

Constitutional Provisions and Practices of Electoral System in Nepal

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Abstract: *Constitution and election are two different subject matters though they are interlinked with each other. In many ways, the electoral system and constitution-building processes are intertwined as two elements of the overall political settlement process and crucial elements in the establishment of a new and legitimate political order. The electoral system and constitutional processes interact with each other in many more ways. Nepal's constitutional history ranges from 1948 to 2015. Having seven promulgated constitutions among which only six were implemented. All the constitutions have mentioned electoral systems in different ways. Constitutions of Nepal have been mainly adopted three types of electoral systems; First-past-the-post (FPTP), Proportional Representation (PR), Single Transferable Voting System (STVS). This article is an endeavor to picture the historical backdrop of the established advancement alongside discretionary framework in Nepal by uniting the significant conditions and occasions in such a manner. This study is primarily based on constitutions, acts, ordinance, and other documents issued by the government. Data were also pulled over from the report of the Election Commission of Nepal. This article has its main theme to make readers analyze the situation of Nepal regarding the electoral system and constitutional development.*

Keywords: Electoral system, constitution, First-past-the-post, Proportional Representation, Single Transferable Voting System

1. Introduction

1.1 Background

Constitution has consistently been a manual for each nation. It is a politico-authoritative archive that decides the structure of the state, power, and functions of the organs of the nation. A constitution is an aggregate of fundamental principles or established precedents that constitute the legal basis of a polity, organization, or another type of entity and commonly determine how that entity is to be governed. Constitution not only delegates power to various organs of the state but also seeks to control these powers.

Nepal has a relatively short history of systematic codification of rules and orders. The first Rana Prime Minister Junga Bahadur Rana marked a formal attempt to issue a systematic document to govern the nation when he proclaimed the *Muluki Ain* in 1854. Nonetheless, it took more than a hundred years for the country to acquire a document named 'Constitution'.

The election is the rule and procedure of the selection of representatives by peoples in a democratic manner. They are involved in the system of governance through their representatives who are elected through their secret ballot. The Universal Declaration of Human Rights, 1948 states that 'everyone has the right to take part in the government of his or her country, directly or through freely chosen representatives'. The United Nations has thus been involved in the field of electoral assistance since its founding in 1945, working to establish and advance the principles of

democracy and political rights. An electoral system, or simply a voting method, is defined as the rules, by which the choices or preferences of voters are collected, tallied, aggregated, and collectively interpreted to obtain the results of an election. Political institutions shape the rules of the game under which democracy is practiced, and it is often argued that the easiest political institution to manipulate, for good or bad, is the electoral system. It provides different kinds of incentives to appeal to voters to yield electoral pay-offs (Carey & Sugart, 1995, p.417). Under this kind of system, parliamentarians are likely to feel more accountable towards the party leadership than to voters, given that their political future lies with the party rather than with the electorate.

Electoral systems are important for several reasons. They assist to form public policy outcomes and the behavior and incentive structures of political actors. Whether politicians rely directly on voters or their parties for the furthering of their careers on the premise of the formula that elects them to the office is an important factor in determining whom they feel most accountable to, what use they might make of public resources to build linkages with their constituencies, and even what sorts of incentives there could also be for corruption and electoral malpractice (Birch, 2010, p. 12). Understanding these different dynamics is essential from a governance perspective because it helps provide insights into the institutional frameworks within which political actors operate and the interests that drive them. They are a crucial link in the chain connecting the preferences of citizens to the policy choices made by governments. They are chosen by political actors and, once in existence, have

political consequences for those actors (Gallagher & Mitchell, 2005, p.3). They may make a big difference to the shape of the party system, to the nature of government (coalition or single-party), to the kind of choices facing voters at elections, to the ability of voters to hold their representative(s) personally accountable, to the behavior of parliamentarians, to the degree to which a parliament contains people from all walks of life and backgrounds, to the extent of democracy and cohesion within political parties, and, of course, to the quality of government, and hence to the quality of life of the citizens ruled by that government. This article is an attempt to portrait the history of constitutional development along with the electoral system in Nepal by bringing together the major circumstances and events in this regard.

1.2 Statement of the Problem

Though the history of different kinds of the political ruling system in Nepal is relatively long and the history of constitutional development and electoral provisions is found to be short. At the end of the Rana regime Government of Nepal Act, 1948 was introduced as the first constitution of Nepal but never got implemented. Democracy was introduced in 1951. The Interim Government of Nepal Act was formulated. King Tribhuvan declared to promulgate the constitution through popularly elected Constituent Assembly (CA) but this wasn't implemented in his regime period. After that, the electoral system has been given a place in every constitution of Nepal. Different ways were chosen in the formation of the constitution. Constitution exercised and managed different political and electoral systems. Even though there are several tasks on the constitution relating to electoral provisions in Nepal. A collective knowledge within an article about constitutional development and provisions and practices of the electoral system in Nepal is still missing for the inquisitive readers. This article tries to explore the Electoral systems provisioned in the various constitutions of Nepal and its practices.

This article looks for the answers to the given research questions:

- What are the constitutional provisions regarding the electoral system of Nepal from beginning to up to now?
- What electoral practices have been performed following constitutional provisions?

1.3 Objectives of the study

The general objective of this article is to discuss the development trend of the constitution of Nepal with the development of the electoral system. The study has the following specific objectives:

- To analyze the constitutional provisions related to the electoral system mentioned in all constitutions of Nepal.
- To examine the practices of electoral politics following constitutional provisions.

2. Methods and Materials

The methodology is the situation with why, what, from where, when, and how data were collected and analyzed (Guba & Lincoln, 1994, p. 103). Based primarily on the

qualitative approach, the study is textually exploratory in nature. There are heaps of digital facts and figures regarding the elections in Nepal published by the Election Commission. These facts were taken out and dissected in this article. To this end, the library searching for books, reports, websites, and other materials were consulted and read extensively before the descriptive writing was conducted. This study is built solely on secondary sources of data. This article delimited only on analyzing of the constitution, constitution development, and electoral system of Nepal.

3. Discussion

The American Constitution was the first complete written national constitution of the modern world. In any case, it was neither the first constitution of an overall government nor the first written constitution. Various governments, beginning with the Greek city-states, had customary or partially written constitutions. The concept of elections was developed in Nepal in 1947 with the election of Kathmandu municipality (Gupta, 1964, p.31). After the end of Rana's autocratic rule in 1951, King Tribhuvan proclaimed his desire to govern according to the democratic constitution to be framed by the elected representatives of the people (Joshi & Rose, 1966, p. 91). But, the first parliamentary election was held on February 18, 1959, for 109 seats of the House of Representatives (HoR). There were many images of elections practiced in Nepal before the foundation of the constitution at the local level. In the phase of development of the constitution, the electoral system has been developed thoroughly. Before FPTP was mostly in use, later PR electoral system also came into force. The present constitution of Nepal has set up the Election Commission as an independent constitutional body and has placed it in a noble position. The Commission has been entrusted with the responsibilities of operating, supervising, directing, and controlling the elections of the President, Vice-President, Federal Parliament, State Assembly, and members of Local Level.

Constitutional History and its Relation to the Electoral system

Nepal has promulgated seven constitutions from 1948 to 2015 as shown in table-1. It evidences the political instability of Nepal. These constitutions have mentioned the electoral systems. Except some provisions of elections almost are implicated.

Table 1: Constitutions of Nepal and Electoral Systems adopted by them

S.No.	Promulgated Year	Name of Constitution	Adopted Electoral System
1	1948 (2004 BS [*])	Government of Nepal Act	FPTP
2	1951 (2007 BS)	Interim Government of Nepal Act	FPTP
3	1959 (2015 BS)	Constitution of Kingdom of Nepal	FPTP
4	1962 (2019 BS)	Constitution of Nepal	FPTP
5	1990 (2047 BS)	Constitution of	FPTP and STES

^{*} BS means BikramSambat, an official calendar of Nepal, 56 years and eight months prior to AD.

		Kingdom of Nepal	
6	2007 (2063 BS)	Interim Constitution of Nepal	FPTP and PR list system
7	2015 (2072 BS)	Constitution of Nepal	FPTP, PR list system, and STES

Note. FPTP = First-past-the-post system, PR = Proportional Representation, STES = Single Transferable Electoral System

Electoral System in the Government of Nepal Act, 1948

In June 1947, the Indian government sent a three members team of constitutional experts under the leadership of Sri Prakash Gupta on the appeal of the Rana government, to guide in the construction of political adjustment. The year 1948 has been founded to be a golden year for the future political development of the country. On January 26, Padma Shamsher declared a new constitution, The Government of Nepal Act. As the most imaginative and potentially most pragmatic response of the Rana regime to the challenge of the times, the constitution has a significant place in the political history of Nepal (Joshi & Rose, 1966, p. 64). For the first time in the history of Nepal, a constitution laid down that the Nepalese could exercise freedom of speech, expression, religion, and assembly. The constitution made the provision of Gram (Village) panchayat for every village or group of villages and Nagar (town) Panchayat for every town or city or group.

According to article 16 of the constitution, the Gram (Village) panchayat would form a unit as rules framed by the government on this behalf, consisting of five to fifteen members elected by the vote of all adults with necessary qualification, who will elect their own Pradhan Panch. Similarly, article 17 stated that there would be a Nagar (Town) panchayat for every town or city or group thereof consisting of ten to fifty members elected by the vote of all adults with necessary qualifications, who will elect their own Pradhan Panch under the Rules prescribed by the Government in this behalf.

Article 18 provisioned that the Pradhan Panch of each Gram panchayat and Nagar panchayat would elect from fifteen to twenty members of Jilla Panchayat. Candidates would be from among themselves and if necessary from among their members. Jilla Panchayat would elect its own President.

The constitution had provisioned of national parliament with two houses, Ratra Sabha (the lower house) and the Bhardari Sabha (the upper house). There would be from 60 to 70 members in the Rastra Sabha (Article 22b). According to appendix "A" of the constitution, the house consisted of Pradhan Panch of 32 Jilla Panchayat out of Kathmandu valley, Pradhan Panch of four Nagar Panchayat (Kathmandu, Patan, Bhaktapur, and Birganj), six elected members from various occupation and up to 28 members nominated by Prime Minister. The Bharadari Sabha would consist of 20 to 30 members. They all were nominated by Rana Prime Minister (Article 22c). In this way, the first constitution of Nepal was adopted the FPTP electoral system to elect the local and national level representatives. However, the constitution could not implement. So, the electoral system could not be practiced per constitutional provisions.

Electoral System in the Interim Government of Nepal Act, 1951

In 1950, the Nepali Congress quickly began preparations for revolution against autocracy Rana rule. One of the main outlines, their plan called for the establishment of a constitutional government under the King (Joshi & Rose, 1966, p. 71). Finally, the democratic force won and collapsed the hundred years-long families based on Rana rule. For the management of the transitional political phase of the politics, the Interim Government of Nepal Act (it is also called Interim Constitution of Nepal) was declared in 1951. Part VI of the constitution has mentioned elections.

The major objective of the constitution was to elect the Constituent Assembly (CA) for making a new full-fledged constitution. Article 68 of the constitution had made a grantee that the aim of the interim government would create conditions, as early as possible, for holding the election for the CA. There was a provision of Election Commission in article 69 of the constitution. The commission consisted of a chief election commissioner and other election commissioners. Commission had the power of superintendence, direction, and control of the preparation of the electoral rolls for, and the conduct of these elections, and, including the appointment of election tribunals for the decision of doubts and disputes arising out of or in connection with these elections. It was the first provision of the Election Commission as a constitutional body in the history of Nepal.

Article 71 of the constitution was related to adult suffrage. It stated that the election of CA would be based on adult suffrage, that is to say, every person who is a citizen of Nepal and who is not less than 21 years of age on such date as may be fixed in that behalf by the King and His Cabinet and is not otherwise disqualified under the rules to be framed for this purpose on the ground of non-residence, unsoundness of mind, crime or corrupt or illegal practice, would be entitled to be registered as a voter.

Although there were many more provisions about the CA election there was no mention of the electoral system. What electoral system would be used to elect the members of CA was not clear. We can assume that if the election of CA was held at that time the FPTP electoral system may be implicated in the election. Unfortunately, the election of CA could not be held at the beginning of the democratic era. The main objective of the interim constitution could not meet.

Electoral System under the Constitution of Kingdom of Nepal, 1959

The period between 1951 and 1959 was formative because of an experiment with constitutional democracy, was also accompanied by political instability, which culminated eventually in a royal announcement that a general election would be held to introduce a parliamentary form of government instead of CA (Khadka, 1986, p. 430). King Mahendra promulgated the Constitution of the Kingdom of Nepal in 1959.

The constitution had provisioned of bicameral parliament (part V, article 18). The upper house was called Maha Sabha

(Senate) and the lower house was called the Pratinidhi Sabha (House of Representatives). HoR comprised 109 members and all of them would elect by people directly (article 22 of the constitution). The FPTP electoral system was adopted by the constitution. Nepal's first national election took place to elect its 109 members of HoR in February 1959. The total number of voters was 4,246,468 at that time and the total number of votes cast was 1,791,381. There were 11 to 54 polling booths used for one constituency in the 1959 general election. The number of electors in a constituency ranged from 52,037 to 23,467 (Devkota, 2058 BS).

Nepal PrajaParisad (Acharya)	46	2	
Nepal PrajaParisad (Mishra)	36	1	
Terai Congress	21	0	
Nepali Rashtriya Congress	20	0	
PrajatantrikMahasabha	68	0	
Independent	268	4	
Total	786	109	

Note: Based on Shrestha, Phuyel, & Dahal, 2020, p. 5

Table 2: Result of General Election 1959

Political Party	Candidates	Winners	Remarks
Nepali Congress	108	74	
Nepal RastriyaGorkhaParisad	86	19	
SamyuktaPrajatantra Party	86	5	
Communist Party of Nepal	47	4	

Article 19 of the Constitution of Kingdom of Nepal 1959 devised a 36-member of the upper house of parliament, *Maha Sabha* (Senate). According to the constitutional provision, HoR would elect half of the senators and the King would nominate the remaining half (article 20 & 21). The first Senate was formed on 10 July 1959 (Election Commission, 2073 BS).

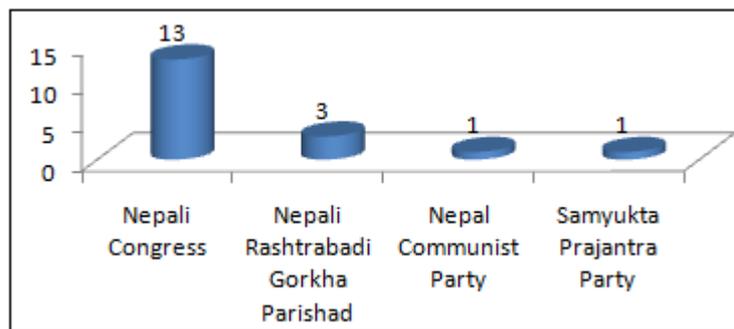


Figure 1: Result of the election of Mahasabha, 1959

Note. Based on -Shrestha, Phuyel, & Dahal, 2020, p. 6

Electoral System under the Constitution of Nepal, 1962

King Mahendra took over politics in 1960. He dissolved the elected government. He announced a new constitution by a royal announcement on 16 December 1962 which adopted a party-less panchayat system. Political parties were banned. It was the fourth constitution and third implemented constitution. In a short, the constitution was not in the line of democracy. So, there was no provision of direct elections. Constitution of Nepal, 1962 incorporated four tiers structure of Panchayats. Village or Town Panchayats were in the basic level, above them - there were District Panchayats, then Zonal Panchayats, and there was Rashtriya Panchayat at the national level (Joshi & Rose, 2004, pp. 397-398). Elections would hold directly by local voters for the Village and Town Panchayats and remain level of Panchayats, including Rashtriya Panchayat was constituted by indirect elections. The first elections under the Panchayat Constitution were held in 1963, followed by similar elections in 1968, 1973, and 1978 (IIDS, 1993, p. 7).

According to articles 30 and 31 of the constitution, the village, and town assembly was the base of the entire panchayat system. Every Village and Town Assembly would elect an executive committee which shall be known as Village or Town Panchayat. Article 32 of the constitution had provisioned about District Assembly and District Panchayat. Every district had a District Assembly, which would include the representatives of the Village Panchayats and the Town Panchayats of the concerning district. Every District Assembly would elect an executive committee which was known as District Panchayat. According to article

33, in every zone, there shall be a Zonal Assembly which would include all the members of the District Panchayats of that zone.

Article 34 of the constitution was related to the National Panchayat. There was a National Panchayat in Nepal, which was the apex of the panchayat system and national parliament of the country. The total membership of the Rashtriya Panchayat was one hundred and twenty-five. It included 16 nominees of the King. Out of the 109 elected members, 90 were elected by the 14 zones of Nepal, and each district had a representative in the Rashtriya Panchayat. The 15 districts with a population of more than 100000 were assigned one additional member each. Fifteen members of the Rashtriya Panchayat were elected by the officially recognized and controlled class organizations, four each by the Peasants' Organization and the Youth Organization, three by the Women's Organization, and two each by the Ex-Servicemen's Organization and the Labour or the Workers' Organization. The remaining four members of the Rashtriya Panchayat came from the Graduates' Constituency (Shaha, 1978, p. 67).

Because of the public demand for the abolition of the party-less system in 1979, a referendum was called by the King to ascertain popular opinion on the issue. Following the royal proclamation of 24 May 1979, the government launched a national referendum on 2 May 1980 to choose between the present party-less Panchayat System "with suitable reforms" and a return to the multiparty system. Nearly 67% of the eligible voters participated in the referendum and chose the

Panchayat system by a narrow margin of 54.7% (Gurung, 1982, P. 304). During the campaign, the Panchayat proponents promised a directly elected Rashtriya Panchayat (IIDS, 1993, p. 7). The provision of the referendum was mentioned in the constitution. It was the announcement of the king using the prerogative royal power.

On 15 December 1980, the king promulgated the third amendment to the Constitution of Nepal. The main provision of the amendment was direct elections to the Rashtriya Panchayat; it would be held every five years for 112 seats with 28 additional seats filled by the King's nomination (Election Commission, 2015). Per the provision of the third amendment of the constitution, direct elections to the Rashtriya Panchayat were took place in 1981 and 1986 (Gaije & Scholz, 1991, p. 1041).

The first election of Rashtriya Panchayat since the third amendment of the constitution was held on 8 May 1981, a general election by adult franchise. There were altogether 1096 candidates for 112 seats in the Rashtriya Panchayat (Gurung, 1982, p. 311).The second direct election of Rashtriya Panchayat was held on 12 May 1986. A little more than 9 million voters cast their ballots for 1,584 candidates running for 112 seats. Voter turnout was recorded as 60 percent (Election Commission, 2015). Even in the party-less panchayat system, Nepali people got the chance to vote directly to the members of panchayat after the third amendment of the constitution.

Electoral System under the Constitution of the Kingdom of Nepal, 1990

In the pressure of movement of people, king Birendra omitted the word "party-less" from the constitution of Nepal, 1962, and removed the restriction upon the political parties on 8 April 1990 (Nepal Rajpatra, 2046/12/26). Finally, the

multiparty democracy was introduced, all the organs of the Panchayat system were dissolved, and a new interim government was set up under the premiership of Krishna Prasad Bhattarai on 19 April 1990 (Nepal Rajpatra, 2047/01/06).

King Birendra declared a Constitution Recommendation Commission on 30 May 1990 in the chair of Biswanath Prasad Upadhyay, Chief Justice of Supreme Court (Nepal Rajpatra, 2047/02/16). Altogether there were 9 members in the commission. The commission drafted the constitution and with the recommendation of cabinet king Birendra promulgated The Constitution of Kingdom of Nepal on 9 November 1990. The constitution was in the line of theory and norms of constitutional monarchy and multiparty democracy. So, the provision of the election was a mandatory element under the constitution.

The constitution had provisioned of bi-cameral parliament. According to article 44 of the constitution, the lower house of the parliament was called the House of Representatives (HoR) and the upper house was National Assembly (NA). The HoR used to consist of 205 members and all those members were elected by FPTP electoral system. For the purpose, article 45(2) stated, administrative districts had treated as election districts, and constituencies were allocated to a district according to the population of the concerned district. However, at least one constituency had allocated to one district though a small number population. Eligible voters voted for the candidate of any political party or an independent candidate then who got the majority votes of concerning constituency he/she would be declared the winner. According to the constitutional provision, three elections of HoR were held in 1991, 1994, and 1999 respectively. The facts regarding these elections are mention in table-3.

Table 3: Elections of the House of Representatives

Election Year	Total Voters	Casted Votes		Total Valid Vote		Participated Political Party	Total Candidates
	Number	Number	Percent	Number	Percent		
1991	11191777	7291084	65.15	6969061	95.58	20	1345
1994	12327329	7625348	61.86	7384277	96.84	24	1442
1999	13518839	8894566	65.79	8649664	97.25	39	2238

Note. Data source -Election Commission, 1991, 2051 BS, 2056 BS

The NA was an upper house of the parliament with 60 members. According to article 46(1) of the constitution, only 50 members of NA would be elected, the remaining 10 members would be nominated by the king from amongst persons of high reputation who have rendered prominent service in various fields of national life. Among the elected members, 35 members were elected by the members of HoR. There had to at least three women members within 35 elected members. Similarly, 15 members of NA were elected by an electoral college consisting of the chief and the deputy chief of the village and town level local authorities and the chief, deputy chief, and the members of the district level local-authorities. Those 50 members of NA were to be elected by Single Transferable Voting System. It was the first time in ever history of Nepal a single transferable electoral system had been implicated.

Table 4: Elections of National Assembly

S.No.	Date
1	26 June 1991
2	27 June 1993
3	13 October 1995
4	27 June 1997
5	10 July 1999
6	27 June 2001

Note. Data Source - Election Commission, 2073 BS, pp. 627-631

According to the provision of the constitution, the tenure of a member of the NA was six years. One-thirds of members of NA would complete their tenure every two years. So, the elections of one-thirds of members were held every two years. Altogether six elections of NA were held from 1991 to 2001 as shown in table-4.

Electoral System in the Interim Constitution of Nepal, 2007

The House of Representatives was reestablished on 24 April 2006 with the success of people's movement II, which was dissolved on 22 May 2002. It had been worked about 8 months of early transformation phase. The meeting of the top leaders of the seven political parties and CPN (Maoist) held on 8 November 2006 decided to form Interim Legislature-Parliament. The government and the Maoists

talks teams met on 16 June 2006, which decided to form a six-member "Interim Constitution Draft Committee" (ICDC) under the coordination of Laxman Prasad Aryal. The ICDC drafted the Interim Constitution of Nepal and after political negotiations finally, it had promulgated on 15 January 2007. The main objective of the interim constitution was to elect the Constituent Assembly (CA) for making a new constitution.

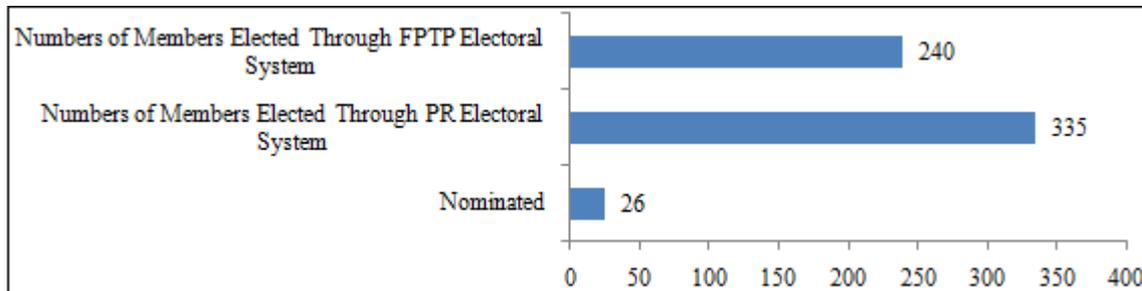


Figure 2: Seats allocated to the Constituent Assembly

Article 63 of the constitution was related to the formation of CA. As shown in figure-2, there were 601 members in the CA. Proportional Representation (PR) electoral system was introduced for the first time in Nepal to elect 335 members of the CA. The closed list method of the PR electoral system

was implicated in the election. The election of CA would be a rare phenomenon in the life of any country. It is called that "It comes one time in an era". However, Nepal had launched two CA elections within the five years, in 2008 and 2013.

Table 5: Elections of the Constituent Assembly

Election Year	Electoral System	Total Voters		Casted Votes		Total Valid Vote		Participated Political Party	Total Candidates
		Number	Number	Percent	Number	Percent			
2008	FPTP	17611832	10866131	61.70	10306120	94.85	54	3946	
	PR	17611832	11146540	63.29	10739078	96.34	54	-	
2013	FPTP	12147865	9516734	78.34	9044908	95.04	120	6126	
	PR	12147865	9776703	80.48	9463862	96.80	122	-	

Note. Data Source -Election Commission, 2065 BS, 2070a BS, & 2070b BS

The first CA could not draft the new constitution in the given time frame. However, its first meeting held on 28 May 2008 declared Nepal as a republic country. The next election of CA was held in 2013, which promulgated the new constitution for the country. The FPTP and PR electoral systems were used conjointly to elect the members of CA.

Electoral System under the Constitution of Nepal, 2015
The second CA has passed a new constitution after 21-months of deliberation with a resounding majority. However, 57 CA members from Madhes-based parties boycotted the CA process. President Ram Baran Yadav put his signature on the Constitution of Nepal on September 20, 2015. The new constitution embraces the principles of republicanism, federalism, secularism, and inclusiveness.

Table 6: Seats allocated for House of Representatives and Provincial Assembly

Province	Number of HoR Seats under FPTP	Number of HoR Seats under PR	Number of PA Seats under FPTP	Number of PA Seats under PR	Total PA seats	Total HoR and PA seats
1	28	110	56	37	93	121
2	32		64	43	107	139
3	33		66	44	110	143
4	18		36	24	60	78
5	26		52	35	87	113
6	12		24	16	40	52
7	16		32	21	53	69
Total	165		330	220	550	715
The aggregate of nation-wide representatives (HoR + PA)						815

Note. HoR = House of Representatives, PR = Provincial Assemblies, Data Source- Democracy Resource Center, 2018, p. 6

The constitution has provisioned three tiers of government; federal, provincial, and local. The federal parliament has two houses; the House of Representatives (HoR) and the National Assembly (NA). According to article 84 of the

constitution, there shall be 275 members in HoR. Among them, 165 shall be elected through the FPTP electoral system and 110 shall come through the PR electoral system. According to the constitutional provision, the election of

HoR was held in 2017. Because of collation before the election, communist candidates won a two-thirds majority in

HoR as shown in figure-3.

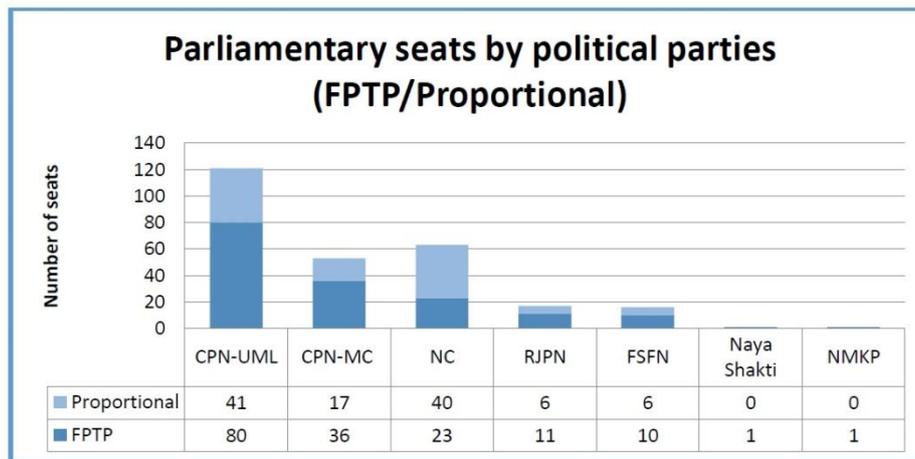


Figure 3: Result of Election of House of Representatives, 2017

Note. Data Source - Democracy Resource Center, 2018, p. 20

Article 86 of the constitution stated that the National Assembly (NA), the upper house of the federal parliament, consists of 59 members. Among them, 56 shall be elected by Electoral College composed of members of the provincial assembly, chairpersons and vice-chairpersons of the rural

municipality, and mayors and deputy-mayors of municipalities, with a different weightage of the vote. According to the constitutional provision, the election of NA was held in 2018.

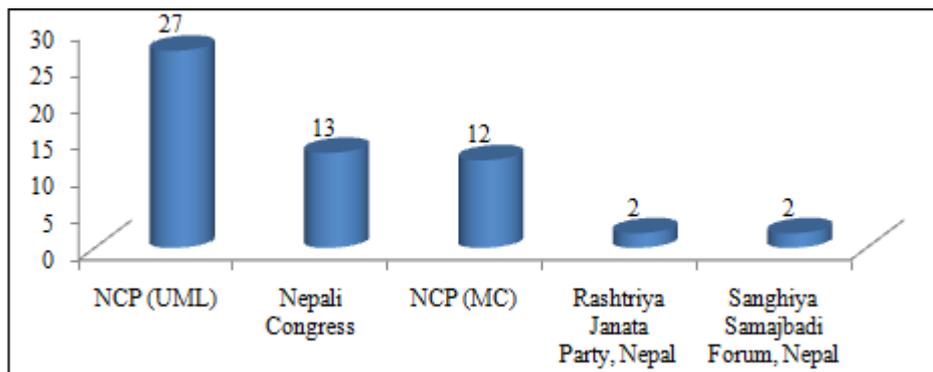


Figure 4: Result of Election of National Assembly, 2018

Note. Data extracted from Election Commission, 2074 BS

Constitution of Nepal (2015) has been introduced to the federal system in Nepal. There are seven provinces. Each province has a unicameral legislature - provincial assembly (PA). According to article 176 of the constitution, every PA consists of several members, as follows:

- Members in a number that is twice as many as the number of members elected to the House of Representatives from the concerned province, through the first past the post electoral system,
- The number of members to be set under clause (a) shall be considered to be sixty percent, and the rest forty percent members to be elected, through the proportional electoral system.

As table-6 shows seven provinces have altogether 550 PA members. The first election of PA was held in 2017.

Table 7: Number of local levels

Province	Municipality	Rural Municipality	Total Local Level	Ward
1	49	88	137	1,156
2	77	59	136	1,271
3	45	74	119	1,121
4	27	58	85	759
5	36	73	109	983
6	25	54	79	718
7	34	54	88	734
Total	293	460	753	6,742

Note. Data extracted from MoFAGA, 2017

Constitution has also provisioned the election of local level assembly. Article 222 and 223 have made the provisions of rural municipal and municipal assembly elections respectively. Now, Nepal has 753 local levels of government. The election of the local level bodies has been held in 2017. The numbers of elected representatives in local bodies are as shown in the table-8.

Table 8: Post-wise elected candidates

Post	Total	Man	Man%	Woman	Woman%
Mayor	293	286	97.61	7	2.39
Deputy Mayor	293	17	5.80	276	94.20
Chairperson of RM	460	449	97.61	11	2.39
Vice-Chairperson of RM	460	36	7.83	424	92.17
Ward Chairperson	6,742	6,680	99.08	62	0.92
Member	13,484	13,220	98.04	264	1.96
Women Member	6,742	0	0.00	6,742	100.00
Dalit Women Member	6,567	0	0.00	6,567	100.00
Grand Total	35,041	20,688	59.04	14,353	40.96

Note. Data extracted from Election Commission, 2074 BS

4. Findings

After the analysis of facts regarding elections and its provisions on constitutions of Nepal, some typical and special points are found within this article. These major findings of the discussion are as follows:

- Altogether seven constitutions are promulgated in Nepal from 1948 to 2015. Every constitution has the provisions of elections and an electoral system. However, all provisions have not come into practice. The first constitution of 1948 could not implement it remained only a written document. So, with the entire constitutional provisions, the provisions of the election also could not materialize. The major objective of the second constitution of Nepal, the interim constitution of 1951, was to form CA through the popular voting system. It was a complete failure to meet its major objective. The other five constitutions of Nepal could perform satisfactorily in electoral practices.
- There are various types of electoral systems practiced around the globe. Constitutions of Nepal have been provisioned only three types of electoral systems. These are FPTP, PR (List system), and the Single Transferable Voting System. From the first to the fourth constitution of Nepal adopted only the FPTP electoral system. The fifth constitution, the constitution of the Kingdom of Nepal (1991) had adopted the Single Transferable Voting System to elect the 50 members of the National Assembly. The constitution had used FPTP electoral system to elect local to national level representatives. Interim Constitution of Nepal (2007) had introduced the PR electoral system for the first time in Nepal. It had also adopted the FPTP electoral system. The latest Constitution of Nepal (2015) has accepted three types of the electoral system; FPTP, PR, and Single Transferable Voting System.
- Practices of elections of Nepal proved that the PR system is more progressive in terms of inclusiveness than FPTP electoral system. For example, less than six percent of women could reach the national level of electoral office through the FPTP electoral system. When the PR electoral system had used more than 30 percent of women of total members could enter into CA (2008 and 2013) and HoR (2017). Similarly, the Constitution of Nepal has made compulsory provisions to the political parties for selecting candidates from Khas-Arya, Tharu, Janjati, Madhesi, Dalit, backward region, and Muslim. It encourages inclusiveness in elections. Similarly, if the FPTP electoral system is connected with reservation the inclusiveness would be increased. Electoral practices of

Nepal evidences it. The FPTP electoral system had used for representatives of local level bodies in 2017's election with reservation of women. As table-8 shows, 14353 women could win the various posts of local bodies. That is 40.96 percent of total representatives of local bodies.

5. Conclusion

Nepal has been aching from political instability for a very long time its direct evidence is seven constitutions being promulgated, and different elections held in a short period. Nepal has been a laboratory of the short constitution, short election, and short political stability for ages. The Constitution of Nepal has set up the Election Commission as an autonomous constitutional body and has put it in a stately position. Constitutions of Nepal have been adopted FPTP, PR, and Single Transferable Voting System. The constitution's provisions and practices of elections seem more progressive one after another. Women and people of various communities of Nepalese society can enter into the elective offices from local to central levels though there have to make many reformations for more inclusiveness of the electoral system.

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