

Analyzing Women Issues in the second Constituent Assembly Elections (CAE) in Nepal

Dr. Govinda Prasad Guragain

Associate Professor,

Political Science Department

TU, Padmakanya Multiple Campus

guragaingovinda@gmail.com

Received: September, 13, 2016 Revised: February, 10, 2017 Accepted: February, 18, 2017

Abstract

This research explores the status of women based primarily on the Constituent Assembly Election (CAE). It provides a framework for future policy and decision-making during national elections to enhance women's empowerment through the electoral system, ensuring their political representation based on democratic principles. The article examines the portrayal of women in Nepali politics by the media from September to December 2013, focusing on the coverage related to the second CA elections. The study employs a qualitative explanatory analysis to argue that the failure of the first CAE to draft a new constitution led to a second CAE within five years. The topic of inclusion, particularly the representation of women, was hotly debated in both elections. While the first CAE was lauded for its inclusiveness, the second one fell short, with fewer women candidates and even fewer winners. The article also delves into the reasons behind the unequal representation of women in the CAE, their issues and demands, and concludes with an overall assessment of the situation.

Key words: *Constituent Assembly, Demand, Election, Proportional Representation, Women*

Introduction

Despite considerable excitement and anticipation, the highly anticipated first Constituent Assembly (CA) did not manage to deliver the constitution within the designated timeframe. After missing numerous deadlines, the CA ultimately dissolved when parties failed to make progress on many contentious issues. Nonetheless, the first CA played a significant role in building consensus on various matters related to the draft constitution. However, disagreements persisted on several issues. Aair (2013) has argued about the significance of the structuring the nation with the principle of federalism and has explained that a major point of contention was the structure of federalism. Some parties advocated for an ethnic identity-based federal model, while others strongly opposed it. Janajatis (ethnic nationalities) and indigenous people demanded the delineation of provinces along ethnic lines, giving priority rights to the dominant ethnic group. Bhatta (2013) has advocated that all the parties did not accept the principle of inclusiveness and it is said that some parties opposed ethnicity-based federalism and suggested geographical demarcation of provinces, extending from north to

south. Rana (2013) has explained that parties were classified among themselves and it is said that additionally, parties were divided on the form of governance. Some favored a directly elected executive president, while others recommended an executive prime ministerial system. Sapkota (2013) has pleaded for the participation of the women in the politics and it has argued that the issue of whether to recognize the right to self-determination of ethnic, indigenous, and Madheshi people in the constitution was also contested.

The first constituent assembly also encountered major differences regarding the electoral system. Sharma (2013) has advocated for the victory of the male candidates through the females' votes in the election. In this context, The UCPN-M proposed a multiple-member, proportional, direct electoral system based on proportional inclusion, determined by population, geography, and socio-economic factors. In contrast, the NC and CPN UML proposed a mixed system, with half the parliament members elected directly on a first-past-the-post (FPTP) basis and half elected proportionally. Gorkhapatra (2013) has shown about the participation women in the politics for the issues of the women. In this respect, no agreement was reached on guaranteeing proportionality for ethnicities/castes, regions, and genders in the preamble and provisions addressing fundamental and minority rights, political structures, and the electoral system.

The first CA was highly praised for its inclusiveness. With a record number of Dalits and Janajatis, and particularly 33% female participation, Nepal's CA cum legislature was the 14th most representative globally (IPU 2008). Out of the 601 members, there were 197 women: 163 were nominated by parties under the proportional representation (PR) system, 30 were elected under the FPTP system, and four were nominated by the government. The Interim Constitution even guaranteed 33% female representation in all government institutions, including the CA.

Following the failure of the first CA, the country proceeded to a second CA election five years later. However, this election was a significant disappointment. Sharma (2013) has discussed regarding the preservation of women on the basis of the castes systems and it has become useful for the political participation of the women. Khadka (2013) has also advocated for participation of women in the politics. A major criticism was its lack of gender sensitivity. Although section 7 (5) of the election ordinance stipulated that the combined number of female candidates fielded by political parties under the FPTP and PR systems should reach 33% of the CA's strength, this criterion remained unfulfilled. Data from dailies revealed that out of 6,343 candidates from the FPTP section, only 672 were women, accounting for a mere 10.5%. All participating parties appeared to neglect women when issuing party tickets. Even several senior female leaders and former CA members were absent from the candidates' list. The three major parties—Congress, CPN UML, and United Maoists—each had only 10.8% female candidates.

The media revealed that female representation in the second CA elections was much lower compared to the first. For instance, in Palpa, only 27%, 20%, and 17% of candidates from Congress, Maoists, and CPN UML, respectively, were women, whereas Maoists previously had as high as 40%. In other regions, the data was even worse. Out of 46 candidates registered in Dolakha, just one was a woman. In the far west region, out of 371 candidates, only 36 were women. Districts like Darchula, Bajura, Accham, Doti, and Bajhang had no female candidates at all (Subedi, Nov 2013).

Expectedly, the election produced very few female winners due to their minimal representation at the candidacy level. Only ten women were elected through the FPTP system, representing a meager 4.16% female representation, much lower than the first CA's percentage. The first CA had 29% women from the FPTP system. Alarmingly, the representation of women was even less than in the 1999 parliamentary elections. Even with PR system candidates, total female representation in the second CA elections fell below the required 33%.

Objectives

This article aims to explore women's politics in Nepal through a media scan between September to December 2013, focusing on the second CA election coverage. Additionally, it seeks to uncover reasons behind unequal female representation in the CA, issues raised, and demands made.

Methodology

This research paper draws information from three major national newspapers: Kantipur (Nepali), Republica (English), and Gorkhapatra (Nepali). The latter is a publicly owned newspaper, while the former two are private dailies. Twenty-three articles, twenty reports from various parts of the country, seven editorials, and two interviews published between September-December 2013 were thoroughly studied. All materials were screened based on their relevance to the research issue.

Key Issues Raised

The media scan revealed several key issues regarding minimal female representation. Despite expectations for the second CA elections to be more inclusive and gender-sensitive than the first, it was the opposite. Marasini (2013) has drawn the ideas of the women's expectation in the election as the representatives through the parties. Women activists and leaders particularly blamed their own parties and leaders for failing to ensure gender sensitivity. A key issue raised was that parties made a mockery of gender inclusiveness by fielding female candidates in unwinnable constituencies. Critics noted that whatever few female candidates received tickets were done so merely for formality. Ojha (2013) has stated the women for social justice. In many constituencies, women were pitted against political stalwarts, giving them little chance of winning. Many relatively unknown women faced much more experienced leaders, ensuring their loss even before the election began.

Another key issue observed during the media scan was that party leaders did not consider women as serious candidates. Pokhrel (2013) pleaded that parties attempted to limit the women's participation with 10% and it was not acceptable for the women. There was a lack of clear direction and guidance for female leaders from the top party brass. Many female leaders admitted their parties lacked trust in them, often allocating lesser budgets and fewer cadres for their election campaigns. Despite women constituting more than half the population, male candidates preferred to view women merely as a vote bank rather than counterparts in elections. This trend was

particularly evident in the recent elections. Pandey (2013) has raised the role of the male in the question of the constitutional assembly. A former CA member and a popular senior leader from a major party even quit the party after being denied a ticket from her previous constituency and fought the election as an independent candidate, ultimately losing.

The observation showed parties preferred fielding women candidates from the PR system rather than the FPTP system, allowing more male candidates from the FPTP system who, according to party leaders, had better winning chances. Despite many women leaders willing to contest from the FPTP system, the parties denied them tickets, claiming the decision to join the PR system was the women leaders' own. Many senior women leaders from all three parties were nominated from the PR system.

Another significant issue raised by experts was that the low participation of women in the CA would lead to fewer discussions on women's issues in the constitution-making process. They claimed male CA members would be least concerned with women's issues. Poudel (2013) has pointed out about the concept of the weak women's participation. Female leaders also feared the privileges secured in the first CA after much deliberation would be lost. Dahal (2013) advocated for the meaningful participation of women in the constitutional assembly. Moreover, there was concern that the second CA would disrupt the inclusiveness discussed in the first CA. Even if issues related to women and other marginalized groups were raised, their effective resolution could not be ensured without female representation, experts argued.

However, despite the lack of party support, almost all female candidates performed better than expected. Gautam (2013) pointed out that women candidates were limited only in the percentage that was made by the political parties. Surprisingly, relatively unknown female faces gave tough competition to their much more experienced male competitors. Moujelis (1998) has examined about the modernity and development of civil societies in the process of the democratization in the third world. In this context, this was a significant achievement considering some experienced senior male leaders they stood against were former Prime Ministers and Ministers. Women leaders justified this by claiming the candidate's agenda mattered more than the candidate's face.

Demands

According to the media scan, the primary demand of female leaders was an inclusive CA with proportionate, if not equal, female representation. They demanded their parties have at least 33% female candidates from the FPTP system, as per the guideline. Ghale (2013) focuses about the feeble background of the women's politics. Highlighting women's equal capability to men in political performance, female leaders urged party leaders not to sideline them.

Some female leaders from various political parties demanded constituencies identified exclusively for female candidates, with no male candidates. The main aim was to promote more female candidates in the election process, ensuring direct women-to-women competition.

Moreover, women leaders argued that underrepresentation in the CA would lead to sidelining women-centric issues in the upcoming constitution. Sharma (2013) has displayed about the participation of women in the politics of constitutional assembly. Writers argued that women's

rights, safety, and proportionate representation in public and private spheres could only be ensured with enough female CA members. With parties ignoring the rule of having at least 33% female representation in the CA, female leaders claimed this now remained a mere formality.

Re-Addressable of Demands

With the second constituent assembly elections already completed, addressing the mentioned demands at this stage is difficult. Gokhapatra (2013) has narrated about the discarding the party by the women leader's due dissatisfaction in the political party. The only suggestion for the future is a strict implementation of existing policies. Female writers argued the election commission should strictly monitor party adherence to election guidelines. Additionally, female leaders demanded unity among female leaders from all parties to combat their party's and party leaders' traditional patriarchal nature.

It was noted that fewer female candidates were likely to be elected under the PR system as 90% of the total 302 candidates disqualified due to procedural and technical lapses by the Election Commission were women. Sharma (2013) has pleaded for the women friendly constitutional assembly. Many female candidates were not registered in the voter roll, while some were fielded under both the PR and FPTP systems. Female leaders argued that the party was to blame for such events and demanded careful attention to these issues in the future.

The media scan indicated that societal views toward women need to change to ensure they become politically stronger. Editorial of Kantipur (2013) has emphasized about the participation of the women candidates in the constitutional assembly for the apt issues of raising the women related prospects. Existing social practices, security, and family pressures make political involvement and election candidacy difficult for women. They claimed women need to be part of the policymaking process at all levels and given proportionate representation in areas like education, employment, and health to create a more just society. However, for such change to occur, an increase in female CA members is crucial.

Conclusion

The study on women's involvement and representation in Nepal's first and second Constitutional Assembly Elections has revealed a minimal representation of women due to the political parties' lack of will, power, and trust in women's leadership. Although the constitution mandates at least 33% female representation in all national bodies, including the election system, the political parties have not effectively implemented these provisions.

The media analysis indicated significant discrimination against women throughout the second CA Elections. From candidate selection to inclusion in party manifestos, women's participation was minimal and often tokenistic. Many women, pitted against seasoned leaders, faced near-certain defeat, resulting in only 10.5% female representation in the CA.

While the first CA Election was commended for its high representativeness, it is unfortunate that the second CA elections, held just five years later, saw a sharp decline in women's participation. This underrepresentation could lead to the neglect of women's issues and reflects the ongoing discriminatory practices in the patriarchal society.

Recommendation

Experiences from various countries show that proportional representation in government promotes inclusivity. Rwanda serves as an exemplary model; once ravaged by genocide, it now boasts one of the fastest-growing economies, partly due to its inclusive government, with about 64% female representation in its lower house.

For Nepal, a country grappling with poverty and political instability, strict enforcement of existing policies is crucial. Political parties must adhere to the guidelines set by the Election Acts, and failure to do so should result in disqualification from elections. Women leaders should be given more responsibilities and leadership roles. Proposals to designate constituencies exclusively for female candidates could be a viable solution. Ensuring proportional representation of women is essential for achieving lasting peace, stability, and development in the country.

References

- Aair, B. (2013, October 5). Sudurpaschim ma pramukh dal harummedwarmanonayan ma samaweshidekhienna. Gorkhapatra. Retrieved December 29, 2013, from [Gorkhapatra](#)
- Bhatta, G. (2013, September 26). Mahilapratini di wakomudda. Kantipur. Retrieved December 30, 2013, from [Kantipur](#)
- Bhattarai, T. (2013, November 1). Sankat ma fase kamahila ummedwar. Kantipur. Retrieved December 29, 2013, from [Kantipur](#)
- Constitution of Nepal, 2072
- Correspondent, Dolakha. (2013, October 8). 36 Ummedwar ma mahilaek. Gorkhapatra. Retrieved December 28, 2013, from [Gorkhapatra](#)
- Correspondent, khalpur. (2013, September 9). Hamilai Daya Maya hoina Pratispardhagarnadeu. Gorkhapatra. Retrieved December 31, 2013, from [Gorkhapatra](#)
- Correspondent, Tansen. (2013, September 20). Jilabatanaamsifarishnabhayepani Kendra pratiaashawadi. Gorkhapatra. Retrieved December 25, 2013, from [Gorkhapatra](#)
- Correspondent, Dal harusangaantarkriyagarine. (2013, September 4). Gorkhapatra. Retrieved December 26, 2013, from [Gorkhapatra](#)
- Correspondent, Mahilalaibewastagarnanahune. (2013, September 15). Gorkhapatra. Retrieved December 26, 2013, from [Gorkhapatra](#)
- Dahal, S. (2013, December 6). Apekshyaarthapurnasahabagitako. Gorkhapatra. Retrieved December 28, 2013, from [Gorkhapatra](#)
- Dhungel, S. (2013, November 10). SamanupatikSuchi ma mahilabadi. Gorkhapatra. Retrieved December 29, 2013, from [Gorkhapatra](#)
- Editorial. (2013, October 9). Retrieved December 29, 2013, from [Kantipur](#)
- Editorial. (2013, December 18). Republica. Retrieved December 29, 2013, from [MyRepublica](#)
- Editorial. (2013, November 12). Republica. Retrieved December 29, 2013, from [MyRepublica](#)
- Editorial. (2013, November 26). Republica. Retrieved December 29, 2013, from [MyRepublica](#)

Editorial. (2013, October 8). Republica. Retrieved December 29, 2013 from <http://e.myrepublica.com/>

Editorial, Republica (September 25), Retrieve 29 December, 2013 from <http://e.myrepublica.com>

Gautam, N. Sadhe das pratishatmatraimahilaummedwar, Gorkhapatra (8 October 2013), Retrieved 31 December, 2013 from <http://epaper.gorkhapatraonline.com>

Ghale, P.K. Rajnitikaadharaikakmjoor, Kantipur (November 14 2013), Retrieved 30 December, 2013 from <http://www.ekantipur.com/epaper/kdaily>

Inter Parliamentary Union, Women in Parliament, 2008, Retrieved 29 December, 2013 from <http://www.ipu.org/publications/wmn08-e.pdf>

Khadka, S. SambidhansabharaMahilapradhinidhitwamGorkhapatra (18 November) Retrieved 29 December, 2013 from <http://epaper.gorkhapatraonline.com>

Marasini, S. Mahila metadata koapekshya, Gorkhapatra (12 November 2013). Retrieved 28 December, 2013 from <http://epaper.gorkhapatraonline.com/>

Noda, S. & Sheikh, Z. Mahilalai mat kina, kantipur (November 12 2013). Retrieved 28 December, 2013 from <http://www.ekantipur.com/epaper/kdaily>

Ojha, S. SamajikNyayakalagimahila, Gorkhapatra(7 October 2013). Retrieved 28 December, 2013 from <http://epaper.gorkhapatraonline.com>

Pandey, B. Sambidhansabha: Prashna ma purushbhumika, Kantipur (October 1, 2013). Retrieved 29 December, 2013 from <http://www.ekantipur.com/epape/kdaily>

Pokhrel, A. Mahila: Dash pratishatmaisimit, Kantipur (October 22, 2013). Retrieved 25 December, 2013 from <http://www.ekantipur.com/epaper/kdaily>

Poudel, S.B. Kamjormahilasahabhagita, Kantipur (December 2 2013). Retrieved 29 December, 2013 from <http://www.ekantipur.com/epaper/kdaily>

Pradhananga, S. Nirwachan ma mahilasahabhagita, Gorkhapatra (30 October 2013). Retrieved 29 December, 2013 from <http://epaper.gorkhapatraonline.com>

Rai, M.Kharchakoabhav ma mahilaummedwar, r, Kantipur (October 25 2013). Retrieved 31 December, 2013 from <http://www.ekantipur.com/epaper/kdaily>

Rana, S. Hamilebahiskargare key hola, Kantipur (October 31 2013). Retrieved 28 December, 2013 from <http://www.ekantipur.com/epaper/kdaily>

Reporter. DosroSambidhanSabhaMahila maître hunebishwas. Gorkhapatra (12 September 2013). Retrieved 30 December, 2013 from <http://epaper.gorkhapatraonline.com>

Reporter. SuprabhaGhimiredwara Party tyag. Gorkhapatra (3 October 2013). Retrieve 30 December, 2013 from <http://epaper.gorkhapatraonline.com>

RSS. 33 percent mahilasunischithunuparcha, Gorkhapatra (3 September 2013). Retrieved 30 December, 2013 from: <http://epaper.gorkhapatraonline.com>

Sapkota, S.S. Sambidhansabha ma mahilakowawal, Kantipur (October 24 2013). Retrieved 28 December, 2013 from <http://www.kantipur.com/epaper/kdaily>

Sharma, I. Interview, Nirwachan ma mahilasahabhagitaajhaisantoshjanakchaina, Gorkhapatra (17 November 2013). Retrieved 30 December, 2013 from <http://epaper.gorkhapatraonline.com>

Sharma, J.B. Rajniti ma mahilasahabhagita, Kantipur (3 October 2013). Retrieved 20 December, 2013 from <http://www.ekantipur.com/epaper/kdaily>

Sharma, N. Purushjitaunamahilakobhot, Kantipur (4 October 2013). Retrieved 31 December, 2013 from <http://www.ekantipur.com/epaper/kdaily>

Sharma, S. Charchitnetasangapanikadatakkarthuomahilako, Gorkhapatra (5 December 2013). Retrieve 29 December, 2013 from <http://epaper.gorkhapatraonline.com>

Sharma, S. Jatiyaaadhar ma mahilalaibisheshaaranchaincha, Gorkhapatra (25 October 2013). Retrieved 26 December, 2013 from

<http://epaper.gorkhapatraonline.com>

Sharma, S. Mahila maître sambhidhandinchau, Gorkhapatra (14 November 2013).

Retrieve 26 December, 2013 from <http://epaper.gorkhapatraonline.com/>

Singh, K.L. Sambidhansabha ma mahilapratinidhitwakoprashna. Kantipur (October 11 2013). Retrieve 29 December, 2013 from <http://www.ekantipur.com/epaper/kdaily>

Subedi, A. Vote for women leader campaign enthalls mass, Republica (November 10, 2013). Retrieve 29 December, 2013 from

http://www.myrepublica.com/portal/index.php?action=news_details&news_id=64347