

Violation of Election Security and Code of Conduct

November 16, 2022

The election of the House of Representatives and Provincial Assembly is around the corner. With the imminent election, incidents of attacks on campaigners, workers and the vehicles involved in the campaigns have been documented in the districts including Darchula, Gorkha, Chitwan. Likewise, activities contrary to the code of conduct have come forward in various districts of the country. Starting from September 28, 2022, the Election Commission had implemented the code of conduct for forthcoming House of Representatives and Provincial Assembly elections. The Code of conduct published in the Nepal gazette one month before the election mandated the campaigning period start only 17 days prior to the voting day.

The election code of conduct has restricted the mobilization of more than 25 people for door-to-door campaigns. Further, it has prohibited the candidates from campaigning before 7 am and after 7 pm. The Commission has also banned the candidates from using more than 10 national flags during any rally or assembly conducted as a part of the election campaign. After the implementation of the code of conduct, no one will be allowed to display items such as jackets, vests, masks or hats with party symbols engraved therein. The code of conduct has prohibited individuals from operating fake accounts or websites on social media and also prohibits them from spreading misleading information. According to the Election Commission, activities of persons holding public positions including candidates, ministers, employees and political parties fall under the scope of the code of conduct. The code of conduct also applies to teachers, supervisors, journalists and officials of private organizations and non-governmental organizations including banks and financial institutions.



The commission has informed that provincial ministers and local-level officials cannot participate in the election campaigns unless they themselves are one of the candidates for the election. Events like laying the foundation and inauguration have also been restricted.

Party/Violation	Use of Large Flags	Use of More Than 2 Vehicles	Use of Vehicles with Indian Number Plate	More than 25 People in the Rally	Hanging Banners /Flags	People's Representative in campaigning	Rally with Music	Teachers/Constitutional Commissioners in campaigning	Total
CPN- UML	17	13		29	8	3		2	72
Nepali Congress	25	25	2	47	15	11		3	128
NCP Maoist Centre	20	20		35	8	7		4	94
CPN-Unified Socialist	12	14		24	6	5		1	62
Rastriya Swatantra Party	5	3	1	5	7		1		22
Independent Candidate			1	1					2
Alliance with Nepali Congress				1			2		3
By the State						3		7	10
People's Socialist Party		1			4				5
Democratic People's Party				1	1				2
Janamat Party				1	2				3
Total	79	76	4	144	51	29	3	17	403

Section 13 (B) of the Election Code of Conduct, 2022, requires individuals to take prior approval from local administration before conducting of rallies, general assemblies, corner meetings or assemblies in public places. Sub-section (f) of the same section, poses restrictions on the organization of the general meeting, corner meeting, gatherings or rally in the same place and at the same time by more than one political party, candidate or fraternal organization. The Election Commission Act 2016 has mandated the possibility of cancellation of the candidature of the candidate who is involved in a grave violation of the election code of conduct.

The law states, "If the commission is convinced that the election cannot be conducted in a free, fair and fraud-free manner due to the involvement of the candidate in violation of the code of conduct, the commission may cancel the candidate's candidature, giving clear grounds and reasons for the same." Pursuant to the act, the commission can impose a fine of up to one lakh rupees on the party, organization or candidate who disobeys the order given by the commission.

There is news flowing about the commission demanding an expatriation with the government, ministers, leaders and candidates who have violated the election code of conduct amid campaigns. The commission considers even the explanation asked for violation of the code of conduct as a kind of 'defamation'. However, Nepali politicians consider the violation as a sign of bravery. The Commission has frequently been instructing to remove the banners used in campaigns, but, the candidates rarely take these instructions seriously. They are of an opinion that the commission cannot take any concrete actions against them. In such a situation, strict implementation of the election Code of Conduct becomes imperative to make the general election peaceful, clean and less expensive.

The significance of elections will strengthen only if elections conclude in a clean, fair and fearless manner. In order to regulate the conduct of the stakeholders and to make the election transparent, free, fair and fearless, the commission promulgated the election code of conduct using the authority vested upon it by section 22 of the Election Commission Act, 2016. However, activities contrary to the code of conduct are coming forward with each passing day. The responsibility of following the code of conduct lies with the government and political parties, while the main responsibility of enforcing the code of conduct lies with the Election Commission.

Party/Violation	Beating	Election Assembly in Schools	Vandalization / Property Damage	Involvement of Children	Activities Against Election	Distribution of Educational Materials	Other	Total
CPN- UML	3	4		1				8
Nepali Congress	5	6		4		2	4	21
NCP Maoist Centre	4	6		6			5	21
CPN-Unified Socialist		3		3				6
Rastriya Swatantra Party		1		1				2
Unknown Party			2					2
Independent Candidate			2					2
Alliance with Nepali Congress			2	2			1	5
By the State							1	1
Biplav and Vaidhya					2			2
Hamro Lok Party	1							1
People's Socialist Party		2						2
Democratic People's Party		1		1				2
Janamat Party		1		2				3
Total	13	24	6	20	2	2	11	78

Many instances of violation of the election code of conduct were reported in the last local-level elections. Even though the Election Commission kept on alerting some political parties, they didn't exercise their inherent rights. No action was initiated against any candidate or political party.

The Election Commission fined six people including the Chairperson of Unified Socialist Party, Madhav Kumar Nepal, Pukar Bam and the Ward chairperson of Kathmandu Metropolitan City-16, Mukunda Rijal on November 13, 2022. According to the commission, they have been fined for violating the election code of conduct. Commission revealed that, Rijal had requested the people to vote for the candidate and make them win via his social media. Therefore, the commission incurred a fine of NPR.5,000 against him. Similarly, Pukar Bam was charged with a fine of NPR.5,000 for using a t-shirt with his name engraved in it, during the election campaign. Bam has given his candidacy for the House of Representatives from constituency no. 1 of Kathmandu district. Similarly, the Commission informed that he had influenced the voters by stating that he will provide free visas and tickets to the youth willing to go to a foreign country.

The code of conduct has imposed restrictions on the use, distribution and display of symbolic material like clothing, hats, stickers, logos, bags, etc., marked with party symbols. However, this provision seems to be violated the most. T-shirts and caps have mostly been used in door-to-door campaigns. The law has given authority Commission to take action against the violation of the code of conduct. But its implementation is indeed very weak. Even though the mechanism has been created for filing the complaints, the commission seems laid back in initiating the investigation and punishing the offender based on the complaints.

A released code of conduct can only be implemented if the commission demonstrates the will to do so. Implementation of the code of conduct would generate a favourable environment for the commencement of the election in free, fair and fearless. Further, it would also strengthen the credibility of the election. Political parties should also play their role in following the code of conduct. The honesty of the government and the political parties makes the election fair. Violating the code of conduct is an irresponsible and critical matter, and it is adamant to encourage the political parties to be honest in following the code of conduct in order to make the election dignified.

Facts and Figures of Violations of the Election Code of Conduct

According to the statistics recorded by INSEC, 481 violations of the Code of Conduct have been committed since the release of the Election Code of Conduct till November 15. INSEC has collected the facts/data of such incidents from the provincial offices in all seven provinces through district representatives in all 77 districts and 750 election observers. According to the collected statistics, there have been 149 incidents of violation of code of conduct from the Nepali Congress, 115 from the CPN Maoist Centre and 80 from the CPN UML. Similarly, there have been 68 cases of violations of the code of conduct from the CPN United Socialist Party, 24 from the National Independent Party and 11 from the state side. According to the documented incidents, there are 144 incidents where more than 25 people participated in the rallies. Similarly, 79 cases of use of large-sized flags and 76 cases of using more than the specified number of vehicles have been noted.

Two Injured in a clash During Election Campaign

Two people were injured during a clash between the members of the Democratic Alliance and the members of CPN-UML on November 13, 2022. The members of the Democratic Alliance were engaged in the campaign in Naugad rural municipality-6, and the members of CPN-UML were participating in the general meeting held in Jamir, Naugad. According to District Police Office's Inspector Rajesh Shahi, Jaibhan Singh Dhama, 35 of Naugad Rural Municipality-6, and UML member Nire Thagunna, 24, of Naugad Rural Municipality-5, were injured in the clash. Janak Singh Thagunna, Chairperson of Naugad rural municipality has alleged that the clash took place in an attempt to stop the members of Democratic Alliance cadres from disrupting the general meeting of UML. Daljit Singh Dhama, the leader of the coalition party CPN Maoist Centre, accused the UML workers of assaulting the members of his party. Jaibhan Singh sustained injuries in the head and according to Dr Pooja Bam of Gokuleshwar Hospital, he was referred to Dhangadhi for further treatment.

Clash between UML and Coalition Cadres, Four Injured

A scuffle had arisen during the campaigning of CPN-UML on the evening of November 10, 2022. The clash was between the cadres of CPN-UML and the Democratic Alliance at Apihimal rural municipality-5 Okhal. Inspector Rajesh Shahi of the District Police Office told INSEC that during the clash, CPN-UML cadres Birendra Bista, 28, resident of Marma Rural Municipality-3, Suresh Wadi, 25, of Shailyashikhar Municipality-9, Jahendra Singh Dhama, 20, and Jagat Singh Dhama, 24, of Apihimal Rural Municipality-6, were injured. Dr. Laxman Thapa of Marma health post said that after primary treatment, all four people were referred to the hospital for further treatment and CT-Scan since they sustained head injuries. A team led by Inspector Lokendra Bahadur Singh from the area police office, Latinath, sent the candidate's team to a safe place and both parties were called to the Area Police Office for discussion. Ramdatta Joshi, candidate for the Provincial Assembly (B) from CPN-UML, alleged that the clash took place when the cadres of the alliance,

who had consumed alcohol, interrupted the campaign and deliberately attacked him while returning home from Apihimal Rural Municipality. Chairperson of the Maoist centre Marma, Nar Bahadur Bista, alleged that the clash happened when the cadres of CPN-UML attacked with proper planning.

Gorkha-2 Candidate Miya's Campaign Team Attacked

Police have arrested two people on the charge of attacking the campaign team of Abdus Miya, the CPN-UML candidate for Gorkha Constituency No. 2 for the House of Representatives election on November 20. According to, SP Kedar Khanal, District Police Office Gorkha, Ajit Pant, and Ram Sapkota, residents of Tanahu, were arrested. Candidate Miya's testimony explains that on the night of November 13, his team was attacked at hotel located in Palungtar Municipality -6. We don't know the attackers; it was a sudden attack."- he said

Chitwan- 2 Candidate Lamichhane's Vehicle Sabotaged

The vehicle of Ravi Lamichhane, the candidate for constituency number 2 for the House of Representatives, was vandalized on November 13 in the afternoon. During the campaign, unknown persons vandalized a vehicle numbered Ba 14 Ch 7684 in Lewatar located in Ward No. 4 of Ichchakamana Rural Municipality. DSP Bijay Raj Pandit of the District Police Office said that the search is on for those involved in the vandalism.

National Independent Party Chitwan said that vandalism took place while people were inside the vehicle. It is said that the cadres of the alliance, who were campaigning for the election, vandalized the vehicle. However, the Maoist Centre has stated that it is not involved in the incident. Maoist Centre Chitwan's Chairperson Ramchandra Adhikari has made it clear that he has no involvement in the incident.

Chitwan- 2 Candidate Shrestha's Vehicle Sabotaged

Nepali Congress candidate Umesh Shrestha's car has been vandalized in Bharatpur. Shrestha is the candidate for the House of Representatives from Chitwan district's Constituency no. 2. His Prado numbered Ba 3 Ch 2050 was vandalized by an unidentified group around 11 am today (November 16, 2022). Shrestha and his cadres were campaigning in Bharatpur Metropolitan City Ward No. 10 in front of the old medical college. The police said that a group of six people who came on three motorbikes sabotaged the glasses and ran away while they were in a meeting after stopping the car. The police said that the identity of those involved in the vandalism has not been revealed and they are search is ongoing.

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