

Election in Nepal: Security Management Strategy

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Received date: 18 Jan. 2025

Reviewed date: 15 Oct. 2025

Accepted date: 15 Dec.2025

Abstract

The foundation of democracy is the election, and a free and fair election is a crucial component that helps to fortify democracy. For democracies like Nepal, they are more crucial. Elections must be viewed and handled as a process in a representative active democracy, not as a one-time occurrence that takes place on a specific day or over a constrained period of time. Political parties have the power and duty to address social and economic problems and build a prosperous nation since they are the primary force behind political and economic stability in Nepal. Elections at the federal, provincial, and local levels are held successfully and amicably.

Controlling direct or indirect acts of violence that pose a serious threat to the integrity of the election process in order to influence election results is known as election security. In recent elections, Nepal has seen a rise in the number and types of electoral violence that have the potential to undermine democratic norms and interfere with free and fair elections. Using a qualitative research approach and a thorough analysis of secondary sources, the study aims to analyze Nepal's election security management in order to demonstrate election security in the previous elections in 2017 and 2022.

Key Words: *Election, Electoral violence, Security threats, Security management.*

Introduction

One of the most crucial aspects of democracy is the election process. Only when the nation is able to maintain peace and security throughout the election period can elections produce the intended or ideal outcome. The main issue in the new democracy is the security issue during the electoral process. At any point during the election process, the topic of security may come up. This refers to the pre-election, election, and post-election stages. Because of its significance, practically every stakeholder in the electoral process is involved, from common citizens to leaders of various organizations, including public institutions. In some cases, the issue of election security involves actors from outside the nation where the elections are being held. No single election or democratic model can be applied universally to every nation. An election is distinct and characterized by the social values, politics, religions, history, and culture of the electorate in addition to the electoral laws.

Similarly, an election's security depends on the specific conditions under which it is held. Even if an election is held repeatedly in the same nation, the stakes are different because of the shifting forces that influence the political agenda and national interest. The principles of free, fair, and periodic elections that ensure universal adult suffrage, ballot confidentiality and freedom from coercion, and adherence to the one person, one vote principle are all widely accepted as part of the universally accepted international standards for elections, though there isn't a single comprehensive set. Furthermore, although there is no legal requirement that one type of electoral system is better than another, issues impacted by electoral systems such as equal representation for all citizens, gender equality, minority rights, special consideration for the disabled, and so forth are becoming more and more important. (Andrew and Reilly, 2007. p. 14).

Elections have always been used by citizens to carry out democracy, whether in its current representative form or the direct form used in the ancient Greek city-states. Even better, elections have become the primary characteristic of democracy since the third wave of democratization started in Southern Europe in the middle of the 1970s. As a result, it is now impossible to envision a democratic regime without elections, and there is a genuine risk that regular, fairly competitive, and transparent elections will be mistaken for democracy (Matland and Studlar, 2004. p. 28).

The legal framework for managing elections may be one of the main causes of instability and insecurity in Nepal and most likely other parts of the world. In actuality, abuse of this legal framework such as willful manipulation of the laws by those in charge of their administration or careless application of the law—is likely to result in instability, violence, and insecurity and occasionally raise doubts about the political system itself. As a result, the legal system may be used for purposes other than its primary goal. Certain groups of people may not be able to fully exercise their right to vote and take part in the governance of their nation due to legal restrictions. Actually, electoral laws may make it more difficult for citizens who ordinarily ought to be able to vote to participate in the process (Pokharel, 2016. p. 2). During the elections of 2017 and 2022 the security agencies were more proactive in dealing with issues of insecurity. However, in some cases there were evidences of inefficiency on the part of security agencies that resulted in serious security challenges during the election in Nepal. The Ministry of Home Affairs had said that a 'robust' election security plan had implemented for security during the upcoming parliamentary and provincial elections. "The completion of candidates' nomination in a peaceful environment shows how prepared we are for holding elections the comprehensive election security plan formulated by the ministry in consultations with the Election Commission security agencies and other stakeholders as already come into effect.

The first phase of the federal and provincial elections in 2017 involved the deployment of 250,000 security personnel. There were elections in thirty-two districts. The Armed Police Force and Nepalese Army remained in the second and outermost rings, respectively, while Nepal Police officers and temporary police officers (Myadi Prahari) were stationed inside the polling station. The home ministry claims that at least seven Nepalese Army soldiers, fifty members of the Armed Police Force, thirty

Nepal Police officers, and as many inspector led temporary police officers are stationed at each polling station. However, the area and population determined how many security guards were needed to staff the polling station in each election. It was the responsibility of Nepal Police to respond as the first responders to any unwelcome incident that occurred (Bhattarai and Wagle, 2010. p. 15).

Statement of the Problem

An election can be defined as a competition held in a political forum for legitimate power. In this situation, it is crucial that elections concentrate on managing conflict within its bounds rather than avoiding it. In actuality, maintaining participants' trust and dedication to an election depends on providing fair security throughout the process. As a result, security is both essential to the election's objective and an essential component of the voting process. The vast majority of nations worldwide have adopted democracy as their form of government at the start of the twenty-first century. Unfair competition between political parties could lead to a number of security issues getting worse during the elections. In terms of security threat, security agencies had categorized polling places and constituencies as normal, sensitive, and extremely sensitive. Security forces will continue to be on guard nationwide to guarantee free, fair, and peaceful elections, officials said, adding that there was no specific information indicating a threat to the elections. What was the status of security in the elections in 2017 and 2022?

1. What security threats were there in previous elections and what strategy should be taken to mitigate the security threats?

Objectives

The general objective of the research is to study the security situation in Nepalese elections and management of election security. For this, the specific objectives of the study are:

- a. To analyze the security status during the 2017 and 2022 elections
- b. To examine the security threats from past elections and assess to reduce such risks

Significance of the Study

Every logical research project must be intended to have societal significance. A study's importance also pertains to the advantages that will result from it once it is finished. Theoretically and practically, this study will be very important to students, scholars, and learners. According to theory, this study will broaden the learner's understanding by enhancing the theories and recommendations that are currently available and can be developed through findings and outcomes. Additionally, this study aids future researchers in developing the concept of election security management. This study is important from a practical standpoint because it aids in developing strategies for improving the security agencies' performance during the election. It will be shown to be a highly significant study because the researcher was unable to locate any prior research of this type in the Nepalese context.

Delimitation of the study

There may be challenges in every research that the researcher is unable to overcome. There are a few things that make this research less competitive due to the availability of the literature resources of security management strategy in the election. The Election Commission Report of Nepal from 2074 to 2080, which is accessible on the ECN website, serves as the sole basis for this investigation. Information from the security forces and investigation department was gathered from their published journals and specific website. The security management strategy in Nepalese elections of 2017 and 2022 was the main focus of the study.

Literature Review

This study raises serious concerns about political and security issues both domestically and globally. It can be challenging to locate literature on a given topic in the form of books. A small amount of literature has been examined, and additional reviews of the journals, papers, and research that are currently available have been conducted, along with the opinions of scholars.

In modern democracies, elections are always used to choose representatives. This is not the case in ancient Athens, the democratic model. Most political positions were filled through sortation, also called allotment, in which office holders were selected by lot, and elections were viewed as an oligarchic institution (Andrewand Reilly, 2007. p. 14).

As early as ancient Greece and Rome, elections were used to choose leaders like the Pope and the Holy Roman Emperor during the Middle Ages (Arow, 2003:18). In ancient India, the Gana also chose rajas through elections. Elections were also used by the ancient Arabs to choose the Pala king Gopala in early medieval Bengal and Uthman and Ali as caliphs in the Rashidun Caliphate (Corrado, 2004. p. 16).When the concept of representative government gained traction in North America and Europe at the start of the 17th century, the modern "election" which consists of public elections of government officials did not come into being (Arrow, 2003. p. 22).

Voting issues have dominated elections throughout history, particularly those pertaining to minority groups. In North America and Europe, men make up the majority of the population, and they still do so in many nations (Mueller, 1996). Male members of the landed or ruling class dominated early elections in nations like the US and the UK. All Western European and North American democracies, with the exception of Switzerland, had universal male suffrage by 1920, and many nations had started to explore women's suffrage. Political obstacles were occasionally put up to impede equitable access to elections, even though males were legally required to have universal suffrage.

Elections must be viewed and handled as a process rather than as a one-time event that takes place on a specific day or over a restricted period of time in a representative active democracy. The electoral process, also referred to as the electoral cycle, is a process that can proceed almost uninterrupted between two elections. Pre-electoral, electoral, and post-electoral phases are the three divisions of the

electoral cycle (Norris, 2004. p. 28). An election is a contest for legitimate power that can be described as a non-violent competition, fought within a political forum. It is important in this context to recognize that elections do not avoid confrontation, but rather, focus on its management and containment within accepted boundaries (Bhattarai & Wagle, 2010. p. 15).

To organize security forces at the local, provincial and federal levels, a central security command was established. To provide security for the second phase of the elections, approximately 65,000 Nepal Police, 28,668 Armed Police Force, 98,000 temporary police officers, and 34,000 Nepal Army personnel were mobilized. Additionally, National Investigation Department representatives were present. The function and duties of the security apparatus were outlined in the government's integrated security arrangement. The Nepal Army was entrusted with outer layer security, the APF with second layer security, and the Nepal Police with polling station and center security. In addition, Nepal Police and APF mobile vans continuously patrolled polling places and stations (Khaniya, 2018. p. 41).

Methodology

The descriptive method is essentially the foundation of this study, and exploratory data was gathered. Secondary sources of information, literature, and data were all gathered and analyzed using methodology and methods principles. The study was founded on secondary data gathered from the internet, books, journals, and articles. Since the researcher could not find any previous studies of this kind in the Nepalese context, these secondary data and information were also analyzed using descriptive methods. The processed data has been presented through descriptive methods, qualitative method of data analysis had been used in the study. Data obtained from various sources has not been directly used in their original form.

Discussion and Analysis

Election process

A crucial step in the democratic process is election. Everyone agrees with the decision or viewpoint that the electorate expresses. To force an outcome in their favor, some people or organizations might be interested in manipulating the election process. Controlling the entire election process to guarantee that it is carried out accurately and in compliance with the law and current regulations is therefore even more crucial. No single election or democratic model can be applied universally to every nation. Every election is different, influenced by the people's history, culture, religions, social values, and political systems in addition to the electoral laws. Similar to this, the security of an election depends on the specific conditions under which it is held. Even if an election is held repeatedly in the same nation, the stakes are different because of shifting forces that influence the political agenda and national interest (Pokharel, 2016. p. 3).

Between two elections, the electoral process also known as the electoral cycle can continue essentially unhindered. The electoral cycle is divided into three phases: pre-election, electoral, and post-election (Norris, 2004, pp. 28& 29).

Pre-Electoral Phase

The time frame from the beginning of actual election preparations to the conclusion of the campaign is known as the pre-election phase. This stage is primarily focused on planning and carrying out tasks that are directly related to getting ready for the upcoming elections. These consist of, among other things, amending the law, educating electoral officials, raising public awareness, compiling and updating the voter registration, running an election campaign, etc. (Norris, 2004, p. 29).

Electoral Phase

These polls typically last one day, though some countries may have multiple days. This phase encompasses all activities leading up to voters casting their ballots and concludes with the polling place closures.

Post-Electoral Phase

The time between polling station closures, which mark the end of the electoral period, and the announcement of the final election results after all electoral disputes have been resolved is known as the post-electoral phase. Depending on the particulars of each nation, it includes. Procedures like results compilation, provisional results announcement, election dispute resolution, and final results announcement. There is always some arbitrary element to the electoral cycle's phase division. Indeed, it would be possible to move the boundaries between the aforementioned phases without affecting the analyses' applicability. Activities under one phase may be implemented in another phase based on the unique circumstances and characteristics of each nation, and each phase may be extended based on the tasks and activities chosen to include. An electoral process has more specifics than what is mentioned here. In actuality, elections have additional features.

Election in Nepal

The Election Commission of Nepal (ECN) is a constitutional organ responsible to conduct election. A secretariat comprising 159 full-time employees based in the Election Commission of Nepal's Kathmandu headquarters and 569 field employees spread across 77 district election offices and five regional election offices assist the ECN in its work. According to Article 246 [1] of the Nepal Constitution, the ECN has the authority to "conduct, supervise, direct and control the elections of the President, Vice-President, members of the Federal Parliament, members of the State Assemblies, and members of the local level." According to Article 246 [2] of the Election Commission of Nepal (2017), the ECN may hold a referendum on issues of national significance.

Election is the key of democracy in which free and fair election is an important element that contributes in strengthening the democracy. They are more important for the democracies like Nepal. In a representative active democracy, elections must be seen and managed as a process rather than as a one-time event that happens on a particular day or over a limited amount of time.

Since political parties are the main engine of political and economic stability in Nepal, they have the ability and responsibility to resolve social and economic issues and create a prosperous country. Elections at the federal, provincial, and local levels are held successfully and amicably. The consent and mandate to pursue the new political path for peace, development, and prosperity had already been granted by the populace. Silence periods have continued to be important during elections since they lead to the formation of a new government and many other outcomes in our situation. To win the election, all the parties and their cadres put in more work and give it their all. Using strength, money, and power are all seen as essential components of winning.

Election Security

The government arranges for the election security directive to reserve security forces in every district for prompt mobilization in the event that the security forces deployed for the elections are unable to control the situation due to threats to the election process. District headquarters keeps the backup security forces on standby in case they are needed. It is the responsibility of the security agencies to conduct security operations before, during, and after elections. After the final election results are announced, the security measures remain in place until the political parties' victory rally. From the security perspective, the Election Commission has classified the polling centres into three categories - ordinary, sensitive and very sensitive. In addition to temporary police, security personnel are sent in by the Nepali Army, Nepal Police, Armed Police Force, and National Investigation Department. Among other things, it creates security plans for the election officer, election officer office, election materials, candidates and their lawyers, voters and the public, ballot boxes and ballots, electoral rolls, polling stations and staff assigned there, political party leaders, election campaigns and rallies, election observers, and media (Himalayan Times, 2022).

Prior to the first round of federal parliamentary and provincial assembly elections, Nepal-India border crossings were closed for 72 hours; however, during the border seal, sick people and emergency movements would be given due consideration. In actuality, maintaining participants' trust and dedication to an election depends on providing fair security throughout the process. As a result, security is both essential to the election's objective and an essential component of the voting process (Bhattarai & Wagle, 2010. pp. 14 & 16). The security agencies have been instructed by the government to prepare strong security measures for the election. About 300,000 members of the Nepali Army, Nepal Police, Armed Police Force, and temporary police force were mobilized for election security in accordance with the security plan. The soldiers patrolled the security-sensitive areas and served as a backup force. The government has already directed the District Administration Offices to assess and evaluate the security

situation and potential threats, as outlined in the Integrated Security Plan-2079. Based on security sensitivity, a minimum of eight to eleven security personnel were assigned to each polling station in accordance with the security plan. At least eight security guards were stationed at general polling places, nine at sensitive polling places, and eleven to fifteen at highly sensitive polling places. The inner core of the security layer was occupied by teams of Nepal Police and temporary (Myadi) police (The Rising Nepal, 2022).

Malpractices in Elections

The integrity of the electoral process in both the 2017 and 2022 election cycles has been impacted by a number of malpractices and anomalies that have been reported by observers, media, and local monitoring groups prior to and during elections in Nepal. Election Code violations, including campaign violations and misconduct, are defined under Nepal's Election Crime and Punishment Act. Prior to elections, political parties and candidates routinely violated the Election Code of Conduct by engaging in illegal campaigning during designated silence periods, spending beyond legally permitted limits, and misusing public resources for electoral advantage, undermining the fairness of competition and voter trust. Despite efforts by observers and the Election Commission to monitor and minimize these irregularities, the documented events show that electoral malpractice in Nepal spans multiple phases of the electoral cycle, from pre-election campaigning and code of conduct violations to the heightened tensions of polling day and the complexities of vote counting. This raises concerns about electoral security, transparency, and fairness.(Election Commission Act, 2073).

Over a hundred explosive attacks and violent incidents that targeted campaign events and candidates nationwide in the run-up to the 2017 elections resulted in injuries and at least one fatality, demonstrating serious security and malpractice concerns in pre-election conditions intended to intimidate voters and disrupt political assemblies. Observers reported these incidents, particularly in the days leading up to voting days, with major blasts affecting both candidates and supporters. Furthermore, local observation reports revealed that young people and political leaders were coerced into using violence and intimidation against supporters of opposing parties both before and during elections. Although many people thought the 2017 federal and provincial elections were mostly calm, there were a number of violent occurrences in municipal and constituency settings. Conflicts between political parties leaders at voting locations resulted in animosity, property destruction, and re-polling in certain regions because of alleged fraud and disturbances. Inquiry committees were established by election officials to evaluate these violent and fraudulent allegations (Shahi, 2024).

Both the 2017 and 2022 polls saw a great deal of malfeasance and fighting throughout the actual election sessions. Violent altercations between supporters of political parties and security personnel at polling places were documented by observers and monitoring organizations. During the 2022 elections, security forces fired warning shots in several districts, resulting in injuries and even fatalities. In many areas, polling was postponed, canceled, or stalled due to unresolved unrest, demonstrating that violence

and intimidation had a direct impact on voter participation and the way polling was conducted on Election Day. Malpractice issues extend beyond Election Day into the crucial post-polling and counting procedures, as evidenced by the irregularities that occurred during the vote counting phases, such as disagreements over improperly sealed ballot boxes and disparities in the vote records that resulted in protests and outright altercations between rival supporters after votes were cast (COCAP, 2023).

Many violent occurrences occurred during the 2022 local elections in a number of districts, including fights between supporters of opposing parties, complaints of intimidation at polling places, and warning shots fired by security personnel at many locations. During the elections, dozens of voting places were suspended or postponed owing to unsolved conflicts, and two deaths were recorded as a result of stray gunshots. During the 2022 election cycle, the Election Commission of Nepal (ECN) received 76 written complaints claiming code-of-conduct violations and procedural mistakes. However, there were just a few recorded arrests and few convictions under the electoral crime legislation (Grokopedia).

Security challenges

There are a lot of candidates in every election, and one of the challenges was that they all demanded security during their campaigns. If they couldn't be protected, the security apparatus's ability would be called into question. The fact that Nepal Police, an organization with over 73000 personnel, was only able to secure the polling places made the APF's job even more difficult. The Nepali army only kept an eye on the situation and was not involved in daily issues; its purpose was to secure the outer ring. The three days leading up to an election, also known as the "silence period," are thought to be the most sensible time, and security during that time is vital to security agencies. During that time, there were numerous instances of conflict and unethical behavior, and security personnel had to respond to all of the confrontations and unethical behavior that occurred during that time without having enough food or sleep (Khaniya, 2018, p. 41).

Role of Election Commission

In order to guarantee free, fair, transparent, and credible elections, the electoral Commission of Nepal (ECN) plays a crucial and constitutional role in preventing, addressing, and resolving electoral malpractices. The Election Commission Act, 2073 and the Nepalese Constitution give the ECN the authority to oversee, manage, and regulate the entire electoral process as an independent constitutional body. As such, the ECN's functions are essential in preventing electoral irregularities that may occur prior to, during, and following elections (Election Commission of Nepal).

First, the Commission is required to create and implement an Election Code of Conduct that all parties, candidates, and public officials must abide by. In order to prevent malpractices including undue influence, misuse of public resources, and unethical campaigning before elections, this Code establishes ethical and legal campaign norms. By lowering infractions that might skew voter choice and undermine confidence in election results, the Code seeks to level the playing field for all participants. The ECN

actively seeks to reduce unethical activities and intimidation that have traditionally compromised electoral integrity by establishing clear behavior rules and keeping an eye on compliance (Election Code of Conduct).

Second, the ECN is in charge of voter registration, voter roll updates, and poll and vote counting operations. While quick polling and counting eliminate administrative mistakes that can result in disputes and accusations of malpractice, accurate and current voter lists assist avoid practices like double voting and disenfranchisement. In order to increase coordination and guarantee uniform electoral operations throughout the nation, the Commission also designates Electoral Focal Persons at the provincial and municipal levels. This indirectly helps to lower administrative anomalies and enhance the integrity of election administration (UNDP, n.d.).

Third, by providing methods for methodically resolving election-related problems, the ECN contributes to electoral fairness and conflict settlement. The Commission has created protocols and provided training to assist political parties, civil society actors, and administrators in resolving conflicts that would otherwise turn into more serious malpractices or acts of violence, with assistance from programs like the UNDP's Electoral Support Project. Without compromising the validity of election results, these processes provide parties who have been wronged with a formal way to file complaints and request redress (ibid).

Lastly, the Commission works to promote voting integrity over time via ongoing legislative and procedural reform initiatives. In order to fortify legal frameworks against malpractice, it examines and suggests changes to electoral rules, such as those pertaining to party registration and financial reporting. The ECN assists in modernizing and improving election governance by drafting and presenting legislative suggestions to the government and parliament, which can close loopholes used for irregular behaviors.

Conclusion

The election security clause and a long-term security strategy are the main topics of this article. The government must give it top priority because the security situation is getting worse every day. Nepal is currently dealing with a number of security issues that impact the country's capacity to hold free and fair elections, including banditry, agitating groups fighting for their rights, anti-election elements, and a lack of law and order. As a result, security is an essential and inseparable component of elections and the electoral process. According to the study's findings, the security services were proactive and able to ensure that voters, candidates, and political leaders carried out their duties in a peaceful and efficient manner during legislative elections.

Additionally significant are criminal activity, a porous border, the prevailing political culture, and the mindset of the candidates. We must have a mechanism in place to keep an eye on, stop, lessen, and control electoral violence during the election cycle.

The current security systems should be critically examined by the government, and political parties should examine their own actions critically and adjust as necessary. The government is responsible for safeguarding both the candidates and the citizens' right to vote without fear of violence. A nation such as Nepal should therefore be able to offer adequate security during elections, which can only be achieved by having a sufficient number of autonomous security forces and providing them with the necessary equipment. Politicians must also shift their mindset from seeking security for all during election season to providing nothing during times of peace and general conditions. It is important for policymakers to realize that security forces cannot be ready in a matter of weeks or months. To have an effective security force, a lot of time, money, and planning are required.

Recommendations

This study coined so many facts at the conclusion of this research and it is based on these findings that some recommendations are listed as follows:

- a. One way for people to exercise their civil, political, and human rights is through elections. These rights, as well as the increased sensitivity and scrutiny to their observance that takes place during an election period, must be taken into account and acknowledged by security protocols.
- b. An effective communications system is well recognized as a 'force multiplier' for operational activities. For an election, ensuring that both election and security officials have appropriate communications equipment and interoperability at key levels significantly enhances responsiveness and efficiency, as well as avoiding misunderstandings.
- c. For security forces to track down violent offenders during and after elections, they must be trained to collaborate with civilians. They should be aware in the situation when to use the weapons effectively, so that no one should be injured and killed during election.
- d. The key to enhancing the nation's overall security is strong political will to develop the ability of the Nepal Army, Armed Police Force, and Nepal Police to reform auxiliary institutions like the judiciary. The government should prioritize creating a long-term security plan and an election security strategy. Law and order should therefore be upheld.

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