

The Election Code of Conduct, 2022

Date of Publication on Nepal Gazette:

29 August, 2022

Amendment:

1. The Election (First Amendment) Code of Conduct, 2022

2 October, 2022

Preamble: Whereas, it is expedient to maintain fairness, impartiality and transparency and create fearless atmosphere in an election;

Therefore, the Election Commission has, having exercised the powers conferred by Section 22 of the Election Commission Act, 2016, framed this Code of Conduct.

Chapter- 1

Preliminary

1. **Short Title, Commencement and Extension** :(1) This Code of Conduct may be cited as “(the) Election Code of Conduct, 2022.”
(2) The provisions of this Code of Conduct as specified by the Commission shall come into force in the areas specified by the Commission from the date specified by the Commission.
2. **Definition:** Unless the subject or context otherwise requires, in this Code of Conduct-
 - (a) "Monitoring" means the work carried out by the monitoring committee, monitoring team, mobile team or monitor constituted or appointed by the Commission in accordance with the prevailing laws related to elections to investigate

whether or not the Election Code of Conduct has been complied with.

- (b) "Monitoring Officer" means Election Code of Conduct Monitoring Officer pursuant to Section 32.
- (c) "Monitor" means the monitor appointed by the Commission to monitor the implementation of the Code of Conduct and the term also refers to the monitoring team or monitoring committee constituted by the Commission to monitor the implementation of the Code of Conduct.
- (d) "Commissioner" means the Election Commissioner of the Commission and the term also includes the Chief Election Commissioner.
- (e) "Commission" means the Election Commission referred to in Article 245 of the Constitution of Nepal.
- (f) "By-election" means an election to be held for the remainder of the term in accordance with the federal law when the position of an elected official falls vacant.
- (g) "Candidate" means a person whose name is included in the final list of candidates for election and the term also includes to a person whose name is included in the closed list of candidates submitted by a political party under the proportional election system of the House of Representatives or the Provincial Assembly.
- (h) "Central Code of Conduct Monitoring Committee" means the Central Code of Conduct Monitoring Committee pursuant to Section 26;

- (i) "Non-Governmental Organization" means an organization registered in accordance with prevailing laws without the purpose of profit and the term also includes an international non-governmental organization affiliated to the relevant body of Nepal and operating in accordance with prevailing laws.
- (j) "District Code of Conduct Monitoring Committee" means the District Code of Conduct Monitoring Committee referred to in Section 30.
- (k) "Party's Sister Organization" means an organization affiliated to a political party registered with the Commission in accordance with prevailing laws.
- (l) "**Disinformation**" means the act of communicating false or misleading information knowingly with the intention of making advantage to oneself and causing harm to others and with the intention of misleading the general public.

Provided that errors in election related reporting shall not be considered misinformation.

- (m) "Hate speech" means words, writings or behavior that directly or indirectly promote intolerance or hatred or promote violence by referring to race, national or ethnic origin, religion, gender, age, disability or other immutable group.
- (n) "Election" means the election of the President, Vice President, Member of the Federal Parliament, Member of the Provincial Assembly or Member of the Local Level, held in accordance with the Constitution and prevailing federal laws and the term also includes the by-election.

- (o) "Returning Officer" means a Returning Officer appointed pursuant to sub-Section (1) of Section 19 of the Election Commission Act, 2017 and the term also includes Chief Returning Officer and Assistant Returning Officer.
- (p) "Election Office" means the Province Election Office or the District Election Office of the Commission.
- (q) "Constituency" means the constituency determined for the purpose of the election in accordance with the first past the post electoral system in which the member of the House of Representatives or the member of the Provincial Assembly is elected.
- (r) "Observer" means a person assigned to observe the election during the election period by any local or foreign organization permitted by the Commission.
- (s) "Observation Organization" means an observation organization permitted by the Commission for observation of election.
- (t) "Polling Center" means a polling center designated by the Commission in accordance with prevailing federal laws for the purpose of voting in elections.
- (u) "Polling station" means the place designated by the Commission for casting a vote/voting in elections and the term also includes the area or polling premises occupied by the polling station.
- (v) "Ballot" means a ballot paper arranged for casting a vote in an election and the term also includes a ballot paper used in

electronic equipment or a digital ballot attached to such equipment in case casting a vote is done by such electronic equipment.

- (w) "Ballot box" means a ballot box arranged by the Commission to hold a marked ballot paper, and the term also includes an electronic device that records the vote marks cast by an electronic device.
- (x) "Minister" means the Prime Minister, Deputy Prime Minister, Minister, Minister of State or Assistant Minister in the case of the Government of Nepal and Chief Minister, Minister, Minister of State or Assistant Minister in the case of the Provincial Government.
- (y) "Disinformation" means any misleading information communicated ¹without the intention of causing harm to any person or not knowing that the information is false.
- (z) "Political Party" means a political party registered with the Commission for the purpose of elections.
- (aa) "Development partner organization" means an organization that provides financial or technical aid and development assistance in various fields with the approval of the Government of Nepal.
- (bb) "Media institutes" means a government or community or private communication media or corporate body established or registered in accordance with prevailing laws for the

¹Replaced by the first amendment.

purpose of conducting any business or service related to communication.

- (cc) "Proportional Election System" means the election system where political parties get vote assuming whole country as one constituency in the case of House of Representatives elections and the whole province as one constituency in the case of Provincial Assembly elections and electing the candidate representing such party in proportion to the total number of votes received by each party.
- (dd) "Related person" means a person engaged in election campaigning on behalf of a political party or candidate and the term also includes the election representative of the political party or candidate.
- (ee) "Government body" means Government of Nepal, Provincial Government or Local Level or government body under it.
- (ff) "Vehicle" means any electric or mechanical vehicle such as motorcycle, scooter, tempo, jeep, car, bus, truck, tractor, etc. and the term also includes cycle, rickshaw, horse cart, bullock cart, horse and any other vehicles of similar nature.
- (gg) "Social Media" means social media such as Face book, messenger, Viber, twitter, YouTube, Instagram, Blog, Google Plus, Tik Tok, WhatsApp, Imo, WeChat, LinkedIn and Tumblr.
- (hh) "Security body" means Nepal Army, Nepal Police, Armed Police Force, Nepal, National Investigation Department or Provincial Police.

- (ii) "Local Executive" means Rural Municipal Executive or Municipal Executive.

3. **Code of Conduct to apply** : This Code of Conduct shall apply to the following persons, institutions, agencies and officials:-

- (a) Government of Nepal and Ministers of the Government of Nepal,
- (b) Provincial Governments and Ministers of Provincial Government,
- (c) Constitutional body and officials of such body,
- (d) Body of Government of Nepal or Provincial Government and officials of such body,
- (e) Local Level Executive and its members,
- (f) Employees of Federation, Province and Local level,
- (g) Security body, security personnel and employees,
- (h) Offices and employees of government, semi-government and public organizations,
- (i) Political parties and sister organizations of political parties,
- (j) Candidates and related persons,
- (k) Polling agents and counting agents of political parties and candidates,
- (l) A person holding a public office,
- (m) Officials of Monitoring committee and monitors,
- (n) Observer institutions and observers,
- (o) Media houses, their employees and media persons,
- (p) Private and non-governmental organizations, their officials and employees,

- (q) Teachers and staffs of schools, colleges or universities,
- (r) Voters,
- (s) Development partner organizations,
- (t) Project and Project staff run by Government or Semi-Government bodies,
- (u) Organizations conducting voter education programs and employees of such organizations,
- (v) Private sector banks and financial institutions, cooperative organization, commercial and industrial sectors, their officials, employees and workers,
- (w) Officials, employees and workers of goods and service provider business organizations, and
- (x) Other bodies or persons prescribed by the Commission.

Chapter-2

Code of Conduct to be followed by all

4. **Code of Conduct to be followed by all**: The persons, organizations, bodies and officials pursuant to Section 3 shall have to abide by the following code of conduct:-
- (a) Not to use or cause to be used, by the government or semi-government body or public organization, the resources and property of such body or organization or any project under it in favor or against any party or candidate,
 - (b) Not to carry out any act that interferes in any way with programs including election management and voter education

conducted by the Commission or to indulge or in any way add or cause to be added the materials or information related to the election,

- (c) Not to conduct election-related gatherings or campaigning by using the premises of any government or semi-government body or public organization or university or school or college, or cause to do so,
- (d) Not to produce, use, sell, distribute or display jackets, shirts, vests, t-shirts, hats or caps, towels, masks, lockets or any other type of dress or symbolic material such as stickers, logos, bags, badges, tattoos bearing election symbols of political parties or candidates, or cause to do so.
- (e) Not to carry out or cause to be carried out political activities or campaigning on the private or institutional property of any person without the permission of the owner of the house or land,
- (f) Not to carry out or cause to be carried out election campaigning in such a way as to hurt the sentiments or cause character assassination of senior citizens, women, sexual and gender minority communities and persons with disabilities,
- (g) Not to use or cause to be used children to participate in election campaigning;
- (h) Not to conduct any type of procession, mass meeting, corner meeting, meeting, gathering or election campaigning at the time and place prohibited as per the prevailing law, or cause to do so,

- (i) Not to carry out election campaigning by conducting any type of procession, mass meeting, corner meeting, meeting, gathering in such a way as to obstruct public movement, or cause to do so,
- (j) Not to transmit disinformation, misinformation and hate speech in social networks, or cause to do so,
- (k) Not to operate any social media account or launch or operate any false site with the intention of adversely affecting the election, or cause to do so,
- (l) Not to comment or make misleading remarks such as demeaning, spreading misinformation, propagating disinformation, insulting, making malicious speech (hate speech) on social networks with the aim of influencing the election, or cause to do so,
- (m) Not to share, tag, comment or counter-comment on social media by tampering with the information or content published or broadcasted for any purpose with the intention of influencing the election,
- (n) Not to make any unwarranted defamation adversely affecting the credibility of the election or the reputation of the Commission, Commissioner or staffs;
- (o) Not to assassinate anyone's character, to insult anyone personally, to defame or to produce material of a similar nature in any form and not to publish or transmit such material by any means, or cause to do so,

- (p) Not to conduct any polling to announce or to publish the results of such poll relating to the results of the candidates or political parties from the date of filling of candidacy of the candidate until the polling is completed,
- (q) Not to hold opinions, propagate, produce any electronic material and publish on social networks or share materials published by others in a way that adversely affects or obstructs the election,
- (r) Not to infringe the confidentiality of the voter in any way,
- (s) Not to argue with voters or any staff deployed in polling or do any act that discourages them,
- (t) Not to carry out any action in any way to affect the cleanliness or fairness of the election.

Chapter-3

Code of Conduct to be followed by Officials, Employees and Bodies

5. Code of Conduct to be followed by the Government of Nepal, provincial government, ministers and local executives and their officials:

Government of Nepal, Provincial Governments and Ministers of the Government of Nepal or of Provincial Governments and Local Executives and their officials shall abide by the following code of conduct:-

- (a) Not to engage in campaigning or campaign for or against any political party or candidate,

²Provided that,

² Replaced by the First Amendment.

- (1) A minister who is himself/herself a candidate in the election may be involved in election campaigning in the constituency where he/she is a candidate.
- (2) Administer of the Government of Nepal may be involved in election campaigning of the concerned political party upon obtaining approval of the Commission.
- (3) A minister of the provincial government may be involved in election campaigning of the concerned political party in the place within the respective province, upon obtaining approval of the Commission directly or through the provincial election office.
- (4) Officials of the local executive may be involved in the election campaigning of the concerned political party in local levels other than the local level where he/she is assuming office.

(a1)³ The ministers of the Government of Nepal or provincial governments or officials of the local executive shall not use government resources while getting involved in election campaign pursuant to the provision to Clause (a),

³ Inserted by the First Amendment.

- (b) Not to carry out programs other than those approved in the annual budget and program or to announce, approve or operate new policies, plans or programs,

Provided that, new programs may be launched with permission from the Commission or any official prescribed by the Commission in situation of pandemic or any natural calamity or disaster or in any other circumstance beyond control

- (c) Not to carry out programs such as laying the foundation, inaugurating, conducting surveys, feasibility studies of any project or giving grants for the same;
- (d) Not to create any post of political appointee or appoint any such post,
- (e) Not to provide any financial benefits or rewards including creating new posts, recruiting vacant posts, increasing in allowances etc.,

Provided that, upon informing the commission, it shall not hinder in taking regular action related to recruiting of posts by Public Service Commission, Provincial Public Service Commission, Judicial Service Commission, Teachers Service Commission, Nepal Police, Armed Police Force, Nepal and Nepali Army.

- (f) No to transfer or post employees except for election duty,

Provided that, it shall not bar regular promotions and postings in accordance with the prevailing laws and upon permission from the Commission,

- (g) Not to conduct any type of interaction, conference, workshop, seminar or election-related discussion or collective brainstorming from forty-eight hours before the polling day until the polling place is closed on the polling day.
- (h) Not to travel abroad for any purpose other than to represent the country with the permission of the Commission,

Provided that, in the event that there is a request from the relevant Ministry or agency stating that there is a need to send a minister or an official of the local executive on a foreign visit due to special circumstances, in case the commission gives its consent, it shall not hinder to conduct such a visit.

6. Conduct to be followed by the constitutional body and its officials: The constitutional body and its officers shall abide by the following conduct:-

- (a) Not to engage in campaigning or campaign for or against any political party or candidate,
- (b) Not to participate in programs such as meetings, gatherings, workshops, conferences, interactions organized by political parties or candidates,
- (c) Not to carry out programs such as laying the foundation, inaugurating, conducting surveys, feasibility studies of any project or giving grants for the same,
- (d) Not to provide any political party or candidate to use his/her or office's building, guest house, conference hall, vehicle or other material,

- (e) Not to post or share any message, information, campaigning material in favor of or against a political party or candidate on social media or solicit votes through social media,
- (f) Not to travel abroad for any purpose other than to represent the country with the permission of the Commission,

Provided that, in the event that there is a request from the relevant body that it is necessary to send an official or employee on a foreign visit due to special circumstances, in case the commission gives its consent, it shall not hinder to conduct such a visit.

- (g) Not to give any responsibility related to elections to officials of federation, province or district level trade unions or officials of authentic trade unions.

7. **Conduct to be followed by bodies under Government of Nepal, provincial government and local level, semi-governmental and public organizations and employees working there:** Organizations under Government of Nepal, provincial government and local level, semi-governmental and public organizations and employees working in them shall abide by the following conduct:-

- (a) Not to engage in campaigning or campaign for or against any political party or candidate,
- (b) Not to participate in programs such as meetings, gatherings, workshops, conferences, interactions organized by political parties or candidates,

- (c) Not to carry out programs other than those approved in the annual budget and program or to announce, approve or operate new policies, plans or programs,

Provided that, new programs may be launched with permission from the Commission or any official prescribed by the Commission in situation of pandemic or any natural calamity or disaster or in any other circumstance beyond control.

- (d) Not to carry out programs such as laying the foundation, inaugurating, conducting surveys, feasibility studies of any project or giving grants for the same,
- (e) Not to provide any political party or candidate to use his/her or office's building, guest house, conference hall, vehicle or other material,
- (f) Not to provide any financial benefits or rewards including creating new posts, recruiting vacant posts, increasing in allowances etc.,

Provided that, upon informing the commission, it shall not hinder in taking regular action related to recruiting of posts by Public Service Commission, Provincial Public Service Commission, Judicial Service Commission, Teachers Service Commission.

- (g) No to transfer or post employees except for election duty,

Provided that, with the permission of the Commission, it shall not hinder the appointment of employees

recommended through regular open competition or promotion process in accordance with the prevailing law,

- (h) Not to conduct programs of a political nature or to hold, post or disseminate election campaign materials of candidates or political parties, except for conducting election educational programs prepared by the Commission or posting related materials,
- (i) Not to post or share any message, information, campaigning material in favor of or against a political party or candidate on social media or solicit votes through social media,
- (j) Not to travel abroad for any purpose other than to represent the country with the permission of the Commission,

Provided that, in the event that there is a request from the relevant Ministry or agency stating that there is a need to send any official or employee on a foreign visit due to special circumstances, in case the commission gives its consent, it shall not hinder to conduct such a visit.

- (k) Not to give any responsibility related to elections to officials of federal, provincial or district level trade unions or officials of authentic trade unions.

8. Conduct to be followed by security bodies, security personnel and security related employees: Security bodies, security personnel and security related employees shall abide by the following code of conduct:-

- (a) Not to engage in campaigning or campaign for or against any political party or candidate,

- (b) Not to carry out other programs than those approved in the annual budget and program or to announce, approve or operate new policies, plans or programs,

Provided that, new programs may be launched with permission from the Commission or any official prescribed by the Commission in situation of pandemic or any natural calamity or disaster or in any other circumstance beyond control.

- (c) Not to carry out programs such as laying the foundation, inaugurating, conducting surveys, feasibility studies of any project or giving grants for the same,
- (d) Not to provide any political party or candidate to use his/her or office's building, guest house, conference hall, vehicle or other material,
- (e) Not to provide any financial benefits or rewards including creating new posts, recruiting vacant posts, increasing in allowances etc.,

Provided that, upon informing the commission, it shall not hinder in taking regular action related to recruiting of posts by Public Service Commission, Provincial Public Service Commission, Nepal Police, Armed Police Force, Nepal and Nepali Army.

- (f) No to transfer or post employees except for election duty,

Provided that, with the permission of the Commission, it shall not hinder the appointment of employees

recommended through regular open competition or promotion process in accordance with the prevailing law.

- (g) Not to conduct programs of a political nature or to hold, post or disseminate election campaign materials of candidates or political parties, except for conducting election educational programs prepared by the Commission or posting related materials,
- (h) Not to post or share any message, information, campaigning material in favor of or against a political party or candidate on social media or solicit votes through social media,
- (i) Not to travel abroad for any purpose other than to represent the country with the permission of the Commission,

Provided that, in the event that there is a request from the relevant Ministry stating that there is a need to send any security personnel or employee on a foreign visit due to special circumstances, in case the commission gives its consent, it shall not hinder to conduct such a visit.

9. Conduct to be followed by the staffs involved in the election duty: The staffs involved in the election work shall abide by the following conduct:-

- (a) Not to carry out any action or cause to do so, engage in campaigning or campaign any political party or candidate,
- (b) Not to allow any political party or candidate to use the office or its building, vehicle or other material,
- (c) Not to post and respond on social media on issues that adversely affect the election,

- (d) Not to give any information received by him/her to any political party or candidate or any unauthorized person except the information and info to be communicated for election purposes,
- (e) Not to take favor or opposition of anyone while doing election-related work.

10. Conduct to be followed by schools, colleges or universities and the staffs, professors and teachers related to them: The schools, colleges or universities and the staffs, professors and teachers related to them shall abide by the following conduct:-

- (a) Not to engage in campaigning or campaign for or against any political party or candidate,
- (b) Not to participate in any work like laying the foundation, inaugurating, surveying, feasibility study of any project or giving grant for the same;
- (c) Not to use vehicles, buildings or other materials, conduct program or meeting or conference or campaigning in favor of or against any political party or candidate,
- (d) Not to carry out other programs, announce, approve or operate policies, plans and programs than those included in the annual budget and program,

Provided that, in case there is an epidemic of a communicable disease or a natural disaster or a rampant situation, new programs may be conducted with the permission of the Commission.

- (e) Not to provide any financial benefits or rewards including creating new posts, recruiting vacant posts, increasing in allowances etc.,

Provided that, upon informing the commission, it shall not hinder in taking regular action related to recruiting of posts by University Service Commission or Teachers Service Commission.

- (f) No to transfer or post employees except for election duty,

Provided that, with the permission of the Commission, it shall not hinder the appointment of employees recommended through regular open competition or promotion process in accordance with the prevailing law.

- (g) Not to conduct programs of a political nature or to hold, post or disseminate election campaign materials of candidates or political parties, except for conducting election educational programs prepared by the Commission or posting related materials,

- (h) Not to post or share any message, information, campaigning material in favor of or against a political party or candidate on social media or solicit votes through social media,

- (i) Not to travel abroad for any purpose other than to represent the country with the permission of the Commission,

Provided that, in the event that there is a request from the relevant Ministry stating that there is a need to send any employee or professor or teacher on a foreign visit due to

special circumstances, in case the commission gives its consent, such visit may be conducted.

11. Code of Conduct to be followed by projects run by government or semi-government bodies, development committees and their employees:

Projects run by government and semi-government bodies, development committees and their employees shall abide by the following code of conduct:-

- (a) Not to engage in campaigning or campaign for or against any political party or candidate,
- (b) Not to carry out other programs, announce, approve or operate policies, plans and programs than those included in the annual budget and program,

Provided that, new programs may be launched with permission from the Commission or any official prescribed by the Commission in situation of pandemic or any natural calamity or disaster or in any other circumstance beyond control.

- (c) Not to participate in any work like laying the foundation, inaugurating, surveying, feasibility study of any project or giving grant for the same,
- (d) Not to provide any financial benefits or rewards including creating new posts, recruiting vacant posts, increasing in allowances etc.,

Provided that, upon informing the Commission, it shall not hinder in taking regular action related to recruiting of posts by the bodies recruiting in accordance with prevailing

laws like Public Service Commission, Provincial Public Service Commission.

- (e) No to transfer or post employees except for election duty,

Provided that, with the permission of the Commission, it shall not hinder the appointment of employees recommended through regular open competition or promotion process in accordance with the prevailing law.

- (f) Not to post or share any message, information, campaigning material in favor of or against a political party or candidate on social media or solicit votes through social media.

12. Code of Conduct to be followed by non-governmental organizations, development partner organizations, related officials and employees: Non-

governmental organizations or development partner organizations and officials and employees related to such organizations shall abide by the following code of conduct:-

- (a) Not to engage in campaigning or campaign for or against any political party or candidate,
- (b) Not to participate in any work like laying the foundation, inaugurating, surveying, feasibility study of any project or giving grant for the same;
- (c) Not to use vehicles, buildings or other materials, conduct program or meeting or conference or sponsor campaigning in favor of or against any political party or candidate,
- (d) Not to conduct any program of a political nature except for dissemination related to electoral education,

- (e) Not to receive any support, reward or material for the purpose of influencing elections or voter education,
- (f) Not to receive any amount the source of which has not been disclosed,
- (g) Not to post or hold election campaigning materials of any political party or candidate except for posting and using election-related educational information materials in the office,
- (h) Not to engage in campaigning for or against any candidate or political party himself/herself or on behalf of his/her affiliated organization,
- (i) Not to post or share any message, information, campaigning material in favor of or against a political party or candidate on social media or solicit votes through social media.

Chapter-4

Code of Conduct to be followed by Political Parties, Candidates, Party's Sister Organizations and Related Persons

- 13. Code of Conduct to be followed during processions, mass meetings, rally, meetings or gatherings:** (1) Political parties, candidates, sister organizations of parties and related persons, while conducting processions, mass meetings, rally, meetings, gatherings or election campaigning activities, shall abide by the following code of conduct :-
- (a) Processions, mass meetings, rally, meetings or gatherings shall be conducted in a decent and disciplined manner and no

protest or demonstrate shall be made in relation to anyone or his/her family members in the vicinity of his/her house,

- (b) No procession, mass meeting, rally or gatherings of any type shall be held in public places without taking the permission of the local administration,
- (c) The local administration and the police shall be informed about the date, time, route and place at least twenty-four hours before the procession, mass meeting, rally or gathering,
- (d) A person participating in a procession or mass meeting or campaigning shall not wear any logo or sticker or cloth, hat or cap, vest, t-shirt, jacket, shirt, towel, badge, mask or locket or carry a bag bearing the election symbol or flag of the party or candidate,

Provided that, it shall not hinder the candidate to distribute the pamphlet in which the identity details of himself/herself and the political party are disclosed in the paper pursuant to clause (l).

- (e) No disruption or obstruction of any type shall be caused to procession, mass meeting, rally, meeting, gatherings or other program organized by any political party, candidate or sister organization of the party,
- (f) No more than one political party, candidate or sister organization shall hold a procession, mass meeting, rally, meeting or gathering at the same place or route at the same time and in that case the instructions given to change the

venue or route of such event by the local administration shall be followed,

- (g) The materials prohibited by prevailing law or local administration shall not be displayed in processions, mass meetings, rallies, meetings or gatherings or use such materials,
- (h) No party flag, party or candidate's election symbol shall be placed or posted on any private property or public building, public park, public road pole or any public place,
- (i) No cash or goods shall be distributed to various clubs, social organizations, religious organizations, mothers' groups, non-governmental organizations, shelters or to any person, no grants, financial assistance, donations, prizes or election expenses or booth expenses shall be provided or announced to provide,
- (j) Processions, mass meetings, rallies, gatherings or campaigning programs shall be conducted only from 7am in the morning to 7pm in the evening,
- (k) No child shall be used or cause to be used to participate in election campaigns, mass meetings and processions,
- (l) The leaflet of one color and with the name of the press in a paper up to seventy-five grams with an area of up to three hundred square inches only shall be used for election purposes,
- (m) No digital board, flex or glue sign board shall be set, audio material shall be played and audio visual materials shall be

displayed for the purpose of promoting the party, except for keeping a signboard and a 3×4 feet party flag made of cloth and an election symbol of the same size in the office of the candidate or party,

- (n) The candidate or the party shall not keep the party flag, party or candidate's election symbol, any type of digital board, flex or glue sign board and play the audio material and display the audio visual material in the place other than their office.

Provided that, it shall not hinder the use of up to ten flags and election symbols of the size specified in clause (m) in processions, mass meetings, rallies or door-to-door programs organized by political parties or candidates and to keep up to one banner or flex with the name and symbol of the political party and candidate.

- (o) No more than twenty-five people, including candidates, proposers, and supporters, shall go with a procession when going to present the nomination papers of the candidates or conducting house-to-house programs for campaigning and when going like this they shall not go with musical instruments and cultural procession,
- (p) No campaigning about the party or candidate shall be made through online web pages, TV scrolling, display in shopping malls, call center operations, messages at ATM counters of banks or street plays etc.,

Provided that, it shall not hinder to keep such campaigning material on at most one private and official webpage of a political party or candidate.

- (q) Not to make public display or cause to be made public display by making pylon of party flag or election symbol of party or candidate,
- (r) Not to write or cause any type of wall scrawls, to organize rallies or to make campaigning using all types of vehicles including four-wheeled vehicles, motorcycles, bicycles, rickshaws, rickshaws, rickshaws, handcarts, etc. or cause to do so,
- (s) Any type of campaigning that may harm the feelings, dignity, character and reputation of senior citizens, women, sexual and gender minorities and persons with disabilities shall not be made,
- (t) The party or candidate shall not use the national flag during election campaigning except for the use of a maximum of ten national flags during processions, mass meetings, rallies, door-to-door meetings or any other type of rallies, and cause to do so,
- (u) Not to make campaigning in the name of any religion,
- (v) The candidate and his or her family shall not be intimidated, scared or threatened in any way,
- (w) Not to make campaigning or solicit votes by propagating any communal hatred,

- (x) The concerned candidate⁴himself/herself or through his/her representative shall submit the details of the expenses incurred for the preparation of the stage for campaigning in the corner-meeting or mass meeting to the election office ⁵within fifteen days from the date of completion of polling.
- (y) The following works related to election campaigning may be done only seventeen days before the day of polling:-
- (1) To hold processions, mass meetings, corner meetings,
 - (2) to publish or broadcast any type of propaganda material in the media,
 - (3) To conduct door-to-door programs for election campaigning.
- (z) Winning candidates shall not host any type of feast or distribute cash or goods.

(2) In case any such material is kept or pasted in any place contrary to clause (h) of sub-Section (1), necessary actions shall be taken as if the concerned candidate of the respective constituency has kept it.

14. Conduct to be followed while using vehicles: (1) Political parties, candidates, party's sister organizations and related persons shall, while using vehicles, abide by the following code of conduct:-

- (a) A maximum of two two-wheeler or three-wheeler or four-wheeler light vehicles powered by electric or mechanical power and a maximum of four horses in places where such

⁴ Replaced by the First Amendment.

⁵ Replaced by the First Amendment.

vehicles are not operated, as specified by the Commission, shall be used with the permission of the Election Officer, in the respective constituencies where he or she is the candidate or the place where he or she is the candidate,

Provided that, vehicles with foreign number plates shall not be given such permission.

- (b) For the election campaign of a post, the political party upon completing the process pursuant to clause (a), shall have to use only the number and
- (c) The vehicle which has received permission pursuant to clause (a) and (b) shall not be used or cause to be used by changing its shape,
- (d) Vehicles which get permission in the name of one party or candidate shall not be provided to use by other parties or candidates or shall not be used by other candidates,
- (e) No party or candidate, using a vehicle having a permission, shall not transport voters,

Provided that it shall not hinder pregnant woman who cannot walk, woman who has given birth, woman with her own children, person on obsequies, physically disabled or person with disability, senior citizens who cannot walk, etc., from using a vehicle allowed by the Commission or authority.

- (f) The vehicle that has a permission to be used in a designated location shall not be used in other locations,
- (g) The political party shall submit the names of two chief campaigners to the Commission for campaigning and only the

chief campaigner permitted by the Commission may use the helicopter service,

⁶Provided that in case any minister or official of the local executive is the chief campaigner, he/she shall abide by the provisions of clauses (a) and (a1) of Section 5.

- (h) A political party while using a helicopter service, shall use within the limits of the expenses that the political party is allowed to incur based on the number of candidates on the closed list in accordance with the proportional electoral system determined by the Commission for the political party,

Provided that in case helicopters are to be used in the election of members of the National Assembly or local level elections or by-elections at all levels, it shall be used by including in the expenses of the candidate within the limit of the election expenses allowed to the candidate in accordance with first past the post electoral system.

- (i) No election campaigning shall be carried out or campaign materials shall be displayed by using other vehicles except vehicles that have been permitted pursuant to clause (a).

(2) In case of campaigning using an unauthorized vehicle or displaying election campaign material in such a vehicle contrary to clause (j) of sub-Section (1); the traffic police or other security personnel of the relevant place shall take control of such vehicle and report it to the District Code of Conduct Monitoring Committee.

⁶ Replaced by the First Amendment.

15. **Conduct to be followed while using communication media:** (1) Political parties, candidates and party's sister organizations, while using communication media for campaigning, shall abide by the following conduct:-

- (a) A political party may, while broadcasting the election campaign through private sector television, radio or FM radio; broadcast at least four times in twenty-four hours at an interval of at least one hour and for a maximum of one minute at a time,
- (b) A political party may, while campaigning through private sector newspapers, print campaign material in any one newspaper in a maximum size of 7 X 7 inches each day,
- (c) A candidate, participating in the election for members of local level, may, while broadcasting the election campaign through private sector television, radio or FM radio; broadcast at least two times in twenty-four hours at an interval of at least one hour and for a maximum of one minute at a time,
- (d) A candidate, participating in the election for the position of members of provincial assembly to be held in accordance with first past the post electoral system, may, while broadcasting the election campaign through private sector television, radio or FM radio; broadcast at least three times in twenty-four hours at an interval of at least one hour and for a maximum of one minute at a time,
- (e) A candidate, participating in the election for the position of members of House of Representatives to be held in

accordance with first past the post electoral system, may, while broadcasting the election campaign through private sector television, radio or FM radio; broadcast at least four times in twenty-four hours at an interval of at least one hour and for a maximum of one minute at a time,

- (f) A candidate, participating in the election for the position of members of House of Representatives, members of provincial assembly or members of local level, may, while campaigning through private sector newspapers, print campaign material in any one newspaper in a maximum size of 7 X 7 inches each day,
- (g) A candidate, participating in the election of members of National Assembly, may, while broadcasting the election campaign through private sector television, radio or FM radio; broadcast at least four times in twenty-four hours at an interval of at least one hour and for a maximum of one minute at a time,
- (h) A candidate, in the election of members of National Assembly, may, while campaigning through private sector newspapers, print campaign material in any one newspaper in a maximum size of 7 X 7 inches each day,
- (i) A candidate, participating in the election of President and Vice-President, may, while broadcasting the election campaign through private sector television, radio or FM radio; broadcast at least four times in twenty-four hours at an

interval of at least one hour and for a maximum of one minute at a time,

- (j) A candidate, in the election of President and Vice-President, may, while campaigning through private sector newspapers, print campaign material in any one newspaper in a maximum size of 7 X 7 inches each day,

(2) Notwithstanding anything contained in sub-Section (1), election related campaigning material shall not be published or broadcasted through foreign media.

16. Conduct regarding election expenses: Political parties and candidates shall abide by the following conduct regarding election expenses:-

- (a) The candidate shall disclose the estimated amount of money he/she will spend in the election and the source of the same while registering the nomination paper,
- (b) The Candidate shall, while making election-related expenses, open a separate account in a bank or financial institution and spend from the same account,
- (c) The Candidate shall appoint a responsible official to spend the election-related expenses on his/her behalf,
- (d) Names and details of the officials designated pursuant to clause (c) shall be reported to the office of the Returning officer and the election office.
- (e) A political party shall, while making election-related expenses, open a separate account in a bank or financial institution and spend from that account through responsible official specified by the party,

- (f) When receiving financial assistance exceeding twenty five thousand rupees, it shall be done through a bank or financial institution,
- (g) In case cash is taken as a voluntary assistance from a person or organization, the amount shall be deposited in the bank account pursuant to clause (b) or (e) after giving a receipt or payment slip,
- (h) Details of expenses and bill payments pursuant to clause (b) or (e) shall be maintained,
- (i) Details of income and expenditure shall be submitted in accordance with the prevailing law to the election office or the Commission in the format prescribed by the Commission,
- (j) In case the Commission orders to submit the bill of expenses and the details of accounts in the bank or financial institution, the original bill payment and the account details of the bank or financial institution shall be submitted,
- (k) The details of election expenses shall be made public after the completion of the election and submitted to the Commission or the election office within the period prescribed by the prevailing election laws.

17. **Special conduct of conduct to be followed from forty-eight hours before the polling day until the polling place closes:** From forty-eight hours before the polling day until the polling place closes on the polling day, the office bearers, candidates, party's sister organizations or related persons shall abide by the following code of conduct:-

- (a) Any type of discussion, interaction, meeting, conference, workshop, etc., including election campaign shall not be held.
- (b) The campaign materials of political parties or candidates placed within three hundred meters of the polling place shall be removed forty-eight hours before the polling day,
- (c) Not to solicit votes and promote elections by any method, process or means,
- (d) Not to post or share any message, information or campaign material in favor of or against a political party or candidate through social media, online, print or any other means, or cause to do so.

18. Code of Conduct to be observed on the day of polling: On the day of polling, political parties, candidates, sister organizations of parties or related persons shall abide by the following code of conduct:-

- (a) The representative of a political party or candidate shall not wear any dresses or badges bearing the election symbol or vote sign in the polling place,
- (b) Not to wear, carry or display, in the polling place, any similar symbolic dress or item showing the identity of any political party or candidate,
- (c) Not to use any type of vehicle to travel or to carry or bring anyone,

Provided that it shall not hinder pregnant woman who cannot walk, woman who has given birth, woman with her own children, person on obsequies, physically disabled or

person with disability, senior citizens who cannot walk, etc., from using a vehicle allowed by the Commission or authority.

- (d) No person other than the voter and the person or officer authorized by the Commission shall enter the polling place.

19. Statement of property to be submitted: (1) The person who is a candidate in the election for the first past the post electoral system shall have to prepare the statement of property in the format prescribed by the Commission and submit it under seal along with the nomination paper.

(2) The management of the statement of property pursuant to sub-Section (1) shall be carried out as follows:-

- (a) It shall be kept secure and confidential until the final result of the polls is published,
- (b) In case the candidate who submits the statement of property is elected, such statement of property shall be made public⁷ upon his/her approval as prescribed by the Commission,
- (c) In case the candidate is not elected, and if he/she demands for it back, it shall be returned as prescribed by the Commission,
- (d) In case such statement of property is not demanded back, the records thereof shall be disposed of by keeping records.

20. Personal details to be submitted: (1) The person who is a candidate in the election for the first past the post electoral system shall have to submit the personal details form in the format prescribed by the commission in addition

⁷ Inserted by the First Amendment.

to his/her name, surname, address, educational qualification, experience and any additional details he/she wishes to mention.

(2) Upon publication of the final list of candidates, the Election Officer shall have to publish the personal details pursuant to sub-Section (1) in his/her office and send to the Commission and the Commission shall prepare the consolidated details in relation to the constituencies and publish on the website of the Commission.

Chapter-5

Conduct to be followed by Voters and Polling Agents and Counting Agents

21. Code of Conduct to be followed by voters: A voter shall abide by the following code of conduct:-

- (a) No inflammable solid or liquid, mobile phone, camera shall be carried while going to vote at the polling place,
- (b) No intoxicants or inebriants shall be consumed while going to vote at the polling place,
- (c) Not to spread false rumors, misleading news with the intention of deterring voters from going to vote or polling or to make any obstruction or to cause to do so,
- (d) Not to wear clothes, t-shirts, jackets, towels, hats or caps, vests, logos, badges, masks, stickers or carry bags bearing the election symbols or flags of political parties or candidates while going to vote,

- (e) Not to display photograph of the candidate, party or candidate's election symbol or flag tattoo made on any part of the voter's body while going to vote,
- (f) Not to publish, broadcast or transmit fact-less content using electronic media such as SMS, Face book, Messenger, Twitter, Viber, YouTube, and Instagram in favor or against anyone.

22. Code of Conduct to be followed by Polling Agents and Counting Agents:

The Polling Agents and Counting Agents of political parties or candidates shall abide by the following code of conduct:-

- (a) Not to wear costume or badges, locket, masks with election symbols or symbols of political parties or candidates,
- (b) Not to wear, carry or display identical symbolic costume, logos, badges etc. that show the identity of a political party or candidate,
- (c) Not to touch or use or spoil or take photographs of election materials including ballot papers,
- (d) Not to sloganeering or shouting in favor of or against a political party or candidate at the polling place or counting place,
- (e) Not to take the items which are not permitted by the election officer including cameras, mobiles, etc. to the polling station and counting station.

Chapter-6

Code of Conduct to be followed by Observation Organization and Observer

23. Code of Conduct to be followed by the Observation Organization: The Observation Organization shall abide by the following code of conduct:-

- (a) Not to carry out observation without the permission of the Commission,
- (b) Not to deploy the existing employees or teachers of government or government-owned or semi-government organizations, institutions, universities or public schools to carry out observation,
- (c) Not to deploy for observation in the wards of rural municipality or municipal where he/she has permanent residence or whose name is included in the electoral roll,
- (d) Income and expenses of its organization shall be made public and the written information shall be given to the Commission,
- (e) Organizations authorized for observation shall submit the preliminary report within fifteen days and the final supervision report within thirty days to the Commission.

24. Code of Conduct to be followed by the Observer: The observer shall abide by the following code of conduct :-

- (a) To wear Observer Identity Card in a visible manner,
- (b) To observe in independent, fair, neutral and reliable manner by showing respect to different castes, community, genders, religions, languages, regions and cultures,
- (c) To observe polling activities only from a certain distance with the permission of the Polling Officer,

- (d) Not to make any type of criticism in public or in mass media in favor of or against a political party or candidate,
- (e) To observe only in areas permitted by the Commission,
- (f) Not to accept or exchange any gift or cash or any goods from/with candidate, political party, employee or other person,
- (g) Observers shall not wear badges bearing election symbols or promote or display by any other means in support or opposition to political parties or candidates,
- (h) Not to transmit any information or make any statement or do any undesired activity affecting the election,
- (i) Not to observe in security sensitive places,
- (j) Not to take photograph in the booth where the voter has marked the secret ballot,

Provided that it shall not hinder in taking photograph from outside the boundary of polling place with the permission of the polling officer.

- (k) Not to communicate or cause to be notified that the candidate has won before the final result of the election is announced by the Returning Officer or the Commission,
- (l) Not to make negative comments in relation to election laws and election materials in such a way as to affect the election.
- (m) Not to hinder in the performance of the Polling officers and other employees assigned to the polling place.

- (n) The preliminary report shall have to be submitted to the Commission within fifteen days and the final report within thirty days after the completion of the election.

Chapter-7

Code of Conduct to be followed by Communication Institutes, related Staffs and Journalists

25. Code of Conduct to be followed by communication institutes, related staffs and journalists: Communication institutes, related staffs and journalists shall abide by the following code of conduct:-

- (a) Not to receive donations, gifts or financial support from any political party, candidate or related person,
- (b) Not to publish or broadcast news in favor or against anyone,
- (c) Not to publish or broadcast news that interferes the relationship and harmony between castes, languages, religions, communities, genders and regions; and discriminates on any basis such as political belief or opinion, nationality and social condition,
- (d) Not to publish, broadcast or transmit free advertisement for election campaign of political party or candidate,
- (e) When publishing, broadcasting or transmitting an advertisement related to the election of a political party or candidate pursuant to Section 15, it shall be stated in the advertisement that it is paid,

Provided that, such advertisement shall not be published, broadcast or transmitted from forty-eight hours

before the day of polling until the polling place closes on the day of polling.

- (f) To publish, broadcast or communicate any content using electronic media such as SMS, Face book, Messenger, Twitter, Viber, YouTube, Instagram, online press in favor or against anyone and share, tag, comment or counter-comment on social networks.
- (g) Not to breach the confidentiality of the source of information,
- (h) Not to publish and broadcast false and misleading news that harms the dignity, reputation, honor of a political party or a candidate or a member of a candidate's immediate family,
- (i) Not to conduct programs such as talk shows, comments, analysis, question and in addition to advertisements in favor of or against political parties or candidates from forty-eight hours before the day of polling until the polling places closes on the day of polling,
- (j) Not to publish or broadcast articles, photographs or news conveying a negative message about the election,
- (k) Not to republish or broadcast contents published or broadcasted through foreign media in such a way as to have a negative impact on Nepal's elections, political parties and candidates,
- (l) No one shall transmit misleading comments on the internet or television such as demeaning, spreading misinformation, insulting, disinformation, hate speech with the intention of influencing the election, and in case such comments are

transmitted, the internet service provider or cable television distributor shall remove such information and speech.

Chapter-8

Monitoring of Election Code of Conduct

26. Central Code of Conduct Monitoring Committee: (1) To monitor the implementation of the Election Code of Conduct, there shall be the following Central Code of Conduct Monitoring Committee in the Commission:-

- (a) Commissioner specified by the Commission -Convener
- (b) Secretary, Commission-Member Secretary, Office of the Prime Minister and Council of Ministers
(Responsible for the Election affairs) -Member
- (c) Secretary, Ministry of Law, Justice and Parliamentary Affairs
- Member
- (d) Secretary, Ministry of Home Affairs - Member
- (e) Secretary, Ministry of Communication and Information Technology - Member
- (f) Additional Inspector General of Police (Responsible for the Election affairs), Nepal Police -Member
- (g) Joint Secretary, Law and Political Party Management Division Member-Secretary

(2) The Central Code of Conduct Monitoring Committee may form subject wise sub-committees and assign responsibilities as required.

(3) The Central Code of Conduct Monitoring Committee may invite experts, employees, chairperson or representatives of civil society, chairperson of Nepal Telecommunications Authority, president of Nepal

Journalists Association or chairpersons of private sector professional organizations as needed.

(4) Other procedures related to the meeting of the Central Code of Conduct Monitoring Committee shall be as determined by the said committee itself.

27. Functions, Duties and Powers of Central Code of Conduct Monitoring

Committee: The functions, duties and powers of the Central Code of Conduct Monitoring Committee shall be as follows:-

- (a) To analyze the monitoring information and reports received from the monitors and the monitoring teams, and give necessary instructions in this regard,
- (b) To receive complaints regarding violations of the code of conduct; to seek a clarification from the person against whom the complaint is made; to order immediate stop of the violation of the code of conduct; and to recommend to the Commission for necessary action against the violators of the code of conduct,
- (c) To recommend to the Commission that the names of violators of the Code of Conduct be made public;
- (d) To interact with stakeholders regarding compliance with the Code of Conduct,
- (e) To conduct orientation program for the monitors engaged in monitoring,
- (f) To recommend to the Commission for necessary action against political parties, candidates, individuals,

organizations, officers or bodies violating the Code of Conduct,

- (g) In case a political party or candidate is found to have spent more than the limit set by the Commission, to recommend such party or candidate to the Commission for necessary action,
- (h) To recommend to the Commission for necessary action in case it is found that the staff or security personnel assigned to the election work have committed any act in violation of the code of conduct in the course of the election-related work with mal-intention,
- (i) To recommend to the Commission to mobilize the necessary human resource and equipment for the implementation and monitoring of the Code of Conduct,
- (j) ⁸..
- (k) To give necessary instructions to other committees or teams related to monitoring of the code of conduct,
- (l) To perform other tasks as prescribed by the commission.

28. Returning officer to implement Code of Conduct: (1) The Returning Officer shall make necessary arrangements for the implementation of the Code of Conduct in his constituency or the place where he is deployed.

(2) The Returning Officer shall monitor or arrange for compliance with the Code of Conduct pursuant to sub-Section (1),

⁸ Repealed by the First Amendment.

(3) In case it is found that someone has violated the code of conduct during the monitoring pursuant to sub-Section (2), the Returning Officer shall give an order to stop such action related to the violation of the Code of Conduct and send it to the Commission and the District Code of Conduct Monitoring Committee for necessary action.

29. Code of Conduct Monitoring Team: (1) The Commission may form and deploy a monitor or a monitoring team consisting of one or more members under the coordination of gazette first class or above employees of the Government of Nepal as required to monitor the Code of Conduct.

(2) The Code of Conduct monitor or the monitoring team shall be accountable to the Commission and the Central Code of Conduct Monitoring Committee.

(3) The mandate of the election Code of Conduct monitor or Code of Conduct monitoring team shall be as specified by the Commission.

30. District Code of Conduct Monitoring Committee: (1) There shall be the following District Code of Conduct Monitoring Committee in each district:-

- (a) Chief Returning Officer - Convener
- (b) Chief District Officer -Joint-Convener
- (c) Head of District Police Office - Member
- (d) Head of National Research Department in district - Member
- (e) Monitoring Officer-Member...⁹
- (f)¹⁰Head of Election Office -Member-Secretary

⁹ Repealed by the First Amendment.

¹⁰ Inserted by the First Amendment.

(2) The Returning Officer may be invited to the meeting of the District Code of Conduct Monitoring Committee.

(3) Heads, officials or representatives of political parties in the district who participated in the relevant elections, heads of the district offices, presidents or representatives of the journalists' association in the district, representatives of private sector professional organizations, representatives of civil society, and heads of representatives of district committees of non-governmental organization associations may be invited in the meeting of the District Code of Conduct Monitoring Committee as required.

(4) The Chief District Officer shall work as the coordinator of the District Code of Conduct Monitoring Committee until the office of the Chief Returning Officer is established.

(5) Other procedures related to the meeting of the District Code of Conduct Monitoring Committee shall be as determined by the committee itself.

31. Functions, Duties and Powers of District Code of Conduct Monitoring Committee: The functions, duties and powers of the District Code of Conduct Monitoring Committee shall be as follows:-

- (a) To regularly receive information or reports regarding the implementation of the Code of Conduct through the monitor or monitoring team or by other means,
- (b) To give necessary instructions to the relevant political party, body, institution, officer or person to comply with the Code of Conduct in case it is found that someone has violated the

code of conduct from the information or report received under clause (a),

- (c) To receive a complaint regarding the violation of the Code of Conduct; to demand a clarification from the person against whom the complaint has been made; to give an order to stop the action related to the violation of the Code of Conduct immediately; and to recommend to the Central Code of Conduct Monitoring Committee to take necessary action against the violator of the Code of Conduct,
- (d) To investigate the complaints of violations of the Code of Conduct and resolve the issues that may be resolved by itself and recommend the issues that cannot be resolved to the Central Code of Conduct Monitoring Committee,
- (e) To recommend the name of the violator of the Code of Conduct be made public to the Central Code of Conduct Monitoring Committee,
- (f) To interact with stakeholders regarding compliance with the Code of Conduct,
- (g) To immediately seize and hand over to the nearest police office, in case a political party, candidate, election representative and any person is found to be using a vehicle against the code of conduct,
- (h) To immediately remove or cause to be removed and to order such places to be restored in case a political party, candidate, election representative or any person is found to have used

campaign materials such as posters, wall writings, flexes, banners, digital displays against the Code of Conduct,

- (i) To collect candidates' details of expenses and accounts related to election as required,
- (j) To send regular monitoring reports to the Central Code of Conduct Monitoring Committee,
- (k) To do other work in liaison and coordination as directed by the Commission and the Central Code of Conduct Monitoring Committee.

32. **¹¹Election Code of Conduct Monitoring Officer:** (1) The officer level employee of the Government of Nepal or Provincial Government specified or deployed by the Commission shall act as the Election Code of Conduct Monitoring Officer in each district.

(2) The Monitoring officer shall fulfill his/her duty being accountable to the Commission and the concerned District Code of Conduct Monitoring Committee.

33. **Functions, Duties and Powers of the Monitoring Officer:** (1) The functions, duties and powers of the Monitoring Officer shall be as follows:-

- (a) To regularly monitor the implementation of the Code of Conduct within the concerned district and in case the Code of Conduct is not abide by, do the following:-

- (1) To giving necessary instructions to the relevant political party, candidate, agency, officer, institution or person to follow the Code of Conduct,

¹¹ Replaced by the First Amendment.

- (2) To immediately stop or cause to be stopped the action related to violation of the Code of Conduct,
 - (3) To send the violators of the Code of Conduct in writing to the relevant agency or authority for necessary action,
 - (4) In case a political party, candidate, related person, agency, institution, official or any other person is found to have acted contrary to the Code of Conduct, the same shall be immediately reported to the Returning Officer and the District Code of Conduct Monitoring Committee.
- (b) To immediately inform the Returning Officer and the District Code of Conduct Monitoring Committee in case political parties, candidates, related persons and any other persons are found to be using vehicles contrary to this Code of Conduct,
 - (c) To immediately seize of any vehicle used in contravention of this Code of Conduct,
 - (d) To immediately remove or cause to be removed and order to keep such places in order in case a political party, candidate, related person or any other person is found to have used posters, wall writings, posters, banners, digital displays contrary to the prevailing law and this Code of Conduct,
 - (e) To immediately detain and hand over to the police in case a political party, candidate, related person or any person is

found to be doing promotional activities like motorcycle rally contrary to this Code of Conduct.

(2) While doing the work pursuant to clause (c), (d) or (e) of sub-Section (1), the monitoring officer may request the assistance of the security agency and it shall be the duty of the relevant security agency to provide the assistance as requested.

34. Provisions related to micro-monitoring: (1) For monitoring the election Code of Conduct, the Commission may establish and operate a monitor or a monitoring unit consisting of one or more members.

(2) The remuneration to be provided to the human resource deployed in micro-monitoring and the arrangements regarding their work, duties and rights shall be as determined by the Commission.

(3) The monitor shall be provided identity card as referred to in Schedule-1.

35. Video-recording: (1) The Central Code of Conduct Monitoring Committee or the District Code of Conduct Monitoring Committee may video record the scene related to the violation of the Code of Conduct by deploying cameraman with a video camera or using other electronic devices as required.

(2) While investigating the complaint related to violation of the Code of Conduct, the video-recorded scene pursuant to sub-Section (1) may be taken as evidence.

Chapter-9

Miscellaneous

36. **Resignation**: An elected or nominated official holding a position in a local level or an organization owned or controlled by a local level or receiving remuneration from a local level shall have to resign from the position held before registering the nomination of a candidate in the local level election.
37. **Deemed to be relieved of office**: In case a person holding the position of member of federal parliament, member of Provincial Assembly, member of Rural Municipal Assembly or member of Municipal assembly is a candidate in the election for the position of member of Federal Parliament or member of Provincial Assembly, he/she shall be considered to be automatically discharged from such position after the nomination paper is registered.
- Explanation**: For the purpose of this section, "Registration of nomination paper" includes the registration of the closed list of candidates for the proportional election system.
38. **Health standards to be followed**: Political parties, candidates or related persons shall follow the health standards approved by the Ministry of Health and Population to minimize the risk of infection of infectious diseases including Covid-19 while conducting programs such as election campaigns.
39. **Advance to be cleared**: A candidate shall have to clear the advance amount he or she has taken, if any, from the agency to which he or she was elected, nominated or appointed.
40. **Unsettled amount to be settled**: A candidate shall have to settle the unsettled amount that have been recorded in his or her name from the audit as amount to be settled.
41. **Letter of Commitment to be signed**: (1) Employees involved in election and counting of votes shall have to sign the letter of commitment as referred to in Schedule-2.

(2) Candidates, election representatives of candidates or political parties, polling representatives and counting representatives shall have to sign the letter of commitment as referred to in Schedule-3.

42. Information may be obtained: (1) The Commission may obtain necessary information through the Nepal Police, other security agencies, any office or person regarding the compliance of this Code of Conduct and election expenses to be incurred by political parties or candidates.

(2) It shall be the duty of the concerned body or person to provide the details requested pursuant to sub-Section (1).

43. No permission to be granted: The Commission shall not grant any permission not to carry out the work to be done or to carry out the work not be done in accordance with this Code of Conduct except for the matters in which permission is provided in this Code of Conduct.

44. Permission not required: No permission of the Commission shall be required in accordance with this Code of Conduct for doing other activities not mentioned in this Code of Conduct.

45. Complaint may be filed regarding violation of Code of Conduct: (1) In case someone is found to have violated this Code of Conduct, the person who wants to file a complaint verbally, in writing, through social media, electronic means or in any other way, to the Commission, the Office of the Returning officer, the election office or the committee, team or monitoring officer pursuant to Chapter-8 of this Code of Conduct may file a complaint as referred to in Schedule-4.

(2) The grounds, reasons and any related evidence if any shall be attached when filing a complaint pursuant to sub-Section (1).

(3) Notwithstanding anything contained in sub-Section (1), in case someone violates the Code of Conduct, a complaint may be made verbally or even through electronic means. In case a complaint is made in this way, the relevant agency or officer shall keep a record of it and proceed with the necessary action process.

(4) In case the complainant who files a complaint according to sub-Section (1) or (3) does not want to publish his/her name and details, it shall not be made public.

46. Actions to be taken in violation of Code of Conduct: (1) In case anyone violates this Code of Conduct, the Commission may fine up to One Hundred Thousand Rupees or revoke the candidature pursuant to section 23 of the Election Commission Act, 2017.

(2) Notwithstanding anything contained in sub-Section (1), it shall not hinder in taking action in accordance with the Election (Offences and Punishment) Act, 2017, in case of acts that are considered election offenses in accordance with to the prevailing law.

47. Submission of Code of Conduct Monitoring Report: (1) The monitor shall prepare a monitoring report in the format as referred to in Schedule-5 and submit it to the relevant committee within seven days of the completion of the monitoring work.

(2) The monitoring officer shall prepare the monitoring report in the format as referred to in Schedule-5 and submit it to the District Code of Conduct Monitoring Committee within seven days from the date of publication of the final results of the election.

(3) The District Code of Conduct Monitoring Committee shall prepare and send an integrated report for each constituency or local level to the Commission or the Central Code of Conduct Monitoring Committee within ten days from the date of publication of the final results of the election.

- 48. Matters to be disclosed in report:** While preparing the monitoring report pursuant to Section 47, generally the following matters shall be included:-
- (a) Actions taken in connection with the implementation of the Code of Conduct,
 - (b) Details of action taken against violators of the Code of Conduct,
 - (c) The name and details of the violator of the Code of Conduct to be made public;
 - (d) Details of the instructions given during the monitoring,
 - (e) Other details prescribed by the Commission.
- 49. Actions to be taken:** In case it is proved that someone has taken action against the Code of Conduct during the period of implementation of this Code of Conduct, action may be taken even after the expiry of the period of the Code of Conduct.
- 50. Electronic means or information technology may be used:** Members of the Monitoring Committee or Monitoring Team or monitoring officer or monitor may use electronic means or information technology to submit the process or monitoring report to be followed in relation to monitoring the election.
- 51. Publication of the name of the violator:** While monitoring or cause to be monitored this code of conduct and in case any person is found to have violated the Code of Conduct, the commission shall publish the details including the name of the violator.

- 52. Records to be kept:** Records of actions or decisions related to complaints made in violation of this Code of Conduct shall be kept securely by the concerned officials, organizations, agencies or authorities.
- 53. Repeal:** (1) Election Code of Conduct, 2022 is hereby repealed.
- (2) Actions taken in accordance with the Election Code of Conduct, 2022 shall be deemed to be conducted in accordance with this Code of Conduct.

Annex-1

(Relating to Sub-Section (3) of Section 34)

Identity Card of the Monitor

.....Election,.....(year)

Identity Card of Monitor

Identity card no.:

Name/surname:

Designation:

Name of the Committee:

Area of work:

Validity period:

Signature of the Monitor:

Passport sized
photo

Authorized person of the Election Commission

Signature:

Name:

Designation:

Place:

Date:

Annex-2

(Relating to Sub-Section (1) of Section 41)

Commitment Letter to be signed by Employees Assigned in Election and Vote
Counting

1. I shall fully comply with the Constitution, Act, Rules, Code of Conduct, Directives and Instructions.
2. I shall carry out my functions independently at my personal, organizational and positional manner and with impartiality and without having any inclination towards any political party or candidate.
3. I shall make the carrying out of functions relating to election and vote counting dignified and organized.
4. I shall not be motivated or influenced by the direct or indirect pressure, threats, canvassing, biasness to be faced while carrying out election related functions and shall be committed to conclude or cause to be concluded election with integrity.
5. I shall maintain the decorum and dignity of the Polling Officer, vote counting officials and employees and shall carry out tasks of voting and vote counting on time.
6. I shall not say or indicate by any sign regarding voting or counting vote in favor of or against any candidate.
7. I shall not misuse or let other misuse ballot paper, ballot box used in the election and other election related materials.
8. I shall be free from any influence by the parties while settling disputes relating to voting and vote counting.
9. I shall not work at the interest of or under influence of any political party or candidate or electoral representative or any other person.
10. I shall demonstrate high moral character while carrying out election related functions.

11.I shall respect and treat equally to all including political parties, candidates, employees, monitors, observer, civil society in the course of election and vote counting.

Commitment made by:

Making of commitment certified by:

.....

.....

Signature:

Signature:

Name surname:

Name surname:

Designation:

Designation:

Office:

Office:

Address:

Contact No.:

Annex-3

(Relating to Sub-Section (2) of Section 41)

Commitment Letter to be signed by Political Party, Representative of the
Candidate, Polling Representative and Vote Counting Representative

1. I shall carry out functions to be carried out by political party, candidates and representative of candidate, polling agent, vote counting agent subject to the Constitution, Act, Rules, Code of Conduct, Directives and Instructions.
2. I shall carry out the functions as provided by the law while working on behalf of political party, and as candidate and representative of candidate, polling agent, vote counting agent.
3. I shall sign on various deed of cognizance relating to election as a representative of political party, or as candidate and representative of candidate, polling agent, vote-counting agent.
4. I shall remain committed to complete the election, voting, and vote counting in fair, impartial and peaceful manner.
5. I shall cooperate in protecting the election materials, polling materials, ballot paper, ballot box to be used in the election, polling and vote counting.
6. I shall not touch authoritatively election materials including ballot paper or deface or cause loss to them.
7. I shall enter into the polling center or vote counting place only wearing the identity card or letter or permission issued by the Commission, Chief Returning Officer or Returning Officer.
8. I shall not dispute as to the decisions made by the polling officer or Returning Officer.
9. I shall not carry any electronic device to the polling center or vote counting place.
10. I shall fully play roles to maintain peaceful atmosphere at the polling center and vote counting place.

11. I shall not unduly influence, allure, pressurize or influence by any other means the Chief Returning Officer or Returning Officer, polling officer or other employee.

Commitment made by:

Making of commitment certified by:

.....

.....

Signature:

Signature:

Name surname:

Name surname:

Designation:

Designation:

Office:

Office:

Address:

Contact No.:

Annex-4

(Relating to Sub-Section (1) of Section 39)

Format of Complaint Regarding Violation of the Code of Conduct

Election Commission/Returning Officer/Monitoring Officer/.....

Election Monitoring Committee ...

Subject: Complaint relating to violation of Code of Conduct

I have filed this complaint as the following political party/candidate/person/organization has committed the violation of the Code of Conduct to prevent from violating the Code of Conduct and to take actions in accordance with the prevailing laws:-

1. Name of violator of Code of Conduct:
2. Address/Affiliated organization/Institution:
3. Brief details regarding violation of Code of Conduct:
4. Evidence attached:

Complainant's,-

Signature:

Name surname:

Voter no:

Contact address:

Contact number/mobile no.:

Date:

Note (1) If the complainant desires to maintain his or her name confidential, the identity shall be maintained confidential.

(2) Complaint may be filed verbally or by any means of communication.

Annex-5

(Relating to Sub-Section (1) and (2) of Section 40)

**Format of Report to be submitted after on-site monitoring by monitor,
monitor and monitoring committee**

Election Commission, Nepal

Format of Weekly/Final Report

.....Election Monitoring Report

1. Details of the Monitor

Name	Designation	Sex	Caste/tribe
Age	Person with disability (if not, state the type)	Office	Telephone/mobile

2. Background (relating to monitoring)

3. Duration and Methods of monitoring

4. Actions relating to implementation of Code of Conduct during monitoring:-

- (a) Activities contrary to Code of Conduct
- (b) Details of actions taken against violator of Code of Conduct
- (c) Name and details of the violator of Code of Conduct that needs to be published
- (d) Details of instructions given during monitoring,
- (e) Other details

5. Details of any written or verbal instruction given to election office, office of the returning officer or security officers or any other concerned party or any recommendations made or fined, if any, during monitoring

S. No.	Direction/Recommendation /Fined			Status of implementation of direction/reco mmendation	Name, designatio n of official/e mployee of the Commissi on if informed
	Subject/ Activitie s	Dat e	Institution /Party or Candidate		

6. Main aspects identified in the course of monitoring:-

(a) Strengths

(b) Weakness

(c) Details of instruction given in the course of monitoring

(d) Other details

(e) Measures for reform and suggestions

7. Matters to be recommended to the Commission

8. Any matter other than those mentioned above

9. Significant pictures relating to monitoring of election Code of Conduct (to be enclosed along with the report)