

# House of Representatives and Provincial Assembly Elections 2022

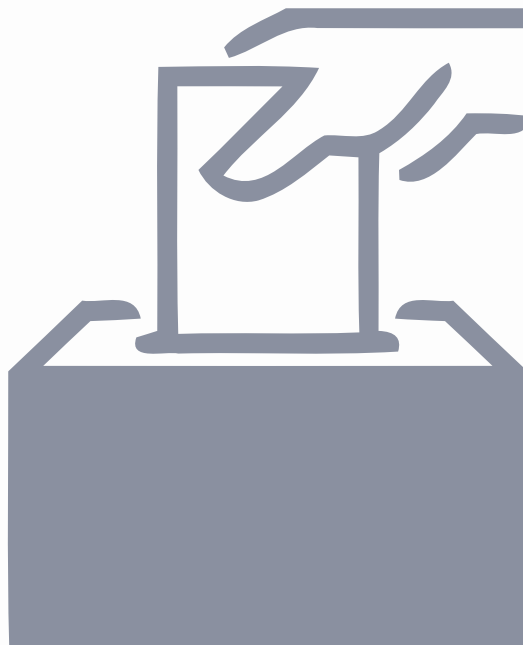


Periodic Update  
(October 16 - 31)



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# 1. Overview of Electoral Environment

This period from October 16 to 31 experienced an increased momentum in election related activities with the polling date on November 20 in vicinity. Besides starting electoral campaigns in their constituencies, political parties and independent candidates also released their election manifestos and commitment papers explaining their political agendas and vision, national plans and policies to garner voter's support.

During this period, the Election Commission (EC) Nepal engaged in making preparations for the elections including printing and transporting of ballot papers, orienting electoral stakeholders like media, election observers among others and educating voters especially through digital platforms. The EC also continuously engaged in enforcing the election code of conduct during this period.

The electoral environment was mostly dominated by discussion and analysis of candidates (nominated in different constituencies both from different political parties and contesting independently), their competing candidates, and probability of their victory. Cases of candidates, political party leaders and their supporters engaging in unhealthy personal exchanges, spreading misinformation and hatred towards rival candidates especially on digital platforms were also seen.[1] Online campaigns like “No Not Again” directed against established political leaders and advocating for their alternative, also drew significant public attention.[2]



Apart from digital rows, the electoral atmosphere remained mostly calm leaving few instances of inter-party clashes during household campaigns. Also, the protest programs announced by small communist parties[3] who decided to boycott the House of Representatives (HoR) and Provincial Assembly (PA) elections did not cause any negative stir in the electoral environment.

Nepalmonitor recorded only 4 incidents during this reporting period that were mostly non-violent in nature. There is a sharp decline in the number of incidents recorded by Nepalmonitor compared to 2017 HoR and PA elections which were dominated by use of IEDs targeting the candidates and the campaign events. During 2017 federal and provincial elections, Nepalmonitor recorded more than 90 and 55 incidents of use of IEDs, and clashes respectively during the campaigning period.[4]

## 2. Parties and candidates roll out first phase of electoral campaigns

The parties and candidates started to roll out the first phase of the electoral campaigns after nomination of candidates on October 12 under the First Past the Post (FPTP) electoral system for both the federal and provincial assembly elections.[5] The first phase of the campaign was limited mostly to household visits by candidates as the election code of conduct prohibited mass assemblies, corner assemblies, and publishing or broadcasting appeals for votes in communication media before November 3 i.e. before 17 days from the polling date.

Though the political environment during the first phase of campaigning remained calm, there were complaints against many candidates, parties, and other stakeholders for violating code of conduct. The EC sought clarification from many stakeholders including candidates for violation of election code that included participation of more than 25 persons in campaigning[6], use of banners and party flags in public vehicles[7], providing donations to schools[8], giving statements against the code of conduct[9], and using children while campaigning[10], among others.

The political parties and candidates also released their election manifesto announcing their policies and programs. These manifestos have promises of massive economic growth, creation of hundreds of thousands of new jobs along with increasing access to quality health and education.

Manifesto of some parties also have agendas related to constitutional amendment on state restructuring, governance system with directly elected President, along with call for reinstating monarchy in Nepal.



Despite agreements to field joint candidates, the parties in electoral alliances have issued separate manifestos. For instance in the ruling coalition, CPN (Maoist Center) have agendas of directly elected President whereas Nepali Congress advocates for improving the current federal parliamentary system. Also in another alliance, Rastriya Prajatantra Party has agendas of reinstating monarchy whereas CPN UML doesn't support such agenda.

This difference in agendas, though contesting together in coalition already makes the realization of election manifestos fuzzy. Nonetheless, it provides a ground upon which voters can question leaders about previous commitments, their fulfillment, and the current agenda.

### 3. Implementation of Code of Conduct: Effective amid challenges

The EC started actively monitoring the code of conduct for the House of Representatives (HoR) and Provincial Assembly (PA) after it came into effect from September 28. Monitoring of the election code in the physical environment was found focused on statements and speeches of candidates and political leaders, use of resources, and campaigning.



Action against reported code of conduct violations were mostly limited to issuing warnings and seeking clarification. The EC sought clarification from more than 60 people including candidates, political party leaders, government ministers, public office holders, elected representatives at local levels and ordinary citizens since the election code came into effect.

In the light of growing use of social media platforms like Twitter, Facebook, and Tiktok for election campaigning and political activity, the EC has placed special emphasis on monitoring the digital environment including social media platforms in a bid to control misinformation, disinformation and hate speech surrounding the election through these mediums.

In this regard the EC officials held a meeting with representatives of Meta,

the parent company of popular social media platform Facebook on October 17 to discuss possible cooperation to control hate speech, misinformation, and disinformation through the platform during the election.[11]

On October 25, the EC issued a press release saying that it had taken cognizance of 3 different Facebook campaigns “No Not Again”, “NO NOT AGAIN”, and “No. Not Again” engaging in publishing misleading and biased contents and giving offensive statements against candidates vying in the upcoming elections. The EC warned those running these campaigns to disable them or face stringent action for alleged violation of the election code of conduct. Later on October 28 the EC held a meeting involving officials and experts to discuss its concerns over the acts of these campaigns and a task force of the EC was ordered to start a search operation to find those responsible for the controversial campaign in social media.[12]

Around the same time, Facebook disabled a popular Nepali Facebook group Men’s Room Reloaded (MRR) primarily formed to discuss men’s issues and share jokes and other posts on social issues for alleged violation of community guidelines.[13]

Although there was no clarity regarding which community guideline MRR had violated, its admin speculated that it could have been disabled at the behest of EC for promoting political agendas.

These cases have also raised debate over whether the election commission's actions overstep its mandate and obstruct citizens' rights to freedom of expression and engage in political criticism of political leaders. On October 31, a senior advocate also filed a writ against the EC's call for

prosecution of "No Not Again" campaign under cyber-crime stating that the EC's action sought to silence citizens by threatening to criminalize them for exercising the fundamental rights of freedom of expression bestowed to them by the constitution.[14]

## 4. Breach of Election Act and Code of Conducts sees hundreds of candidacy revoked

The Election Commission canceled the candidacy of 550 candidates from the pool of 6457 candidates registered by parties to contest under Proportional Representation electoral system for both the HoR and PA elections citing the breach of election law and election code of conduct.[15]

The EC had called 429 candidates of different parties listed on the closed list of proportional candidates who also contested in local elections in May, to pay the penalty amount incurred for failing to submit the local election expenditure details by October 22. Of them, the EC revoked the candidacy of 369 candidates who failed to pay the penalty within this deadline.

The remaining 181 candidates were removed from the closed list for reasons that included candidates not reaching the required age bar, nomination from multiple parties, not registering in the voter list, failure of candidates to submit required documents, candidates being black-listed by the government, and candidates holding public office among others.

The EC also revoked the candidacy of a candidate contesting in HoR election under FPTP electoral system in region no. 3 of Lalitpur district on October 29, citing the election act that prohibits individuals holding positions of benefit to contest in elections. The candidate is an elected member at Nepal Medical Council. The candidate had however asked the EC on September 12, 25 days prior to nomination date about legitimacy of candidacy, provided that she only received meeting allowance and no other facilities from the council. The EC however didn't respond to the inquiry earlier and declared her as one of the candidates in that constituency.[16]

EC later canceled the candidacy after receiving a complaint, when the candidate was campaigning for the election. The matter was taken to the supreme court by the candidate which gave a verdict to uphold the candidacy.[17] This case drew a significant controversy and also raised questions about the intent of the election commission.

## 5. 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 October 16 to 31.

Bhaktapur, Makawanpur October 18: Police arrested three cadres of Nepal Communist Party (NCP Majority), a break-away faction of Netra Bikram Chand aka Biplav-led CPN (Communist Party of Nepal) from Madhyapur Thimi of Bhaktapur and Hetauda of Makawanpur or engaging in painting messages on wall against the upcoming election.

Bajhang, October 27: Four people were injured in a clash between the cadres of CPN-UML and Nepali Congress in Bajhang over election campaign-related dispute

Sindhupalchowk, October 30: Prahlad Chaulagain, a central member of Young Communist League (YCL), a youth organization of the CPN (Maoist Center), issued a threat to finish those who opposed the Left-Democratic Alliance in the upcoming election by posting a message on the wall of his Facebook profile.

Kathmandu, October 31: Supporters of Dr. Tosima Karki of Rastriya Swatantra Party stage demonstration in Kathmandu against Election Commission. The Election Commission revoked her candidacy in HoR election under FPTP electoral system from region no. 3 of Lalitpur district on October 29, citing the election act that prohibits individuals holding positions of benefit to contest in elections. The candidate is an elected member at Nepal Medical Council.

## End Notes

[1]<https://nepalmonitor.org/reports/view/40057>

[2] EC set to crackdown 'No, Not Again' campaign in social media - myRepublica

[3] [The four other communist parties namely Nepal Communist Party \(Revolutionary Maoist\), Nepal Communist Party \(Bahumat\), Nepal Communist Party \(Masal\), and Maoist Communist Party have decided to boycott the election and released a schedule of protest programs against the election](#)

[4] [https://prezi.com/kqgdp-6\\_lcbn/violence-monitoring-during-nepals-election-2017/](https://prezi.com/kqgdp-6_lcbn/violence-monitoring-during-nepals-election-2017/)

[5] Election Commission Nepal

[6] The EC sought for clarification with a candidate of HoR election from region no. 1 of Kanchanpur district of CPN (Maoist center) for conducting household campaigns involving more than 25 persons. उम्मेदवार विना मगरलाई स्पष्टीकरण - Election Commission Nepal

[7] The EC sought clarifications with a candidate of HoR from region 3 of Dhanusa of CPN (UML) about hanging flex with photo appealing for votes in local auto rickshaw. नेकपा एमालेका उम्मेदवार जुली कुमारी महतोलाई स्पष्टीकरण - Election Commission Nepal

[8] The EC sought clarification with HoR candidate of Nepali Congress from Parbat District and the principal of a local highschool about distributing the educational materials to a local high school after the election code of conduct came into effect. काँग्रेस उम्मेदवार जोशीलाई स्पष्टीकरण - Election Commission Nepal

[9] The EC received video content where a candidate of provincial assembly election from region no. 2 of Manang district was saying "The election commission had set the limit of election expenditure about 30 lakhs, 33 lakhs.. Who can win an election in Nepal by spending that minimum? People drink alcohol worth 15 lakhs while going for nomination in Manag." गण्डकी प्रदेशका युवा तथा खेलकुद मन्त्री एवं मनाङ ख का प्रदेश सभा सदस्य उम्मेदवार राजिव गुरुङलाई स्पष्टीकरण - Election Commission Nepal

[10] EC asked for clarification with the HoR candidate of CPN UML from Pyuthan district for using children in election campaigns. नेकपा एमालेका उम्मेदवार सूर्य बहादुर थापा क्षेत्रीलाई स्पष्टीकरण - Election Commission Nepal

[11]<https://www.onlinekhabar.com/2022/10/1206686>

[12] EC set to crackdown 'No, Not Again' campaign in social media - myRepublica

[13]<https://english.onlinekhabar.com/elections-facebook-disables-mrr-group.html>

[14]<https://www.onlinekhabar.com/2022/10/1211317>

[15] Election Commission Nepal

[16] Toshima Karki Facebook post

[17]<https://deshsanchar.com/2022/10/30/722565/?fbclid=IwARIMuCBHXDoU8c2S6xP5L4lJwdfFYDoghLUhRAIjdHgzyqRqgF8nXcGKY>