

Influence of Political Parties in Elections: Evidence from Nepal

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Abstract:

This article measures the influence of political party variables on the electoral process in Nepal. In the findings, in general, the research found that a free and fair election in Nepal does not perform at par with their counterparts in the Western world. In Nepal, it is the confrontational political culture among the political parties which is challenging to ensure free and fair elections.

Key words: Free and fair elections; Nepal and political parties

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BACKGROUND AND CONTEXT

Nepal has seen rapid political changes during the last two decades. Until 1990, Nepal was a monarchy under the executive control of the king. Faced with a movement against the absolute monarchy, King Birendra, I in 1990, agreed to large-scale political reforms by creating a parliamentary monarchy with the king as the head of state and a prime minister as the head of the government.

¹ Birendra Bir Bikram Shah Dev was a king of Nepal who succeeded in 1972. He reigned until his death in the 2001 Nepalese royal massacre. He is the most internationally well-known Nepalese king in the modern history.

Again, the people's movement in 2006 brought about changes in Nepal. An interim constitution was promulgated in 2007, with the King giving up power, and an interim House of Representatives was formed with Maoist members after the new government held peace talks with the Maoist rebels. In 2007, the Communist Party of Nepal (Maoist) joined the interim government of Nepal. On 10 December 2007, the interim parliament passed a bill that made Nepal a federal republic, and (with) the Prime Minister becoming head of state. On 28 May 2008, lawmakers in Nepal legally abolished the monarchy, and declared the country a republic, ending 239 years of royal rule in the Himalayan nation (International Crisis Group, 2008).

In 2008 Nepal's Constituent Assembly (CA) elections marked a major step forward to a federal democratic republic. On 10th April, 2008, the first election for the constitution assembly took place in Nepal (International Crisis Group, 2008). The Communist Party of Nepal (CPN-Maoist) led the election results, but failed to gain a simple majority in the parliament. However, Nepal has been following national election since 1960, except during the civil war there was no election (excluding the municipal election). After a long gap, Nepal managed to hold the election of the Constituent Assembly on April 10, 2008. The 2008 Constituent Assembly election transitioned Nepal from a monarchy to a parliamentary republic, and gave an overwhelming victory to the Communist Party of Nepal (Maoist) that ended the long civil war.²

1. RESEARCH METHODOLOGY

Qualitative research helps to give a real meaning of the research as well as a comprehensive study to analyze the findings. This approach does not make analyses, and

² Compiled from Comprehensive Peace Accord (2006) and Interim Constitution of Nepal (2007), and Election Legislation.

conclusions based on figures rather it is more explanatory and exploratory. Therefore, I decided to employ qualitative approach in my research.

Every research requires methodology to execute the study. In doing so, both historical and empirical data was used. Historical data was mostly collected from secondary sources, such as published books, reports, journals and articles. Empirical data was collected from intensive fieldwork through interviews in Nepal from July 2011 to August 2011; however, many prominent personalities (11 respondents) from different categories were invited for interview. Bureaucrats, social activists, politicians, leaders of different social movement, professionals and other high ranking people of policy making level were the participants. I asked to different categories of respondents in Nepal about how political parties' influence of institutionalizing free and fair elections.

2. INTRODUCTION

Norton (2000, p.8) argues out that political party is crucial to political life and central to Westminster form of government, but excessive partisanship is harmful to limiting its capacity to call government into account (Rahman, 2005). The political confrontation among the parties tends to treat each other as enemies rather than as opponents in Nepal. Furthermore, Nepal's political parties are still dominated by the upper castes and classes of society that have ruled the country for centuries. Interestingly, in the outside, political parties/ politicians behave in a modern western way, but in their minds, they are embedded in hierarchical thinking, whose ideas are not equality and participation of all people (Kraemer, 1999).

After the democratic era of 1990, mass people were united to the call of political parties to fight against the undemocratic practices that could not bring any qualitative political changes in the country. People expected that democracy would bring some changes in society, but it noticeable that it did not work as people as hoped. It is noted that political parties are extremely important for the consolidation of a free and fair election. Therefore, this article tries to analyze about how political parties negatively influence the electoral process in Nepal.

3. RELATIONSHIPS BETWEEN POLITICAL PARTIES AND FREE AND FAIR ELECTIONS

Political party is the functioning of the state; therefore, free and fair elections depend on how political parties operate in a country. Benjamin (2008) describes political parties as; "the key agents of political articulation,

aggregation and representation," making them "the institution which impact most directly on the extent to which social cleavages are translated into national politics" (Benjamin, 2008). However, political parties in South Asia are often instead of acting as forces for good, intense conflicts between the parties. In South Asia, political parties look to each other parties with suspicion and distrust. It has been observed in South Asia that the absence of consensus between the parties make hard to reach a compromise on governance issues.

It is cited that scholars found a strong relationship between political parties and free and fair elections. For example, political party determines which member of the party will contest in the parliamentary elections. In the transitional democracies, the opposition parties can shift the politics from the Parliament to the street, and disrupt public life and order. These practices can lead to political instability, if it is forcefully handled instead of providing some avenues to ventilate their grievances. Furthermore, it is argued that if a political party commitment to democratic ideals is not high, political parties can narrowly serve the interests of common people.

Political parties seek to influence government policies participating in the election. According to Law (1997), political parties influence by attempting to elect its candidate to the office. Furthermore, the party differs from other political parties in its mobilization capability (Law, 1997). During a legislative election, the parties try to win support from their voters in order to legitimately gain the power to influence the government decisions. There are some fundamental features of political parties that vary from one polity to another. According to Lee and Shaw (1979, pp.392-393), these variations may be as to whether they are one, two or more than two major political parties. Whether the parties tend to be cohesive or non-cohesive; and whether the leading parties are ideologically close or distant (Rahman, 2005). The presence, absence or blends of these characteristics help to determine the degree of party control over the governance system in a country.

Political parties do not necessarily have to like each other. But in the democratic system they must tolerate to each other, and admit each other's legitimacy. Unekis (1998, p.195) argues out that rival political parties face each other from positions of strength (controlling either in the Presidency or the Parliament) in a struggle for control over the development of public policy (Ibid). Although the basis of conflict between political parties is competition for office, the adversarial relationship between the parties is in their nature. The conflict between the political parties may occur at any time. But it is especially occurring during the elections. Each party is not only trying to advance its political mandate at the expense of the others, but in many cases, to prevent the opposing views from being given a voice before the electorate.

4. CONSTITUTIONAL PROVISIONS AND ELECTORAL SYSTEMS IN NEPAL

4.1 Adult Suffrage

Adult suffrage has been in effect since 1960 in Nepal. At present, the Interim Constitution also provides such a guarantee. According to Article 63 (5) of the Constitution, any Nepalese citizen who has attained the age of 18 is eligible to vote.³ Voting is open to all citizens regardless of race, gender, political affiliations, physical disability or other traditional barriers.

4.2 Structure of the Legislature

From 1991 to 2002, Nepal's legislature was bicameral consisting of a House of Representatives called the Pratinidhi Sabha, and a National Council called the Rastriya Sabha. It was settled for a simple majority (which is also called majoritarian election system) system of election for 205-member Pratinidhi Sabha (Lower House of Parliament). Considering population, density and geographical size, Nepal is divided into 205 single member constituencies, each of which elects one Member of Parliament (MP) (Dahal). Rastriya Sabha (National Council) had 60 members, 35 members elected by the Pratinidhi Sabha (Lower House of Parliament), 15 representatives of Regional Development Areas and 10 members appointed by the king. Parliament was subsequently dissolved by the king in 2002 on the context that it was incapable of handling the Maoists rebels.

Now legislative power is vested in the Constituent Assembly. The Nepalese Constituent Assembly was a unicameral body of 601 members formed as a result of the Constituent Assembly election that was held on April 10, 2008 (Sengupta, 2008). The Constituent Assembly was tasked with writing a new constitution,⁴ and it would act as the interim legislature for a term of two years. 240 members were elected in single seat constituencies, 335 were elected through proportional representation (Vijay, 2008), and the remaining 26 seats were reserved for nominated members.⁵

4.3 Historical Development of Election Process

The political scenario in Nepal saw changes in 1990. 30 years of party-less Panchayat system⁶ formed by King

Mahendra ended with the people's movement that called for democracy. In 1990, under a multi-party system, a cabinet headed by Prime Minister Krishna Prasad Bhattarai was formed. On November 19, 1990, King Birendra declared the Constitution of Nepal. According to it, certain constitutional bodies were restructured, the Election Commission being among them. However, the Chief election Commissioner would continue to be appointed by the King, upon recommendation of the Constitutional bodies.⁷

Nepal was to see rampant political changes in the decade that followed. The reign of King Birendra was eclipsed with the beginning of the Maoist insurgency. The King refused to deploy the national army against the rebels. On June 1, 2001, the Royal Family massacre took place. None of the members of King Birendra's family survived the shootout, which automatically made King Birendra's younger brother Gyanendra, the new King of Nepal. On May 22, 2002, King Gyanendra dissolved the House of Representatives, and declared mid-term elections. The election however, did not materialize and on October 4, 2002, King Gyanendra sacked then Prime Minister Sher Bahadur Deuba, alleging him of 'incompetence' (Ibid).

Without a parliament or a Prime Minister, King Gyanendra held full sway in appointing or displacing the members of his own formed cabinet. On February 1, 2005, King Gyanendra assumed powers of the state in a bloodless coup. To overthrow the King's grip, the 7 political parties' alliance, which had earlier been vocal against the Maoists, joined hands as 8 parties and declared People's movement II. After weeks of protests and bloodshed, on April 24, 2006, King left power to the people. According to the 16 point and 8 point understanding between the 7 parties and the Maoists, the Interim Constitution (IC) was drafted on August 25, 2006 (Ibid).

Article 133 of section 15 of the Interim Constitution of Nepal (2007) is devoted to the Election Commission (Ibid).

The commission will have one Chief Election Commissioner and four other Election Commissioners;

The Prime Minister will appoint the Commissioners on the basis of recommendations made by Constitutional Council/ Cabinet;

Their tenure will be of 6 years from the date of appointment;

Abiding by the Interim Constitution and other legal boundaries, the Election Commission will be responsible for conducting, supervising, directing and controlling Constituent Assembly Election and the Local bodies election;

The voters list for the Elections will be prepared by the

³ Interim Constitution of Nepal 2007 (Article 63) and Election Legislation.

⁴ Nepal votes in landmark elections. (2008-04-10). *BBC News*.

⁵ Nepalnews (2008, June 25). Cabinet approves constitutional amendment draft.

⁶ King Mahendra devised a system of governance, the panchayat system. The Panchayat system had a four-tier hierarchy. During those years, there was a legislative body called the Rastriya Panchayat which was composed of royal nominees or those people who were elected by a small electoral college. The Electoral College was composed of the chairpersons and vice-chairpersons of village, town and district panchayats which were touted then as local government units. Retrieved from http://unibe-ch.academia.edu/BishnuUpreti/Papers/1218772/Electoral_bottlenecks_and_problems_of_governance_in_Nepal

⁷ Election Commission of Nepal, Retrieved from <http://election.gov.np/EN/ec/historical.php>

election commission;

The Interim Constitution of Nepal (2006-07) recommends the Election commission as an independent body, responsible for holding free and fair elections;

The term of office of the Chief Election Commissioner and other Election Commissioner shall be six years from the date of appointment. But, if his/her term gets expired, the Chief Election Commissioner or an Election Commissioner shall be deemed vacant in the following circumstances.

If he/she submits resignation to the Prime Minister or;

If his/her term expires or he is removed from his office or;

If he/she dies;

No person shall be eligible to be appointed as the Chief Election Commissioner or an Election Commissioner unless he/she;

hold a Bachelor's degree from a University recognized by Nepal government;

is not a member of any political party immediately before the appointment and;

has attained the age of 45;

has a high morale;

EC staff is recruited by the government, and electoral work in the districts is performed by civil servants under the supervision of a district judge (Pintor). A person once appointed to the office of Chief Election Commissioner shall not be eligible for appointment in other government service.

4.4 Political Parties

In order to get recognition as political parties have to be registered with the Election Commission (EC) in Nepal. Political parties must fulfill certain conditions; regulations of parties must be democratic, hold an election of its all authorities in every five years, various levels of party committees should be composed by women, dalit⁸ and marginalized groups, and formulate adequate provisions in the party statute to discipline members. However, the EC can reject the registration of party, if they discriminate its membership of individuals on the basis of religion, caste, language and ethnicity. Interestingly, the provisions of the Interim Constitution (IC) indicate that 10,000 voters name should be submitted to the EC for the registration of parties, but it does not apply to those which have already representation in the legislature (Dahal).

5. INFLUENCE OF POLITICAL PARTIES IN ELECTIONS IN NEPAL

Lack of acceptability of free and fair elections have become a problem area in Nepal, since people have lost faith in democracy because of faltering interests of the

political parties (Kumar, 2000). As political parties in the modern democratic system are the most effective institutions of popular representation, they play a crucial role in institutionalizing free and fair elections. Elections focus on political parties' roles as contestants in an election, but there is a growing skepticism of the political parties willingness to promote free and fair elections in Nepal. In addition, it has been noted that there is a lack of respectful relationships within all political parties in the country. As observed by Basnet (2007), institutional process in every political party is very weak which ultimately undermine a free and fair election in Nepal.

Now, I intend to discuss about how effective a range of choices does the political party system allow the voters? How are the composition and role of political parties and the way of selection of candidates in election in Nepal? Does the political party assist free and fair elections? How a nomination process works in the political parties? And who are participating in election in Nepal?

5.1 Negative Effects of Parties on Electoral Process

As Joseph Schumpeter (1961, p.279) observed that the main aim of each political party is to prevail over the others in order to get into power (as cited in Omodia & Egwemi, 2011). He added that the framework of the party is an important factor, for example, how the party relates to the political system. It is observed that elite sections of the Nepalese society that have ruled the country for centuries. For example, the dominance of the Brahmin is to be found in all the political parties. Kraer (2007) observed that there is the dominance of Brahmin within the main opposition party, the Communist Party of Nepal (unified Marxist-Leninist), and it is even stronger than in Nepali Congress (NC) (Kraer, 2007).

The Interim Constitution of Nepal (1990) mandated political parties for registration with the EC. The purpose of the registration was to bring their transparency and accountability of parties. Furthermore, the Interim Constitution of Nepal (2007) prohibits parties formed on the basis of regional, ethnic, religious and communal consideration. But one respondent noted that most of the parties are registered with the EC that have many ideologically radical issues. So, it is observed that political parties are not including the ethnic and political minorities who are demanding the participatory politics in Nepal. I also found from the interview that some small political parties have not been registered with the EC, but they are operating in the country-wide.

5.2 Faulty Candidates Selection in Elections

Political scientist, Robert Huckshorn (1984) provides a pragmatic definition of parties in his textbook, 'Political Parties in America'. To him, a political party is an autonomous group of citizens having the purpose of making nominations, and contesting elections in the hope

⁸ Dalit is a designation for a group of people traditionally regarded as untouchable.

of gaining control over governmental power through the capture of public offices (Katz, 1997). In the context of Nepal, it is found that a lawbreaker is a lawmaker (Ibid). Lawbreaker persons with criminal records and corrupt individuals should be debarred from contesting in the election. So, the role of political parties in nominating appropriate candidates in the parliamentary election is related to consolidating a free and fair election. There is required democratic approach to candidate selection process by which the local people can select their local representatives (Dahal). But within all political parties, the election candidates are nominated by the central party leaders in Nepal. So, the local level supporter does not participate in the selection of representatives for the parliamentary elections. Furthermore, political parties of Nepal could not include a good number of women in the parliamentary election which is a threat to equal participation in election in Nepal.

5.3 Violation of Election Code of Conduct

Ball and Peters (2005) stress that if a political party sees its goals as opposed by the existing political structures; they will reflect the party's hostility to the prevailing norms (Ball & Peters, 2005). Therefore, it is very important to determine the code of conduct of political parties in elections. To this end, political parties should be specified about what constitutes a party membership, how parties must be organized, how they should campaign, and how they should handle party funds (Janda, 2009). So, election Code of Conduct explains about an election campaign, funding of political parties, financial ceiling of expenditure in an election, norms about the broadcasting of election news, etc. Although it is argued differently by saying that adherence to the election code of conduct does not automatically ensure a free and fair election, unless all the people believe in a high democratic value of election (Dahal).

The growth in money and muscle power among the political parties has corresponded with an increase violation in the election code of conduct from the 1991 parliamentary election to the last 2008 Constituent Assembly election in Nepal (UNDP, 2011). Elections in Nepal have never been completely free and fair, and there are many examples of vote-buying, ballot-stuffing or booth-capturing. Furthermore, as observed by Rubeena (2012), there is the mobilization of the political parties that often hinder rival candidates or block roads on Election Day, so that opposition voters cannot go to the polling station (Rubeena, 2012).

5.4 Lack of Internal Democracy of the Parties

Katz (1997) argues out that an open, participant-oriented and representative system of political parties that make democratic government possible. Without such parties, a democracy can hardly be said to exist. After the success of the 1990 popular mass movement, political parties

in Nepal achieved their legitimate rights in the political process. This democratic movement not only legitimized the political parties, but also brought a major restructuring of the political system in the country. Although respondents noted that even after the 1990 democratic transformation, political parties lack democratic structures in Nepal. It has also been noted that there is a lack of internal democracy among the parties that contribute to a political environment of confrontation, street action and even election violence (Eicher, Alam, & Eckstein, 2010).

As I already said that there is a lack of democracy to all the Nepali parties. Kraer (2007) observes that the local party leaders are in an unusually strong way subject to the guidelines of the central party leadership. Unless political parties are democratized, undemocratic practices will move forward to the election. Therefore, elections in a transparent manner within a party at all levels should be mandatory, since political parties are at the center of proper functioning of elections. One respondent pointed out that political parties in Nepal have no tradition of holding elections within their party. On the other hand, Dahal (2010) argues out that the EC must set a mechanism along with other watchdog agencies to enable citizens to obtain information and judge the merit of income and expenditure of the political parties. In practice, none of the 74 (Seventy-four) EC-registered political parties of Nepal have announced their annual financial report (Bhattarai, et al., 2009). Therefore, it makes sense that there is no transparency about the sources of income and expenditure of political parties in Nepal.

A modern political party is very important for pluralistic democracy. Political party programs with the spirit of the constitution may promote consensus among the parties (Dahal). This culture of consensus may prevent extra-constitutional tendencies in Nepal. Therefore, it is needed to stimulate a listening culture among the political parties. For instance, listening to the voices of grassroots supporters of the parties, and common mass is important who can become potential supporters in the future. Therefore, Dahal (2010) points out that political party brings diverse sections of citizens into their programs, and offers a range of electoral choice, which enables electorates to exercise rights to choose leaders in government. The reality in Nepal is completely different. Prasai (2009, p.5) observed that a small group of Kathmandu-based circle of elite guides politics from the top without consulting the affected at the grassroots level (Ibid). Therefore, it can be said that political parties in Nepal do not make any balance between the interest groups within the party and the common interest of the ordinary citizens.

5.5 Election Violence among the Parties

Article 112 of the Interim Constitution (1990) recognized the importance of political parties, but there are some threats on its successful functioning in Nepal. Creative

International Forum (2010) observed that political polarization is taking place sharply which results violent programs and activities among the political parties.⁹ Holmberg (2006) observed that election violence has been inherently linked in Nepal, since the formation of the state of Nepal. Especially, election violence between the political parties gets increased in the campaign period in Nepal. Therefore, Tuladhar (2007) argues out that without a meaningful dialogue with the agitating political parties, and addressing their demands one cannot imagine about a peaceful election in Nepal (as cited in Pokharel, 2007). Therefore, Aryal (2007) views that if contagious issues are settled through with the discontented political parties; it will smooth the political process (Ibid).

A number of provisions have not been successful, as the Election Commission, nor do other public agencies have the capacity to implement electoral rules in Nepal (Baral, 2006). For example, the Election Commission of Nepal has come under criticism for not having the independence required to ensure election campaign strategies that may aggravate election violence. This violence had a negative impact on women candidates who are deterred from campaigning by the hostile environment in Nepal. For instance, Constituent Assembly election in 2008 in Nepal, the election campaign was particularly limited in the southern lowlands (i.e., Tarai region) because of the increased presence of armed groups, and in some hill and mountain areas mainly because of the political party violence (UNDP, 2011).

5.6 Capital Intensive Election Campaign of Parties

Election campaigns are now much more capital-intensive in Nepal. A free and fair election requires reduction of election expenses. Because excessive election expenses are the root causes of corruption in a country. Like many countries, campaigning has become an integral part of the electoral process in Nepal. This campaigning is usually donations from businesses who extract public funds once the party is elected (Rubeena, 2012). However, election campaigns have also changed in many ways in Nepal, although campaigning is largely involved direct interactions between campaigners and voters. According to Panagopoulos (2011), independent candidates and the candidates from the smaller parties had complaints against the influential candidates or the candidates of the bigger parties. Therefore, large parties should set examples in ensuring transparency for small parties to follow, since money dominates election campaign in Nepal (Dahal, 2010).

The electoral politics in the South Asia (including Nepal) have increasingly become a rich man's game (Panandicar, 2000). Respondents noted that elections in Nepal require a lot of expenses made by the political

parties and candidates. This situation promotes candidates to look for ways to raise donations by any means available to them. The high expenses of the candidates have created a lot of problems for election that results in a tremendous increase in corruption in Nepal. Every candidate needs money to meet his election expenditure. Therefore, they always think about how to earn money from different sources. Because of high election expenses in Nepal, the political parties look towards the wealthy people to provide them the nomination ticket for parliamentary elections.

From the above discussions, it can be said that political parties in Nepal are largely based on violent behavior in the election. Leadership roles within the political parties are working without any sense of accountability and transparency in the country. Furthermore, there is a lack of grassroots democracy of political parties that challenge to find suitable candidates in election. Therefore, it can be said that the election is less representative in Nepal.

CONCLUSION

Even after the restoration of democracy in 1990, Nepal witnessed electoral malpractices and explosion of contentious political activities with violent behavior in election. Therefore, it can be said that role of political parties of Nepal is not conducive to organize a free and fair election. From the above discussions, it can be said that political parties in Nepal is largely based on violent behavior in election. Leadership roles within the parties are working without any sense of accountability and transparency in the country. Furthermore, there is a lack of grassroots democracy to political parties. Therefore, it can be said that election is less representative in Nepal.

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⁹ Creative International Forum (2010). *Human rights trend analysis report*. CIF.

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