

House of Representatives and Provincial Assembly



By-Election 2023 Update

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Overview of By-election 2023

The By-election was held in three different constituencies, namely Tanahun-1, Bara-2, and Chitwan-2 on April 23 as provisioned by Constitution of Nepal-2015- Article 84(7),[1] and Member of House of Representative Election Act -2017 Article (68). [2] Article 84(7) of the constitution has the provision for fulfilling the vacant seats in HoR, that is by-election will be held if any seats remain vacant with 6 months left for the tenure of House of Representatives (HoR), which is further explained by the Election Act-2017.

The elections were held in the constituencies Tanahun-1, and Bara-2, as the elected Member of Parliament (MPs) in these constituencies got nominated respectively as the President[3] and Vice-President[4] of the country making the directly elected seats vacant. The By-election was mandated in Chitwan-2, as the supreme court removed the candidate elected in that constituency from both the position of Deputy Prime Minister and Home Minister, also revoking the member of parliament in a lawsuit filed claiming violation of citizenship laws by the candidate.[5] Though the candidate claimed to have relinquished US citizenship in 2018, the court said that he had not followed the due process.

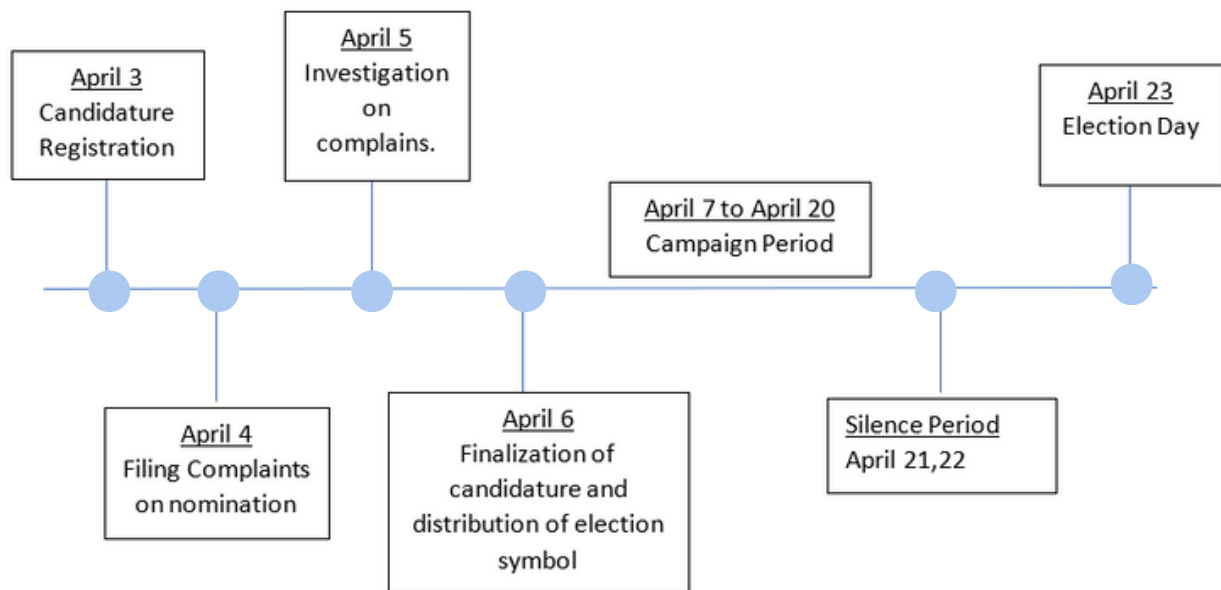
In this context, the Election Commission of Nepal (ECN) announced by-election together in these three constituencies to be held on the same date, that is, April 23.



As per the election timeline, candidature registration was called for April 3 in all three constituencies.

A total of 69 candidates including parties and independent candidates contested in the elections. Thirty six candidates contested in Bara-2, among which 12 were from different parties and 24 contested individually. In Chitwan-2, there were 24 candidates, 12 each from parties and contesting individually. Only 9 contested in Tanahun, for the vacant post. [6]

After investigating the complaints in the candidature registration, the candidates were finalized and given electoral symbols on April 6. The campaigning for elections started from April 7 and lasted till April 20, leaving the next two days, April 21 and 22 as silence periods with voting slotted for April 23, which is also presented by the timeline below.



Timeline of By-election-2023

Electoral Environment: Peaceful and Well executed

The ruling parties opted for a pre-poll alliance to contest in this By-election, fielding the candidates from Nepali Congress party in Chitwan and Tanahun; and candidates from Janata Samajwadi Party in Bara, as common candidates. CPN UML, which came second during the elections in November contested individually in all three constituencies.

Rashtriya Swatantra Party (RSP) that emerged as the fourth largest and a new parliamentary force during the November elections, fielded an ex-cadre of Nepali

Congress in Tanahun as its candidate, who quitted the party some days before the candidature registration.

The popular economist, who was also a central figure in preparing the election manifesto of Nepali Congress in the main election, claimed to be devoid of electoral opportunities in Nepali Congress.[7] Likewise, in Bara RSP fielded a popular policeman and currently the chairperson of Nepal Sushasan Party, who had also contested in the main election from Kathmandu constituency-2. [8]

The By-election became a contest primarily between the established political forces and newly formed political actors like RSP and Janamat Party. Apart from the regular household campaigns, the parties centered their entire party mechanisms and senior party leaders in these By-election by mobilizing the mass assemblies at all the electoral constituencies.

Though the By-election was held in only three electoral constituencies of the total 165, it drew a lot of interest and was seen as a battle of prestige by the traditional forces and as an opportunity to further advance their political influence by new political forces. These contests between the old and new political forces largely impacted the political environment nationally, and more so due to the huge influence of online and social media. Social media became an easy medium of spreading hate among rival candidates, by using computerized videos, and spreading fake news, often requiring the candidates and the parties to clarify.[9]

Like during the main elections, the ECN made efforts to monitor the upholding of Code of Conduct[10] in the By-election, both physically and virtually. ECN asked for clarification with the candidate of RSP in Tanahun for sharing the vote appeal digitally[11] after the end of campaign period. It also sought clarification from the candidate of Nepali Congress in Tanahun for sending voice messages canvassing votes in his favor during the silence period. Likewise, clarification was sought from the candidate of RSP in Chitwan for sloganeering at the voting center[12]. In another stance, ECN

also asked clarification from the Chiefminister of Madhesh Province for visiting areas inside electoral constituencies in Bara on the polling day.[13]

The voter turnout rate in all three constituencies during the byelections was comparable to main elections, with Chitwan-2 experiencing the highest fall (approx 5%) from 67.63% to 63%. Bara-2 recorded a minimal increase to 64% from 63.5% in main elections, whereas slightly less voters turned out (53%) in Tanahun-1 as compared to main elections(54.03%).[14]

Counting of votes was also completed within 48 hours at all the electoral constituencies. Requiring to conduct elections in only three constituencies certainly eased preparations for ECN, however the specificity in electoral protocols including smaller ballot papers including only specific and required electoral symbols in the ballot paper also significantly reduced the percentage of invalid votes to 1.51% (Tanahun 1.81%, Chitwan-1.52%, and Bara-1.20%) from around 5% in the main elections.

To conclude, amidst the electoral exuberance, different phases of election starting from candidature registration, campaign period to polling day and post election activities were well executed upholding democratic norms and practices.

Trend of political contests surrounding the election

Despite bitter political rivalry between the old established parties like Nepali Congress, CPN-UML and Janata Samajwadi Party and recently formed parties like Rashtriya Swatantra Party (RSP) and Janamat party, electoral contestations during the Bi-weekly election remained mostly limited to verbal personal attacks, political spats. Incidents of physical confrontations between candidates and their supporters like during the local and the HoR and PA election was not witnessed during the By-election. This shift in tone may indicate a maturation of political process as well as belief in and embrace of peaceful democratic electoral process by political parties in Nepal.

Following are the incidents of electoral contestations recorded during the Bi-election.

Bara, April, 23: Police arrested four persons from the voting center at Kalyanpur in Devtal Rural Municipality-2 of Bara on the charge of attempting to disturb the voting process. Voting continued normally after the incident.

Chitawan, April 23: Voting was briefly halted in the voting center in Krishnapur Secondary school of Bharatpur municipality-7 of Chitawan on the election day after cadres of other political parties protested citing that Rashtriya Swatantra Party candidate Rabi Lamichhane had violated the election code of conduct.

Chitawan, April 23: Voting process under the by-election was briefly suspended at a polling center in Narya Kiran Secondary School polling center of Chitwan electoral constituency no 2 as the leaders and cadres of rival political parties protested, saying supporters of Rashtriya Swatantra Party's candidate Rabi Lamichhane chanted slogans as he turned to the polling booth.

Representatives of the rest of the political parties accused the Rashtriya Swatantra Party candidate of violating the election code of conduct by carrying out sloganeering. There was a brief scuffle between supporters of other parties and RSP.

Tanahun, April 21: Rashtriya Swatantra Party candidate of Tanahun Constituency 1 Dr. Swarnim Wagle's campaign vehicle which was parked in Byas Municipality-3 in front of Santosh Hotel was found vandalized on April 20 night. Jeevan Wagle, the father of candidate Wagle, said that a vehicle bearing the number plate of ba 11 cha 4250 was vandalized by an unknown group.

Outcome and Political Implication

The outcome of the By-election revealed a growing sense of anger, frustration and distrust of citizens with established parties as demonstrated by a major shift in voter sentiment in favor of new political forces like Rashtriya Swatantra Party (RSP) and Janamat Party.

Of the 3 electoral constituencies where By-election were held, the Rashtriya Swatantra Party (RSP) emerged victorious in two constituencies - Chitawan 2 and Tanahun 1, winning by a resounding vote margin against the closest candidates from the alliance of the ruling parties.

According to the Election Commission, in Chitawan constituency 2, RSP candidate won the seat by securing 54,276 votes against the 11,251 votes garnered by the closest rival candidate from the ruling alliance. Similarly, in Tanahun constituency 1, portrayed as its home-turf by Nepali Congress, RSP candidate defeated Nepali Congress candidate jointly fielded by the ruling alliance by securing 34,480 votes, a substantial margin of 14,388 votes. [15]

Meanwhile, in Bara constituency 2, although the Janata Samajwadi Party (JSP) candidate supported by an alliance of ruling parties - Nepali Congress, CPN-Maoist, and CPN-Unified Socialist - won the election, the Janamat party candidate came close, further indicating a growing disenchantment with traditional parties.

The outcome of the By-election not only highlights the growing appeal of new political forces, but also signals a potential transformation in the country's political landscape as citizens express their dissatisfaction with traditional parties and their inability to deliver on the promise of good governance, development and prosperity. It also serves as a wake-up call for established parties to do self-reflection, identify the causes of their disconnect from citizens and re-evaluate their strategies.

End Notes

- [1] <https://www.himalkhabar.com/news/134388>
- [2] <https://www.himalkhabar.com/news/134388>
- [3] <https://kathmandupost.com/politics/2023/03/09/ram-chandra-paudel-is-new-president>
- [4] <https://kathmandupost.com/national/2023/03/17/ram-sahay-prasad-yadav-elected-vice-president>
- [5] <https://www.aljazeera.com/news/2023/1/27/nepals-deputy-pm-rabi-lamichhane-sacked-over-citizenship-law>
- [6] <https://ekantipur.com/news/2023/04/04/168057026459683952.html>
- [7] <https://kathmandupost.com/national/2023/03/30/economist-swarnim-wagle-quits-nepali-congress>
- [8] <https://www.setopati.com/politics/298428>
- [9] <https://www.facebook.com/sobitagautm/posts/pfbid0LuGt49e67iYcgVmSGz7MaJvB5fP7ZQ3iZ4xQfG7fnLRLwjP2MgtRWiE7pC17C2jol>
- [10] <http://noc.org.np/publicView/fileData/1671>
- [11] <https://ebulletin.election.gov.np/2023/04/2476/>
- [12] <https://nepallive.com/story/306475>
- [13] <https://ebulletin.election.gov.np/2023/04/2466/>
- [14] <https://www.bbc.com/nepali/articles/cl4zle0e4zro>
- [15] <https://english.onlinekhabar.com/rabi-lamichhane-wins-chitwan-2-bypoll.html>