

Local Level Election

Background

The Election Commission implements different Guidelines and Codes of Conduct for a fair and clean election. The periodic elections are considered the soul of democracy. Democracy is the rule of sovereignty for the people. Democracy is the political system governing civilians by maintaining the rule of law. Therefore, periodic elections are inevitable in a democracy. Voting in elections is a sovereign and fundamental right of the people. Only with a clean, credible, ethical and fraud-free election can the people choose the right representatives. Fair elections can help strengthen and develop the democratic system. Local Level Election, 2079 monitoring report has included the description of the situation before the day of candidature (April 24, 2022).

Previously, the local level election was held in three phases for the new structure of the local level government. It was held on May 14, 2017, June 28 and September 18. After the promulgation of the new Constitution on September 20, 2015, after which the structure of the three-tier government became operational. The local level government reaches the doorsteps of the civilians as the foundation of the. There are 753 such governments in the country.

Details of Local Level

Province	Metropolitan	Sub-Metropolitan	Municipality	Rural Municipality	Local Level	Number of Wards
One	1	2	46	88	137	1167
Madhes	1	#	73	59	136	1271
Bagmati	3	1	41	74	119	1121
Gandaki	1	0	26	58	85	759
Lumbini	0	4	32	73	109	983
Karnali	0	0	25	54	79	718
Sudurpaschim	0	1	33	54	88	734
Total	6	11	276	460	753	6743

Announcement of Date and Preparation for the Local Level Election

The current government is led by Sher Bahadur Deuba, a member of the House of Representatives and the Chairperson of the Nepali Congress. Deuba had announced that local level elections would be held on May 13, 2022. Although the previous local elections were held in three phases, this time the government has announced to conduct the elections in all the 753 local levels of the country on the same day.

Code of Conduct of the Election

The periodic election provides the opportunity for the citizens to choose the political party of the leader of their choice. It also gives an opportunity to the political parties to present their policies and get approval from the citizens. This is the second local level election after the promulgation of the constitution made through the Constituent Assembly. After the local level elections in 2054 BS (1988 AD), local level elections were not held for 20 years due to

political instability in the country. After the local level election held in 2074 BS, this election is the regular one.

Election becomes important to the public when it is clean, impartial and fear-free. A code of conduct has been issued by the Election Commission to conduct the election in a clean, independent, impartial, transparent and credible way. The Code of Conduct was issued on April 8, 2022, using the authority given by Article 22 of the Election Commission Act, 2073 BS and should be followed by the stakeholders.

It is the responsibility of the political parties to follow the Code of Conduct while it is the duty of the Commission to make them follow it. The responsibility of following the code of conduct is not just limited to the political parties. It has to be followed by almost everyone involved in every sector, profession and business. The points to be followed in the Code of Conduct can be different however Article 3 of the Election Code of Conduct 2078 states that everyone should follow the points of the code of conduct to be followed. The Election Commission has issued a code of conduct using the authority provisioned by Article 22 of the Election Commission Act, 2073 BS with effect from April 8, 2022. The following basic subjects have been in the Code of Conduct:

Code of Conduct for the use of resources

- No resources and property of the Government of Nepal, public institutions, local * level or any projects shall be used or cause to be used by the candidates or political parties to their interest or against the interest of others;
- No procession or mass meeting, rally, assembly, gathering or campaign shall be organized or cause to be organized on the premises of government buildings or educational institutions,
- No political activities or campaigning shall be carried out or cause to be carried out into private houses and land without obtaining the consent of owners of such houses and land;
- Establishments, inaugurations, surveys, studies or monitoring of any project is allowed during this period,
- Parties and candidates may, with the permission of the Election Officer, use a maximum of two two-wheelers or three-wheelers or four-wheelers or up to four horses in the places where vehicles do not reach.

Code of Conduct for Publicity

- Symbolic materials such as clothes, cap, sticker, logo, bag and tattoos that contain the election symbol of any candidate or political party shall not be allowed or cause to be allowed to use, sell or display;
- No election campaign shall be carried out or cause to be carried out by undermining the feelings or character of senior citizens, women, queer community or persons with disability;

- No procession or mass meeting, rally, assembly, gathering or campaign shall be organized or cause to be organized by causing obstruction to public transportation
- Social Media shall not be used for misleading propaganda from real or fake accounts
- No print or broadcast media shall be used for hate speech or tampering
- No children shall be used or cause to be used in election campaigns, mass meetings and rallies.

Facts Related to Violation of Code of Conduct

S.no	Types of Violation of Code of Conduct	Accused of Violation
1	Use of Photos in Poster	Staffs and CPN Maoist Centre
2	Use of Children in General Assembly	CPN Socialist
3	Fraud in Submitting Expenses to the Election Commission	Cadre of Nepali Congress
4	Fraud in Submitting Expenses to the Election Commission	Cadre of CPN Maoist
5	Participation in the Process of Election Publicity	Teacher of Government school
6	Distribution of Saree	Chandragiri Municipality- 8 office

Voters and People's Representative

In the previous election held in 2074 BS (2017) in three phases, 753 people's representatives were elected. The Commission is making necessary preparations to conduct the local level election announced by the government for the second term on May 14, 2022. The election process is also on its way. The work of updating the voter list and updating voter identity cards with photo, the printing of ballot papers, finalization of polling stations, issuance of election code of conduct, and issuance of election observation guidelines have been completed. According to the Election Commission, the work required for conducting the election has reached the final stage. This election will simultaneously elect 36,728 people's representatives from the local level from there the daily work of the people will be performed.

There following positions will be elected in the upcoming election:

- Metropolitan Chief- 6
- Metropolitan Deputy Chief- 6
- Sub-Metropolitan Chief- 11
- Sub-Metropolitan Deputy Chief- 11
- Municipality Chief (Mayors)- 276
- Municipality Deputy Chief- 276
- Rural Municipality Chief- 460
- Rural Municipality Deputy Chief- 460
- Ward Chairperson- 6,743
- Ward Member (Female)- 13,486

- Ward Member- 13,487
- Members from Dalit and Minority Community in Rural Municipality (Two)- 920
- Members from Dalit and Minority Community in Municipality (Three)- 586

Number of Voters in the Local Level Election 2079

Province	Number of Voters			
	Female	Male	Queers	Total Number of Voters
One	1647561	1699800	23	3347384
Madhes	1533158	1797945	67	3331170
Bagmati	1707942	1704898	29	3412869
Gandaki	924948	864452	11	1789411
Lumbini	1601352	1618073	32	3219457
Karnali	495099	506180	3	1001282
Sudurpaschim	831470	800662	18	1632150
Total	8741530	8992010	183	17733723

According to the commission, there are 17,733,732 adult voters among them 8,992,010 male, 8,741,530 and 183 from the queer community. After collecting the votes from the given number of voters, 36,728 people's representatives will be selected. The Constitution and the Local Level Election Act have ensured inclusive representation of women, Dalits and minorities in local government. According to the commission, more than 40 percent women representatives will be elected in the upcoming election. The constitution has ensured 36 percent more women representatives. Out of the total elected representatives, 13,486 seats are reserved for women candidates.

Question of Women Participation

The Constitution has assured mandatory representation of at least two female ward members out of the four elected members. The Act also states that one out of the two mandatory female members has to be from the Dalit community. The representation of women will be further increased as the Act has provided that the parties running for elections for the posts of chiefs and deputy chief of both the municipality and rural municipality should be women candidates in one of the two positions. Women's representation is also likely to come from the open candidature.

With the Nepali Congress-led alliance on the one hand and the CPN-UML-led alliance on the other hand, discussions and consensus are going on to go to the polls and it is estimated that the participation of women in the process of registration of candidature may be less than in the previous election. It is estimated that the participation of women may decrease as

discussions are going on in the political circles with one party fielding claiming candidature for the position of chief and the other party for the post of deputy chief. Political leadership needs to be serious to ensure inclusive representation of citizens of all castes and genders as specified in the constitution. Political leadership needs to be serious to ensure inclusive representation of citizens of all castes and genders as specified in the constitution.

Security Provisions

All the three security bodies of the country, including the Nepal Army, have stated that they are fully prepared to make security arrangements including ensuring an environment for the voters to cast their votes in the local level elections without fear. The security agencies have completed their preparations as per the plan to make the security arrangements efficient, accurate and effective. The Nepal Army, Nepal Police, Armed Police Force and the National Investigation Department have been deployed for election security management as per the integrated security plan set by the government for the local level elections on the scheduled date. Nepal Police and temporary police recruited for election purposes will also provide security inside the polling stations. The Armed Police Force is responsible for the second level of security.

Voting Centres in terms of Sensitivity in the Local Level Election 2079

Province	Number of Voters				Local Level	Polling Centre	Polling Booth	Sensitive Polling Centres	
	Female	Male	Queers	Total Number of Voters				Very Sensitive	Sensitive
One	1647561	1699800	23	3347384	137	1877	4051	321	848
Madhes	1533158	1797945	67	3331170	136	2163	4189	1065	889
Bagmati	1707942	1704898	29	3412869	119	1792	4095	310	671
Gandaki	924948	864452	11	1789411	85	1253	2300	285	546
Lumbini	1601352	1618073	32	3219457	109	1629	3832	344	655
Karnali	495099	506180	3	1001282	79	907	1385	298	404
Sudurpaschim	831470	800662	18	1632150	88	1135	2103	327	410
Total	8741530	8992010	183	17733723	753	10756	21955	246	4423

Conclusion

Experts on democracy and elections have argued that if democracy is to be governed by the people, ruled by the people and for the people, then periodic elections should be the main pillar of democracy. The people are the supreme power of the state perhaps the country should be governed by the representatives chosen by the people of their own will.

The periodic election is the most effective, legal, practical and strong medium to express the people's choice. Democracy gives the people the right to vote. If periodic elections are not held, the rights of the people will be violated and narrowed. A country without elections becomes an autocratic regime. Therefore, democracy must always know how to respect the people's right to choose a representative. Democracy needs to recognize and respect the rights of minorities as well. The election is an important evaluation of the legitimacy of the ruler. Therefore, elections should always be impartial and clean. Therefore, every effort is made to link everyone in the chain of code of conduct.

April 24, 2022



For human rights and social justice

Informal Sector Service Centre (INSEC)

Nagarjun Municipality-10, Syuchatar, P.O. Box: 2726, Kathmandu

Phone: 01-5218770, Fax: 01-5218251

Email: insec@insec.org.np Website: www.insec.org.np; inseconline.org