



Nepal Academy's Journal

**JOURNAL OF NEPALESE STUDIES**

Vol. 16, No. 1: 152-169, November, 2024

ISSN No: 2705-442X

---

## Indigenous nationalities and politics in Nepal: constitution assembly to parliament

**Ram Bahadur Thapamagar<sup>1</sup>**

Corresponding author: <rbthapamagar@hotmail.com>

Received date: 12 April, 2024 – Accepted date: 10 July, 2024

### ABSTRACT

*This article is a descriptive analysis of the political representation of the Indigenous Nationalities in the legislative bodies Constituent Assembly, Federal Parliament, and Provinces Assembly. The data presented in the paper are based on secondary sources, primarily the election result books and reports. The overwhelming representation of the Indigenous people in the first CA shed a new hope towards the end of all forms of subjugation and injustice against the hitherto marginalized groups, including Indigenous people. However, the representation in the House of Representatives and the Province Assemblies after the promulgation of the Constitution of Nepal in 2072 was not as anticipated by the Indigenous Nationalities, including other historically marginalized communities. The comparative analysis of the results of the first CA election held in 2064 and the House of Representatives and provincial assemblies held in 2079 shows that the representation of the Indigenous people in the state apparatus is decreasing (disappointing) against the spirit of the constitution, which envisioned building an egalitarian society based on the principles of proportional inclusion and social justice. In the first CA, 218 out of 601 members (i.e., 36.27 percent) were represented by indigenous members. However, there are only 84 indigenous members, which is 30.545 percent out of a total of 275 seats in the House of Representatives. Likewise, there are only 179 indigenous representatives out of 550 members in the state assemblies (i.e., 30.60 percent). Therefore, the political parties should focus on ensuring the inclusive representation of the hitherto subjugated sections of society, including ethnic communities in the state apparatuses, not their cadres and relatives.*

---

1 Thapa Magar is a PhD scholar and chair at Indigenous Nationalities Commission, Nepal.

**Keywords:** Indigenous Nationalities, representation, election, House of Representatives, Constituent Assembly.

## INTRODUCTION

The border of modern-day Nepal, which is situated between China and India, the two most powerful nations in the world with combined areas of 147181 square kilometers, was extended from Tista in the east to Fort Kangra and the Sutlej River in the west over a distance of roughly 1500 km between 1806 and 1816 (then Gorkhali State). The boundary of cutting edge Nepal, which is arranged among China and India, the two most impressive countries on the planet with consolidated areas of 147181 square kilometers, was stretched out from Tista in the east to Stronghold Kangra and the Sutlej Waterway in the west over a distance of around 1500 km somewhere in the range of 1806 and 1816 (then Gorkhali State). After the Sugauli Treaty of 1850, the Gorkhali state was limited to the territory between the Mechi and Mahakali rivers following the British victory in the war over disputed land in the Terai region. (Gurung 2006, p.124). The present-day part of Nepal is only one third part of the historical and expansive Nepal before the Sugauli Treaty. According to the National Census 2078, the total population of Nepal is 29164578. Among them 48.87 percent (14253551) are male and 51.13 percent (14911027) are female. According to the National Foundation for Development of Indigenous Nationalities Act 2058 (amended, 2077), 60 Indigenous Nationalities groups are scheduled in Nepal. According to which the highest number is Magar, Tharu, Tamang, Newar, and Rai are the fifth major ethnicity with 6.9(2013498), 6.2(1807124), 5.62(1639866), 4.6(1341363) and 2.2(640674) percent respectively. Kushunda has the lowest population of only 253 people. The number of mother tongues spoken by people living in the country is 123. The mother language spoken communities are Tharu 94.85, Tamang, 86.77, Magar, 40, Newar 64.36, and Rai 22.56 percent respectively.

The 60 ethnic communities of Nepal are enlisted as indigenous nationalities (Adivasi Janajati) under the National Foundation for Development of Indigenous Nationalities (NFDIN) Act 2058. Indigenous leaders and activists have claimed that the population of Indigenous Nationalities is more than two-thirds of the total population of Nepal. Suresh Ale Magar (2052), the founder general secretary of Nepal Federation of Indigenous Nationalities (then Nepal Indigenous Federation), has claimed that the population of Nepal's Indigenous Nationalities is more than two-thirds of the total population. The fact that the surnames of Indigenous communities are identical to those of non-indigenous communities, in some cases unreliable data of the Statistics Office, skepticism of concerned organizations such as the Nepal Federation of Indigenous Nationalities and other concerned organizations regarding the process of the population census, and the rejection of

the results of the population census, cannot completely rule out the suspicion of bias. Among the Indigenous Nationalities, Magar is the largest community in terms of population size. According to the population census, Indigenous nationalities is 34.87(10168844) percent of the total population.

The Indigenous communities of Nepal have their language, culture, traditions, and customary laws. Some even within the same community seem to speak and celebrate different languages and cultures. Nepal has been an anthropological laboratory for those studying linguistic, cultural, and religious diversity. Dr. Harka Gurung has described Nepal as a colorful pot filled with different colors, full of languages, religions, and cultures of different castes and ethnicities (Gurung, & Salter, 1995 p.1). In the context of ethnic, linguistic, cultural, and religious diversity being preserved by indigenous communities in their traditional way, the Interim Constitution of 2063, acknowledged the diversity of Nepal as the preamble of the constitution mentioned Nepal as a multiethnic, multilingual, multi-religious, and multicultural country (Interim Constitution, 2063). The Constitution was promulgated after the ten-year-long people's war of CPN (Maoist), various struggles of indigenous communities, and the Mass Movement of 2062/063. The Constitution of Nepal 2072 has also acknowledged the same. Currently, the Indigenous Nationalities Commission (2077) has been constitutionally established to protect and promote the rights of Indigenous communities.

Until the medieval period of Nepali history, the governance system of indigenous communities was based on their language, culture, and religion. The political system of that time was not discriminative, exploitative, and oppressive against the Indigenous people. But once the Hindus entered Nepal after being attacked by the Mughal emperors in India, they started a process of Hinduizing the native Indigenous language, customs, and religion. In medieval times, Hindu deities were brought from Kamrup (Assam) and Karnataka. Its highest form took place during the reign of Jayasthiti Malla (AD 1382-95). Malla enforced the caste system among the Newars of Kathmandu Valley. This concept of Hindu society reached Gorkha after 200 years and then in other hill states afterward (Gurung, 1995.p.7)

## **METHODS AND MATERIALS**

This paper adopts a qualitative research approach, focusing on elucidating the underlying factors influencing shifts in Indigenous representation within Nepali society and exploring the broader implications thereof. Additionally, a descriptive analysis of Indigenous Nationalities within Nepal's legislative spheres constitutes a central component of this research endeavor. Methodologically, the investigation draws upon secondary sources such as election result compendiums and reports to compile and interpret pertinent data. It is noteworthy that the research methodology primarily relies on the analysis of existing data, indicative of a discerning examination of pre-existing information rather than the execution of

primary data collection methods

Furthermore, while the article furnishes some quantitative insights into the representation of Indigenous demographics across distinct legislative bodies, including comparative assessments between the composition of Indigenous members in the inaugural Constituent Assembly (CA) vis-à-vis their presence in subsequent legislative entities such as the House of Representatives and Provincial Assemblies, the emphasis lies predominantly on qualitative inquiry. This methodological preference underscores a commitment to comprehensively unraveling the multifaceted dynamics shaping Indigenous political participation in Nepal, eschewing mere numerical enumeration in favor of nuanced interpretative analyses.

## **RESULTS AND FINDINGS**

To establish their identity while protecting and promoting their language, culture, and religion, 60 Indigenous nationalities listed (NFDIN Act 2058) have established their ethnic organizations. Despite the long struggle of the indigenous people, the Government of Nepal (then His Majesty's Government) formed the Indigenous Development Committee only in the year 2052 to protect and promote the indigenous people's language, culture, traditions, and religion. After the formation of the committee, the government started providing some incentives to the indigenous communities of Nepal and the ethnic organizations along with Indigenous intellectuals and political leaders took the initiative to establish the committee as an independent and autonomous organization. Accordingly, in the year 2058, the committee was reorganized into the National Foundation for Development of Indigenous Nationalities (NEFDIN Act, 2058). During this period, the government formed the Indigenous Nationalities Listing Committee under the leadership of Prof. Santa Bahadur Gurung and that committee enlisted 61 ethnic communities of Nepal as indigenous nationalities. However, after *Chairotan* and *Free* were not found among the enlisted, it was revised to 59 and later after adding Rana Tharu in 2077, there are now 60 Indigenous Nationalities enlisted.

### **Meaning and Definition of Indigenous Nationalities**

The Muluki Ain of 1910 categorized all Nepalese into four which was a replication of the rigid caste group: Brahmins, Kshetris, Vaishyas and Shudras. In the Act, ethnic communities were identified as Masinya meaning an enslavable community. Likewise, these communities were collectively defined as Matwali "alcohol drinkers". The umbrella organization of the Indigenous people's organizations, Nepal Federation of Indigenous Nationalities (then Nepal Indigenous Federation 2047) in the definition of Indigenous people or Nationalities (Adivasi-Janajati), defines Nationalities (Janajati) as those ethnic or native communities that are outside the Hindu Varna, or caste system. In the context of Nepal, Adivasi and Janajati are used interchangeably. The Nepal Federation of Indigenous Nationalities

(NEFIN) uses the terms Adivasi Janajati and Adivasi/Janajati interchangeably in different contexts, denoting the same meaning of both terminology. NEFIN has amended its previous constitution and started mentioning Indigenous Nationalities (Adivasi-Janajati) instead of Indigenous (Janajati).

The meaning and definition of Indigenous people or Nationalities is not uniform even at the international level. According to the International Labor Organization (ILO), Indigenous people means "tribal peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the National Community and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations". Indigenous people are also called Native Americans in the United States of America, First Nations in Canada, Tribal, Indigenous Communities in India and Nationalities in China and Eastern Europe, Aborigines in Australia and New Zealand, and recently the Fourth World.

Regarding the definition of indigenous people, their traits, and how they should be classified, there is no consensus anywhere in the globe. The meaning and definition of Adivasi Janajati are used in different ways in different places. As mentioned in English as Nationalities, Indigenous Peoples it is known as Mulbasi (first settlers or principal inhabitants) and Janajati in Nepal. The umbrella organization of Indigenous peoples' organizations, NEFIN 2047BS (then Nepal Indigenous Federation) in the definition of Adivasi-Janajati, refers Janajati as the ethnic and native groups that do not belong to the Hindu Varna System (Statute of Nepal Federation of Nationalities 2047). In the context of Nepal, Adivasi (indigenous) and Janajati (Nationalities) are considered to be the same. There are different arguments about whether Adivasi and Janajati are the same or different. However, in the context of Nepal, Adivasi and Janajati are used interchangeably meaning the same. NEFIN has been using the terms Adivasi Janajati and Adivasi/Janajati interchangeably in different contexts, denoting the same meaning of the both terminology. It has amended its previous constitution and started mentioning Indigenous Nationalities (Adivasi-Janajati) instead of Janajati (Constitution of the NFIN 2047, 6th Amendment).

The Muluki Ain (1910) classified the entire society into four categories: 1. *tagadhari*, "wearer of holy cord", 2. *matwali* "alcohol drinkers", 3. *pani nachalnya choi chito halnu naparnya* (impure but touchable caste), and 4. *pani nachalnya choi chito halnu parnya* (impure untouchable castes). In this division, indigenous people were placed in a position called Matwali (Bhattchan, 2065:9). Ethnic communities were generally regarded as Matwali at that time.

United Nations expert on Indigenous Nationalities James Anaya (he visited Nepal in 2004) has mentioned that the term Indigenous Nationalities should be remembered or understood as a community with the following characteristics:

- Those who consider themselves descendants of the inhabitants of the land before it was invaded by others,
- Their historical roots are buried deep in the land where they want to live,
- Based on their continued existence and identity they are accomplished to the extent of building a distinct community

The Indigenous communities of Nepal are very rich and prosperous communities from a linguistic point of view. Of the 125 languages spoken in Nepal, more than two-thirds are spoken by Indigenous communities. Many languages are spoken within the Kirant Rai community. In the Magar community, three distinct languages/ dialects are spoken namely Dhoot, Kham-Pang, and Kaike. All the other communities listed have their language, culture, religion, and tradition. Likewise, every other Indigenous community has its language and culture.

## DISCUSSION

Although the political history of Nepal is long, but modern political history is not so long. In ancient times, Nepal's political system was based on tribal custom and tradition. Before the unification by Prithvi Narayan Shah, Nepal was divided into *baise* and *chaubise* states. At that time, there were tribal states or principalities of different ethnic communities like Magarant, Tharuwan, and Jadan (K.C., 2069 p. 7). After Dravya Shah conquered the kingdom of Ghale and Magar Raja of Gorkha by force and conspiracy, the kingdom of Shah expanded. Dravya Shah's son Prithvi Narayan Shah started Nepal's unification campaign. During this period, all the kingdoms of the Indigenous Nationalities were dismissed and incorporated into the Gorkha state. While the internal struggle for power within the ruling family weakened the state mechanism, Jang Bahadur Kunwar (Rana) took total control of state power reducing the Shah monarch to a figurehead and establishing the Rana oligarchy securing the Prime Ministership to his brothers and their successors in 1910. In 2007, the people staged a political revolution against the Rana oligarchy and ended the 104-year-old autocratic regime. After the end of the Rana regime, even though it was called a democratic system in Nepal, the direct rule of monarchy started again. The 2007 revolution led to the establishment of a parliamentary system in 2015. However, the flourishing democracy withered in 2017, after King Mahendra declared a partyless panchayat system, which lasted in Nepal for 30 years. After the student movement of 2036, the Nepali people exercised their right to vote for the first time through a referendum in 2037 regarding whether the country's political system should be reformed Panchayat or multi-party. Although there was no participation of political parties, an election was held in 2038 to elect members for the National Panchayat, which gave the people a chance to choose their leader even in a party-less political system. Public awareness of such democratic practices and the legal ban of political parties by the Panchayat encouraged political leaders and cadres to oppose the system and establish a multi-party democratic system. The

mass movement jointly organized by the Nepali Congress and Bam Morcha (United Left Front) from 7th of Falgun 2046 forced the then king Birendra to declare a multi-party democracy in Chaitra 24 and the Constitution of the Kingdom of Nepal 2047 was announced adopting the multi-party system.

After the people's movement of 2046, the Indigenous Nationalities were expecting a dramatic transformation in the country. They believed that the movement would eliminate exploitation and oppression in all areas of the country. The Indigenous Nationalities of Nepal expected the Constitution of the Kingdom of Nepal 2047 would declare Nepal a secular state. However, the Constitution, which is said to be the best and most democratic in the world, declared Nepal a Hindu state as a "Hindu Kingdom" while continuing the subjugation of the Indigenous communities by the state power throughout the history (Constitution of the Kingdom of Nepal 2047). While continuing the unitary and centralized state power, it made the prevalent racial, regional, linguistic, cultural, and religious discrimination even more complicated. For almost twenty years after 2046, the Nepali Congress and CPN (UML) ruled the country one after another allying with the party of former Panchas, (RPP). They misused the parliament to form and dissolve the government frequently. The problems of Indigenous Nationalities, Women, Peasants, Laborers, etc. remained the same. As a result, the then Nepal Communist Party (Maoist) started an insurgency called Nepalese Civil War from the year 2052, and in the year 2058, the then King Gyanendra again took the state power in his hands. In the somewhat liberal environment of the multi-party system, the Indigenous people of Nepal started to preserve and promote their language, culture, and religion by establishing their ethnic organizations. During this period, they started raising their voices against the state's discrimination against them. The then parliamentary party saw the demand of Indigenous community as communalism, but the rebel CPN (Maoist) interpreted it as political rights and gave political recognition to the issue of Indigenous Nationalities. After the CPN (Maoists) made their demands a political issue, many indigenous communities of Nepal became politically close to the CPN (Maoists) and engaged in people's war.

After the 12-point agreement between the rebel CPN (Maoist) and 7 parliamentarian parties in 2062, the joint people's movement took place. And, the people's movement that ended after 19 days ground on the base of ten years of people's war, overthrew the then autocratic monarchy and announced the Interim Constitution of Nepal 2063. According to the provisions of the constitution, the election of the Constituent Assembly was held on 28th Falgun 2064 and the Assembly was formed to draft a new constitution. Although the monarchy was theoretically abolished earlier, the first meeting of the CA on the 15th Jestha 2065 formally ended the monarchy of Nepal and implemented the republican system. As per the Interim Constitution and the people's mandate, the new constitution of Nepal, which was supposed to be drafted by the Constituent Assembly within two

years, could not be drafted even within 4 years. The Indigenous people were optimistic that the Constituent Assembly would draft a constitution that would free them from all kinds of discrimination and oppression and that the oppressed that have been going through the discrimination throughout the history by the state would be freed. There was a representation of all ethnicity, region, class and gender in the Constituent Assembly of 601 members, not only the party. However, after the untimely dissolution of the Constituent Assembly on the 15<sup>th</sup> Jesth 2069, they felt that all the issues raised by the ten-year people's war and the marginalized groups would be derailed. Then in the year 2070, the election of Constituent Assembly was held again and on 23<sup>rd</sup> Bhadra 2072, the Constituent Assembly promulgated the Constitution of the Federal Democratic Republic of Nepal in the same year. Even though there is no provision in the Constitution for an ethnic autonomous state with the right to self-determination demanded by the Indigenous peoples and a fully proportional electoral system, there is a provision for protected and special autonomous regions. The main objective of this article is to highlight the position and participation of Indigenous Nationalities in politics to institutionalize the progress and achievements of armed movement, people's movements and struggles of Indigenous people.

### **Constituent Assembly**

The election of the Constituent Assembly was held after the Comprehensive Peace Agreement between seven political parties and then armed CPN (Maoist) on the backdrop of struggles of indigenous people, a decade-long Maoist insurgency, and struggles of marginalized communities. The election of the Constituent Assembly was held by the people's desire since 2007 to be governed by the constitution made by their representatives. Before the election of the Constituent Assembly, the Indigenous communities of Nepal protested under the banner of the Nepal Federation of Indigenous Nationalities demanding their respective representation in the assembly. According to the 20 points agreement between the then government and the Nepal Federation of Indigenous Nationalities dated 2064 the Constituent Assembly election was held in compliance with the provisions to secure the representation of all ethnicities and communities based on their identity in the 601-member Constituent Assembly.

In the Constituent Assembly elections held in Falgun 2064, there were 36.27(218) percent Indigenous members. There were 3 systems of representation in the Constituent Assembly. According to which, the whole country was divided into 240 constituencies and through the first-past-the-post (FTPT) electoral system the candidate with the highest number of votes in a constituency was declared the winner. Second, considering the entire country as one electoral constituency, people voted for the political party of their choice and the parties allocated seats to representatives from Indigenous Nationalities, Dalit, Women, Madhesi, and



backward regions proportionally based on the votes secured for 335 seats. There was a provision to nominate 26 prominent National figures and personalities who could contribute in the constitution drafting process by the President on the recommendation of the Council of Ministers. In this way, a 601 member Constituent Assembly was formed.

### **First-Past-The-Post (FPTP)**

In the Constituent Assembly, 81 indigenous representatives (i.e. 36.82 percent), out of 240 members elected under the FPTP system were elected from different constituencies across the country. Out of which, 22 (i.e. 54 percent) Indigenous representatives were elected from CPN (Maoist). It was 45 percent of its 120 FPTP seats. Likewise, 11 representatives (i.e. 4.58 percent) from CPN (UML) were elected, while 10 representatives from the Nepali Congress, or 4.16 percent of 220 seats were elected through FPTP voting. The fourth largest party of the Constituent Assembly, Madheshi People's Rights Forum represented 3 (i.e.1.36 percent) and the Nepal Majdoor Kisan Party represented 2 (i.e. 0.909 percent) Indigenous representatives through the FPTP system in the Constituent Assembly. Although 25 political parties were represented in the constituent assembly under the PR system, only six parties; Nepali Congress, CPN (UML), Madesh Jana Adhikar Forum, Nepal Majdoor Kisan Party, and Terai Madesh Loktrantik Party were represented through the FPTP system.

In terms of ethnic and community representation, 14 representatives from Magar, Tharu and Newar, 10 from Gurung, 8 representatives from Tamang and Rai communities, 6 Limbu representatives, single representative from each Gangai, Dhimal, Thakali, Rajwanshi, and Tangwe communities were elected through FPTP system.

Regarding gender representation, 8 Indigenous women were elected through the FPTP system. Those elected were all candidates from the CPN (Maoist) party. This was 3.63 percent of the total 220 FPTP seats, while it was 14.81 percent of the 54 seats of the CPN (Maoists). None of the Indigenous female candidates from the Nepali Congress, CPN (UML), Forum, and NemaKipa were elected under the FPTP system.

### **Proportional Representation (PR)**

A total of 121 Indigenous members were represented in the Constituent Assembly through the Proportional Representation (PR) electoral system. This is 36.119 percent of the total number of 335 seats allocated under proportional representation. On the proportional seats of the party, CPN (Maoist) alone represented 44 Indigenous people (i.e. 13.134 percent) of the total 335 members in the Constituent Assembly. Similarly, Nepali Congress 8.65 (29), CPN (UML) 7.46 (25) percent Indigenous people in the assembly. Madheshi People's Rights Forum,

RPP and CPN (Marxist Leninist) each represented 3 members, whereas RPP, Nepal, Jana Shakti Party, Sangiya Loktrantik Rashtriya Manch and Rastriya Janamukti Party each represented 2 Indigenous members each and Jana Morcha, Nepal, Sadbhavana Party, CPN (United), Rashtriya Jana Morcha, Nepal Majdor Kisan Party, CPN (United), Nepa: Rastriya Party and Loktantrik Samajwadi Party each represented a single Indigenous people. Although 25 parties were represented in the Constituent Assembly under the PR electoral system, only 20 parties represented Indigenous Nationalities in the Constituent Assembly. The Jana Morcha Nepal represented 1 indigenous member each under FPTP and PR system in the Constituent Assembly.

Of the ethnic composition under the PR system, the numbers of Indigenous representatives based on their ethnic communities are as follows: Magar 15, Tharu 14, Newar 13, Rai 9, Limbu 7, Gurung 5, Sherpa and Kumal 4, Rajvanshi 3, Thakali, Lepcha, Chepang, Jhangad and Mahto 2 and single representatives from each Danuwar, Dhimal, Sunuwar, Dura, Sardar, Khawas, Tangwe communities. More than 28 Indigenous Nationalities including Bahrgaunle, Mugali, Humli, Thami, Jirel were represented in the assembly.

Regarding the gender representation under the PR system, 61 men and 57 indigenous women were represented in the Constituent Assembly. Out of the 118 indigenous representatives, the percentage of male and female are 52.13 and 47.86 percent respectively.

### **Nominated**

In order to ensure the participation and fair representation of all ethnic communities in the Constituent Assembly, mixed electoral systems, FPTP and PR electoral system were introduced. Likewise, there was a provision to nominate 26 members by the President on the recommendation of the Council of Ministers to represent representatives from those with a small population, of minority and marginalized communities who could not be represented by the proportional system as well as prominent National figures and those who could contribute in the making of the Constitution. According to the provision, 13 out of the 26 nominated members (i.e. 50 percent), belonged to the indigenous community. Among the 13 members, 8 were from CPN (Maoist), 4 from CPN (UML), and 1 from Madhesi Jana Adhikar Forum, while the Nepali Congress did not nominate any indigenous people from the nominated seats they got.

Out of the total 601 members in the Constituent Assembly, a total of 218 members (i.e. 36.27 percent) were represented by the Indigenous community through direct, proportional and nominated systems. There were 81 representatives through FPTP, 122 PR and 13 through nomination. There has never been the representation of Indigenous peoples in the supreme body that formulates the state's policy before and till date.

### **House of Representatives (2079)**

Marginalized communities including Indigenous Nationalities, Madheshi, Women, Dalits, and Muslims, along with political parties and their organizations held mass movements in 2062/063 against caste, regional, religious, and gender discrimination demanding a proportionally inclusive state. After the success of the mass movement and the announcement of the Interim Constitution (2063), proportional inclusion was introduced in all bodies of the state. In the preamble of the Constitution (2072) promulgated by the Constituent Assembly, it is mentioned to build an egalitarian society based on the principle of proportional inclusion to ensure social justice by acknowledging multi-ethnic, multilingual, multi-religious, multicultural, and geographically diverse characteristics of the country. The members elected in the House of Representatives swore an oath in their mother tongue adorned in their traditional costume, making the House of Representatives a seven-color rainbow. The election was held for the second time after the implementation of the Constitution. Here is trying to analyze the colorful rainbow-like proportional inclusive representation in the House of Representatives.

### **Representation of Indigenous Nationalities**

In the House of Representatives, 84 representatives (FPTP 44, PR 40) from Indigenous Nationalities elected from different political parties and independently. This is 30.54 percent of the total 275 seats. According to the population ratio (35.81 percent), it is short by 5.264 percent. CPN (UML) represented the maximum number 26 (12 FPTP, 14 PR) Indigenous people (i.e. 9.45 percent). This is 33.333 percent of its total 78 seats. Although the Nepali Congress is the largest party, it has represented only 21 (9 FPTP, 12 PR) (i.e. 7.636 percent). It is just 23.595 percent of the total 89 seats. The CPN (Maoists) represented 13 (8 FPTP, 5 PR) (i.e. 4.727 percent). This is 40.62 percent of its total seats of 32. The CPN (Maoists) represented the maximum number of (Among the Political parties 218) Indigenous representatives in the Constituent Assembly have dropped to the third number in the House of Representatives regarding the representation of indigenous people. There are 5 (1 FPTP, 4 PR) representatives (i.e. 2.181 percent) from the Rashtriya Swatantra Party. This is 30 percent of its total 20 seats. RPP represented 4 (2 FPTP, 2 PR) (i.e. 1.454 percent), this is 28.571 percent of its 14 seats. From JSP, which is considered a party of Indigenous people, 2 (FPTP 1, PR 1) (i.e. 0.727 percent) are represented. This is 16.66 percent of its total 12 seats. Janamat Party represented 2 representatives (i.e. 0.72) through the PR system. This is 33.33 percent of its total 6 seats. CPN (Unified Socialist) and Unmukti Party represented 4 Indigenous people each (i.e. 1.454 percent) through the FPTP system. This is 40 and 100 percent of their total 10 seats and 4 seats respectively. There is 1 Indigenous people elected from N.M.K.P. and an independent candidate elected through FPTP voting. There is a representation of 10 parties through the FPTP system and 7 parties are represented through PR. 44

Indigenous representatives (i.e. 52.38 percent) out of 84 seats are elected through the FPTP system and 40 (i.e. 47.61 percent) are represented through proportional representation.

Out of the 60 enlisted Nationalities, there is only representation from 15 Indigenous communities as follows: Newar 17, Tharu 14, Magar 12, Tamang 9, Rai 9, Limbu 8, Gurung 5, Thakali 3 and Rajvanshi, Gangai Mandal (independent), Dhanuk Mandal, Danuwar, Murmu (Santhal), Majhi and Bhote communities have 1 representation from each community. There is no representation from 45 Indigenous communities. The state has to answer how the representation of these minorities and the endangered communities who are the symbols of identity and culture can be secured. The answer is the formulation of special laws and firm political commitment.

In terms of gender representation from the Indigenous communities, there are 35 (FPTP 3, PR 32) female indigenous members (i.e. 12.727 percent). This number is 12.72 percent of the total 275 members in the parliament while the representation of Indigenous women is 38.46 percent of the total 91 female representatives. Looking at this picture, it can be said that the representation of Indigenous women is proportional according to the population, however, 32 of the elected members (i.e. 91.48 percent) were elected through the PR system (reserved quota) and only 3 (i.e. 8.57 percent) were elected through FPTP system. So, indigenous women should be able to get elected through FPTP voting or be eligible to compete and lobby the parties for their candidacy.

### **Provincial Assembly**

After the promulgation of the Constitution of Nepal 2072 and the restructuring of the state, the entire country was politically restructured into 753 local municipalities and 7 provinces. Accordingly, in the year 2074, the election of the Provincial Assembly and the House of Representatives was held for the first time, and in the year 2079, the next election of the Provincial Assembly was also held along with the House of Representatives. Elections were held for 550 provincial assembly members, 330 on the FPTP side and 220 on the proportional side in 7 provinces. In that election, 101 representatives out of 330 (i.e. 30.60 percent), and 78 representatives out of 220 (35.45 percent) were elected through the PR system. In total, 179 representatives out of 550 in the state assembly (i.e. 30.60 percent) belonging to different Indigenous Nationalities, are represented in seven state assemblies.

### **No-1 Province Assembly**

In the 93-member Provincial Assembly of Province No. 1, there are 47 members (28 men, 19 women) i.e. 50.53 percent representation of Indigenous nationalities. Of these, 25 are elected through FPTP and 22 are elected through the

PR system. In terms of party-wise representation of indigenous people, 16 (8 FPTP and 8 PR) were elected from CPN (UML), 19 (10 FPTP and 9 PR) from Nepali Congress, 7 (5 FPTP, 2 PR) from CPN (Maoist), 4 from CPN (Unified Socialist) respectively. RPP represented 2 and JSP represented 1 indigenous people under the PR system.

### **Madhesh Province Assembly**

In the Madhesh Province Assembly, which has 107 members, there are only 9 (5 FPTP, 4 PR) representatives from Indigenous Nationalities. This is only 8.4 percent of the total 107 members. The CPN (UML) represented 4 (3 FPTP, 1 PR), Nepali Congress 2 (1 FPTP, 1 PR), CPN (Unified Socialist) represented 1 through FPTP, Janmat Party 1 (PR) and JSP 1 (PR) Indigenous people in the assembly. Among them, 4 are male and 5 are female representatives.

### **Bagmati Province Assembly**

The Bagmati State Assembly is the largest state assembly with 110 members. 60 Indigenous members (FPTP 35, proportionately 25) i.e. 54.5 percent of the total members, are represented in this assembly. Indigenous Nationalities are represented by 36 men and 24 women. Party-wise, 15 (FPTP 7, PR 8) indigenous people are represented by CPN (UML), 20 (FPTP 7, PR 6) from Nepali Congress, 9 (FPTP 5, PR 4) from CPN (Maoist), 8 (FPTP 4, PR 4) from RPP, CPN (Unified Socialist) represented 4 (FPTP 3, PR 1), 2 (FPTP 1, PR 1) from Ne. ma. Ki.pa., 2 (FPTP 1, PR 1) from Hamro Nepal Party.

### **Gandaki Province Assembly**

In the 60-member Gandaki Provincial Assembly, 23 members (13 FPTP, 10 PR), i.e. 38.33 percent, are from Indigenous Nationalities. In this province, no Indigenous women have been elected under the FPTP system. Out of 23, the numbers of male and female representatives are 15 and 18 respectively. In terms of the ethnic composition of parties, 12 (FPTP 8, PR 4) Indigenous members from Nepali Congress, 7 (FPTP 3, PR 4) from CPN (Maoist) 2 (FPTP 1, PR 1), 1 (PR) from RPP, and 1 (FPTP) from CPN (Unified Socialist) are represented in the assembly respectively.

### **Lumbini Province Assembly**

Out of the total 87 members in the Lumbini Province Assembly, 28 (15 FPTP and 13 PR) i.e. 32.18 percent are indigenous representatives. Among 28, 11 Indigenous women are represented through the PR system. Party-wise, 9 representatives (FPTP 5, PR 4) are from CPN (UML), 7 (FPTP 4, PR 3) from Nepali Congress, 5 (FPTP 3, PR 2) from CPN (Maoist), 3 (FPTP 2, PR 1) from Nagarik Unmukti Party, 2 (FPTP 1, PR 1) from RPP and 2 independent (FPTP) are represented.

### **Karnali Province Assembly**

The state Assembly with the least number of assembly members is the Karnali province. In the assembly, 4 (FPTP 1, PR 3) out of 40 (i.e. 10 percent) are Indigenous . Out of 4 , 3 are women.

In terms of representation from parties, CPN (Maoist) 2 (FPTP 1, PR 1), CPN (UML) 1 (PR) and Nepali Congress represented 1 (PR) indigenous people. This province has the lowest (both in number and percentage) members in the Assembly.

### **Sudur Paschim Province Assembly**

7 Indigenous representatives, among which 5 were elected through FPTP voting and 2 through the PR system (i.e. 13.20 percent) are represented in the 53-member Sudur Paschim Provincial Assembly. Among them, 5 are male and 2 female. Party-wise, 5 Indigenous representatives elected through FPTP voting are from the Nagarik Unmukti Party, while the Nepali Congress and CPN (UML) elected a single representative each through the PR system.

There is a similarity regarding the number of representation of indigenous nationalities in the Provincial Assembly and the Constituent Assembly. Provincially, the representation of Indigenous Nationalities seems to be proportional in Province No. 1, Bagmati, Lumbini, and Gandaki. However, the representation of Indigenous people in the Madhesh, Sudurpaschim, and Karnali province assemblies is disappointing.

## **CONCLUSIONS AND RECOMMENDATIONS**

In the Constituent Assembly, the Indigenous Nationalities were able to secure their proportional representation through both FPTP and PR systems as well as through nominations. Out of 220 seats on the FPTP side, 81 indigenous representatives (i.e.36.818 percent) were elected. Similarly, there was a representation of 124 indigenous members (i.e. 36.119 percent) through proportional representation, and 13 out of 26 nominated seats (i.e. 50 percent). Out of 335 seats were represented by Indigenous members through nomination. In the Constituent Assembly, 218 out of 601 members (i.e. 36.27 percent), were represented by indigenous members. This is a complete proportional representation of the indigenous population. However, the House of Representatives is not entirely inclusive by the spirit of the constitution, law, and the communities. It is inclusive but more like a husk in rice and less colored tea. There is no proportional representation of Indigenous communities according to their population size. There are 84 Indigenous (30.545 percent) out of a total of 275 seats in the House of Representatives. There are only 44 Indigenous representatives out of 165 FPTP seats which is only 26.666 percent. Although 40 out of 110 members (i.e. 36.37 percent) were elected through the PR system, they were elected under the reserved quota. Regarding the representation of women, only 3 Indigenous women (i.e. 1.818 percent) were elected through FPTP. Although 35 of the total 91 females (i.e. 38.461

percent) were Indigenous women, they were elected under the reserved seat. The figure shows that Indigenous women have to work harder for their fair representation. The statistics show that there is a representation of 184 male (i.e. 66.9 percent) and 129 females (i.e. 46.90 percent) from a single Khas Arya community at the highest level of policy-making. The persistence of inequality among gender, ethnicity, and community even after a decade and a half of the implementation of the Republic is a disappointment to the democratic system. To empower marginalized communities, special measures should be introduced to ensure the representation of Indigenous communities, women, and endangered ethnic groups under the FPTP system. It is not possible to write everything in the Constitution and the law. The Parliament should be accountable to the people, as in Britain, although it has no written constitution. There would be consequences beyond imagination if the existing subjugation persists through misusing the loopholes of the constitution. No matter how big and beautiful the house is, if a member does not see his room, he will not only disown it but will not hesitate to put it on fire. If the state belongs to everyone, it should look like everyone's. As long as there is inequality, oppression, and conflict will persist. This may jeopardize the progress and achievements achieved so far through a long struggle, undermining the whole system. Therefore, parties should focus on community participation, not their cadres and relatives.

## REFERENCES

- Adhikari, B. (2064 BS). *Nepalka Sambidhan tathatatha Aitihāsik Dastabejharu*, Madhuban Prakashan Kathmandu.
- Alemagar, S. (1995). *Marxbād ra Nepalko jatiya samasya*. Nyaya Manch.
- Antarai sambidhan (2006). *Kanoon kitab byavasthā samiti*.
- Bhattachan, K. B. (2009). *Sanghiyata: Aatmanirnayako adhikar ra adibasi janajati* [Federalism, self-determination, and indigenous people]. NFDIN Institutional Development Program.
- Bhattachan, K. B., Sunar, T. B., & Bhattachan, Y. K. (2008). *Nepal mā jatiya bhed bhāb* (*Caste-based discrimination in Nepal*). Dalit Gairā Sarkari Sanstha Mahasangh, Nepal Rastriya Dalit Samaj Kalyan Sangh, Bharatiya Adhyān Sanstha, & International Dalit Solidarity Network.
- Bista, D. B. (2000). *Peoples of Nepal*. Ratna Pustak Bhandar.
- Bisrit Shanti Samjhouta Pachhi Bhayaka Samjhouta Tatha Sahamatiharuko Sankalan (2010). *Shanti tatha Punarnirman Mantralaya*.
- CA Legislature-Parliament Secretariat. (2007). *Sambhidan sabhā tathā byabasthāpikā kāryasanchālan niyamāwālī*. Constituent Assembly, Legislature-Parliament Secretariat.
- Cambridge International Dictionary of English. (1996). University of Cambridge.
- Gurung, H., & Salter, J. (1995). *Faces of Nepal*. Himal Books.

- Gurung, H. (2006). *Janajati serofero [Indigenous around]*. Nepal Federation of Indigenous Nationalities (NEFIN).
- Kanoon Kitab Byanastha Samiti (2001). *Adibasi Janajati Utthan Rastriya Pratisthan Ain*. Kathmandu.
- Kanoon Kitab Byanastha Samiti (1990). *Nepal Adhirajyako Sambidhan*. Kathmandu.
- Kendriya Tathyanka Karlaya (2023). *Jana ganana (2021 ko parinam)*. Kathmandu.
- Nekapa (Maobadi), Mechi Koshi Chhetriya Byuro (2006). *Nekapa (Maobadi) ko aitihasik dastabej*. Prasabi Prakashan.
- Nepal Rajakiya Pragy Pratisthan (1993). *Nepali brihad sabdakosh*. Kathmandu.
- Nepal Federation of Indigenous Nationalities. (1990). *Nepal janajati mahāsanghko bidhan 2047 [Constitution of the Nepal Federation of Indigenous Nationalities 2047]*. NEFIN.
- Nepal Federation of Indigenous Nationalities. (2004). *Biswa adivasi diwas 2004 bisesanka [World Indigenous Day 2004 Special Issue]*. NEFIN.
- Nepal Adibasi Janajati Mahasangh (2004). *Antarastriya sram sangathan sambandhi mahasandhi (169)*. Kathmandu.
- Nirbachan Ayog (2008). *Sambidhan sabhā nirbachan (2064) parinam pustika*. Kathmandu.
- Rai, T.M. (2017.). *Indigenous people and their languages*. Report. National Foundation for Indigenous Nationalities (NFDIN).
- Thapamagar, R. B. (2014). *Janayuddhā mā ādibasi janajati magar sāhabhāgitā kā kāraṇ ra parinām [Reasons and consequences of the participation of Indigenous Magar in the people's war]*.
- United Nations, Office of the High Commissioner for Human Rights. (2007). *Declaration on the rights of indigenous peoples*. Kathmandu.
- United Nations Development Programme (UNDP). (2007). *Declaration on the rights of indigenous peoples*. United Nations.

## Annex

### *Representation of Indigenous Nationalities in the House of Representatives (2079)*

S.N.	Political Party	Indigenous Nationalities		Total	Percentage
		FTPT	PR		
1.	Nepali Congress	9	12	21	7.63
2.	CPN (UML)	12	14	26	9.45
3.	CPN (Maoist)	8	5	13	4.72
4.	Rastriya Swatantra Party	1	4	5	1.81
5.	CPN (Unified Socialist)	4	0	4	1.45
6.	Nagarik Unmukti Party	4	0	4	1.45



7.	Rastriya Prajatantra Party	2	2	4	1.45
8.	Janata Samajbadi Party	1	1	2	0.72
9.	Janamat Party	0	2	2	0.72
0.	Loktrantik Samajbadi Party	1	0	1	0.35
1.	Nepal Majdor Kisan Party	1	0	1	0.36
2.	Independent	1	0	1	0.36
	Total	44	40	84	30.54
	Total	84			
	Underrepresented in percentage	30.54 (-5.26)			

(Source: House of Representatives Election Result Book, 2079, Election Commission)