A Comparative Study of Parliamentary Election of 2017 and 2022

Sabita Kumari Mallik[1]

Abstract

The study demonstrates the value and propriety of parliamentary election in a multicultural society such as Nepal, which is a rainbow of ethnic diversity. In order to lessen the tension between recognition and identification based on these disparities, it is appropriate to address varied groups such as caste, gender, ethnicity, region, and religion and provide them a sense of equality to participate in the social, economic, and political landscape of the country through the election.

The study includes proof from secondary sources of information such as significant books, journal articles, official documents, and election commission statistical data. The mainstream of political science strategy, which is based on liberal, multicultural, and representative theory and comparative research design, was shown to be less effective in this study's descriptive and institutional approach.

The comparative results of the House of Representatives elections in 2017 and 2022 demonstrate that the general proportion of all clusters declined from 2017 to 2022, there was a minor change in the percentages of women and indigenous people, which grew by 0.28% for women and 0.73% for indigenous people. Women's FPTP results increased 1.85% between 2017 and 2022, making them marginally better. There is a constant upward tendency in the percentage of Khas Arya.

Key Words: *democracy, parliamentary election, proportional representation, inclusion*

Introduction

Nepal is a small nation with a diversified population that is nestled in the foothills of the Himalayas. This stunning nation, which has a democratic government, is home to a wide range of ethnic and cultural groups, languages, and faiths that are

---

1   Lecturer, Padmakanya Multiple Campus | Email: sabitamallik1@gmail.com

dispersed from east to west and north to south. Located in the northern region of South Asia, Nepal is a closed nation. Its location lies between latitudes 26 12' and 30 27' North and longitudes 80 4' and 88 12' East. Nepal has a total area of 147,516 sq. km. and a population of 29,164,578, with 14,253,551 men and 14,911,027 women, according to the census conducted in 2021. Based on data from the 2021 census, the study concentrated on Nepal's most diverse regions (NPHC National Report 2021, p. 31).

Nepal is a democratic country and enjoy democratic norms. Democracy is a system in which the people enjoy sovereign right to form their government with popular will. In the context of Nepal it was a hard gained political system established through revolution of 1951 and Mass movements in 1990 and 2006. There was no democratic system in the country before 1951 since the unification of Nepal by King Prithvi Narayan Shah because Rana regime was the autocratic family rule in which people did not enjoy right and freedom.

The emergence of democracy in Nepal following the 1950 revolution spearheaded by the Nepali Congress to overthrow the Rana government marked the beginning of the country's transition from exclusion to inclusion. The country saw political changes in the 1950s and 1960s, including the operation of the governance system, the drafting of the constitution, the separation of powers, the provision of fundamental rights, the ability of political parties to run for office on the platform of equal law for all, and the demand to draft the constitution through a Constituent Assembly. The equal rights article was originally included in the 1950 constitution, marking the beginning of the process of include everyone in public life. Between 1951 and 2008, Nepal saw six different constitutions in sixty years. The country's seventh constitution, which was ratified in 2015, has a clause addressing inclusion that aims to accommodate the country's diverse social makeup. All of these constitutions attempted to include the varied group of Nepalese people in state activities, however in spite of the efforts made by the government acts and constitutional provisions enacted during this time, prejudice persisted.

Statement of Problem

Nepal witnessed series of political changes like absolute monarchy, autocracy, Rana regime (oligarchy), and absolute monarchy (Panchayat regime) to democracy (Loktantra). The loktantra restored after the People's Mass Movement II (2006) which paved the way of proportional representation in every sector of Nepalese politics, administration, education etc. All people are to be equal citizens, irrespective of ethnicity, caste, religion or community belonging. In this study, there is no work

found to compare the result of election held in 2017 and 2022. The separate results of both years were published by the Election Commission with name list of the MPs representing in HoR with districts. Very few works are done to compare the result of CA and HoR elections but no works are found to compare the election result of 2022 with that of 2017. Thus, this research is found essential to analyse; what is the position of representation in the election of House of Representatives between 2017 and 2022?

Objective of study

The main objective of the study is to compare two general election of HoR between 2017 and 2022 and analyse its results on the basis of inclusiveness.

The specific objectives is:

* To compare and analyse the results of representation in the elections of House of Representatives on the inclusive basis between 2017 and 2022.

Limitation of the Study

The representation in House of representatives is focused in this research. The representation in HoR between two elections after the promulgation of the constitution in 2015 which were held in 2017 and 2022 is taken into account. The research strictly focuses on representation of citizen in HoR of Nepal and its effects on inclusive basis, not of National Assembly.

Methodology

This study adopted a descriptive and institutional approach based on liberal, multicultural and representative theory and comparative research design which are dominant approach of political science found more effective in this research on the basis of Philosophy of Pragmatism. It deeply followed the comparative stream of the study along with various research design. The study used the literature review as theoretical concept. The study mostly used secondary source of study based on articles, books, journals and election reports.

Literature review

The research needed all the important books, journal articles, government document/ data, and other research materials to be used which reflect proportional representation of the people in legislature and its impacts in the society. The process of drafting constitution in Nepal was inclusive but elite led in which the groups which needed

more representation were less (T. U. survey report, 2015). The promulgation of the constitution in 2015 brought dissatisfaction among the indigenous and ethnic groups. The government of Nepal considered 59 groups as indigenous and several other ethnic groups which comprises the large population of Nepal, felt that their demands were not accommodated by the constitution and are not happy with the implementation of inclusion in any sector.

a) Concept of democracy

The concept of democracy originated in Greek city states with the different view of philosophers. The philosophers like Socrates, Plato, and Aristotle were in favour of absolute power to the king or the ruler and were against democracy which they believed as danger of the state. The philosophers like Hobbs, Locke, Montesquieu, and Rousseau were in favour of democracy. Hobbs justified the democracy with wide range of governmental powers obtained through social contract for the safety of the citizen and have trade liberty on the basis of self-interested consent of citizen while Locke was in favour of representative government and wish the representation of only the men with property and business. Similarly, Montesquieu believed in separation of power of ruling into legislative, executive and judiciary for independent/ freedom in act to promote liberty while Rousseau claimed for direct democracy where everyone has right to choose their representative through social contract on the basis of general will to make the law of the land and if the ruler does not work according to general will the contract must be broken and the next contract should be made. These are examples of the different views given by different philosophers/ scholars of different countries on democracy.

Democracy can be defined as "popular control of public affairs on the basis of political equality" (Beetham 1999 in Törnquist 2013, p. 1). Democratization is a continuous process which requires "the authentic political inclusion of different groups and categories, for which formal political equality can hide continued exclusion and oppression" (Dryzek 1996, p. 475, cited in Lawoti 2007c, p. 58). It is the process in which the aims and values of democracy are further extended to either include more citizens previously excluded or political institutions that were previously not under public control (O'Donnell and Schmitter 1986, 8). Claim of democracy by any type of political regime does not make it democratic. Similarly, claim of being democrat by any one does not make him/ her democrat. In Nepal both partyless Panchayat political system and multi-party political system have claimed themselves to be democratic. In practice, however, both were exclusionary political system. If we use any principle of democracy as a litmus test in Nepal, it

is not difficult to anyone to see that Nepal has no democracy since 1769. Whatever "democracy we had during 1959-60 and from 1990-2002 was "exclusionary democracy" (Bhattachan, 2003. p. 1).

b) Theory of Political Representation

The theories of political representation begin from the democratic theories of participation in the active politics through the election. The concept of representation remains exclusively a particular kinds of political actors who get popular votes which is the consent of public to give them opportunity to represent themselves in that certain place. According to Andrew Rehfeld (2006), he offered "the general theory of representation which simply identifies representation by reference to a relevant audience accepting a person as its representative." Political theorists have offered four primary perspectives on the idea of representation, to be more precise. Sadly, Pitkin never discusses how these many perspectives on political representation work together. She makes passing references to the idea of representation being united at times. In other instances, she highlights the disagreements between these many points of view (Hanna Pitkin, 2018).

c) Concept of Election and Voting behavior

The electoral system is the foundation of any democratic society. It is like the set of rules that are used to pick leaders in a democratic society. The theoretical concept it discusses the ideas of Arend Lijphart's Electoral Systems and Party Systems, Powell, G. Bingham's Election as Instrument of Democracy and ideas from other different critics. The key concepts of the election system and its link with the foundation of stable government in the global context. The majority systems, proportional representation systems, party list-PR and mixed systems. This viewpoint, championed by Arend Lijphart (1969) in his consociational model, draws from detailed observations of power-sharing democracy in European countries like the Netherlands, Belgium, and Switzerland.

Discussion and Finding

Greek city states were the birthplace of democracy, despite the divergent opinions of philosophers. Philosophers such as Socrates, Plato, and Aristotle supported the king or ruler having absolute power and opposed democracy, which they saw as a threat to the state. Proponents of democracy included philosophers such as Hobbs, Locke, Montesquieu, and Rousseau. While Locke supported representative government and desired that only men with property and business be represented, Hobbs defended democracy by citing a wide range of governmental powers acquired through the

social compact for the protection of citizens and the right to trade liberty based on the self-interested consent of citizens. Likewise, Montesquieu supported the division of governmental authority among the legislative, executive, and judicial branches for independence and freedom in acts that advance liberty, whereas Rousseau argued for direct democracy, according to which everyone has the right to select their representatives through a social compact based on the collective will to create national laws; if the ruler fails to uphold this will, the compact must be broken and a new one should be created. These are a few instances of the various perspectives on democracy expressed by various philosophers and academics.

According to Fotopoulos, we can identify the following stages in the development of Athenian political democracy in relation to the stages of economic democracy: first, the time before Solon; second, the time after Solon until Cleisthenes' reforms; third, the time after Cleisthenes until Pericles; fourth, the time after Pericles until the Peloponnesian War's conclusion; and, last, the Athenian democracy's decline.

It is a fundamental process to decide how and which government gets formed, which leaders get chosen, and how they make decisions. It also empowers citizens to choose who leads their country and provides a peaceful means for leadership changes. It is a process where citizens can choose leaders who promote policies and initiatives that can lead to economic growth and improve their living standards. It is a system to raise faith and belief in people's votes to reduce the likelihood of protests, unrest, or conflicts arising from disputes over leadership. And, elected representatives are accountable to the electorate, and this accountability encourages them to address the needs and concerns of their citizens.

Different scholars hold differing views regarding the most suitable electoral systems for different societies. There are many schools of thought that are provoking for a better electoral system. One school contends that proportional representation (PR) systems are essential in ethnically divided regions to ensure adequate minority representation. This perspective, aligned with consociational approaches emphasizing elite power-sharing, advocates for party-list PR as the preferred choice in divided societies. Party-list PR allows diverse groups to establish identity-based parties and secure parliamentary representation proportional to their numbers.

Establishment of Democracy and History of Parliament in Nepal

Nepal held its first general election in 2015 B.S. (1959). 1951 saw the end of the Rana era. 1951 saw the first general election in India, and the first in Nepal in eight years. Given that both India and Nepal, two South Asian nations, started their

transition to parliamentary systems around the same time, Nepal's experience with the system is neither particularly positive nor negative in the context of South Asia. But while Nepal's parliamentary system has been hindered by frequent ups and downs and political instability, India's democratic system has grown stronger over time.

In 2016 B.S. (1959), Nepal established its first bicameral legislature, or parliament. But this parliament was short-lived. Mahendra, the then-king, dissolved it after just eighteen months. After that, King Mahendra ruled for thirty years without a party and without regard for the parliament. The elected body was referred to as the Rastriya Panchayat. In 2048 B.S., the nation held a general election and adopted a bicameral legislature at the center, following the restoration of democracy in 2046 B.S. (1990). Once again, this system was short-lived. "With the dissolution of the House of Representatives in 2061 B.S., this parliamentary system suffered a setback."

The election of CA-I, the 601-member unicameral legislature, in 2008 marked the start of the drafting process, which ran until 2015 A.D. "The new constitution institutionalized a bicameral legislature at the center and a unicameral one at the provincial level." Amidst the political unrest, King Tribhuvan fled to India and returned to Nepal in 1951. This meant that Rana's autocratic rule was over. A democratic government came into being in 1951 with the adoption of the interim constitution. The first democratic elections were held in 1959, and the Nepali Congress emerged victorious in the creation of the first elected parliament.

Panchayat System, People's Movement and Re- establishment of Democracy

In 1960, King Mahendra overthrew the democratically elected government, disbanded the parliament, and imposed an autocratic, party-less Panchayat system of governance. During this time, the monarchy dominated the country and the king appointed important officials. A pro-democracy movement known as the Jana Andolan or People's Movement-I brought multi-party democracy back in 1990. A constitutional monarchy was established when King Birendra accepted constitutional amendments and reinstated the parliament.

Maoist Insurgency, Restoration of Democracy and Comprehensive Peace Treaty

The Maoist Communist Party of Nepal conducted a Maoist insurgency from 1996 to 2006. The insurgency sought to install a communist republic in place of the monarchy. This conflict resulted in significant political instability and violence.

People's Movement- II initiated a diplomatic dialogue between the Maoists and the government in 2006, following the restoration of democracy. This dialogue resulted in the negotiation of a comprehensive peace agreement between the Maoists and the government in 2006. The powers of the monarchy were drastically curtailed, and a Constituent Assembly was set up to draft a new constitution.

Abolition of the Monarchy and Adoption of the New Constitution

Following the overthrow of the monarchy, Nepal was proclaimed a federal democratic republic in 2008. An important contribution to the writing of the new constitution was made by the 2008-elected Constituent Assembly. After several years of discussion, protests, and deliberation, Nepal ratified a new constitution in 2015. The constitution established Nepal as a democratic, inclusive, secular federal republic.

Federal Parliament of Nepal

The history of the Nepalese Parliament depicts the nation's transition from absolute monarchy to a constitutional democracy, complete with significant political advancements and setbacks. Founded in 2018, the Federal Parliament of Nepal is the country's bicameral federal legislature and highest legislative body. According to the current Nepalese Constitution, it is a two-chamber parliament made up of the House of Representatives and the National Assembly, with the President of Nepal serving as its head. Members are chosen by combining proportional and first-past-the-post voting methods.

President, House of Representative (HoR) and National Assembly in Nepal

The head of state and supreme commander of the Nepalese armed forces is the President of the Federal Democratic Republic of Nepal. The office was founded in May 2008, following the proclamation of the nation as a republic. The first president of Nepal was Ram Baran Yadav. The third president of the nation, Ram Chandra Poudel, succeeded Bidya Devi Bhandari.

The House of Representatives (HoR) comprises 275 members. 110 members are chosen through a proportional electoral system in which voters cast ballots for political parties, treating the entire nation as a single election constituency. The remaining 165 members are chosen through FPTP voting from single-member constituencies. House members are in office for a term of five years, or until the President dissolves the assembly at the council of ministers' recommendation.

There are fifty-nine members of the Rastriya Sabha, the national assembly.

Three members are appointed by the President on the recommendation of the administration, with one member having to be a woman. Eight members are chosen by an electoral college in each of the seven provinces. There must be a minimum of three women, one Dalit, and one disabled or minority member among the eight members chosen from the provinces. Members have staggered six-year terms, with two-year term expirations for one-third of the members.

The Comparison of the Election of House of Representatives in 2017 and 2022

The parliament, which operates with a two-house system, is defined in part 8 of the 2015 constitution of Nepal. Six-year terms are granted to members of the upper house, which is a permanent body. Using the FPTP and PR systems, elected members make up the lower house. The PR system is implemented in the nation with the idea of incorporating Nepal's many ethnic groups. The total number of 88 parties were registered under the proportional system for the election of House of Representative. However, only 49 parties submitted closed list of proportional candidates in 2017. 86 political parties were registered for the 2022 House of Representatives election; of these, 61 ran in the FPTP, and 47 only submitted the Election Commission's closed list. In the 2022 election, 13 parties and 5 independent members serving in the House of Representatives (EC, 2022, p. 252).

The data shows shifts in the percentage distribution of different castes and ethnic groups in Nepal's population over a five-year period, from 2017 to 2022.

Comparison of Electoral Results of past two elections of HoR and representations of different caste/ ethnicity for year 2017 and 2022
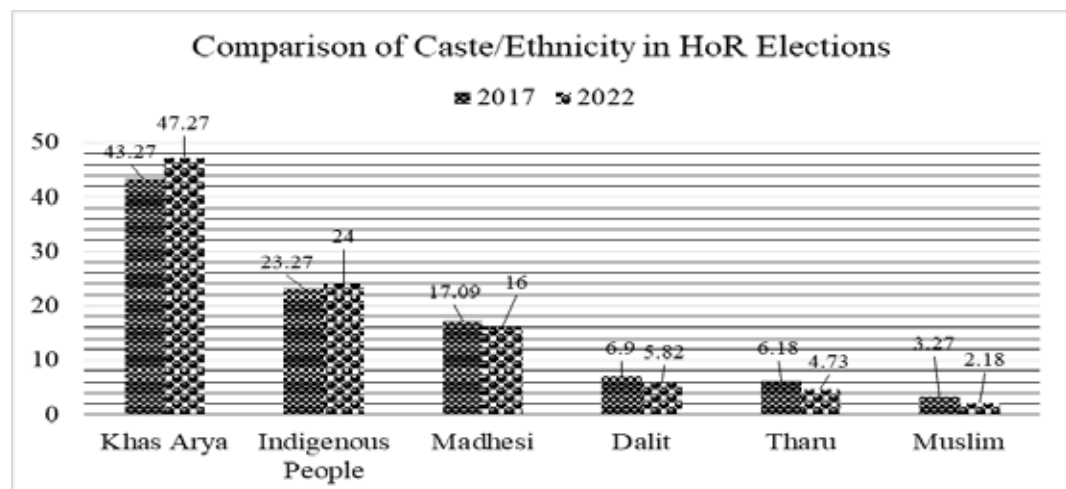
Source: Election Commission of Nepal

The above result of HoR elections held in 2017 and 2022 shows that the overall percentage of each and every clusters were decreased from 2017 to 2022 but slight change is seen in the percentage of women and indigenous which increased by women with 0.28% and indigenous 0.73%. The FPTP result of women from 2017 to 2022 is slightly better by increasing 1.85%. The percentage Khas Arya is always in increasing trend represented by 43.27% which was increased by 4% in 2022. There is no question in the need of proportional representation but no honesty is seen in its implementation.

Conclusion and Recommendation

The results of the elections in 2017 and 2022 demonstrate Khas Arya's ongoing dominance at the federal, provincial, and local levels. The PR system is designed to increase the representation of marginalized communities and groups that are typically left out of FPTP elections, but Khas Arya people continue to dominate in leadership roles in the government, civil service, and politics, playing a crucial role in the creation of laws, plans, policies, and programs, as well as budgetary decisions. The data from the federal, provincial, and local elections in 2017 and 2022 is analyzed, and Khas Arya's dominance is still present. Women, Indigenous people, Madheshi, Tharu, Dalit, and Muslims make up a small minority and do not participate significantly in society.

The study unequivocally demonstrates how the principle of proportional representation is abused in Nepal since reservations are made with little thought given to the needs of excluded groups and instead prioritize the dominating community. To guarantee that all excluded and marginalized groups and communities are represented, the proportional representation principle needs to be reformed or reorganized and applied in accordance with population size. Honesty and support for marginalized and oppressed groups is crucial for ensuring that Nepal's good governance and the aspirations of all Nepalese citizens are realized.

Since it is necessary for the country, inclusive representation is one idea that aims to include marginalized and disadvantaged groups in state politics at the grassroots level. While it has been beneficial to the country, it should not be sustained indefinitely and should instead be changed by amending the electoral laws. Long-term development of economic, educational, and awareness initiatives is necessary to enable marginalized people to participate competently in governmental affairs. In the political sphere, political parties ought to enact legislation requiring candidates from the same group to run in FPTP elections. Currently, there are more women, Dalits, Madheshis, and members of other ethnic groups in the parliament than ever before.

Recommendation

According to the constitution, each member of society has a responsibility to speak up for their rights and to be aware of their obligations. They can make a strong demand for it or take their right to representation to court if the political parties and their leaders did not acknowledge it at that time. The parliament should pass laws regulating the representation of the people in these six clusters in compliance with constitutional provisions and seal the gaps that allow political parties to abuse their authority to choose candidates.

References

Bhattachan, K. B. (2003). *Expected Model & Process of Inclusive Democracy in Nepal.* Paper presented in International seminar organized by Social Science Baha in Kathmandu.

Election Commission Report. (2074). *Pratinidhi Sabha Sadasya Nievachan 2074, Nirvachan Parinam Pustak. Pahilo hune Nirvachit hune Nirvachan Pranali ra Samanupatik Nirvachan Pranali.* Government of Nepal.

Election Commission Report. (2079). *Pratinidhi Sabha Sadasya Nievachan 2079, Tathyankma Nirvachan.* Government of Nepal.

Fotopoulos, T. (1997). *Towards an inclusive democracy: the crisis of the growth economy and* the *need for a new liberatory project*. Biddies Ltd, Guildford and King's Lynn. London.

Lawoti, M. (2007c). *Political Exclusion and the Lack of Democratisation: Cross-National Evaluation of Nepali Institutions using a Majoritarian-Consensus Framework.* Commonwealth & Comparative Politics 45 (1):57--77. doi: 10.1080/14662040601135755. Accessed 2023/05/24.

Lijphart, A. (1994). *Electoral Systems and Party Systems: A Study of Twenty-Seven Democracies,* 1945-1990. Oxford University Press.

National Population and Housing Census National Report, 2021.

Political Representation (Stanford Encyclopedia of Philosophy/Spring 2014 Edition), First published Mon Jan 2, 2006; substantive revision Wed Aug 29, 2018.

The Constitution of Nepal. 2015. Nepal Law Commission.

Törnquist, O. (2013). *Assessing Dynamics of Democratisation Transformative Politics, New Institutions, and the Case of Indonesia*. Basingstoke: Palgrave Macmillan.