

# House of Representatives and Provincial Assembly Elections 2022

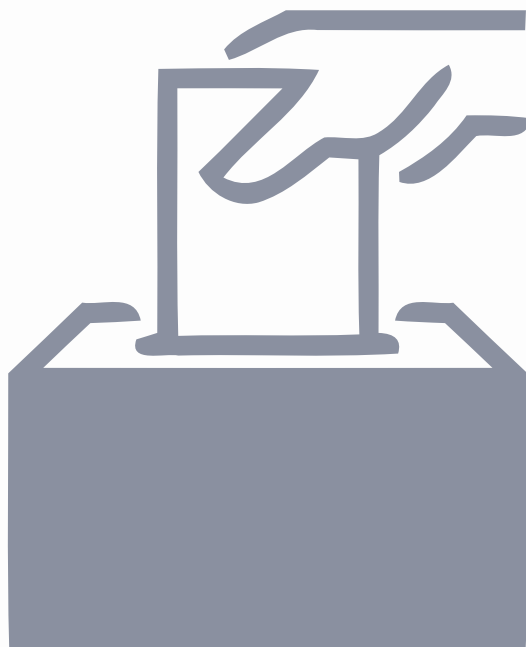


Periodic Update  
(September 1 - October 15)



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# 1. Overview of Electoral Environment

This update presents the electoral developments from September 1 to October 15, which marks the nomination of candidates contesting under First Past the Post (FPTP) and Proportional Representation (PR) electoral systems in House of Representatives (HoR) and Provincial Assembly (PA) elections–2022. The update further explores the development surrounding the election including issues related to election security, electoral contestation, political developments, and provides an overall assessment of the electoral environment during this period.

With less than 5 weeks left to go for the polling day of the House of Representatives (HoR) and Provincial Assembly (PA) election on November 20, political parties and candidates are already on a full swing preparing ground for their victory. The first phase of the election cycle including the registration of parties, nomination of candidates and distribution of election symbols have completed successfully.

The first phase of the electoral cycle remained peaceful leaving few instances of intra-party rift at both the federal and district level due to disputes related to distribution of electoral tickets.



The denial of the party's leadership to adhere with the recommendation for electoral tickets sent by the district/electoral constituencies committees also triggered sit-in protest and padlocking at some instances. Likewise, the distribution of tickets based on the decision of electoral alliances led to protests by aspirants who failed to secure electoral tickets and their supporters.

In a nutshell, the electoral environment during this period can be described as peaceful though there were few instances of election related disputes. The cadres and aspirants who were denied electoral tickets, expressed dis-satisfaction by quitting the party membership or filing independent candidacy or in some instances by padlocking and staging sit-in at the party office.

## 2. Electoral programs on a smooth sail

The activities of Election Commission Nepal (ECN) primarily sets and determines the environment for the election as it is the sole authority that conducts, supervises and directs the election programs. The electoral activities and programs set by the ECN are mostly on track, which have helped to create a conducive environment for the election.

The ECN completed the registration of candidates under the First past the Post (FPTP) electoral system for both the HoR and PA elections on October 12 and distributed election symbols to the candidates. The final closed list of candidates contesting in PR elections, for both HoR and PA elections shall be published on October 26 as per the proposed election program.

The Code of Conduct for the election developed by the ECN as per the Article 22 of the Election Commission Act-2073, came into effect on September 29. The Code of Conduct directs the overall conduct of political parties, candidates, voters, and other stakeholders regarding election and aims to ensure a free and fair election. [1]

The ECN has been monitoring the compliance of the code by the political parties, candidates and other stakeholders and taking appropriate actions for violations ranging from issuing warnings, seeking clarification, and issuing fines. The Code of Conduct is often perceived more as a moral guide having only limited legal scope which sometimes pose challenges in implementing it.

Besides the election programs, the managerial activities of ECN regarding preparations for elections are also at full pace. According to ECN, it has already started printing 8 crore ballot papers along with the voter list. Also, 43 national and 4 international organizations have been selected for observing the election process. Likewise the ECN has also established a toll free number 1102 for any inquiries related to election and started an [e-bulletin](#) to publish regular updates and information related to ongoing electoral activities.

Apart from ECN, the political parties and other stakeholders including the security forces, government bodies, civil society have an important role to create a conducive environment for election. The commitment of political parties to contest in elections abiding by the Code of Conduct is a key determinant for a successful election. The parties have mostly followed the timeline on election programs set by the election commission and engaged peacefully in electoral activities.

The proactive role of the election commission and active participation and engagement by political parties and candidates in the electoral process has indeed helped to create a favorable pre-polling environment for HoR and PA elections-2022.

### 3. Electoral Candidacy: Females under-represented in FPTP elections

The candidacy for the First Past the Post (FPTP) electoral system for the 165 federal constituencies and 330 provincial constituencies have been finalized. A total of 2637 candidates are contesting under FPTP electoral system for federal and provincial elections. Female candidates (225 nos.) comprise less than 10% of total candidacy in the FPTP elections. Of the total 87 registered parties only 61 are contesting under the FPTP electoral system. Likewise, a significant number of individuals are contesting as independent candidates (approx 30%) in the election this term.

The status of female candidacy under the FPTP electoral system in the PA elections is also similar to HoR elections. Of the total 3224 candidates under the FPTP electoral system in the PA elections only 8.7 percent are female.[2] Also, there is one candidacy from gender minority group contesting under FPTP electoral system in Madhesh Province.

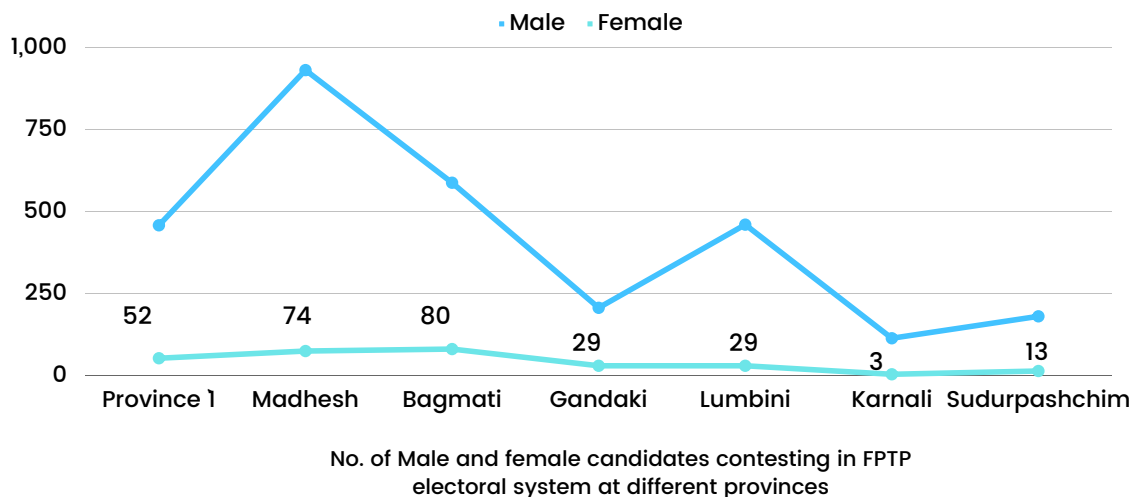
Though the candidacy under PR electoral system is yet to be finalized, preliminary statistics released by the ECN based on



Proportion of Male and female candidates contesting in FPTP electoral system, in HoR and PA elections-2022

the closed list submitted by parties for HoR and PA proportional elections shows slightly higher candidacy of females than male. For the PR electoral system in federal elections, only 47 parties have submitted the closed list of candidates with 1313 female and 1089 male candidates. Similarly there are 2426 female and 1629 male candidates contesting under the PR electoral system in the provincial assembly elections.[3]

The higher numbers of female candidates under the PR electoral system is particularly due to the article 84(8) of Constitution of Nepal-2015 that mandates each political party in HoR and PA to have at least one third of the total members to be female.[4] To fulfill this provision, the political parties are found resorting mostly on the proportionate list of candidates rather than fielding more women candidates in direct elections.



No. of Male and female candidates contesting in FPTP electoral system at different provinces

### 3.Election Security: Mechanisms in place to tackle identified challenges

Election Security has remained a top priority of the ECN and the government with regard to the preparation for the November 20 election. In this regard the Nepal Government has prepared a Unified Security Plan for the election and formed different mechanisms including Central Command Post, Central Unified Election Cell, Home Ministry Election Cell under the lead of senior Home Ministry officials for managing election security.

The government is deploying all four security agencies Nepal Army, Armed Police force (APF), Nepal Police and the National Investigation Department (NID) for election security. These include 71,693 regular police personnel and 115,000 temporary police personnel. Compared to the May 13 local level election, the government is mobilizing 25,000 more police personnel, including 15,000 temporary police in the upcoming election. [5]

The government has allocated a budget of Rs 7.994 billion to the Nepal Police for election security which will go into hiring and recruiting the regular and temporary police and buying vehicles.

Of the total budget, Rs 1.235 billion has been allocated for Nepal Police while Rs 5.86 billion has been appropriated for temporary police personnel to be hired for the purpose of the elections. According to the Nepal Police Headquarters, it is planning to deploy a total of 2,795 vehicles during the election. [6]

The Central Security Committee of the government has identified a few challenges to the election security including the challenge of holding the election in a single phase. Intra-party dispute and conflicts between different factions within parties and possible conflict arising from political rivalry over electoral issues between competing political parties could also pose a serious threat to election security.

Besides these, some small communist parties have decided to boycott and oppose the election. Although these parties do not hold significant nationwide influence, they could pose security threats to the election in some places. [7]

## 4. Code of Conduct: ECN off to an active role in its implementation

The ECN on August 29 published the Election Code of Conduct for the upcoming House of Representatives and Provincial Assembly Elections in the Nepal Gazette and directed the government at all three levels to make necessary arrangements for the implementation of the Code of Conduct. The Code of Conduct has come into effect from September 29 and the Election Commission is closely monitoring the activities of different stakeholders to uphold the Code of Conduct.

The Code of Conduct applies to political parties and candidates, security bodies, security officials, government employees of all tiers, observer organizations and observers, development partners, media, and voters among others and clearly specifies what they can and cannot do during the election cycle. It guides the conduct of different aspects of the electoral process including candidate expenditure, campaigning, election security among others to ensure the election is held peacefully in a free, fair, and transparent manner.

In line with its goal to strictly implement the Code of Conduct, the ECN has been monitoring the activities and seeking clarification from a range of stakeholders found violating the Code of Conduct that includes: incumbent ministers[8], candidates, parties[9], government employees, and local representatives[10].

The Code of Conduct for the local level elections held on May 13, 2022 required the candidates to submit their expenditure details to ECN within 30 days of the completion of election. However 90 percent (1,23,624 nos.) of the total 1,37,043 candidates failed to submit the expenditure in the provided time and incurred a penalty as per the Election Commission Act-2073.



Among those candidates who failed to submit the expenditure, 429 candidates of different parties are found listed on the closed list of proportional candidates. The ECN has provided them time until October 22 to pay the penalty amount, with a directive that failure to pay the amount would lead to cancellation of their candidacy in this election. [11]

The Code of Conduct allows the candidates to start campaigning for election and organize rallies only 17 days before the polling day. However, it allows the candidates to do house-hold campaigns (without assembling more than 25 individuals) after their nominations. Also the code prohibits conducting vote surveys for any or all constituencies after the election symbols are provided to the candidates. [12]

The ECN has allocated an upper ceiling of expenditure that parties and candidates can spend in different constituencies while contesting in elections. The amount is calculated mathematically using three parameters: population of the constituencies (60%), number of polling centers in the constituency (20%), area covered by a particular constituency in that geographic area (20%). The expenditure ceiling of candidates ranges from 25 lakhs to 35 lakhs for different constituencies in HoR elections and 17 lakhs to 23 lakhs in PA elections respectively.

The ECN has also decided to use the local structures of Nepal Police and National Investigation Department in monitoring the expenditure of individual candidates along with the compliance of the Code of Conduct. There are two tiers of monitoring committees formed at the district level and central level to monitor the compliance of the code. Also, a different monitoring mechanism is formed under the head of the District Treasury Controller Office to monitor the expenditure of the candidates.[13]

The Code of Conduct includes diverse subject areas that widens the scope for monitoring activities. It therefore requires a strong commitment towards the Code of Conduct from all the electoral stakeholders and a strong realization that the document is not merely a window dressing but a living document whose compliance provides legitimacy for the elections.

## 5. General Political developments during the period

### 5.1 . Protests over Citizenship Amendment Bill

The non-ratification of the Citizenship Amendment Bill by President Bidhya Devi Bhandari on September 20 sparked a wave of political protests. The bill which sought to amend the Nepal Citizenship Act, 2063 (2006) had reached the President's table for ratification the second time after the President sent back the bill to the House of Representatives (HoR) earlier on August 14 for review.

The HoR again endorsed the bill without making any changes to it and sent it back to the President on August 18, 2022 for ratification.

According to provision the bill would have been converted to law if the President had ratified it within 15 days after she received it from the HoR. But the President refused to sign the bill sparking a wave of political protests.

Members of the ruling coalition parties and many Madhes based parties launched protests against the President's refusal to sign the bill, inciting fear that the row could affect the preparations for the election in November. The protests however subsided within weeks and political parties swung into the electoral preparations.



## 5.2 Government withdraws cases against Biplav-led Nepal Communist Party (NCP) leaders

The Lalitpur District Court on August 1 issued an arrest warrant against the cadres and leaders of the Netra Bikram Chand aka Biplav-led Nepal Communist Party (NCP).[14]

Following this the NCP accused the government of violating the accord it had reached with the previous government in 2021. NCP accused the government of

seeking a confrontational path and launched a series of protests against the decision. The government on September 12 through the meeting of the cabinet of ministers decided to withdraw cases against Biplav.[15]

NCP welcomed the government's decision and expressed its commitment to engage in peaceful politics as agreed on a three point deal with the Nepal government.

## 5.3 Parties opt for electoral alliance

Activities of the political parties during this period were focussed on assessment of their political strength and influence in different constituencies, finalizing the candidates and scouting favorable electoral alliances with other parties. While the district committees of the parties sent the recommendation of candidacy representing the constituencies in their districts, the central leadership exercised the final authority to make decision regarding distribution of electoral tickets.

In most political parties, the distribution of tickets was based on different factors including the aspirants' contribution to the party, loyalty of aspirants to a certain political faction, and the obligation of parties to accommodate electoral seats as per the agreement in electoral alliance.

The cadres and aspirants who were denied electoral tickets, were found expressing their dis-satisfaction by quitting the party membership or filing independent candidacy or in some instances by padlocking and staging sit-in at the party office.

The political parties also showed a general tendency to take part in elections by forming an alliance rather than contesting alone. The process of forming these alliances was primarily based on the give and take of electoral seats through multiple negotiations between parties rather than similarities on political ideologies.

## 6. Trend of political contests surrounding the election

Political contests around the election have remained mostly peaceful during this period with few instances of political disputes. Nepal Monitor recorded the following cases of election related disputes from September 1 to October 15.

Rupandehi, October 14, 2022: Supporters of an aspirant for independent candidacy for the upcoming parliamentary election from Constituency No 2 of Rupandehi staged a sit-in before the office of the Election Officer in Butwal after the office canceled his candidature.

Nawalparasi East, October 12, 2022: Cadres of CPN-UML clashed with CPN-Maoist cadres over a dispute regarding withdrawal of nomination of the CPN-Maoist candidate in East Nawalparasi.

Lalitpur, September 28, 2022: Nepali Congress party cadres led by Shekhar Koirala staged a sit-in in front of the party office in Lalitpur on September 28 demanding equal opportunities for cadres from their faction in the upcoming election.

Makawanpur, September 9, 2022: The cadres of CPN UML padlocked their district office in Makawanpur on September 9 condemning the decision of party's central committee to withdraw the party's candidacy in Electoral Constituency No 1 of the district and support Ra.Pra.Pa candidate Kamal Thapa.

Kathmandu, September 5, 2022: CPN-UML's Budhanilakantha municipal committee in Kathmandu picketed Election Office over removal of names of their supporters from voter's list. The residents of Budhanilkantha led by CPN-UML Budhanilkantha Nagar Committee team surrounded the District Election Office Kathmandu accusing the election office of removing UML supporter's names under the pretext of removing fake names.

## End Notes

- [1] <http://rajpatra.dop.gov.np/welcome/book?ref=25066>
- [2] [shorturl.at/eIJU9](http://shorturl.at/eIJU9)
- [3] Election Commission, Nepal | Facebook
- [4] [http://www.moljpa.gov.np/wp-content/uploads/2017/11/Constitution-of-Nepal-\\_English\\_-with-1st-Amendment\\_2.pdf](http://www.moljpa.gov.np/wp-content/uploads/2017/11/Constitution-of-Nepal-_English_-with-1st-Amendment_2.pdf)
- [5] <https://english.khabarhub.com/2022/30/270268/>
- [6] <https://nayapatrikadaily.com/news-details/93506/2022-08-16>
- [7] <https://www.nayapatrikadaily.com/news-details/96702/2022-09-26>
- [8] <https://election.gov.np/admin/public//storage/HoR/Press%20release/6-30.jpg>
- [9] <https://election.gov.np/admin/public//storage/HoR/Press%20release/final%20ni.pdf>
- [10] <https://election.gov.np/admin/public//storage/HoR/Press%20release/6-26.jpg>
- [11] <https://ebulletin.election.gov.np/2022/10/347/>
- [12] <https://election.gov.np/admin/public//storage/6-27.jpg>
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- [14] <https://english.onlinekhabar.com/lalitpur-arrest-warrant-biplav.html>
- [15] <https://www.onlinekhabar.com/2022/09/1191381>