

## **Citizen's appeal by Purnimaya Lama and others**

### **Agni Sapkota is not fit to remain Speaker of our Parliament**

**8 February 2022, Tuesday (25 Magh 2078)**

Expressing our concern that the attitude and activities of Agni Sapkota, Speaker of the House of Representatives, are gravely inimical to the values of human rights and parliamentary democracy as well as the very dignity of the office of Speaker, we the undersigned make the following appeal:

1. It is the institutional and legal duty of the Speaker to facilitate the placement of all bills presented by the Government of Nepal before the House for discussion. It is to ensure the fair and smooth conduct of parliamentary proceedings that the person elevated to the post of Speaker is required to ipso facto sever all links to his/her political party. This explains the tradition requiring the person elected Speaker to immediately resign from any and all positions linked to political parties. It is expected that the Speaker exhibits full neutrality in dealing with all political parties large or small. Our parliamentary system does not envisage an executive function for the Speaker, and the Constitution and relevant laws regards the Speaker as a facilitator to ensure the smooth functioning of the House of Representatives. Against these expectations, Agni Sapkota has continuously violated the responsibilities and expectations vested in him.
2. There are many instances to prove that, since the day he became Speaker, Agni Sapkota has sought to evade the Constitution and the relevant laws in order to exercise executive powers, such as holding up for two full years the discussion of a bill placed for consideration by the Government. Sapkota has shown prejudice in his dealings with individual political parties, and his attempts to defend his behaviour have been self-serving and illogical.
3. Amidst all this, we have not forgotten that Agni Sapkota is a person against whom there is an ongoing First Information Report on a targeted killing. There are grave complaints and cases against him relating to murder and unethical conduct presently before the Kavre District Police as well as the regular bench and Constitutional Bench of the Supreme Court. Initially, the Kavre District Police had refused to register the First Information Report by Kavre resident Purnimaya Lama on the 29 April 2005 abduction of her husband Arjun Lama and his murder thereafter. In 2008, the Supreme Court ordered the police to register Purnimaya Lama's complaint and to start investigation and prosecution on the murder case. The Supreme Court also having directed the police to submit

monthly reports to it on the status of the investigation, it is regrettable that the directive has been ignored.

The order of the Supreme Court joint bench of Justice Ram Kumar Prasad Shah and Justice Prakash Osti, delivered on 21 June 2011 states: “It is clear that the six defendants [including Agni Sapkota] are being investigated by the police on a murder case. The paperwork presented on this case include interviews and statements in the press by defendant Agni Sapkota which indicate that he is well-informed about the complaint against him and the fact that the police is searching for him. Under the circumstances, one would expect the defendant to assist the investigation by presenting himself before the police.”

4. In the same order, Supreme Court justices Shah and Osti state: “The First Information Report in relation to the events of April-May 2005 is in the form of a murder case against six defendants including Agni Sapkota. The relevant court papers indicate that the District Police communicated to other police offices to conduct a search in order to produce the defendants, and also that the defendants could not be located.” The court order calls upon Agni Sapkota to exhibit personal morality and good judgement by assisting the investigation.

5. For more than a decade, Agni Sapkota has studiously ignored the series of Supreme Court orders in relation to the murder case. Influencing the police administration by virtue of his position of power as Member of Parliament and minister in the cabinet, and by remaining an absconder on the murder case of Arjun Lama, Agni Sapkota is responsible for obstructing justice in the particular case and contributing to the general weakening of the law and justice system in the country. It is crystal clear that the police has been intimidated in conducting investigations against a person who has continuously occupied high positions, from Member of Parliament to minister, and currently Speaker of the House of Representatives. Thus, on the one hand Agni Sapkota is misusing his position to obstruct justice, which itself is a punishable offense; on the other hand, he has violated Purnimaya Lama’s right to justice and in the process provided the worst example of impunity in the country.

6. In the latest instance, after Agni Sapkota was appointed Speaker in January 2020, the bench of Supreme Court Justice Sapana Malla Pradhan concluded that Agni Sapkota has been obstructing justice and subsequently directed the Nepal Government and Nepal Police to ensure the practical application of the constitutional guarantee of due process and rule of law. Indeed, the police presenting fake affidavits before the Supreme Court claiming that Agni Sapkota is absconding even as he remains Speaker of the House is not only highly problematic, it shakes the very foundations of the system of laws. Nothing could

be more ridiculous and make-believe than the inability to apprehend a person who is constantly surrounded by police personnel. Meanwhile, it is troubling that the Supreme Court sees fit to accept such fraudulent affidavits from the police, in the process letting Sapkota continue with his attempts to waylay the judicial process.

7. From the events and facts listed above, it becomes clear that Agni Sapkota is a morally bankrupt individual who for years has been absconding from the police whilst accused of murder, and who has been unable to show neutrality required of his current position. There could have been no expectation that a person of such character flaws would exhibit the high values required from Speaker of Parliament. As a result, the period since Agni Sapkota's has occupied the Speaker's chair has been marked by a serious deterioration in the workings of the House of Representatives.

We signatories demand Agni Sapkota to forthwith correct his attitude and assist the Nepal Police in its investigations so as to promote rule of law and due process. As far as the Nepal Police is concerned, we the undersigned are ready to assist its search activities by providing the address and location of Agni Sapkota. Simultaneously, we demand that the Nepal Police not take lightly its solemn responsibilities for maintenance of law and order. The main political parties must immediately take action on Agni Sapkota in order to protect the values and principles of the parliamentary system. We appeal to citizens at large to be continuously alert in order to defend the high values of parliamentary democracy.

Signatories:

1. Purnimaya Lama
2. Badri Prasad Bhusal
3. Bhagiram Chowdhary
4. Indra Prasad Aryal
5. Kanak Mani Dixit
6. Kedar Narshing KC
7. Maina Karki
8. Manamunishwar Acharya
9. Rajan Kuikel
10. Sabitri Shrestha
11. Suman Adhikari
12. Surya Bahadur Adhikari
13. Sushil Pyakurel
14. Yagya Raj Thapa

*Contact: 9851010587*