

## **The Impacts of Inclusive Representation in Nepal**

Dr. Govinda Prasad Guragain

Associate Professor

Department of Political Science

TU, Padmakanya Multiple Campus

[guragaingovinda@gmail.com](mailto:guragaingovinda@gmail.com)

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### **Abstract**

Nepal is a nation with a diverse population. This diversity spans various aspects such as race, ethnicity, religion, caste, and region. Historically, Nepal faced significant issues of social exclusion, resulting in numerous social, economic, and political inequalities. The interim constitution of Nepal (2063) aimed to address this by including provisions for the social inclusion of minorities and marginalized groups in national policies. This paper explores the inclusive representation of different groups and its impact on social, economic, and political spheres. The study relies on both primary and secondary information sources, focusing primarily on the effects of inclusive representation in Nepal. The government decided to reallocate quotas in civil service, reducing reservations for certain ethnic groups to maintain a quota cap of 45%. Specifically, it reduced the Madhesi quota from 22% to 20%, the Adiwasi/Janajati quota from 27% to 24%, and the quota for differently-abled individuals from 5% to 3%. Despite criticisms, the reservation system has positively impacted the participation of underprivileged and minority groups across various sectors.

**Key Words:** Inequality, Exclusion, Maoist Insurgency, Marginalized Group, Identity, Constituent Assembly, Inclusive Representation, Federalism, Sustainable Peace

### **Background of the Study**

Nepal is a multicultural and multi-ethnic country. According to the 2011 census, there are 126 caste and ethnic groups, 123 languages, and 10 religious groups, with 81 percent of the population being Hindu. There is no ethnic majority, with numerous minority groups including indigenous nationalities, Madhesi, and Dalits, who collectively make up over two-thirds of the population. The 1990s saw extreme inequality between groups and regions, with traditional elites holding political power while other groups lacked representation. Although there have been no major inter-ethnic conflicts, ethnic identities have become politicized recently. Nepal, now a secular country with a federal republic, still struggles with implementing inclusive representation effectively in both politics and the socio-economic sector. This research seeks to explore how inclusion can be improved and its impacts on political institutions, with recommendations for better implementation.

### **Purpose of Study**

Nepal is grappling with significant inequality, particularly between different groups and regions within the country. In a nation characterized by cultural and ethnic diversity, previous

democratization efforts have often been led by elites, resulting in continued exclusion and marginalization. These processes have primarily reinforced the elite's position rather than enhancing popular participation. The promulgation of the new constitution by a democratically elected constituent assembly has been a longstanding issue for Nepal's Maoist party. Since initiating their insurgency in 1996, the Maoists have mobilized around ethnic grievances against the state, advocating for the rights of marginalized groups, inclusion, and political self-determination.

The 1990 constitution recognized Nepal as a "multiethnic, multilingual, democratic, independent, indivisible, sovereign, Hindu, and Constitutional Monarchical Kingdom" and stated that "the Nepalese people, irrespective of religion, race, caste, or tribe, collectively constitute the nation" (Constitution of the Kingdom of Nepal, 1990). Nepal has witnessed many changes since 1990. Following the first mass movement, Nepal was declared a secular country with a federal republic and inclusive representation as political agendas. All individuals were to be considered equal citizens, regardless of ethnicity, caste, religion, or community affiliation. However, was this ever effectively and practically implemented? Have recent political developments in Nepal led to greater inclusion? What has been the stance of Nepal's political institutions on the issue of political, economic, and social inclusion over time?

Have the efforts towards inclusion in policy-making been successful? Were these questions addressed in the current constitution?

### **Objective of the Study**

The major thrust of this research is to expose the constructive role played by political institutions in inclusive representation. The political institutions are concerned with good governance, sustainable peace and sustainable development for which the inclusive representation is must which will bring long lasting and positive effects in Nepalese society.

Some of the specific objectives are:

To ensure the marginalized group of people get their representation in every sector effectively

To find the impacts of inclusive representation fruitful or not To address the issue of political, economic and social inclusion with respect to time.

### **Significance of the Study**

Examining the representation of various socio-cultural groups in influential government and societal positions reveals their marginalized status. The CHHE (Caste Hill Hindu Elite) have dominated politics, the executive, judiciary, parliament, civil administration, academia, industry and commerce, civil society, local government, and educational and cultural leadership. Despite comprising 30.89% of the population, together with the Newar (5.48%), their combined 36.37% population held over 80% of leadership positions in key governance areas in 1999. Even in more

accessible fields such as media, civil society, and politics, there is significant exclusion of traditionally marginalized groups. Women's presence in public positions, including among CHHE women, has been minimal. Women's representation in the House of Representatives (HOR) never exceeded 6% in 1991, 1994, and 1999, and some cabinets included no women. In 1997, women made up only 5% and 4% of the gazetted civil service and judiciary, respectively. The severe exclusion in Nepal is illustrated by the dalit community's situation, where only one dalit was elected to the HOR, and none were appointed as cabinet members during the democratic period from 1990 to 2002.

The 2007 Interim Constitution of Nepal was the first to guarantee special rights and protection for minorities and marginalized communities (Constituent Assembly Secretariat 2010, 18-19). This issue was also debated during the drafting of the new constitution by the Constituent Assembly. Both the Interim Constitution and the 2072 Constitution of Nepal included inclusive features to address inequality, ensuring proportional representation for ethnic minorities, dalits, women, and marginalized groups in state institutions. It is now crucial to evaluate whether inclusive representation has been effective or if the inclusion provisions remain merely constitutional terms without actual implementation in state policy.

### **Research Methodology**

This study employs a descriptive and analytical approach, utilizing secondary data sources. Data will be collected from library books, the internet, published materials, newspapers, books, magazines, and archives on inclusion, policy making, and political institution representation. Statistical data and historical evidence will be sourced from credible and authentic resources. Relevant internet websites and external links will be used to explore authoritative theories and concepts.

### **Limitations of the Study**

The study's limitations are apparent. It focuses solely on the impact of inclusive representation. The research considers the implementation of inclusive representation in state policy, specifically examining its impact in Nepal as the country transitions into a federal framework.

### **Findings**

The democratization process is ongoing and necessitates "the authentic political inclusion of different groups and categories, for which formal political equality can hide continued exclusion and oppression" (Dryzek, 1996, as cited in Lawoti, 2007c, p. 58). This process involves expanding the aims and values of democracy to incorporate more citizens who were previously excluded or to bring political institutions under public control (O'Donnell & Schmitter, 1986, p. 8).

Democracy is described as "popular control of public affairs on the basis of political equality" (Beetham, 1999, as cited in Tomquist, 2013, p. 1). Critical evaluations reveal that the constitution-writing process has been led by elites, and despite the formal presence of marginalized groups, substantial representation is still lacking. Inequality stems from social policy rather than human nature and intelligence. To improve the status of disadvantaged groups in Nepal, affirmative action

based on egalitarian principles is essential (Gurung, 1998). Policymakers need enlightenment to create a discrimination-free society.

Since the 1990s, identity politics has been on the rise with the formation of various ethnic-based parties and movements, notably the Madhesi movement. This movement began in 2007 with civil society organizations advocating for the inclusion and rights of the Madhesi population in the Terai region of southern Nepal. The democratization process in Nepal has made significant strides in politically mobilizing historically excluded groups.

Examining the political communities established by parties necessitates studying the nature and basis of representation between political representatives and the people they represent. This inquiry focuses on the content of representation rather than the method, which is discussed separately.

Since 2006, the inclusion of historically marginalized groups has been a top political priority. The interim constitution of 2007 aimed to restructure Nepal into an inclusive, federal democratic republic and ensure proper inclusive representation in the new constitution. Research on this topic is crucial for better policy-making. The preamble of the current Constitution states, "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..."

Numerous studies on popular participation and political inclusion in Nepal address the 'ethnicization' of politics and identity movements in recent decades. These studies include research on the Maoist insurgency (Hut, 2004a; Thapa, 2002; Thapa & Sijapati, 2004) and anthropological studies on other ethnic movements across Nepal (Hangen, 2010; Gellner, 2008; Gellner, Pfaff-Czarnecka, & Whelpton, 1997) and Madhesi activism and the 2007 uprising (Hachhethu, 2007a; Hatlebakk, 2007).

Political parties in Nepal are not sufficiently democratic and fail to promote a democratic culture. The political scene is dominated by 12-13 top leaders who control the parties, parliament, and executive, subordinating the judiciary. This control is partly due to their unity and the establishment of a syndicate system, leaving no room for fair politics or broader participation.

According to the 2011 census, the demographic profile of Nepal is as follows:

- **Total population in 2011:** 26,494,504
- **Increase since last census 2001:** 3,343,081
- **Annual population growth rate (exponential growth):** 1.35%
- **Number of households:** 5,427,302
- **Average household size:** 4.88
- **Population distribution:** Mountain (6.73%), Hill (43.00%), and Terai (50.27%)

The census also provided insights into the diverse ethnic groups, castes, religions, and languages in Nepal, highlighting the nation's rich diversity.

## Peoples

In 2011, the census reported 125 caste/ethnic groups. The largest group was Chhetri, comprising 16.6% (4,398,053) of the total population, followed by Brahman-Hill (12.2%, 3,226,903), Magar (7.1%, 1,887,733), Tharu (6.6%, 1,737,470), Tamang (5.8%, 1,539,830), Newar (5%, 1,321,933), Kami (4.8%, 1,258,554), Musalman (4.4%, 1,164,255), Yadav (4%, 1,054,458), and Rai (2.3%, 620,004).

## Languages

There were 123 languages reported as mother tongues in the 2011 census. Nepali was the most common, spoken by 44.6% (11,826,953) of the population, followed by Maithili (11.7%, 3,092,530), Bhojpuri (5.98%, 1,584,958), Tharu (5.77%, 1,529,875), Tamang (5.11%, 1,353,311), Newar (3.2%, 846,557), Bajjika (2.99%, 793,418), Magar (2.98%, 788,530), Doteli (2.97%, 787,827), and Urdu (2.61%, 691,546).

## Religions

The census identified ten religious categories. Hinduism was followed by 81.3% (21,551,492) of the population, Buddhism by 9% (2,396,099), Islam by 4.4% (1,162,370), Kirat by 3.1% (807,169), Christianity by 1.4% (375,699), Prakriti by 0.5% (121,982), Bon by 13,006, Jainism by 3,214, Bahai by 1,283, and Sikhism by 609.

**Source of data:** Government of Nepal, Ministry of Foreign Affairs, Singhdurbar

The Interim Constitution of Nepal 2007 guarantees the right to equality. 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." This provision, among others, facilitated the establishment of a reservation system in Nepal's civil service. The second amendment of the Civil Service Act in 1991 mandated that 45% of civil service positions be filled on an inclusive basis, with 33% reserved for women, 27% for Adibasi-janajatis, 22% for Madhesi, 9% for Untouchables, 5% for the disabled, and 4% for people from backward areas (Dhakal).

The data reflects the constitutional provisions for inclusive representation across all sectors, aiming to eliminate discrimination and ensure equality for all citizens. Key articles of the constitution include:

- **Part 1 (Article 3):** The nation is characterized by multi-ethnic, multi-religious, multi-lingual, and multi-cultural features, unified in allegiance to national independence, integrity, and prosperity.
- **Part 1 (Article 4):** Nepal is an independent, indivisible, sovereign, secular, inclusive, socialism-oriented, federal democratic republic.
- **Part 1 (Article 6, Sub-Article 3):** All mother tongues spoken in Nepal are recognized as national languages.

- **Part 3 (Article 18, Sub-Articles 3 and 4):** The state shall not discriminate among citizens based on origin, race, gender, religion, language, geographical location, ideological conviction, or any other grounds.
- **Part 3 (Article 24, Sub-Article 1):** Right against untouchability and racial discrimination.
- **Part 3 (Article 40, Sub-Article 1):** Guaranteed equal participation of Dalits based on proportional inclusion.
- **Part 3 (Article 42):** Right to social justice for women, Dalits, Indigenous ethnic groups, Madhesi communities, oppressed groups, poor farmers, and laborers based on proportional inclusion.
- **Part 8 (Article 84, Sub-Article 2):** Political parties must consider inclusiveness in candidate selection.
- **Part 8 (Article 86):** At least one-third of the candidates elected to the Federal Parliament from each party must be women.
- The constitution guaranteed equal rights for all citizens; however, the distribution of quota percentages led to considerable controversy. The Brahmin and Chhetri communities requested representation as Khas Chhetri from the Kamali region. After thorough discussions, the government adjusted the reserved quotas of other ethnic groups to meet the demands of Khas Arya (Khas Chhetri).
- Legislators from multiple parties opposed the Federal Civil Servants Bill presented by the central government, which decreased reservation quotas for certain ethnic groups, claiming it violated the constitutional spirit. The proposed bill allocated reservations in eight categories: women (33%), Adiwasi/Janajati (24%), Madhesi (20%), Dalit (9%), Tharu (4%), Muslim (3%), differently-abled people (3%), and backward areas (4%). Out of the total civil service positions, 45% are reserved for inclusive representation, with the remaining 55% open for competition. The government adjusted the reservation percentages within the 45% limit, decreasing the quotas for Madhesi (from 22% to 20%), Adiwasi/Janajati (from 27% to 24%), and differently-abled people (from 5% to 3%) (Pandey, 2019).
- Inclusive representation has significantly impacted Nepalese society. Individuals from minority, backward, underprivileged, and marginalized groups gained access to higher education, government jobs, and political involvement. Despite the low participation in decision-making roles and minimal representation in the cabinet, the positive effects of inclusive representation in Nepal are evident. Merely assuring rights through constitutional provisions is insufficient. Therefore, both the Nepalese government and its citizens must adopt a proactive approach. The government must rigorously implement the constitutional provisions, and citizens should consistently support and advocate for marginalized and disadvantaged groups, which is essential for good governance in Nepal and fulfilling the aspirations of all Nepalese people.

## Conclusion and Recommendation

Inclusive representation is a principle that ensures the involvement of all individuals in the nation's affairs. Inclusiveness refers to integrating individuals from backward, underprivileged, or

marginalized communities into the mainstream activities of the nation. The history of inclusive representation in Nepal is relatively recent. The idea of inclusive or proportional representation emerged as an agenda during the Maoist insurgency and was affirmed by the Interim Constitution of Nepal, promulgated on 1st Magh 2063. Inclusiveness encompasses wide participation from various classes, castes, ethnicities, genders, and linguistic communities. If the state neglects the hard-earned inclusive representation, Nepal cannot envision good governance, sustainable development, or a true democratic status. Therefore, the governing body must ensure inclusiveness in all national affairs. Beyond the quota system, inclusive representation must be strengthened and institutionalized by following these steps:

- Create better opportunities for education, health, and employment for all
- Guarantee legal and social justice for all
- Respect the identity of all people despite their differences
- Manage and design resources specifically for the elderly, disabled, and differently-abled individuals
- Ensure inclusive and proportional representation through constitutional provisions

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