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Democratic Principles and Nepal's Electoral System

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Abstract

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Elections are the basic foundation of democracy. Representatives of the people are elected through periodic elections. In ancient Greece, there were strict provisions for political participation, wherein citizens practiced direct democracy, adopting the process of electing representatives. Besides being the basis of democracy in running a state, elections are also a way to understand the opinions and wishes of the public. In direct democracy, people directly participate by forming a government, making and implementing rules, and administering justice, with elections being the primary means of legitimizing power. Nowadays, due to the largeness of states and populations, direct participation is impossible, so indirect elections are implemented. It is customary for the people to elect representatives to run the government. This system is called representative democracy. The modern system of popular representation is considered a great invention of democracy, as it elects a government formed by the majority but existing in the name of all people. Countries around the world have adopted different electoral systems, primarily the first-past-the-post, proportional, and mixed systems out of twelve electoral systems. The importance of elections as a key aspect of democracy is ever-increasing. Electoral systems play an important role in maintaining peace, political freedom, and the rule of law. Perceived as the standard of democracy and the expression of sovereign rights, elections are not the solution to regional, ethnic, communal, and religious disputes, but they provide alternatives in building a democratic system.

Keywords: Democracy, elections, representation, government, sovereignty

The foundation of elections is believed to have been laid in ancient Greece about 2500 years ago. At that time, the Greeks accepted the Sophists' idea that man is the measure of all things. They believed that individuals should actively participate in state affairs and that the state should work for the welfare of its people. This belief shaped a system aimed at proper representation of public opinion, where elected individuals represented their communities. Modern democracy, first seen in ancient Greece, began to take its current form around the seventeenth century. An election, therefore, is the process of choosing the right person to represent the people for a specific period, a practice absent in authoritarian and autocratic systems.

According to political scientist Dice, democracy is a system of representing the people, known as the electoral system. Through elections, people democratically choose representatives and send them to the government. This system is as old as democracy itself, though it has become more complex over time. To maintain fairness and transparency, various rules and practices were developed (Bhandari, 2002). Representatives are elected for fixed terms to serve in legislatures and express the will of the people. Elections are formal decision-making processes where one or more individuals are chosen to hold public office. In ancient Athens, elections were considered aristocratic, and at times leaders were even selected by drawing lots. To elect simply means to select or decide, and this process has evolved greatly over the centuries.

Elections serve as a mechanism where citizens accept or reject political proposals by voting for

individuals or groups. While most modern countries hold regular elections, some still limit or prohibit competition. Historically, elections were used to select Roman emperors and leaders of the Holy Roman Empire. Representative government began to emerge in America during the seventeenth century, while Britain introduced property-based rules for voting in its Parliament. The British Reform Act of 1832 marked a significant milestone, expanding the voter base and emphasizing the principle of universal adult suffrage, which gradually became a defining feature of full democracy. By 1920, suffrage was ensured across Western Europe and North America, and women gradually gained the right to vote: in Britain in 1928, France in 1944, Belgium in 1949, and Switzerland as late as 1971.

In Nepal, before the introduction of a democratic electoral system, traditional methods were used to select leaders. The first significant step was the Kathmandu Municipality election held on Jestha 3, 2004 BS, which, though largely symbolic, began to generate public opinion against the Rana regime. Following the revolution of 2007 BS, King Tribhuvan announced that governance would be based on a republican constitution drafted by an elected assembly, but this was not immediately realized. The first Act for People's Representatives was issued in 2008 BS to organize elections, and under this act, the first municipal elections were held on Bhadra 17, 2010 BS, using the majority system for 19 seats, with women granted the right to vote. Regular municipal elections continued, with another held on Magh 7, 2014 BS. Historically, Nepal also had traditional systems of leadership selection. During the Lichchhavi and early medieval periods, Panchayat representatives were chosen by household assemblies. After the ban on party politics and the introduction of the Panchayat system on 22nd Push 2017, village Panchayat elections were held on 7th Falgun 2018, followed by Nagar, District, and Zonal Panchayat elections in 2019 BS. Following democratic movements and the joint efforts of the United Left Front and the Nepali Congress, Nepal adopted a new constitution in 2072 BS. Article 56 of this constitution established Nepal as a federal democratic republic with three levels of government: union, provincial, and local. Elections were then held at each level, shaping the nation's democratic governance structure.

Elections in Nepal, like in other democracies, allow people to elect representatives for a fixed period. These representatives become members of the legislature, express the will of the people, and make laws on their behalf. They also play a role in forming and controlling the executive branch of government. While suffrage generally means the right to vote, in political science elections are regarded as a powerful means of organizing a representative political mechanism, structuring the political system, and holding leaders accountable. Though indirect, this process is highly effective because it provides a peaceful and legal method of transferring power. Periodic elections are one of the most important aspects of democracy, ensuring diversity in leadership is managed in a non-violent and systematic way.

Democracy is fundamentally based on the rule of law (CoN, 1962). In this context, the legislature plays a vital role, not only in making laws but also in overseeing how the government implements them. While the judiciary, as the final interpreter of the constitution and laws, holds equal significance among the three branches of government, the legislature retains special importance because it directly represents the will of the people. Thus, elections are crucial in establishing and strengthening the rule of law, as they give citizens the opportunity to exercise their sovereign rights and shape governance through their representatives (CoN, 2015). Nepal's electoral system has developed around these democratic principles and has become the foundation for upholding democratic values and norms.

Based on this background, the general objective of this research is to study the impact of the principles of democratic representation on Nepal's electoral system, and the specific objectives are:

- a. To explain Nepal's electoral system.
- b. To discuss the political system adopted by Nepal.
- c. To analyze the principles of democratic representation in Nepal's electoral system.

By addressing these objectives, the study aims to provide a clear understanding of how Nepal's electoral system has evolved, how it functions within the democratic framework, and how it allows citizens to exercise their rights through representative governance.

Literature Review

Elections themselves are independent and fully democratic processes. The election law, by implementing the same electoral system throughout the country, on the one hand, provides equal opportunities for political participation to all citizens and, on the other hand, increases political awareness

and leads to free, fair, credible and transparent elections (Pokhrel, 2014). After any election, it reviews itself and improves its shortcomings, gradually developing a strong and systematic electoral law. It also inspires people to take the lead in building an electoral system that can represent everyone. According to the country's political system, the direct and indirect proportional electoral system has been used in Nepal's political history, however, there has been no in-depth study, research and investigation on the issue of democratic representation in Nepal's electoral system. Nepal's political history is very long. Since the time of Gopal Maheshpal Lichchhavi Malla and Shah, the statutory law of 2004 BS, the interim rule of 1950, 2006, and the Constitution of Nepal of 2006, various electoral systems have been provided for. Since various research is required regarding the electoral system, a review of the books published on this subject and some previous works on the electoral system in Nepal has been done in this way. Thapa (2000) has written a book titled *Government and Administration of Nepal*. In this book, he has mentioned the principles of democratic representation under the electoral system of Nepal. He has also explained the elections of Bikram Samvat 2048, 2051, 2056 in the context of this research. This book seems very useful for this research. Phuyal (2018) has published a book titled *Nepal's Election Politics*. In this book, the author covers topics such as the meaning, definition, importance of elections, child suffrage, electoral system and its practice in Nepal from past to present, Election Commission in Nepal, voters and election education, election code of conduct and its effective implementation, the role of the Election Commission voters and political parties, and election crimes and punishments and their implementation arrangements. This book seems very useful for this research. Joshi (2058) has written a book titled *Theory and Analysis of Political Science*. In this book, he discusses in detail various electoral systems, suffrage and elections, political parties, forms of government, and various systems of governance. Dahal (2012) has written a book titled *Comparative Government and Politics*. In this book, he has mentioned the government structure, political parties, pressure groups, political process, political socialization, political process and electoral system in terms of it (Dahal, 2007). In addition, he has explained in detail the constitutions of different countries of the world and their implementation, which seems very useful for advancing this research.

These articles have been very useful for this research as various scholars have expressed their views on the democratic system of elections in Nepal. The main task of this research is to bring the issue of elections into the research and clarify it.

Theoretical Basis

The history of systematic elections in Nepal is not that long. However, the situation of direct and indirect public participation seems to be long. In the ancient and medieval period of Nepal, when there was a monarchy, all the ruling power was vested in the king. However, since the Lichchhavi and Malla rulers gave importance to the place and role of the people, indirect participation in the rule of the people is found. During the Lichchhavi period, Panchali was mentioned as an administrative organ. In which every household in that area had a member and they would choose the village Panchali. This was an important part of local administration. They also provided many facilities. It covered important aspects such as public participation and leadership selection. It had a prominent place even in the medieval period, but it was known as democracy.

During the reign of Jayasthiti Malla, there was a practice of conducting elections by local bodies and the local bodies elected in this way would settle minor disputes at the local level. The electoral system was still in place in local bodies even during the time of Prithvi Narayan Shah. But even during the reign of Prithvi Narayan Shah, public participation in local bodies gradually began to end. During the Rana regime, a kind of planning was done on this. Before the democratic system of elections was practiced in Nepal based on the constitution and election law, the traditional system of selecting leadership was in vogue. Nepal has a seven-decade long history of providing services to local citizens through elected local governments. During the Rana period, Padam Shamsher held the Kathmandu Municipality election on Jestha 3, 2004 BS. After the revolution of 2007 BS, King Tribhuvan issued a message to the countrymen on Falgun 7, saying that a republican constitution formulated by a statutory assembly would be followed. In 2008 BS, an act was issued for people's representatives. In 2010 BS, the Kathmandu Municipality election was held with women's suffrage. Although the selection of people's representatives and such organizations have existed in Nepal since ancient times, in most parts

of the ancient, medieval and modern periods, a system of selecting their own leadership or selecting representatives has been adopted. The movements that have taken place in Nepal at various times have become a new basis for social change and development.

Democracy guarantees equality. Democratic values and norms accept the representation of every class and community in society. In Nepal, from the revolution of 2007 to the movement for the establishment of the republic, the electoral system has been gradually developing in the process of building and developing every society. In 2018 BS, the village panchayat elections were held in this, in which voters were asked to raise their hands in a closed room at the voting place with the doors closed and the names of the candidates were called out one by one. In 2019 BS, the elections for the Nagar Panchayat, District Panchayat, and Zonal Panchayat were held. In this, the voters voted on the basis of direct votes and ballot papers. As a result of the student movement of 2036 BS, a referendum was held in 2037 BS with two options for the reformed panchayat, which was a multi-party system. After the success of the people's movement in Bikram Sambat 2046, the elections for the House of Representatives were held in Bikram Sambat 2048. After the people's movement of 2062 BS, the Constituent Assembly elections were held in 2064 BS and the second Constituent Assembly elections in 2070 BS, and the Constitution of Nepal was promulgated in 2072 BS. Two national, provincial and local elections were held in 2074 BS and 2079 BS. Similarly, on Bhadra 23, 2082 BS, the Genji, or young generation, staged a protest and demanded new elections, good governance, justice, equality, corruption, employment, and other demands, resulting in the formation of an interim government.

This generation has demanded elections for the arrangement of the Prime Minister as a direct executive. A government has been formed under the Prime Ministership of Sushila Karki with elections to be held on Falgun 21, Bikram Sambat 2082. Since the demand of the Genji youth to adopt democratic methods of elections is high, it seems that a new form may come in the election process. Since the electoral system has been studied from the past in a modern context, this study and research is in a historical and descriptive form.

Methodology

This study is in a historical and qualitative format. In this study, the material has been collected from primary sources, including leaders of various political parties, officials of constitutional bodies, scholars of political science, and young women of the Gen Z in a modified form, by directly asking questions and collecting material through interviews and conversations, and the subject of the principles of democratic representation in Nepal's politics and electoral system has been clarified. As a secondary source, various books and articles have been studied and collected as mentioned above, and the research has been carried out. The nature of the research in this is basically original qualitative and descriptive. It has also included written opinions about electoral politics and democratic principles in the electoral system in Nepal.

This study is related to the field of new theory, knowledge, skills and concepts based on original thinking and in-depth study to show the relevance of the principles of democratic representation in the electoral system of Nepal. The primary sources of facts and content in this research are mainly open interviews and participant observation with various people. As mentioned above, in the context of data collection, in order to determine whether the principles of democratic representation have had an impact on the electoral system of Nepal, the researcher and the researcher themselves were interviewed with the officials of political constitutional bodies, intellectuals of political science and prominent figures. Before the interview, the concerned person was informed about the purpose of the research by telephone. The interview was conducted by asking additional questions based on the time and place of the respondent. As a secondary source, the published documents that have been used in government or non-government work, the facts that have been published, the private or personal records and archives, and the documents, the media materials, and the materials used in the research have been used to advance the research. The materials of the secondary sources have been collected from various individuals, organizations, libraries, reading rooms. Similarly, materials received by telephone, news, television interviews, and audio-visual materials have also been collected and researched.

Analysis and Interpretation

The principle of democratic representation in Nepal's electoral system has a long history. There are various types of electoral systems. Under this, there are open voting and secret voting. In modern times, other types of electoral systems also exist. Under secret voting, there are direct election systems and indirect election systems (Dahal, 2007). There are also two types of democracy. In direct and indirect democracy, the people themselves directly participate in running their state system. For example, forming a government, formulating rules, implementing them, and administering justice. Such a system is possible only in small states and with few people (Upadhyaya, 2001). In countries like Switzerland, direct democracy is found in some cantons. The system of running the state through people's representatives is called indirect democracy or representative democracy. Today, this system is prevalent and popular in democratic states everywhere. But in a democracy, a democratic and assured process is adopted to select people's representatives and control them over the people. This process is called a representative system. Democratic representation systems Democracy is a system of people's representation. In a general democracy, the decision of the majority is universally accepted. Therefore, in an effort to adequately represent all segments of the population in a democracy based on freedom and equality, various concepts and principles of popular representation have been developed. These are as follows:

Territorial Representation

This system of representation is called geographical representation. According to this, the state can be divided into different electoral districts. Electoral districts are different from administrative areas or districts. In a geographical representation system, there are usually constituencies from which only one member is elected.

Class and Proportional Representation

According to this principle, democracy has a system of maximum class or professional representation. According to this, there is a system of representation based on elections not only from institutions like the legislature of the country but also from communities like farmers, workers, industrialists, and artisans. Another representation system prevalent in modern democracies. The main reason for the development of this system is that it represents different communities, groups, parties and factions of society in the government. There are two main methods in this system.

Single Transition System

This system was first developed in 1793 by Carl Andre in Denmark and later developed by Thomas Heyer in Britain. Under this system, a voter is given a ballot paper at the time of voting, which has the names of the candidates written on the left side, and on the right side of the ballot paper there are spaces for writing numbers such as one, two, or three to indicate their preference. The voter indicates their first preference by writing the number 1 in the space to the right of the candidate they want to choose, and similarly the numbers two and three indicate other preferences. For example:

$$\text{Electoral quota} = \text{Total average number of votes} + 1 / \text{Total number of seats} + 1$$

Simple List System

Another method of proportional representation is the list system. In this system, a special method of representation is adopted. According to this, in the election, different political parties prepare their lists of candidates for the required seats for the parliament or legislature. A separate ballot paper is prepared. Voters cast their votes on the list of the party and its candidate they want. In that, according to the practice of proportional representation, the seats in the legislature are distributed to the candidates based on their preferences. For example: If there are 100 members in the legislature, there are five parties contesting the election, one of them has 50, another 20, another 15, another 10 and another 5%, then 100 seats are distributed accordingly.

Minority Representation

Another system according to the principle of popular representation. According to the philosopher J.S. Mill, in any democracy, arrangements are made for adequate representation of minority communities. These include the second electoral system, the alternative vote system, the limited vote system, the cumulative voting system, and the communal voting system. Similarly, the methods of direct democracy include referendums, public decisions, etc.

Elections are a peaceful means for the people to build state power according to their will and desires. Modern democratic states have adopted the concepts of constitutional democracy and representative democracy. Elections on these issues are the essence and soul of democracy in the modern era. The right of citizens to cast their votes fearlessly in elections is the right to vote. In which limited voting rights are granted to individuals who have the ability and qualification to exercise it. Only they are entitled to it. Child suffrage means reaching the age specified by the constitution and electoral laws of the respective country to participate in voting. Citizens of every country are given the right to vote to elect their representatives. Governments are organized and dissolved in a democratic system of governance through the voting rights of the electorate. In modern times, the principle of public suffrage has been adopted based on these ideas. In addition, property-based suffrage, education-based suffrage, and social interest-based suffrage are also in vogue. While analyzing these election principles during the research, this study conducted interviews with 20 intellectuals, political scientists, and officials of constitutional bodies, who were knowledgeable about elections and who were asked questions by the researcher himself. Through the interview method, the researcher clearly answered the principles of democratic representation in Nepal's electoral system. Therefore, an attempt has been made to analyze the issue of democratic representation principles and draw conclusions from this. In addition, an attempt has been made to conclude this study by analyzing various literature, books, articles, scholarly concepts, and political thinkers' latest theories on elections as secondary sources. All the groups included in the research field have tried to clarify the modern democratic election system.

The election system from Vikram Samvat 2004 to 2082 and the principles of global elections have been clearly explained. Since this research is of a qualitative nature, the original ideas of the respondents have been analyzed as the main basis. An attempt has been made to examine the objectives and problems of the research as they expressed their views on elections. Since all respondents from one to twenty have clarified the principles of democratic representation in Nepal's electoral system, it is confirmed from this basis that these principles have been used in Nepal to make elections fair, impartial, transparent, and to shape them into the form of people's opinion. Especially since the above-mentioned modern principles are being used more in the context of Nepal, the election is confirmed. This is confirmed by analyzing the basis obtained from secondary sources. This is confirmed from this. This research also seems to have guided the use of such principles in Nepal's electoral system.

Conclusion

Different democratic countries have adopted different election methods according to the needs and justification of the respective country. Regardless of the electoral system of any country, the main objective is to select a person or party through elections. The results obtained by one electoral system may not be obtained by another. The electoral system mainly includes the method of selecting representatives, the constituency and the number of voters, the age of the voters, etc. It has determined the form in which the politics of the country will be shaped. The electoral system mainly includes the method of selecting representatives, the constituency and the age of the voters. Nepal has a long political history of formal elections. Various electoral systems have been adopted in the Constitution of Nepal of Bikram Samvat 2004, 2015, 2048, 2051, 2056, 2064, 2072. Since the principles of democratic representation have led elections to modernity, the impact of the democratic system is more visible. The various political changes in Nepal have played an important role in the development of the democratic system, including direct and indirect mixed proportional elections. It is clear that this has had an impact since various people have expressed the principle of democratic representation in the electoral system of Nepal through interviews. The changes in Nepali society and the end of discrimination, inequality and cultural and traditional elections have had an impact on the democratic system in elections. On Bhadra 23, 2082, the youth of the Gen Z staged a movement demanding a direct executive government and a head of state, and also demanded changes to the constitution, creating a situation for the beginning of a new electoral system. Since democracy is defined, measured and determined on the basis of elections, the role of the democratic system is important and significant in the context of Nepal.

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