secretary
Rule 169	Privileges	after the end of the previous meeting or in the current meeting.

## About Pokhara Research Centre!!!

**Pokhara Research Centre (PRC)** is a research-based non-partisan organization based in Pokhara. Established in 2019, PRC focuses on socioeconomic dimensions of domestic public policy research.

Guided by the motto of "*Economic Freedom with Good Governance*", PRC is following the international principle of individual choice and liberty translated into the equal opportunity of enterprise, rule of law, and the democratic principle of free expression as a tool to design its programs and initiatives; creating positive impact at the province level, through policy reform; PRC works under three broad functional domains; Research, Training, and Advocacy.

PRC's one of flagship program Youth in Policy and Governance Fellowship Programme (YPG Fellowship) aims to train the youth of Gandaki Province in law-making and public policy. The primary role of a PPSP Fellow is to deliver extensive research support to their assigned MP for their parliamentary work. The organization is also focusing on other youth training programs on the free market, entrepreneurship, and economic freedom in the region supported by Atlas.

The organization's core values are; Creating public values, Evidence-based policy-making, and the investment approach to public service delivery. PRC intervenes in areas viz. Enterprise Development, Economic Policy Reform, Governance & Advocacy, and Public Policy Delivery.

The organization has launched programs such as Gandaki Discourse, Political Economic Discussion Series (PEDS), and Formation of Gandaki Leader Circle (GLC) dedicating it to establishing itself as a state-level policy think tank.

Further, PRC is the partner of Atlas Network, Centre for International Private Enterprise, National Endowment for Democracy, United States Embassy in Kathmandu, Samriddhi Foundation, Hriti Foundation, and Bikalpa n Alternative.



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