

# The Constitutional Accommodation of Social Diversity in Nepal

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## Abstract

This article presents the status of social diversity in Nepal and its constitutional accommodation. It reflects the multi-cultural, multi-ethnic, multi-religious, multi-lingual society and the conflicts based on their diversity, which are the major issues of Nepalese society. In multi-structured society, the diverse groups create the conflict, socio-economic tensions, autonomy movements or struggle for separations. It has originated from the prehistoric age and gradually developed with the evolution of mankind. Nepal has been struggling with some level of inequality which is the great barrier in its social and economic development. This article tries to address the major areas of social diversities which create inequalities in Nepal and its constitutional accommodation. It also focus on the process of inclusion under the constitution, so that the diversities should be accommodated. This paper is based on multicultural and liberal theory of political science research with normative approach. The paper also used the qualitative method and secondary sources to collect information. The major thrust of this paper is to discuss about the social diversities of Nepal and its accommodation under the constitution which makes it a multicultural, multilingual, multiethnic, multi-religious country. There are various groups which are in the state of political exclusion such as indigenous, women, madhesi, dalits (the lower caste), janajati and many others. It is necessary to have representation of all these groups not only in politics but also in socio-economic sector. This paper aims to analyze the constitutional accommodation which constitutes the society in a fabric of unity in diversity.

**Keywords:** *Diversity, Inequality, Constitution, Inclusion, Accommodation.*

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## Introduction

Nepal is a small country lies on the lap of Himalayas. It is a developing country of south Asian region. South Asia is the region of eight countries with number of

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diversities and high population. According to wood (2015) in South Asia differences in religion, language, and cultural patterns with diversity in dressing style, cuisine and celebrations are caused due to differences in cultural and religious beliefs, faith, and tradition in accordance with differences in ethnic groups,

The social diversity of is one of the main component of Nepalese society. Nepal experienced with multi-cultural, multi-ethnic, multi-lingual, multi-religious, and multi-regional group of people in South Asia after India. India is neighbouring country of Nepal surrounded it from three sides. Nepal has east, west and southern borders with India and northern border with China. India has extreme level of racial, lingual, religious, and caste diversity. The racial diversity are (i) Turko-Iranian, (ii) Indo-Aryan, (iii) Scytho-Dravidian, (iv) Aryo-Dravidian, (v) Mongolo-Dravidian, (vi) Mongoloid, and (vii) Draidian. There are 179 languages and 544 dialects in India, the 1971 census reported 1652 languages which are spoken as mother tongue. (PDFprof.com. pp. 14 -17). In same way there is religious, ethnic, cultural and lingual diversities prevailing in other South Asian nations.

*There are various faiths of religion particularly of Hinduism, Islam, Christianity, Sikhism, Buddhism, Jainism, Zoroastrianism, and others. Varna refers to a segment of the four-fold division of Hindu society based on functional criterion. The four Varna are Brahman, Kshatriya, Vaishya and Shudra with their specialised functions as learning, defence, trade and manual service. The Varna hierarchy is accepted all over India. Jati refers to a hereditary endogamous status group practising a specific traditional occupation. There are more than 3,000 jati in India (PDFprof.com. pp. 14 -17).*

Nepal is a small and land locked country lies in the northern part of South Asia. It is situated between 26 12' to 30 27' North latitude and 80 4' to 88 12' East longitude. According to the census of 2021, the total area of Nepal is 147, 516 sq. km. and population is 29,164,578 with male and female population is 14,253,551 and 14,911,027 respectively. The preliminary census report of 2021 reveals the information about the provincial population, gender ratio, local households, rural and urban population. The figure of ethnic groups, castes, cultures, religions and languages which reflect the wider range of social diversity in Nepal. The study focused on the major areas of diversity in Nepal on the basis of census 2021. The census of 2021 recorded 142 caste/ ethnic groups in which 125 are same as the census of 2011 and other 17 caste/ ethnicity are newly found and added in the census of 2021 (NPHC National Report 2021, p. 31). There are 124 mother tongue

out of which 111 are the ones which were reported in the census 2011 and 13 are newly found in the census 2021. 12 foreign languages which were reported in the census 2011 have been grouped in to other language (NPHC National Report 2021, p. 32) and the same 10 religious groups are recorded in the census 2021 (NPHC National Report 2021, p. 34-35). The diversity of Nepal makes its people feel glorious because of their tolerance to these diverse ethnic and cultural grounds which represents the identity of Nepalese society as unity in diversity.

The new constitution was promulgated by a democratically elected constituent assembly was the agenda of Nepal's Maoist party. The Maoists had the agenda of their protest about inclusive representation on the basis of ethnic and regional grievances toward the state and they launched the insurgency in 1996, were the prime force to raise the issues of ethnicity and cultural diversity along with marginalized groups, advocating inclusion and the right to political self-determination. The outcome of Maoist insurgency was to address the diversity through the constitution.

### **Research Questions**

The process of drafting constitution in Nepal was inclusive but elite led in which the groups which needed more representation were less. (T. U. survey report, 2015). The inequality within the country between groups and between regions are high. The caste, ethnicity, religion, language, class, gender and region based inequality is practiced in Nepal even after 8 years of promulgation of the constitution. The previous constitutional provisions continuing exclusion and marginalization, serving the purpose of affirming the position of the elite rather than increasing popular participation but the interim constitution had laid down the foundation of inclusion and paved the way of drafting the new constitution on the basis of proportional inclusion through the reservation quota.

Nepal witnessed series of political changes like autocracy (Rana regime) to democracy (Prajatantra) and aristocracy (Panchayat regime) to democracy (Loktantra). The loktantra restored after the Mass Movement II which paved the way of proportional representation in every sector of Nepalese administration. Do this political development led to the inclusion of socially diverse people? What are provisions made in the constitution to address the social diversity? Have the efforts towards the accommodation of social diversity through the constitutional provision satisfy the people? In this paper the researcher tried to discuss how the social diversity in Nepal accommodated according to the present constitution.

## Objectives

The major thrust of this research paper is to expose the constructive provision of the constitution in inclusive representation. The constitution is concerned with good governance, sustainable peace and sustainable development for which the accommodation of diversity is must which will bring long lasting and positive effects in Nepalese society.

Some of the specific objectives are:

- To discuss the social diverse groups of people of Nepalese society.
- To analyze the constitutional provision to accommodate inclusion of these groups.

## Literature Review

According to Wood, the countries of Asia have cultural diversity and the differences are caste, ethnicity, language, religion, region, and others. There are hundreds of languages, ethnic groups, and many popular religions (Wood, 2015). These differences are very common in South Asia which were closely affected the locals by the colonialism.

According to the census of India in 1981, Hinduism was followed by 82.64% of the population and second religion was Islam followed by 11.35% population. The other religions were Cristianity 2.43%, Sikhism 1.96%, Buddhism 0.17% and Jainism 0.48%. The religions followed least were Judaism, Zoroastrianism and Bahaism. There are four varna and large number around 3,000 caste (jati) in India (PDFprof. com. pp. 14 -17). These social diversity are accommodated through the provisions in the constitution. In some countries the ethnic, religious and lingual conflict arose when these diversities were not addressed by the constitution.

*"This diversity gives rise to a series of important and potentially divisive questions and issues as language rights, regional autonomy, political representation, education curriculum, land claims, immigration and naturalization policy, even national symbols, such as the choice of national anthem or public holidays." (Kymlicka, 1995; p.11).*

The Varnas and the Castes were created by rulers in the course of time. King Jayasthiti Malla divided Newars into 4 varnas and 64 castes according to their occupations and King Prithivi Narayan Shah called the modern Nepal as the common garden of people from 4 varnas and 36 castes. (Aahuti, 2014, p.79). There are various

literatures which classified the social caste groups into upper, middle and lower level categories. According to that Brahmin, Chhetris, and Thakuries, who wear Janai are considered to belong to the upper caste. The caste groups like Kami, Damai, Sarki, Dom, Chamar, Mushahar etc. are labeled as untouchable and placed in the lower caste categories as dalits and rest are middle caste. (Gurung, 2006).

According to Savada (1991) political scientists Joshi and Rose broadly classified the Nepalese population into three major categories in the term of ethnic groups on the basis of their origin as Indo-Nepalese that lives in fertile lower hills, valleys and plain land, Tibeto-Nepalese that lives in higher hills and Himalayas and Indigenous Nepalese. Are the tribal communities such as Tharus and Dhimals.

Madhes and Madhesi identity emerged after the Madhes movement in 2007. Although, Terai Madhes occupies most of the plain and agricultural lands and highly populated zone of Nepal, the Madhesi people are discriminated on the ground of color, region, language and socio-cultural identity since long time. They reflect multi-ethnic, multi-caste, multi-lingual and multi-cultural. The government has made several agreements with Madhes based parties and various armed groups. (DRCFC. P. 9)

The post-1990 period witnessed the rise of ethnicity and regionalism. The constitutional provision of 'right to protect and promote own language and culture' was experimented with introducing mother tongue, Maithali as official language in District Development Committee of Saptari and Newari in Kathmandu municipality. But the Supreme Court voided this decision. Discrimination against Madhesh was distinct in many other cases. (Hachhethu, 2007a, 9).

The Constitution itself permits education in the mother tongue only up to primary level Article 17(1) Article 33 (d) (d1), Article 35(14). Indigenous peoples' languages are not recognized as official languages of the nation Article 5 (2). The Constitution has declared Nepali, a language spoken by the dominant groups, as the official language. (The Interim Constitution of Nepal, 2007, p. 2, 8, 12, and 15)

Ethnic groups inventing and reviving their cultural codes for their group identification became ethnic symbols for their cultural identity of the group turned towards right claiming activities for the inclusive participation and demanded removal of those exclusionary practices. (Shyamu, 2015. p. 20). "Gender-based violence is often reported in domestic as well as public arenas and is largely attributed to derogatory attitudes towards women, which is reinforced by low socio economic status" (Acharya, 2020. p. 114).

The government declared Nepal as a secular state, the government is promoting one religion. Hinduism as National Culture. The government promotes and protects Hindu festivals, rituals, and symbols at the expense of other religions. (e.g., cow as national animal). Indigenous peoples are being arrested for alleged cow slaughter in many districts. Despite constitutional provision of secularism, all the religious minority groups are discriminated on the ground of religion. Muslim community and other religious minorities groups continue to suffer from various form of discrimination with regard to participation, and economic, social and cultural rights. (DRCFC. p.3-6)

The indigenous people and Dalits continue to experience violation of their economic, social and cultural rights. This provision discriminated Indigenous peoples to have access to justice, education, government services, information, and socio-economic opportunities available to them. The Dalits have more vulnerable condition that they are treated as untouchable communities. Census 2011 reported 13.21 percent Dalits of the total population. Dalits are scattered throughout the country with further classification into 26 castes, faiths, culture, and language groups internally. Despite of many laws and Acts, they are facing many forms of discrimination. Dalits have become victims of discriminatory laws; study shows that there are still discriminatory provisions. Madhesi Dalits are more excluded, marginalized, landless, and discriminated within the Dalit and Madhesi community. They are deprived of getting citizenship card existing in several laws related to the Dalits. (DRCFC. p. 3-5).

Even the disabled people get less priority and opportunities for their personality development in social, economic, political and cultural sectors. They are mostly victims of domestic violence and social abuse. The families ignore them and neglected in the family, society, and the state itself. They are deprived of social right and have less access of education, employment, social justice, food, health, and rehabilitation facilities. They are even deprived of their rights to choose their partner and to get married, to get parental property, and to bear child.

An interim constitution was promulgated in 2007 after the Mas Movement II, the country was restructured as inclusive, federal democratic republic of Nepal and to ensure a proper inclusive representation in the new constitution for better policy making, study on this topic seems a necessity. Preamble of the present Constitution stated - "Embracing multi-ethnicities, multi-lingual, multi-cultural and diverse geographical features,... ending discrimination on any base..., to protect and promote unity in diversity and tolerance,... we express our commitment to create

an egalitarian society based on the principle of proportional representation and participation..." (Constitution of Nepal 2015).

### **Methodology**

This article is based on multicultural theory of political science, descriptive approach with secondary sources of information drawn from various reports, books and articles. It used the qualitative method and primary source based on personal experience of the society. The historical evidences and the data are collected from viable and authentic resources, internet websites and related external links are used to explore authentic theories and concepts. The data sources are derived from the World Bank report 2006, PDFprof.com, CBS census report of 2011, 2021 and National Population and Housing Census national Report 2021.

### **Findings (Discussion)**

Nepal faced many ups and downs in its political background. The unification of Gorkha was started by king Prithvi Narayan Shah and continued by his descendants and created a huge empire but it lost its one-third territory with East India Company and the Sugauli Treaty was signed on 4th March 1816. After this treaty the political situation of Nepal was on turmoil which gave rise to Rana Prime Minister Jung Bahadur to start 104 years long Rana regime as family rule in 1846. Rana regime was overthrown in 1950 with the revolution demanding democracy in Nepal. The democracy could not continue more than a decade when King Mahendra seized democracy and established no party Panchayat system in 1961 with direct rule. The no party Panchayat rule lasted for 30 years. There was referendum announced in 1980 by king Birendra to choose between Multi-party democracy and no party Panchayat system due to the pressure of student strike but no party Panchayat system of governance won by 400,000 votes and continued the reformed Panchayat rule. In 1990, the Mass Movement I started by political parties to end the no party Panchayat rule and was successful to restore democracy in Nepal. The most democratic constitution of that time could not address the diversity of Nepalese society to get equal right. This situation raised the armed insurgency of Maoist in Nepal in 1996. The Royal family massacre and unpopularity of king Gyanendra's action resulted the political parties including Maoist to start Mass Movement II which open the door to restore democracy again. In the last seven decades, one constitution has survived only for 10 years in an average and the present constitution is the seventh. It shows that Nepal won't have to wait longer for eighth constitution if dissatisfaction among the diverse groups continues because the changes of the constitution was the result of democratic movements in Nepal with political agendas to satisfy the diversity in

Nepal.

Diversity is the concept of existence of different ethnic, religious, and regional communities with their variations of caste, culture, tradition etc. At present the diversity of ethnicity, religion, language and culture is mostly spreading in Europe and North America due to immigration of the different country's people there. Mono-cultural countries became multicultural countries like the USA which is called as 'Salad Bowl' or 'Melting Pot'. Diversity and their autonomy was first discussed by Will Kymlicka in 1990s in the form of multiculturalism. Multiculturalism is the key concept developed and imparted from the west with the concept of majority and minority who always clashes with each other in the ethnic and cultural issues when the countries have multiple diversity.

Nepal is also a country with diversity and goes under the way to address its diversity and autonomy of the caste, ethnicity, religion, language, class, gender and region based inequality is practiced. The accommodation of these diversities is only possible when the constitutional provisions are inclusive in nature. The constitution-writing process in Nepal had been elite-led, and the excluded, backward community/ region, underprivileged, and marginalized groups are still lack their representation. Nepal's constitution is certainly more progressive than 1990's constitution but it has failed to retain progressive elements of Interim Constitution of 2007 but had the provision of proportional representation.

Nepal has long historical background of monarchical system of governance. When the small states were unified by Gorkhali ruler King Prithvi Narayan Shah, the different ethnic, cultural and regional people were merged in one country called Nepal and it became common garden of 4 Varna and 36 caste people. The caste division were prevailing in medieval period of Nepalese history but during that period Nepal was not existed. It was divided in to Baise, Chubise, Malla and Sen kingdoms. Since the unification of Nepal, it is a multi-ethnic and multicultural country. The cultural, ethnic, regional and caste diversity was the main cause of the dissatisfaction of people because the discrimination and inequality was followed as per Hindu religious practices which discriminates the people as per their Varna, caste and profession.

The census conducted in 2011 in Nepal which shows that there are 125 caste and ethnics groups, 123 languages and 10 religions recorded. (CBS, Census Report, 2011) while the data slightly changed in the census report 2021. According to it there are 142 caste/ ethnic groups in which 125 are same as the census of 2011 and other 17 caste/ ethnicity are newly found and added in the census of 2021. There are 124 mother tongue out of which 111 are the ones which were reported in the



census 2011 and 13 are newly found in the census 2021. 12 foreign languages which were reported in the census 2011 have been grouped in to other language and the same 10 religious groups are recorded in the census 2021 (NPHC national Report 2021, p. 31-35). The constitution of 1990 recognized Nepal as: "a multi-ethnic, multilingual, democratic, independent, indivisible, sovereign, Hindu and Constitutional Monarchical Kingdom" and "the Nepalese people irrespective of religion, race, caste or tribe, collectively constitute the nation" (Constitution of the Kingdom of Nepal, 1990). There were many changes Nepal witnessed in the course of time after 1990. After the Mass movement II, Nepal was declared as secular country with federal republic and inclusive representation as political agenda.

Part 1, Article 3 and 4 of the present constitution of Nepal (2072) also assured these agendas addressing as: "Nepal is an independent, indivisible, sovereign, secular, democratic, socialism oriented, federal democratic republican state and all the people with multi-ethnic, multi-lingual, multi-religious, multi-cultural characteristics and in geographical diversities collectively constitute the nation. (Constitution of Nepal, 2015, p. 3).

The constitution was drafted and promulgated on 20th September 2015 which addressed the diversity with the following provisions. According to the present constitution, Part 3 (Article 18, Sub – Article 3 and 4); Right to Equality: The state shall not discriminate among citizen on any ground of origin, race, gender, religion, language, geographical location, ideological conviction or any other matters...., (The Constitution of Nepal, 2015, p. 10). Part 3 (Article 24, Sub – Article 1); Right against Untouchability and Racial Discrimination: No person shall, on any ground of caste, ethnicity, descent, origin community or occupation, be subject to racial discrimination and untouchability in any form....,(The Constitution of Nepal, 2015, p. 13). Part 3 (Article 40, Sub – Article 1); Right of Dalits: Equal participation of dalits will be guaranteed on the basis of proportional inclusion. (The Constitution of Nepal, 2015, p. 18-19) Part 3 (Article 42); Right to social Justice: Women, Dalits, Indigenous ethnic groups (Adiwasi / Janajati), Madhesi communities, oppressed groups, Poor farmers and labours, who are economically, socially or educationally backward, shall have the right to participate in state structures on the basis of principles of proportional inclusion. (Constitution of Nepal, 2015, p. 19-20) The only path to improve the status of disadvantaged groups in Nepal in adoption of affirmative action based on egalitarian principles (Gurung, 1998). There is need of enlightening the policy makers to create discrimination free society and to accommodate the diversity.

## Diversity in Nepal

Nepal is a country divided naturally in to three physical features. They are Himalayan region in the north, Hilly region in the middle and Terai region in the south run parallel to each other. These geographical variation makes imbalanced population distribution and the variation in their ethnicity, culture, language, religion etc.

### Caste and ethnic groups in Nepal

The Varnas and the Castes were created by rulers in the course of time. King Jayasthiti Malla divided Newars into 4 varnas and 64 castes according to their occupations and King Prithivi Narayan Shah called the modern Nepal as the common garden of people from 4 varnas and 36 castes. (Aahuti, 2014, p.79) Brahmin, Chhetris, and Thakuries, who wear Janai are considered to belong to the upper caste and enjoy privileges. The caste groups like Kami, Damai, Sarki, Dom, Chamar, Mushahar etc. are labeled as untouchable and placed in the lower caste categories as dalits and remain underprivileged. (Gurung, 2006). According to the census 2021 there are 142 caste/ ethnic groups in which 125 are same as the census of 2011 and other 17 caste/ ethnicity are newly found and added in the census of 2021. The major caste/ ethnic groups recorded in the census 2021 is given below in the table.

### Caste/Ethnic groups

Caste/ Ethnicity	Chhetri	Brahman Hill	Magar	Tharu	Tamang	Vishwa karma	Muslim	Newar	Yadav	Rai
Percentage	16.45	11.29	6.90	6.20	5.62	5.04	4.86	4.60	4.21	2.20

Source: NPHC (National Population and Housing Census) National Report 2021.

Social discriminations faced by ethnic communities in Nepal are a historically built phenomenon. The population of the nation is divided into different caste and ethnic groups who have their own specific culture, tradition, custom, language and social as well as religious practices. These differences create inequality among the citizen and some are discriminated and excluded in the social status. In the course of time, mostly excluded and marginalized groups like 59 Indigenous groups, Madhesi, Muslim, Dalits etc. started demanding their rights.

### Language

According to the census report of 2011, there are 123 language spoken in Nepal. The 2021 census reported 124 mother tongue out of which 111 are the ones which were reported in the census 2011 and 13 are newly found in the census 2021. 12 foreign languages which were reported in the census 2011 have been grouped in to other language. The different communities have different languages for communication

which is called mother tongue or native language. The mother tongue is a common mode of communication among the members of families or same community while Nepali language is spoken with the people who do not belong to their community. It should be noted that Nepali is mother tongue of only 44.86% of the population and remaining 55.14% of the population speak a language other than Nepali. The people who speak non-Nepali languages are treated as second class citizens. The table given below indicates the major mother tongue spoken in Nepal according to the census 2021.

Languages	Nepali	Maithili	Bhojpuri	Tharu	Tamang	Bajjika	Awadhi	Newari	Magar Dhut	Doteli
Percentage	44.86	11.05	6.24	5.88	4.88	3.89	2.96	2.96	2.78	1.70

Source: NPHC (National Population and Housing Census) National Report 2021.

The constitutional provision to accommodate lingual diversity is mentioned in Part 1 (Article 6, Sub – Article 3); Language of the Nation: All the mother tongues (Languages) spoken in Nepal shall be treated as the language of the nation. (Constitution of Nepal, 2015, p. 3)

Part 1 (Article 7, Sub – Article 1, 2 and 3); Language of Official transaction: The Nepali language written in Devanagari script shall be the official language of official business in Nepal. In addition to Nepali language, a province shall select one or more national language that is spoken by majority of people in that province as the language of official business. Other matters concerning language shall be as decided by the Government of Nepal on the recommendation of the Language Commission. (Constitution of Nepal, 2015, p. 4)

## Religion

Nepal was a Hindu country and other religions entered into Nepal during medieval and modern period according to Nepalese history. In the course of time, numerous religions increased in Nepal. According to the census report of 2011, there are 10 religions practiced in Nepal and the same 10 religious groups are recorded in the census 2021 among which Hindus comprise 81.2% and Buddhist comprise 8.21% of the total population.

Religions	Hindu	Buddhism	Islam	Kirat	Christianity	Prakriti	Bon	Jainism	Sikhism	Bahai
Percentage	81.2	8.21	5.09	3.17	1.76	0.35	0.23	0.01	0.01	0.001

Source: NPHC (National Population and Housing Census) National Report 2021.

The constitutional provision to accommodate religious diversity is mentioned in Part 3 (Article 26, Sub – Article 1, 2 and 3); Right to Freedom of Religion: Every person

who has faith in religion shall have the freedom to profess, practice and protect his/her religion in accordance with his/her conviction. Every religious denomination shall have the right to operate and protect its religious sites religious *Guthi* (trusts). Provided that nothing shall be deemed to prevent the regulation, by making law, of the operation and protection of religious sites and religious trusts and management of trust properties and lands. No person shall, in the exercise of the right conferred by this Article, do, or cause to be done, any act which may be contrary to public health, decency and morality or breach public peace, or convert another person from one religion to another or any act or conduct that may jeopardize other's religion. (The Constitution of Nepal, 2015, p. 14-15)

**Gender**

Nepal is a country with a patriarchal society in which male member of the family play leading role to control the family matters. The right of decision making is given to the men and the women, for the most part are confined to the domestic spheres. The present constitution prohibited any kind of gender discrimination but still the discrimination is practiced either towards women or third gender. Besides this, the demand of third gender rights and the rights of LGBTQ is neglected by the state. The census of Nepal 2011 reported, total population 26,494,504 and in 2021 it is recorded 29,164,578. The gender wise population is shown in the table given below in which the population of third gender and LGBTQ is not recorded.

Census	Male Population	Female Population	Total Population
2011	12,849,041	13,645,463	26,494,504
2021	14,253,551	14,911,027	29,164,578

Source: NPHC (National Population and Housing Census) National Report 2021.

According to the census 2011, male population is 48.50%, the female population is 51.50% and the sex ratio is 94.46. The 2021 census shows male population 48.88%, female population 51.12% and the sex ratio is 95.59.

**Culture**

Nepal is experiencing the diverse cultural aspects too which are differ from north to south and east to west. The custom and traditions are differ as per the caste, region, religion and culture. Since the unification of Nepal, capital city Kathmandu became the cultural blend of the whole nation and shows the multi-cultural identity of Nepal. Newar people celebrate various jatras as part of life along with other cultural practices in the city. The cultural and traditional customs play important role and adds colour in the life of the people. The people celebrate social rituals,

festivals, jattras according to their religion and culture throughout the year with pomp and joy. Even food plays an important role in the celebration of the festivals as per the difference in the culture.

### **Class**

Nepalese society is economically divided into three classes; higher, middle, and lower class. The high class enjoys luxurious life while the lower class struggles for survival. There is a vast gap between the high class and low class population. There is an issue of multi-layered economic differences of the people in the society from local level to the central power structure which also indicates the economic status. The people with strong economic background can get privileged to be candidate, contest in the election, and enjoy political right while the Poverty indicators of janajatis, indigenous and dalits in Nepal are very high as compared to that of high caste-elite groups and can't enjoy their political right due to lack of money.

### **Underprivileged/marginalized/socially backward groups and religions**

The majority of population of Nepal falls in these groups. The population of these groups mostly lives in the rural areas of each geographical region. The economic access to average household is very low. Average per capita income is much lower in rural areas than urban areas. Literacy rate of this groups are very low. The dalit population of hill and terai, both are underprivileged, marginalized and disadvantaged groups. They need more social protection and inclusion because they are mostly excluded group of Nepalese society. In the comparison of geographical feature, himalaya is the most economically backward region, while the mid and the far western development regions are economically and socially backward regions. These groups of people are also struggling for their share in resources and economic prosperity.

### **Accommodation of diversity**

The accommodation of socially diverse groups such as women, Madhesi, Dalit, underprivileged, marginalized, and differently able groups was the top most political agenda of all political parties since 2006. After the Mass Movement II of 2006, the Interim Constitution was drafted and promulgated in 2007 had the provision of restructuring Nepal into inclusive, federal democratic republic; and to ensure a proper inclusive representation in the new constitution supposed to form CA I by conducting the election of CA I for making better policy and rules. Preamble of the present Constitution stated - "Embracing multi-ethnicities, multi-lingual, multi-cultural and diverse geographical features,... ending discrimination on any base..., to protect and promote unity in diversity and tolerance,... we express our

commitment to create an egalitarian society based on the principle of proportional representation and participation..." (Constitution of Nepal 2015, p. 1).

The Constitution of Nepal (2015) defines the nation and the state in part 1. Part 1 (Article 3); Nation: Having multi – ethnic, multi – religious, multi – lingual and multi – cultural features with common aspirations.....united the bond of allegiance to national independence, integrity, national interest and prosperity of Nepal, all the Nepalese people collectively constitute the nation. Part 1 (Article 4); State: Nepal is an independent, indivisible, sovereign, secular, inclusive, socialism – oriented, federal democratic republic state. These provisions show that the diversity of Nepal is addressed by the constitution. (Constitution of Nepal, 2015, p. 3).

The provision mentioned in the constitution and law of Nepal in the course of time to accommodate the diversity and have the provision of inclusion. In the Interim Constitution of Nepal 2007, there is provision of equal right which is mentioned in clause 3 of article 13 states that “nothing shall be deemed to prevent the making of special provisions by law for the protection, empowerment or advancement of women, Dalits, ethnic nationalities (Adibasi-janajati), Madhesi or farmers, laborers or those who belong to a class which is economically, socially or culturally backward or children, the aged, disabled or those who are physically or mentally incapacitated”. (The Interim Constitution of Nepal, 2007, p. 7) The Interim constitution, 2007 had the provision of reservation of 45% seats either in civil services through second amendment of the Civil Service Act 1991 or in political sector through general election of Constituent Assembly I and II which open the door for the proportional representation in further years. (Dhakal, case study) But the percentage of these were decreased later on to add Khas Arya's reservation. There is provision in the constitution for the reservation of seats allocated to women 33%, Indigenous/Janajati 27%, Madhesi 22%, Dalits 9%, Differently able 5%, and backward region 4%. (Dhakal, case study). But the government proposed the percentage of these groups to decrease later for adding Khas Arya's reservation.

The above data shows the provision made in the constitution on inclusive representation in all sectors. There are other provisions too which are mentioned in the constitution to end all types of discrimination and regard all citizen equal despite of their differences. Some of the articles of the constitution are mentioned here for reference which tries to accommodate the diversity of Nepal. Part 8 (Article 84, Sub – Article 2); Formation of the Representative Assembly: ..... Political parties have to give proper consideration upon the principles of inclusiveness while selecting their candidates... Part 8 (Article 86); Formation of Federal Parliament and National Assembly: ....Of the total number of candidates elected from each party in the

Federal Parliament, at least one – third must be women, .... (Constitution of Nepal, 2015, p. 46-47)

## **Conclusion**

This study focuses on the proper management of social diversities (despite of the inequalities, discriminations and conflicts which are common) to bring these groups to participate willingly in every sector of development to bring the provisions of the constitution implement successfully in the society. There is provision in the constitution for the reservation of seats allocated to women 33%, Indigenous/Janajati 27%, Madhesi 22%, Dalits 9%, Differently able 5%, and backward region 4%. (Dhakal, case study). But the government proposed the percentage of these groups to decrease later for adding Khas Arya's reservation and the implementation of these provisions are not appropriately implemented.

The promulgation of the constitution in 2015 brought dissatisfaction among the indigenous and ethnic groups (the government of Nepal considered 59 groups as indigenous and several other ethnic groups which comprises the large population of Nepal), felt that their demands were not accommodated by the constitution. Whatever the constitution and the laws explains is not being implemented as these discriminations are deep rooted in the society. The ethnic, cultural, religious, gender, lingual, regional diversities are considered as the elements which ruin the integrity of the nation in the present time. To accommodate the social diversity, Nepalese government should adopt more inclusive model of democratic system to protect the right of these groups. Nepalese government in policy making level, does not meet the constitutional provisions. There is no representation of Dalit, Muslim, disable, and backward region people in the cabinet. The government is not successful for implementation of constitutional provisions. The government must implement the strict laws to end all kind of discrimination in the society. The mentality of the people should be changed and aware them about the present scenario of the world and the importance of unity of the people to protect sovereignty of the nation.

Hence, the inequalities which have fragmented the feelings and the thoughts of individual groups and separated them from each other is necessary to transform positively to make the entire population feel that unity is strength. The effective ways to accommodate them, when the feeling of all the diverse groups is integrated.

## **REFERENCES**

- Aahuti, 2014. Varna system and Class struggle in Nepal, SAMATA Foundation.  
Andrea  
Acharya, U. P., 2020. Status of Women in Nepal: A Critical Analysis of

Transformational Trajectories. PhD Dissertation. Central Department of Rural Development, T. U.

Census Report 2011. Central Bureau of Statistics.

Census Report 2021. Central Bureau of Statistics.

Wood, D., 2015. Cultural patterns of South Asia. Retrieved from (<https://study.com/academy/cultural-patterns-of-south-asia.html>.)

Dhakal, D., Case Study – Analyzing Reservation policies in Civil Service of Nepal. Retrieved from (<http://www.pp.tokyo.ac.jp>)

DURBAN REVIEW CONFERENCE FOLLOW-UP COMMITTEE (DRCFC) Marginalized Groups' Joint Submission to the United Nations Universal Periodic Review (UPR) of Nepal UPR Working Group of the Human Rights Council 23rd Session

Federalism favors privileged not the marginalized communities in... Retrieved from <https://english.indigenousvoice.com> › news › federalis...

Gurung, H. 1998. Nepal Social Demography and Expressions, New ERA, Kathmandu.

Gurung, H., 2006. From Exclusion to Inclusion: Socio-political agenda for Nepal. Social Exclusion Research Fund. SNV Nepal.

Hachhethu, K., 2007a. "Madhesi Nationalism and Restructuring the Nepali State." Paper Constitutionalism and Diversity in Nepal, Centre for Nepal and Asian Studies, Tribhuvan University.

Kymlicka, W., and Baogang H., 1995. Multiculturalism in Asia. Oxford University Press

Magar, S. T., 2015. Ethnic Politics in Nepal. National Foundation for the Development of Indigenous nationalities

National Population and Housing Census National Report, 2021.

Savada M., 1991. Nepal: A Country Study (Ed.). Washington: GPO for the Library of Congress.

The Constitution of Nepal, 2015.

Unity in Diversity in India (PDFprof.com) Retrieved from [https://www.pdfprof.com/PDF\\_Image.php?id=35180&t=27](https://www.pdfprof.com/PDF_Image.php?id=35180&t=27)

World Bank, and Department for International Development (DFID). 2006. Unequal citizens: Gender, caste and ethnic exclusion in Nepal - Summary.