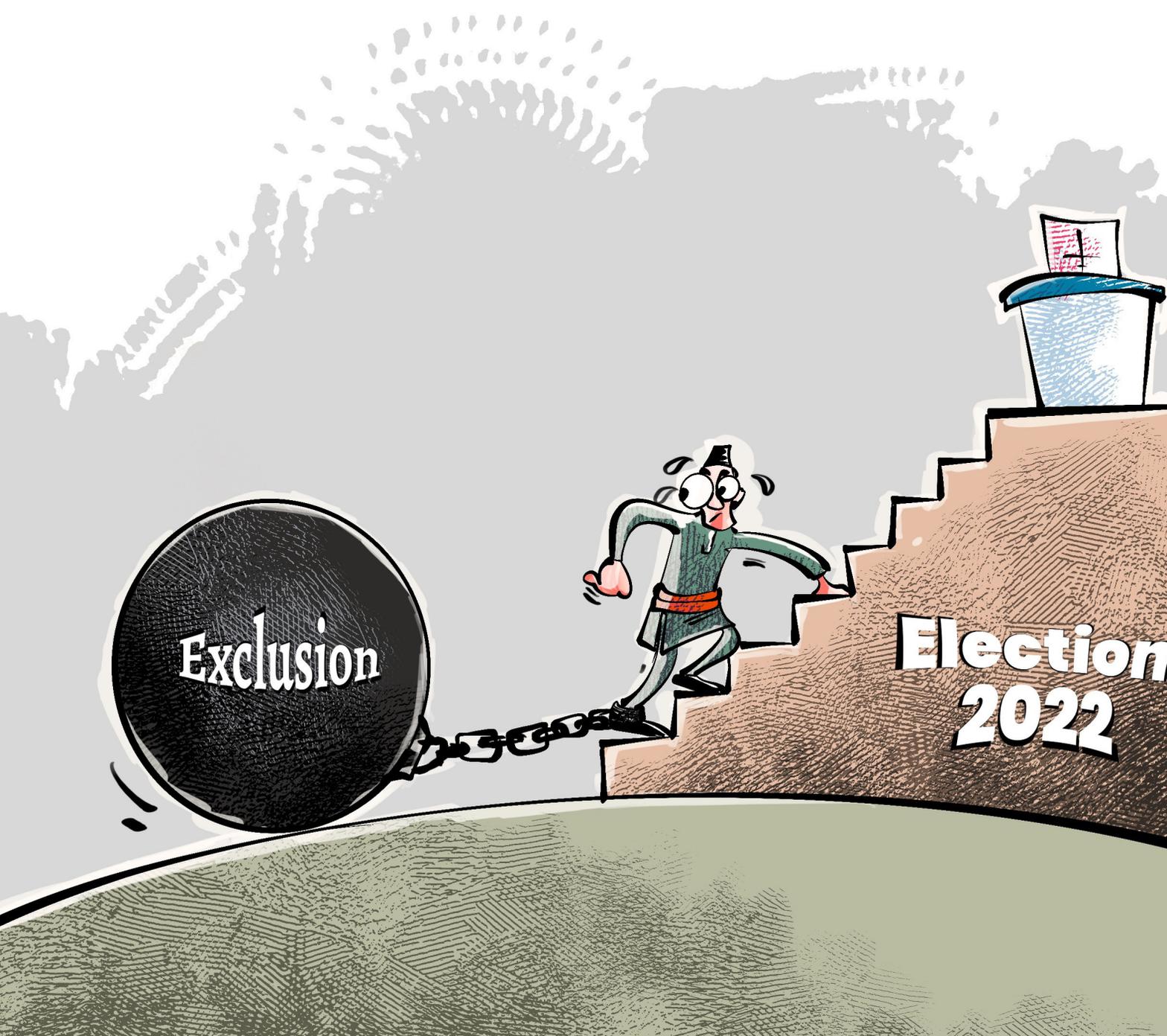


Contradiction Between the Principle of Proportional Representation and Election Results:

An Analysis of the Representation of Dalit and Marginalised Communities in Nepal's 2022 Elections



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About the policy paper

Nepal still has a significant research gap on the caste system and its complex implications, despite ongoing studies and research in social sciences. The Dalit community, in particular, has long endured political marginalization, economic exploitation, oppression, discrimination, and deep-seated social and cultural divisions.

Dignity Initiative was founded by a group of researchers, writers, and activists in 2015 to respond to these challenges. The organization's primary objective is to conduct research on issues faced by Dalits and marginalized communities. It aims to explore the root cause of these issues, document their struggles, highlight their achievements, and shed light on the challenges they encounter.

Additionally, Dignity Initiative seeks to challenge dominant and divisive discourses through public debates, while providing support to the movement through data, evidence, and policy insights. Furthermore, the organization aims to cultivate knowledge on specific issues affecting Dalits and marginalized communities, mobilize critical masses, critically review and analyze policies from the perspective of marginalized groups and use them as tools for advocacy to address systemic inequalities.

Patriarchy and the caste system are deeply ingrained in Nepali society, leading to long-standing divisions and discrimination based on caste, gender, linguistic-cultural backgrounds, and religion. To address these issues and establish a social justice-based democratic socio-political system, Nepal underwent state restructuring and embraced federalism with the promulgation of the new Constitution in 2015. The core objective of federalism was to ensure accessible governance for all citizens and eliminate caste and community-based privileges, fostering an inclusive democracy with proportional representation for all communities.

The Constitution of Nepal guarantees the inclusion of marginalized communities such as Dalits, women, Indigenous People, Madheshis, Tharus, and Muslims through proportional representation in all state policy-making bodies. The adoption of a mixed electoral system prioritizing proportional representation was a significant step toward ensuring the representation of marginalized communities within a constitutional and legal framework.

However, an ongoing struggle persists for the representation of marginalized communities in the federal parliament, provincial assemblies, and local bodies, primarily due to the dominance of so-called upper-caste groups. This is despite the constitutional acceptance of inclusive and proportional representation principles.

Therefore, Dignity Initiative has prepared this policy document to analyze the relationship between the practice of proportional and inclusive representation and the election results of 2022. The document specifically analyzes the dualities and contradictions observed in the results, shedding light on the representation of elected members from Dalit community, women, and other marginalized groups.

This policy document aims to examine the principles of proportional representation, analyze the election outcomes, and explore the challenges and possibilities that may arise after the polls. By emphasizing representation in the 2022 elections, the document seeks to promote a deeper understanding of the dynamics surrounding proportional representation and its implications for marginalized communities.

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Background

Nepal has historically excluded marginalized communities, with so-called higher caste Khas Arya group dominating positions of power. The majority of the population consisting of Indigenous People, Dalit, Madheshi, Tharu, Muslim, and other marginalized communities have therefore been continuously excluded from state institutions. These marginalized communities have been unable to voice their opinions in lawmaking and policies affecting their lives. Of the historically excluded, Dalit — the community accounts for 13.8% of the population according to the 2011 census — have been particularly subjected to extreme oppression and exclusion in Nepal. This community, along with other marginalized groups and women, have long demanded an inclusive democratic state and the right to elect their own representatives.

Nepal's 2015 Constitution was the product of various political and social movements campaigning for an inclusive democratic political structure. The Constitution stipulates ending all forms of discrimination and ensuring social justice through proportional representation (PR) system throughout state structures. Article 42 of the Constitution, pertaining to social justice, provides the right for every community to participate in the state organs based on the principle of proportional representation. The principle was adopted to end the historic domination of the Khas Arya and establish an inclusive democratic state structure.

The Interim Constitution of 2007 initiated steps to make the then Constituent Assembly (CA) more inclusionary, adopting a mixed electoral system with a 40% first-past-the-post (FPTP) and 60% proportional representation system to ensure meaningful and proportional representation of marginalized communities. However, it is important to note that unlike in the Interim Constitution and the first and second CA elections in 2008 and 2013, respectively, the new 2015 Constitution granted quota to the dominant Khas Arya group, while reducing proportional representation seats to 40%.

The 2015 Constitution established a federal system with three levels of government: federal, provincial, and local. Members of the House of Representatives (HoR)¹ and the provincial assemblies are elected through a mixed system — 60% of the members are elected through FPTP and 40% through PR. Though local-level government adopts FPTP system, the Local Level Election Act 2017 mandates quotas for mandatory representation of one women and a Dalit woman in each ward, alongside members from Dalit and marginalized communities at the local executive level.

Nepal has witnessed two general elections since promulgation of the new constitution in 2015, in 2017 and 2022. This policy paper focuses on the representation of Dalit and other marginalized communities in the three levels of government following the 2022 elections. This allows to observe the extent of inclusion of historically excluded communities within state structures and decision-making positions in federal Nepal.

The paper begins with an analysis of HoR election results, including a historical overview of the trends highlighting representation of different social groups since 2008. This is followed by analyses of representation at provincial assemblies, including disaggregated data from each province. The next section focuses on representation of different social groups at local level, including disaggregated data of those holding key positions in all seven provinces. This is followed by a section on background determining the dynamics of political parties, candidate selection, followed by the nature of PR system. The paper ends with a conclusion section and recommendations for stakeholders.

Representation of Dalit and marginalized communities in HoR

As noted above, HoR members are elected through FPTP and PR electoral systems. While 165 (60%) of the 275 HoR seats are elected through FPTP, remaining 110 (40%) are elected through PR. This mixed electoral system has led to increased participation of Dalit, women, and marginalized communities to some extent (Table 1).

1 National Assembly members are elected by an electoral college.

Table 1 : Representation of Different Caste and Ethnicities in HoR through FPTP and PR

Caste/ Ethnicity	FPTP		Total (Percent)	PR		Total (Percent)	Total		Total (Percent)
	Men	Women		Men	Women		Men	Women	
Khas Arya	91	4	95 (57.58)	8	27	35 (31.82)	99	31	130 (47.27)
Indigenous People	33	2	35 (21.21)	5	26	31 (28.18)	38	28	66 (24.00)
Madhesi	25	2	27 (16.36)	4	13	17 (15.45)	29	15	44 (16.00)
Dalit	1		1 (0.61)	7	8	15 (13.64)	8	8	16 (5.82)
Tharu	6	1	7 (4.24)	1	5	6 (5.45)	7	6	13 (4.73)
Muslim				3	3	6 (5.45)	3	3	6 (2.18)
Total	156	9		28	82		184	91	275
Percentage	94.55	5.45	165 (100.00)	25.45	74.55	110 (100.00)	66.91	33.09	100.00

Source: Election Commission of Nepal and Dignity Initiative, 2022

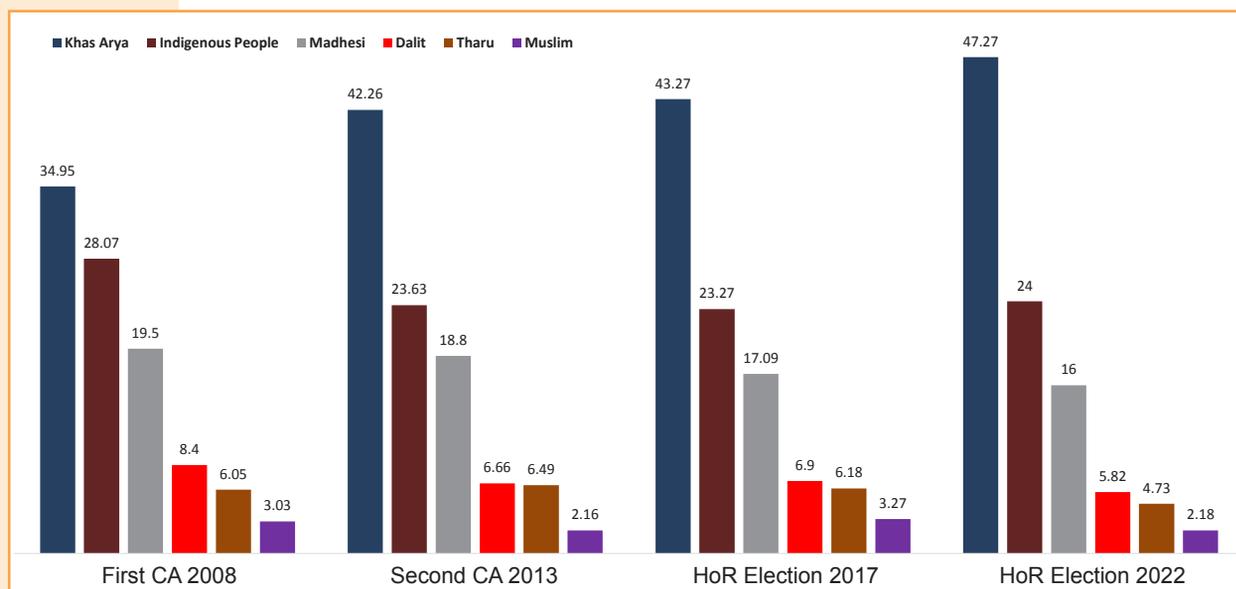
However, as shown in Table 1, although Khas Arya account for 31.25% of Nepal’s population, the group hold 47.27% seats in the House of Representatives following the 2022 election — 57.58% of the members were elected through FPTP and 31.8% through PR. Meanwhile, candidates from Dalit community, which has been historically and systematically excluded from the state’s lawmaking and policymaking spaces, account for around 14% of the population and make up 5.82% of all representatives — a single member² was elected from FPTP and 15 from PR. The Tharu community, which accounts for 6.56% of the country’s population, hold a total of 4.73% seats in HoR – seven from FPTP and six from PR.

When viewed from a gender perspective, altogether 91 (33.09%) women have been elected to the federal HoR – nine from FPTP and 82 from PR. Those elected through FPTP include four women from Khas Arya group, two Indigenous People, two Madheshis, and one from Tharu community. Of the 91 female HoR members, 34.07% are Khas Arya, 8.79% Dalit, 6.59% Tharu, and only 3.30% Muslim.

The inclusion of historically marginalized communities at the federal level is revealing (Figure 1). There is a downward trend in the representation of Dalits and marginalized communities, while Khas Arya representation has been rising with each election.

² Chhabibal Biswokarma of CPN (UML) won from Rupandehi Constituency 1 under FPTP system.

Figure 1 : Electoral results of past four elections and representation of different caste/ethnicity



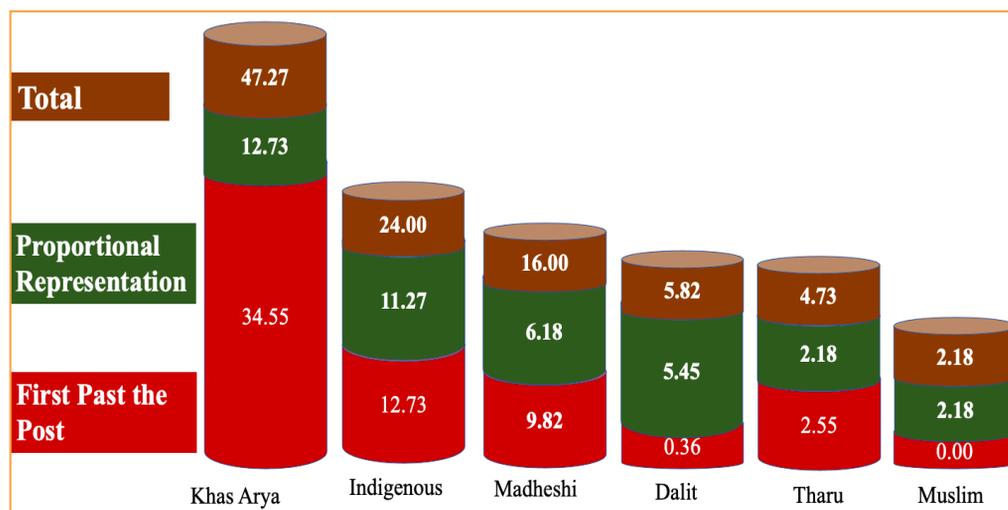
Source: Election Commission and Dignity Initiative, 2022

The trend is particularly pronounced for Dalit community — among the 601 representatives elected in the first Constituent Assembly in 2008, there were 50 (8.32%) Dalit members. In the second Constituent Assembly election in 2013, Dalit representation decreased to 40 (6.66%). After the promulgation of the 2015 Constitution, Dalits won 19 seats (6.91%) in the 2017 election, but this number was reduced to 16 (5.82%) in 2022. The numbers are on a downward trajectory in FPTP system as well. While seven members from Dalit community were elected through FPTP in the first Constituent Assembly, there were only two in the second Constituent Assembly.

The results are even more important to understand in light of PR system in its current form. The constitutional and legal provisions did enable the inclusion of marginalized communities. For example, apart from the single Dalit member elected through FPTP, proportional representation system facilitated 15 Dalits to reach HoR, accounting for 16 Dalits (5.82%) altogether. In another example, although there were no Muslims elected via FPTP in HoR, PR system made it possible to have six representatives (2.18%) from the community.

However, the larger picture is revealing (Figure 2). In 2022, Khas Arya members didn't just win over a third of FPTP seats but were also allocated the most PR seats. In other words, PR system, which was originally conceptualized to ensure the proportional representation of historically marginalized communities unable to be represented through FPTP, is currently working in favor of Khas Arya, an already over represented group in Nepali politics.

Figure 2 : Electoral result of HoR and community-wise representation



Source: Election Commission and Dignity Initiative, 2022

Provincial assemblies and exclusionary dynamics

The provinces also have constitutional provisions for a mixed electoral system. A total of 550 members are elected from all seven provinces – 330 from FPTP and 220 from PR. As shown in Table 2, 63.64% of the elected members were men and 36.36% of them women in 2022.

Replicating the federal-level dynamic, community-wise representation in the provincial assembly is as follows: Khas Arya (42.73%), Indigenous People (27.09%), Madhesi (15.82%), Dalit (5.64%), Tharu (5.09%) and (Muslim) 3.64% (Table 2).

Table 2: Representation of various caste/ethnicity in seven provincial assemblies

Caste/ Ethnicity	FPTP		Total (Percent)	PR		Total (Percent)	Total		Total
	Men	Women		Men	Women		Men	Women	
Khas Arya	155	5	160 (48.48)	13	62	75 (34.09)	168	67	235 (42.73)
Indigenous Peoples	75	6	81 (24.55)	9	59	68 (30.91)	84	65	149 (27.09)
Madhesi	55	2	57 (17.27)	6	24	30 (13.64)	61	26	87 (15.82)
Dalit	2	1	3 (0.91)	4	24	28 (12.73)	6	25	31 (5.64)
Tharu	18		18 (5.45)	1	9	10 (4.55)	19	9	28 (5.09)
Muslim	11		11 (3.33)	1	8	9 (4.09)	12	8	20 (3.64)
Total	316	14	330 (100.00)	34	186	220 (100.00)	350	200	550
Percentage	95.76	4.24		15.45	84.55		63.64	36.36	100.00

Source: Election Commission and Dignity Initiative, 2022

In terms of gender, men occupy 95.76% of the 330 seats under FPTP system. Representation of Dalit and marginalized communities in provincial assemblies is also very weak. Altogether there are 31 Dalit representatives — six are men and 25 women. Of them, one woman and two men have been elected under FPTP system.³ Not even a single Dalit member was elected under FPTP from Koshi, Bagmati, Lumbini, and Sudurpashchim provinces.

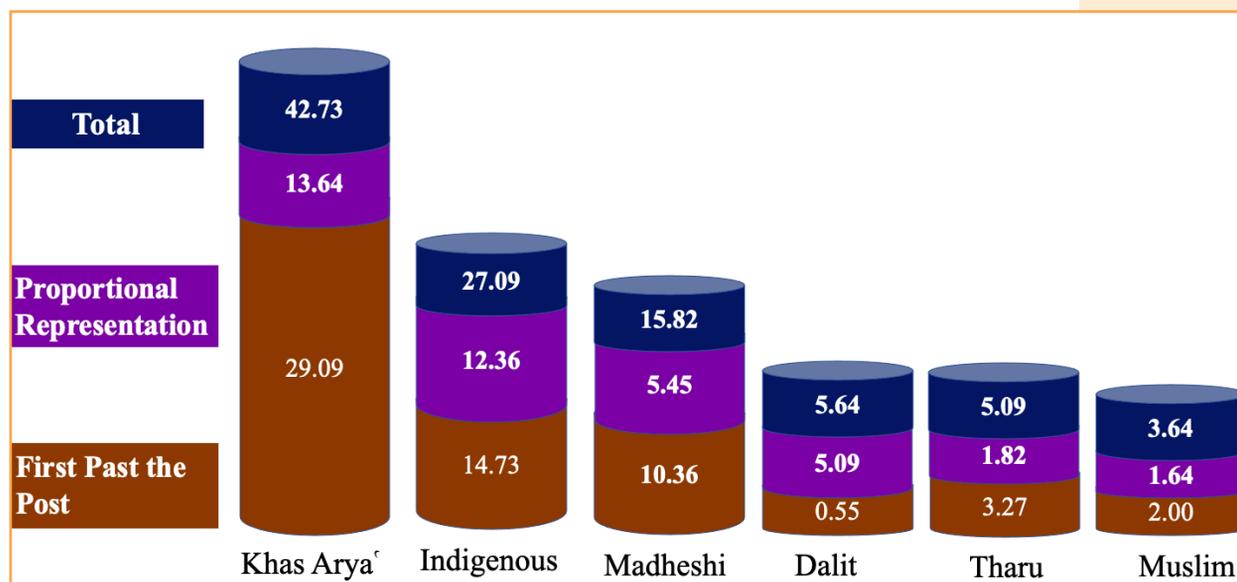
Similar to federal parliament, there is also a downward trend in Dalit representation at the provincial level. In 2017, 32 provincial assembly members from the Dalit community had represented in the provincial assemblies, but that number decreased to 31 in 2022. FPTP representation also decreased to three Dalit provincial assembly members in 2022 compared with four in 2017.

As in the federal parliament, the results are important to understand in relation to the role played by PR system at provincial level. In terms of communities, the majority of FPTP winners – 48.48% – have been Khas Arya (55 men and five women), comprising 29.10% of the total provincial assembly representatives. Meanwhile, 18 Tharu (4.45%), 11 Muslim (3.33%), and only three Dalit (0.91%) were elected via FPTP system.

Again, proportional representation has worked to ensure the inclusion of the historically marginalized groups — 31 Dalit (5.64%), 28 Tharus (5.09%), and 20 Muslims (3.64%) have reached the provincial assembly. However, while the historically excluded have made gains, it is crucial to note that Khas Arya not just won under one-third of FPTP seats but also benefitted the most in the allocation of PR seats (Figure 3).

3 Lakhan Das Tatma of CPN (UML) from Dhanusha constituency 2, Madhesh province; Sita Kumari Sundas of CPN (UML) from Syangja constituency 1, Gandaki province; and Rana Singh Pariyar of CPN (Maoist-Centre) from Humla constituency 1, Karnali province were elected under FPTP system.

Figure 3 : Provincial assembly electoral result and community-wise representation

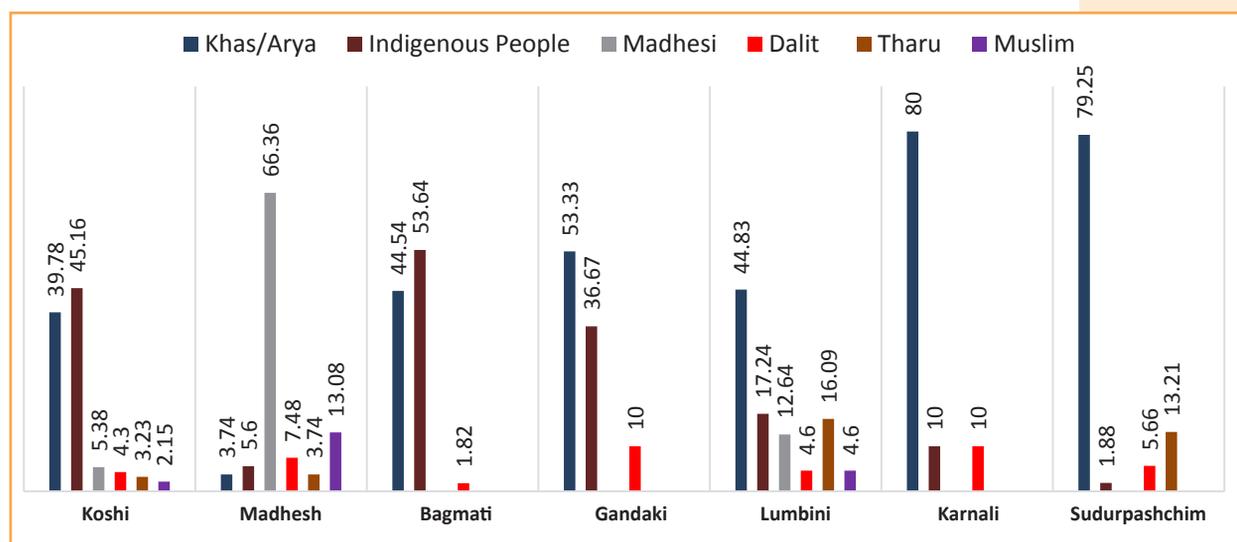


Source: Election Commission and Dignity Initiative, 2022

Ethnic and caste variation among provincial assemblies

Depending on the provinces' ethnic and other population, including political influence, the community-wise representation ratio is different in each province (Figure 4).

Figure 4 : Representation of caste and ethnic groups in seven provincial assemblies



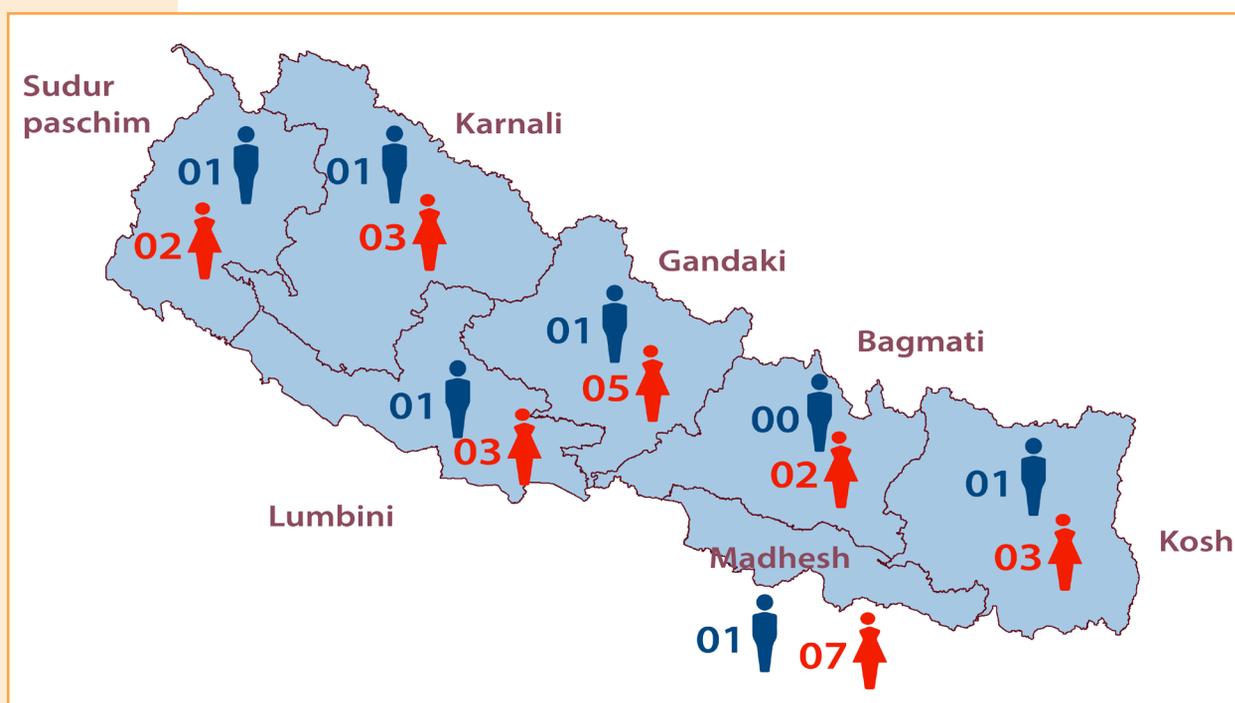
Source: Election Commission and Dignity Initiative, 2022

Provincial data shows Khas Arya group dominates four provincial assemblies: Gandaki (53%), Lumbini (45%), Karnali (80%), and Sudurpashchim (79%). However, Koshi and Bagmati provinces have a higher representation of Indigenous

People than Khas Arya, at 45.16% and 53.64%, respectively. In Madhesh province, Madheshis make up 66.36% representation in the provincial assembly.

It is crucial to note that Dalit, Tharu, and Muslim communities have a weak provincial representation. In 2022, a combined total of 31 Dalit representatives were elected to the provincial assembly in seven provinces – they included six men and 25 women (Figure 5).⁴ Of the total Dalit representatives, three were elected via FPTP and 28 from PR. With eight members, Madhesh province has the highest number of elected Dalit representatives among all provinces. Meanwhile, Gandaki has six Dailt members, while Koshi, Lumbini, and Karnali provinces have four representatives each from that community. Sudurpashchim and Bagmati provinces have the lowest Dalit representation, with three and two members, respectively.

Figure 5 : Dalit representation in provincial assemblies



Dalit only constitute a small percentage of the total elected members in provincial assemblies. In Madhesh, which has the largest Dalit population in terms of density compared with the other provinces — more than 17% percent — they make up 8% of the provincial assembly. Dalit occupy 10% of seats in Karnali, where Dalit has largest population in terms of percentage among the provinces, 4.3% of Koshi, 6% in Gandaki, 4.6% in Lumbini, and 5.7% in Sudurpashchim despite a significant Dalit population in the province. Meanwhile, Bagmati province has the lowest Dailt representation with members from the community holding only 1.8% seats in its provincial assembly.

4 In the 2022 provincial assembly elections, there were a total of 31 elected Dalit representatives. Of them, 25 were women, and six men.

Table 3 : Representation of Dalit in all seven provincial assemblies

Provinces	Non-Dalit (FPTP)		Dalit (FPTP)		Non-Dalit (PR)		Dalit (PR)		Total
	Men%	Women %	Men%	Women %	Men%	Women %	Men%	Women %	
Koshi Province	54 (58.0)	2 (2.15)			5 (5.38)	28 (30.11)	1 (1.08)	3 (3.23)	93 (100.00)
Madhesh Province	59 (55.14)	4 (3.74)	1 (0.93)		7 (6.54)	29 (27.10)		7 (6.54)	107 (100.00)
Bagmati Province	61 (55.45)	5 (4.55)			9 (8.18)	33 (30.00)		2 (1.82)	110 (100.00)
Gandaki Province	34 (56.67)	1 (1.67)		1 (1.67)	4 (6.67)	15 (25.00)	1 (1.67)	4 (6.67)	66 (100.00)
Lumbini Province	51 (58.62)	1 (1.15)			2 (2.30)	29 (33.33)	1 (1.15)	3 (3.45)	87 (100.00)
Karnali Province	23 (57.50)		1 (2.50)		1 (2.50)	12 (30.00)		3 (7.50)	40 (100.00)
Sudurpaschim Province	32 (60.38)				2 (3.77)	16 (30.19)	1 (1.89)	2 (3.77)	53 (100.00)
Total	314 (57.09)	13 (2.36)	2 (0.36)	1 (0.18)	30 (5.45)	162 (29.45)	4 (0.73)	24 (4.36)	550 (100.00)

Source: Election Commission and Dignity Initiative, 2022

Note: the percentage mentioned in the table consists of the total numbers of the provincial assembly of the respective provinces.

Dalit representatives elected to provincial assemblies are affiliated with six political parties. Twelve of them — three men and nine women — are associated with the Communist Party of Nepal (Unified Marxist-Leninist), of whom one male and female member were elected through FPTP. Similarly, nine Dalit women from the Nepali Congress party have been elected, all of them via PR. The Communist Party of Nepal (Maoist Center) has seven Dalit representatives — two men and five women — of whom one male member was elected through FPTP and six from PR. Meanwhile, Janata Samajwadi Party, Janamat Party, and Rastriya Prajatantra Party have one Dalit member each elected via PR. While two Dalit women were separately elected from Janata Samajbadi Party and Janamat Party, a Dalit man was elected from the Rastriya Prajatantra Party.

Exclusive leadership at local level

Unlike mixed electoral system practiced in HoR and provincial assemblies, FPTP electoral system is used to hold local elections. The Local Level Election Act 2017 stipulates that political parties must nominate 50% of women candidates in local-level elections for mayor/ chairperson or deputy mayor/vice chairperson positions.

However, if a party nominate only one candidate — it was widely seen in the 2022 election due to political coalitions between two or more than two parties — then this provision does not apply to these posts. The Local Level Election Act via Article 6 (2) also demands a mandatory representation of two female ward members, including one Dalit woman, in each ward. Furthermore, the Act also has a provision requiring representation from Dalit or marginalized communities at municipal and rural municipal executive level. These provisions have increased representation of women and Dalit women in the wards, as well as in municipal and rural municipal executive level of local government.

Overall, the local election results show a fairly inclusive representation (Table 4). In 2022, a total of 35,097 people’s representatives were elected through local elections, of whom 58.97% were men and 41.21% women. The majority of elected members were from Khas Arya group (32.97%), followed by Indigenous People (26.06%), Dalit (21.99%), Madhesi (12.25%), Tharu (4.07%), and Muslim (2.65%), as shown in Table 4. While Dalit community secured 21.99% representation, which is 8% more than the total Dalit population, it is mainly because of the quota requiring Dalit women ward members.

Table 4 : Representation of various caste–ethnicity in the 753 local governments

Caste/ethnicity	Men	Women	Total	Percentage
Khas Arya	8,356	3,215	11,571	32.97
Indigenous People	657	2,571	9,148	26.06
Madhesi	3,156	1,145	4,301	12.25
Dalit	865	6,853	7,718	21.99
Tharu	956	473	1,429	4.07
Muslim	722	208	930	2.65
Total	20,632	14,465	35,097	
Percentage	58.79	41.21	1,000.00	100.00

Source: Election Commission and Dignity Initiative, 2022

However, a focus on leadership positions reveals a less positive picture in terms of inclusion. The mayor holds the most important and executive role in an municipality, while the chairperson oversees that position in a rural municipality. The executive’s (mayor/chairperson) main responsibility is to implement decisions of the municipal/rural municipal committee, which plays a central role in formulating laws, policies, programs, and budgets for the local government. This is also the same for the deputy mayor in municipality and the vice chairperson (deputy mayor/vice chairperson) in rural municipality. Nepal’s 2015 Constitution has assigned crucial responsibilities to the deputy mayor/vice chairperson — they include heading the judicial committees, as well as budgeting and monitoring, etc. Additionally, the ward chairperson’s role is also central in the local government structure. There are 6,743 wards in Nepal’s 753 local governments, and the ward chairperson heads the office that works closely with

citizens. The inclusion of Dalit and other marginalized groups in these leadership positions is of central importance for representation and to create opportunities for meaningful participation.

However, data reveals key leadership positions in local government are dominated by Khas Arya representatives (Table 5).

Table 5 : Representation of various caste/ethnicity in key local government positions

Caste/ Ethnicity	Mayor & Chairperson			Deputy Mayor & Vice Chairperson			Ward Chairpersons		
	Men	Women	Total (%)	Men	Women	Total (%)	Men	Women	Total (%)
Khas Arya	346	15	361 (47.94)	103	247	350 (46.48)	2,968	25	2993 (44.39)
Indigenous People	214	7	221 (29.35)	68	149	217 (28.82)	2,005	26	2031 (30.12)
Madhesi	118	2	120 (15.94)	7	103	110 (14.61)	1,056	9	1065 (15.79)
Dalit	8	0	8 (1.06)	2	11	13 (1.73)	145	2	147 (2.18)
Tharu	28	1	29 (3.85)	2	43	45 (5.98)	313	5	318 (4.72)
Muslim	14	0	14 (1.86)	3	15	18 (2.39)	187	2	189 (2.80)
Total	728	25	753	185	568	753	6,674	69	6743
Percentage	96.68	3.32	100.00	24.57	75.43	100.00	99.01	1.02	100.00

Source: Election Commission and Dignity Initiative, 2022

To analyze further, in most municipalities, political parties mainly fielded women candidates for deputy mayor/vice chairperson posts to meet Local Level Election Act provisions, as noted above. In 2022, of the 753 local governments' mayor/chairperson posts, 96.68% were occupied by men, with women only accounting for 3.32% of the positions. Meanwhile, women occupied 75.43% of deputy positions, compared with 24.57% men holding that role.

Disaggregating the important mayor/chairperson positions by caste and ethnicity reveals that Khas Arya (47.94%) won most of these posts, followed by Indigenous People (29.35%) and Madheshis (15.94%). There were very few leadership roles helmed by Dalit, Tharu, and Muslim representatives in local government, with 29 Tharus (3.85%), 14 Muslims (1.86%), and only eight (1.06%) Dalit in such executive high-ranking positions.

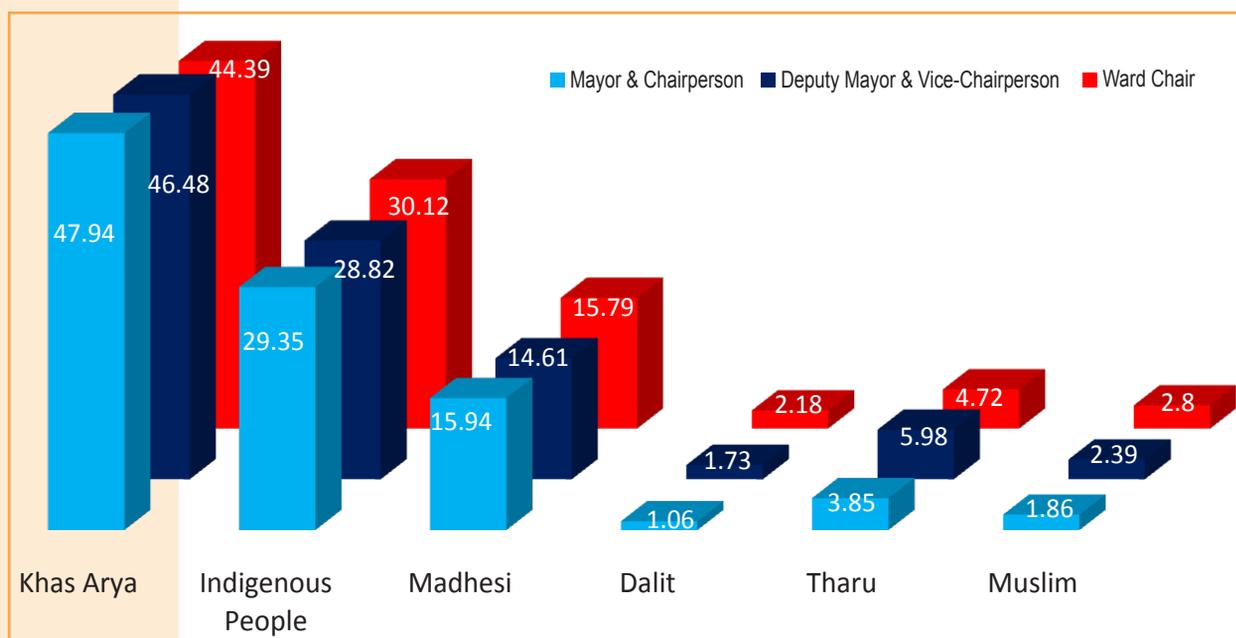
Khas Arya dominance was prominent in deputy mayor/vice chairperson positions, too. Of the 753 elected deputy mayors and vice chairperson, 46.48% belonged to Khas

Arya, while 28.82% were Indigenous People and 14.61% of them Madheshi. Once again, other marginalized communities had low representation — only 5.98% Tharu and 2.39% Muslim won the deputy mayor and vice chairperson seats. Meanwhile, Dalit community had the weakest representation in deputy mayor and vice chairperson posts with only 1.73% seats, including two male and 11 female representatives.

At the ward chairperson level, of the 6,743 elected ward chairpersons, 98.98% of them were men and only 1.02% women. Community-wise representation again shows the domination of Khas Arya — 44.39% of elected ward chairpersons were Khas Arya followed by Indigenous People (30.12%), and Madheshis (15.79%). Tharu and Muslim in this role only accounted for 4.72% and 2.80%, respectively. However, Dalit represented the least number of elected ward chairpersons, with only 147 community members, or 2.18%, securing the position.

Overall, key posts of the local government including mayor/ deputy mayor, chairperson/vice chairperson, and ward chairperson positions in all seven provinces were dominated by Khas Arya representatives, with an average representation of 47.76%. Meanwhile, Dalit representation stood at an average of 3.28% (Figure 7).

Figure 7 : Representation of different caste/ethnicity as local government leaders



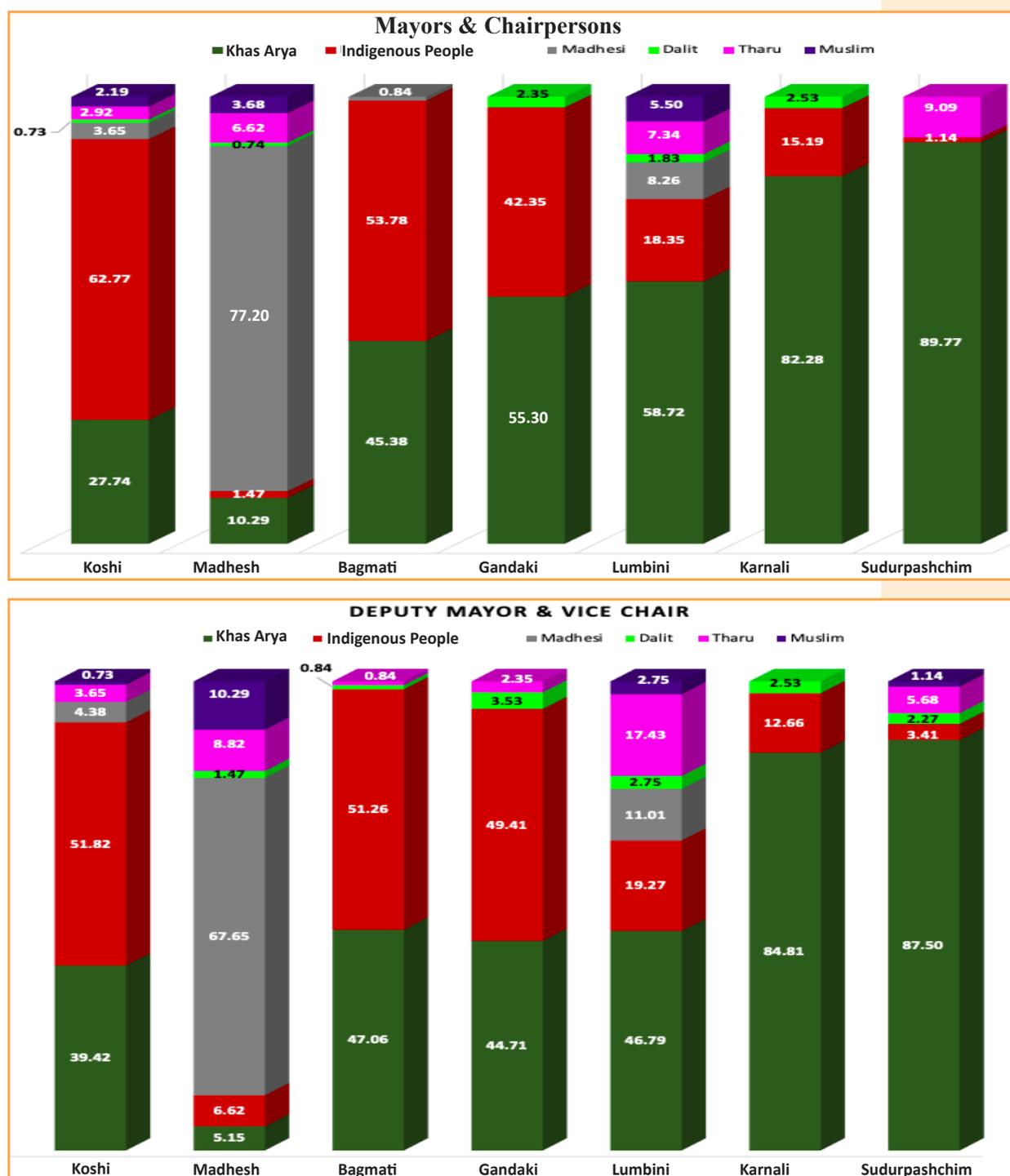
Source: Election Commission and Dignity Initiative, 2022

Dalit representation has also decreased in key positions at local level. In 2022, only three mayors and seven deputy mayors were elected from Dalit community, compared with six mayors and 11 deputy mayors in 2017. Though the number of Dalit chairperson of a rural municipality grew from one to five in the two elections, representation in rural vice chairperson post decreased from 17 to six.

Provincial-level variations

Depending on social composition and political influence, there is variation in which communities have reached top positions at local level in different provinces (Figure 8).

Figure 8 : Provincial representation of different communities at key local government positions



Source: Election Commission and Dignity Initiative, 2022

In Koshi province, there are 137 local governments. Gender-wise, while men won 95.62% of the mayor/chairperson seats, women only secured 4.38% of them in 2022. For the deputy mayor/vice chairperson posts, women led with 73.72% seats. In this province, Indigenous People account for 62.77% of the mayor/chairperson positions (82 men and four women), while Khas Arya representation stands at 27.74% (36 men and two women). This is mostly due to the large indigenous population and their political strength in Koshi province. However, only one Dalit member was elected as a rural chairperson⁵. In terms of the deputy mayor /vice chairperson position, Indigenous People have 51.8% of the seats (22 men and 49 women), and Khas Arya have 39.42% (14 men and 40 women). There isn't a single Dalit elected deputy representative in this province.

Of the 136 local governments in Madhesh province, men hold 97.06% of the mayor/chairperson seats compared with 2.94% seats held by women. Meanwhile, 93.38% of the deputy mayor/vice chairperson positions are held by women. In terms of community representation, considering the population and political strength, Madheshi representatives hold 77.21% (103 men and two women) of the mayor/chairperson posts, while only 10.29% (13 men and one woman) Khas Arya are in that position. While Madhesh has a large Dalit population (17.29%)⁶, the province only has one Dalit mayor.⁷ Similarly, 67.65% (five men and 87 women) in the deputy mayor/vice chairperson position are from the Madheshi, and 5.15% from the Khas Arya (two men and five women). There is one Dalit deputy mayor and one Dalit vice chairperson, both women⁸.

Bagmati province has 119 local governments, including 45 municipalities and 74 rural municipalities. In terms of gender, 94.96% of mayor/chairperson posts are held by men, while women hold 5.04% of the seats. Meanwhile, 57.98% of the deputy mayor/vice chairperson are women, while 42.02% men. In community-wise distribution, Indigenous People hold the most mayor/chairperson posts at 53.78% (62 men and two women) followed by Khas Arya at 45.38% (50 men and two women). Not a single Dalit member was elected as the head of local government. Indigenous People are also a majority at 51.26% (24 men and 37 women) in the

5 Dhunga Raj Biswokarma of CPN (Maoist Center) has been elected as chairperson of Tapli rural municipality of Udaypur district, Koshi province.

6 As per the census 2011, Dalit in Madhesh province are 17.29% of the population.

7 Bechan Das Tatma from CPN (UML) has been elected as mayor of Bideha municipality of Dhanusha District in Madhesh province.

8 Sangita Kumari Ram of CPN (Unified Socialist) has been elected as deputy mayor of Brindaban municipality in Rautahat district of Madhesh province and Janata Samajwadi Party's Dipodevi Paswan has been elected as vice chairperson of Mahottari rural municipality of Mahottari District, Madhesh province.

deputy mayor positions, followed by Khas Arya at 47.06% (24 men and 32 women). There is only one Dalit man in the deputy mayor post⁹.

Gandaki province has 85 local governments. In terms of gender, 96.47% of the mayor/chairperson posts in the province are held by men, while women hold 72.94% of the deputy mayor/vice chairperson positions. This province has a mixed caste/ethnicity representation. While Khas Arya group holds 52.94% (44 men and 3 women) of mayor/chairperson posts, Indigenous People have 42.35% seats. The politically most marginalized Dalit community has two male representatives in these positions — a mayor and a rural chairperson.¹⁰ At 49.41% (13 men and 29 women), the province has a majority of Indigenous People holding deputy mayor/vice chairperson posts, while Khas Arya have 44.71% (nine men and 29 women) of the seats. Dalit representatives only have a 3.53% representation, with one male deputy mayor and two female vice chairpersons¹¹.

In Lumbini province, which has 109 local governments, men hold 99.08% of the mayor/chairperson posts, leaving only 0.92% seats for women. Meanwhile, women hold 82.57% of the deputy mayor/vice chairperson positions. Khas Arya group occupy 58.72% (63 men and one woman) of the mayor posts and 46.79% of deputy positions (13 men and 38 women). In Lumbini, only two Dalit men were elected as chairpersons of rural municipalities,¹² while three Dalit women serve as one deputy mayor and two vice chairpersons¹³ (2.75%).

Karnali province has 79 local governments. While men hold 97.47% of the mayor/chairperson positions, 67.09% of the deputy mayor/vice chairperson posts are held

9 Dipak Biswokarma of CPN (Maoist-Centre) has been elected as deputy mayor of Nilkantha Municipality of Dhading district, Bagmati province.

10 Dev Kumar Nepali of CPN (UML) was elected as mayor of Dhorpatan municipality in Baglung district of Gandaki Province and the same district's Tarakhola rural municipality has Dhan Bahadur BK from CPN (Maoist-Centre) as chairperson.

11 Khum Bahadur B.K. of CPN (Maoist-Centre) was elected as deputy mayor of Shuklagandaki municipality, Tanahu district, Gandaki province. Dhansuwa B.K. of CPN (UML) won the vice chairperson post of Mashila rural municipality of Parbati district, Gandaki province. Kalpana Nepali of Nepali Congress was elected as vice chairperson of Aarughat rural municipality of Gorkha district, Gandaki province.

12 Jhag Bahadur Biswakarma of CPN (UML) has been elected as chairperson of Sarumarani rural municipality in Pyuthan district of Lumbini province, and Dambar Bahadur B.K. of CPN (Maoist-Centre) won the same post in Banke district's Khajura rural municipality chairperson.

13 Kalpana Harijan of CPN (UML) became deputy mayor of Lumbini Cultural municipality of Rupandehi district, Lumbini province. RPP's Shivakanti Chamar became vice chairperson of Rohini rural municipality, Rupandehi district, Lumbini province and Baasmati Chamar of CPN (UML) was elected as vice chairperson of Sarawal rural municipality of Nawalparasi district, Lumbini province.

by women. Here, Khas Arya holds 82.28% (63 men and 2 women) of the mayor/chairperson posts and 84.81% (21 men and 46 women) of deputy positions. Only two (2.53%) of the mayor/chairperson positions belong to Dalits, both male.¹⁴ The percentage for deputy mayor/vice chairperson positions is also the same, though two women are in the post.¹⁵

In Sudurpashchim province, which has 88 local governments, 97.73% of the mayor/chairperson posts are helmed by men, while women hold 76.14% of the deputy mayor/vice chairperson positions. Again, Khas Arya is the dominant group in this province taking up 89.77% (77 men and 2 women) of mayor/chairperson positions and 87.50% (20 men and 57 women) of deputy mayor/vice chairperson posts. Sudurpashchim province does not have any Dalit representative as an elected head of local government but has two (2.27%) Dalit women as deputy positions — a deputy mayor and a vice chairperson.¹⁶

According to above data, Khas Arya group dominate the mayor/chairperson and deputy mayor/chairperson positions in Lumbini, Karnali, and Sudurpashchim provinces, and overwhelmingly so in Karnali and Sudurpashchim.

Dalit and marginalized groups in ward chairperson positions

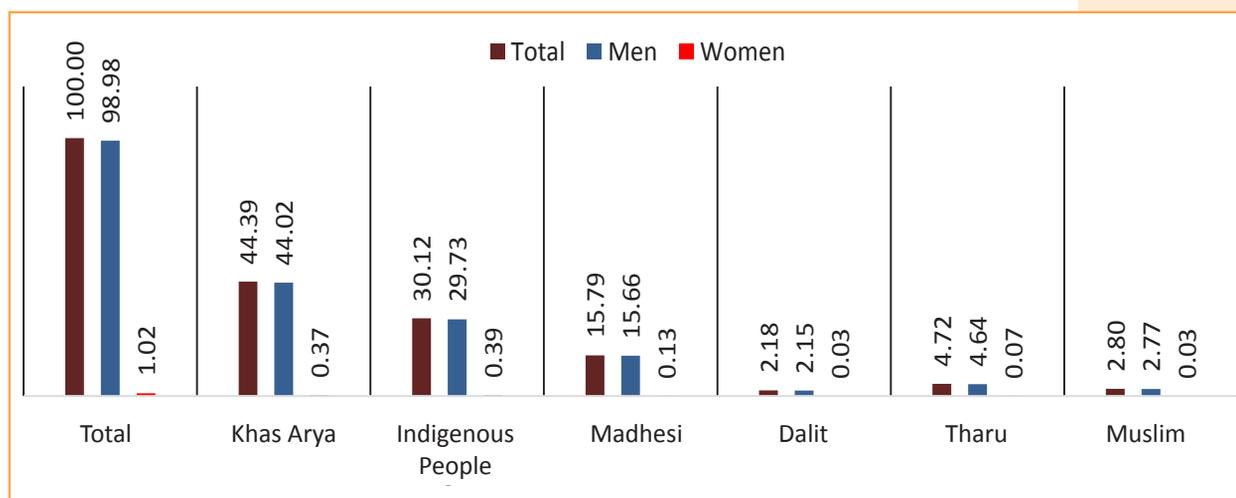
There are 6,743 wards within Nepal's 753 local governments, and they are headed by ward chairpersons. Of the 6,743 elected ward chairpersons, 99% of them are men and only 1% women. Community-wise representation (Figure 9) shows that a large number of elected ward chairpersons are from Khas Arya (44.39%) and Indigenous People (30.12%). Meanwhile, Madheshi hold 15.79% of these posts, while Tharu and Muslim have 4.72% and 2.80% representation, respectively. Dalit hold the least amount of these posts, with only 147, or 2.18%, seats.

14 In Karnali province, Puspa Badi of CPN (Maoist Center) was elected as a mayor in Chaurjahari municipality, West Rukum, and Khadka BK of the same party was elected as a chairperson of Chaukune rural municipality, Surkhet.

15 In Karnali province, Maina BK of Nepali Congress won the post of deputy mayor of Gurvakot municipality, Surkhet district and Susmita Sapkota Sunar of Nepali Congress became deputy mayor of Sharada municipality, Salyan district.

16 In Sudurpashchim province, Raju Tiruwa of Naagarik Unmukti party was elected as deputy mayor of Kailali district's municipality and Rajkala Sarki of CPN (UML) got elected as vice chairperson of Bajura district's Himali rural municipality.

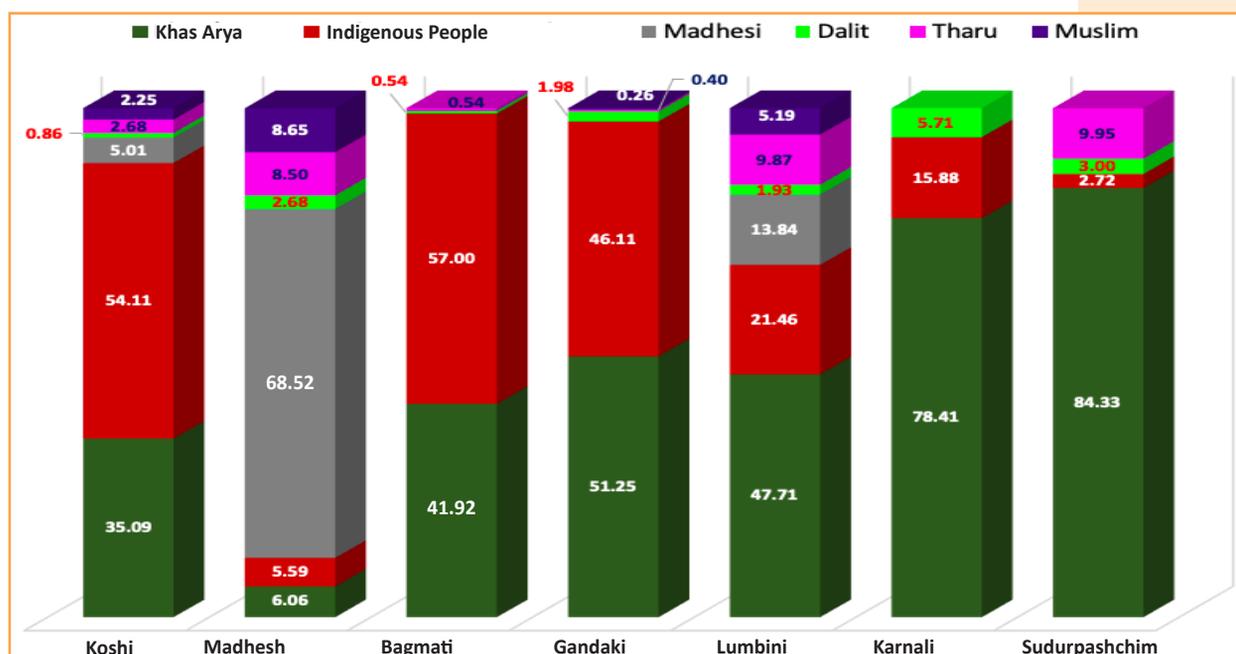
Figure 9 : Representation of different caste, ethnic, and gender in ward chairperson posts



Source: Election Commission and Dignity Initiative, 2022

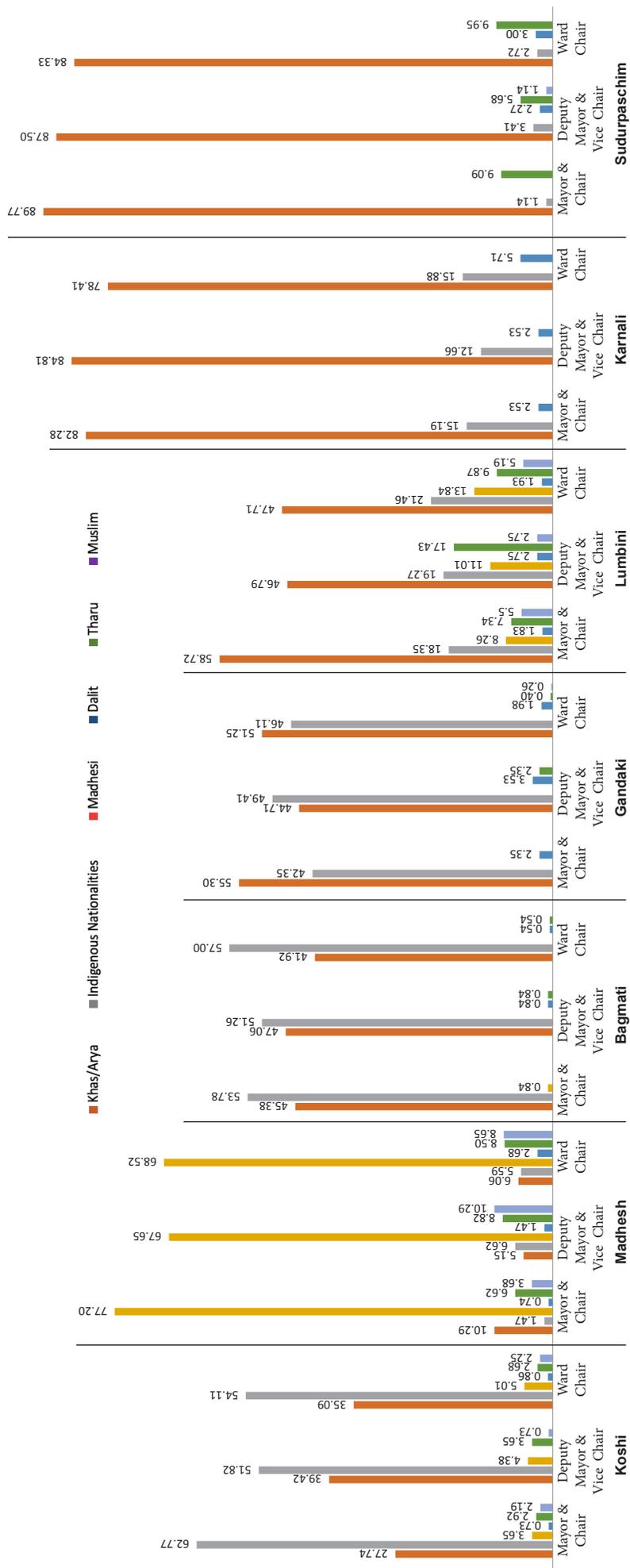
As shown in Figure 10, ward chairperson positions also reflect population size and political strength. For example, Indigenous People hold 54.11% of ward chairperson positions in Koshi province and 57% in Bagmati province. Madheshis hold 68.53% of the chairperson positions in Madhesh province. Again, Dalit, Tharu, and Muslim have a very low representation in ward chairperson positions.

Figure 10 : Representation of different caste/ethnic groups elected as ward chairpersons in seven provinces



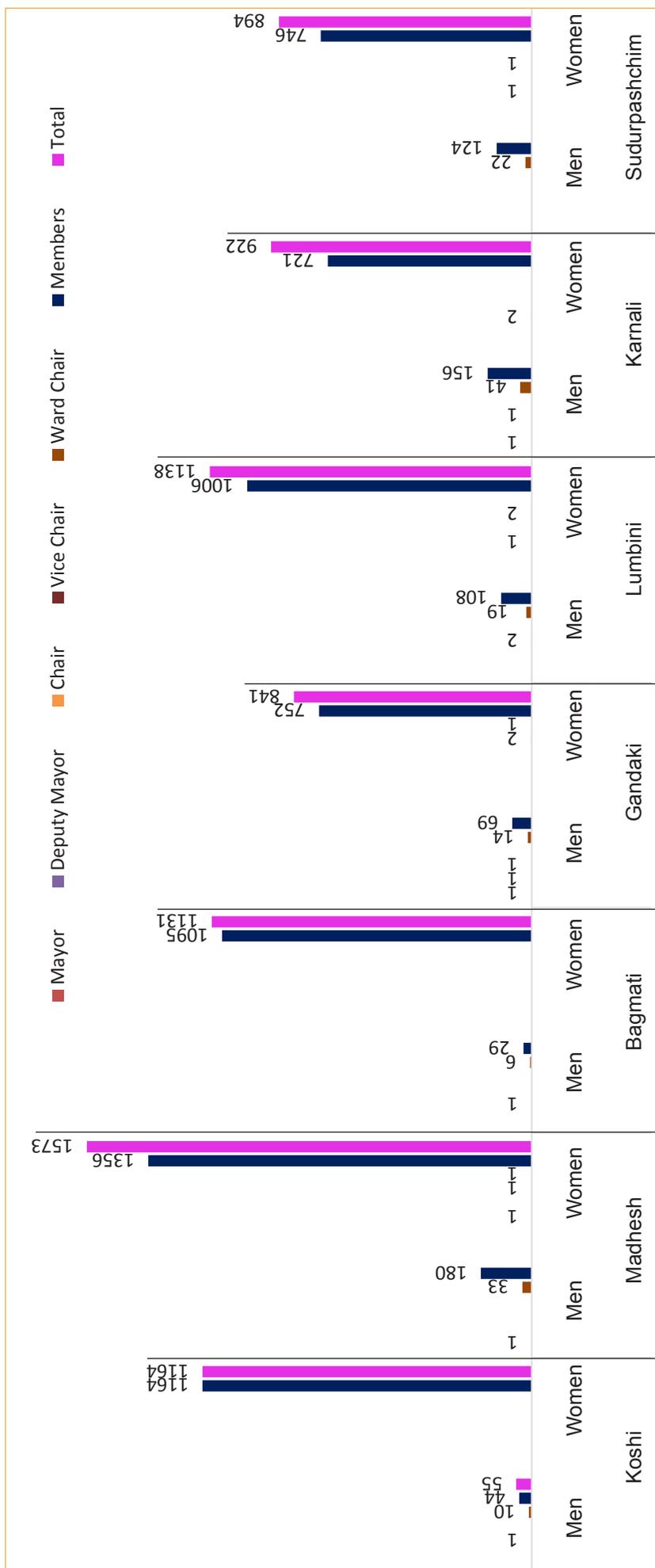
Source: Election Commission and Dignity Initiative, 2022

Figure 11 : Provincial representation of different caste/ethnicity in local governments



Source: Election Commission and Dignity Initiative, 2022

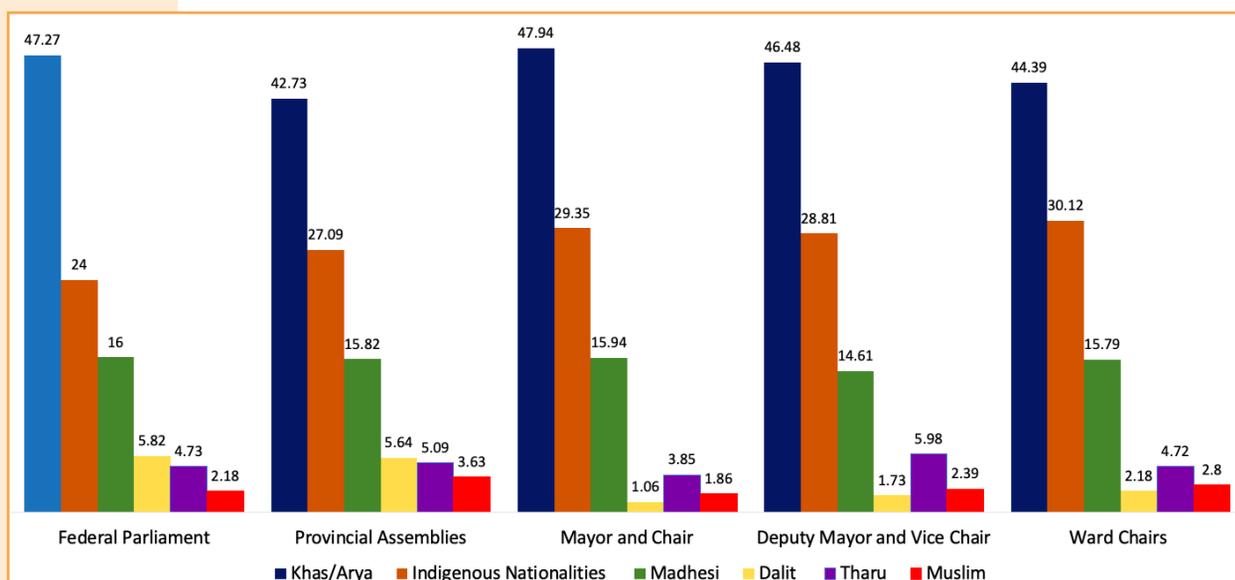
Figure 12 : Provincial representation of Dalits in local government



Source: Election Commission and Dignity Initiative, 2022

As can be seen from the above Figure 12, Dalit representation in the different provinces in key leadership roles at the local level are insignificant in number other than as ward members.

Figure 13 : Representation of different caste/ethnicity in Nepal’s major policymaking bodies



Source: Election Commission and Dignity Initiative, 2022

Overall, analyses of the 2022 federal, provincial, and local elections reveal the continued dominance of the Khas Arya, with limited meaningful participation of Dalit, women, Indigenous People, Madheshi, Tharu, and Muslim, among others (Figure 13). The principle of proportional representation has had limited benefits for the excluded groups and has only served to further strengthen the representation of the dominant communities. This clearly shows that the principle of proportional representation has been misused in Nepal.

Background dynamics: Non-inclusive political party structure and PR system

Non-inclusive political parties

To secure a seat in public office, political party members must first obtain candidate tickets to contest in any election. And it is the political party leaders who decide on those candidate tickets. While almost all political parties have accepted the principle of proportional representation, women, Dalit, and other marginalized communities have weak representation in decisive, senior positions within the parties. The table below (Table 6) shows very low representation of Dalits in the central committees of Nepal’s major political parties.

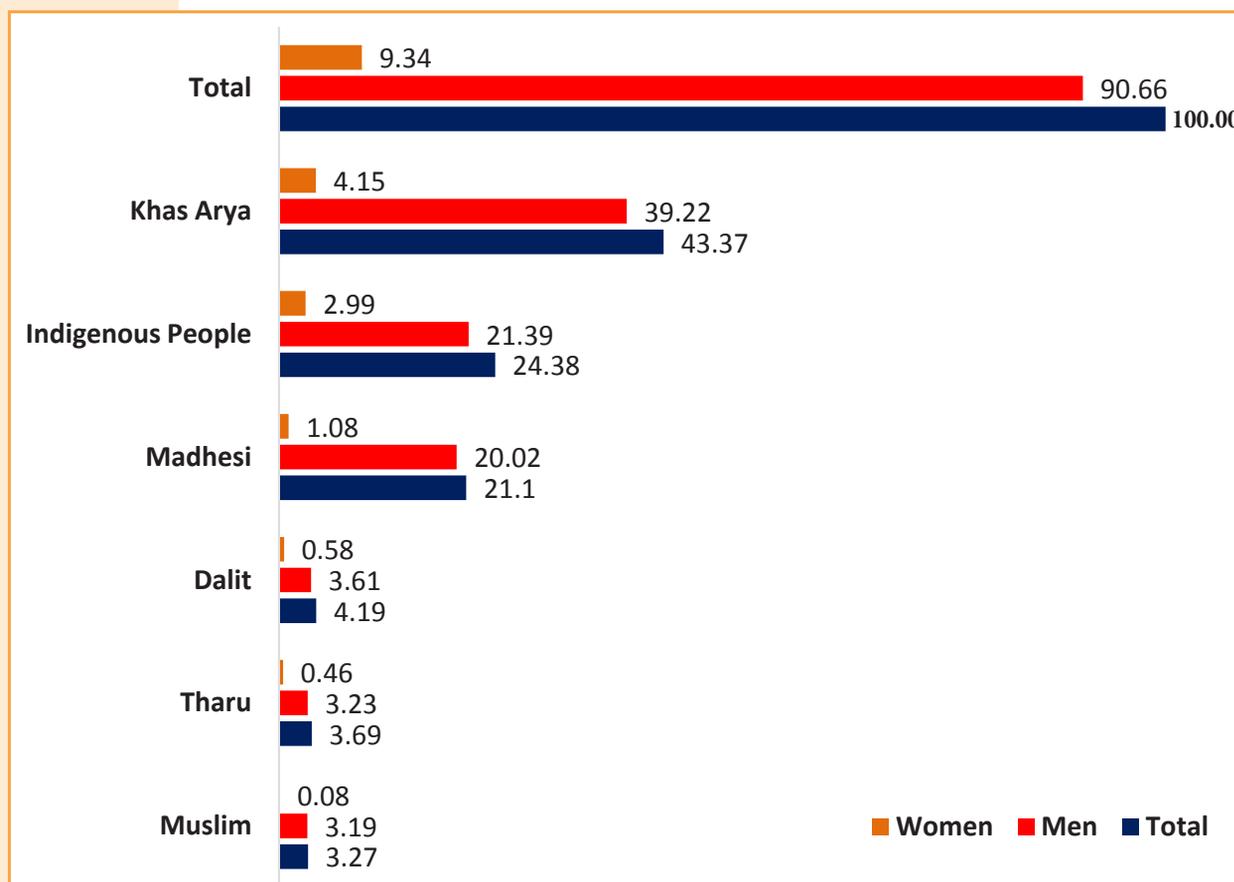
Table 6: Dalit representation in the central committee of different political parties

Political parties	Central Committee	Dalit representation (percentage)
Nepali Congress	148	11 (7.43)
CPN (UML)	301	20 (6.64)
CPN (Maoist–Centre)	236	23 (9.74)
CPN (Unified Socialist)	335	17 (5.07)
Rastriya Swatantra Party	40	3 (7.5)
Janata Samajwadi Party, Nepal	446	19 (4.26)
Democratic Samajwadi Party	215	10 (4.65)

Additionally, Nepal’s major political parties adopt non-democratic and non-inclusive practices while formulating and implementing party policies, including candidate selection. Khas Arya men, who dominate seniormost positions in political parties, tend to turn down candidate tickets for those from marginalized communities, instead prioritizing their own cadres, supporters and/or financially strong members given the rising cost of elections. The latter also discourages marginalized communities from asking for tickets, considering they’re not wealthy or connected. Furthermore, the proportional representation, which was adopted to ensure representation of those communities not seen via FPTP system, has been misused to benefit those already in power. For example, leaders like Dina Nath Sharma of CPN (Maoist Centre), Shankar Pokharel and Amrit Kumar Bohora of CPN (UML), Gagan Thapa and Sujata Koirala of Nepal Congress have in the past been elected via PR. In the 2022 federal elections, leaders holding important responsibility in their parties were given PR tickets, including Dr. Prakash Sharan Mahat and Dr. Arzu Rana Deuba of Nepali Congress, Raghuj Pant of CPN (UML) and Pashupati Shamsher JB Rana of Rastriya Prajatantra Party.

Candidate selection data for HoR’s FPTP elections is shown in Figure 15.

Figure 15: Candidates of different caste/ethnic groups in HoR FPTP election

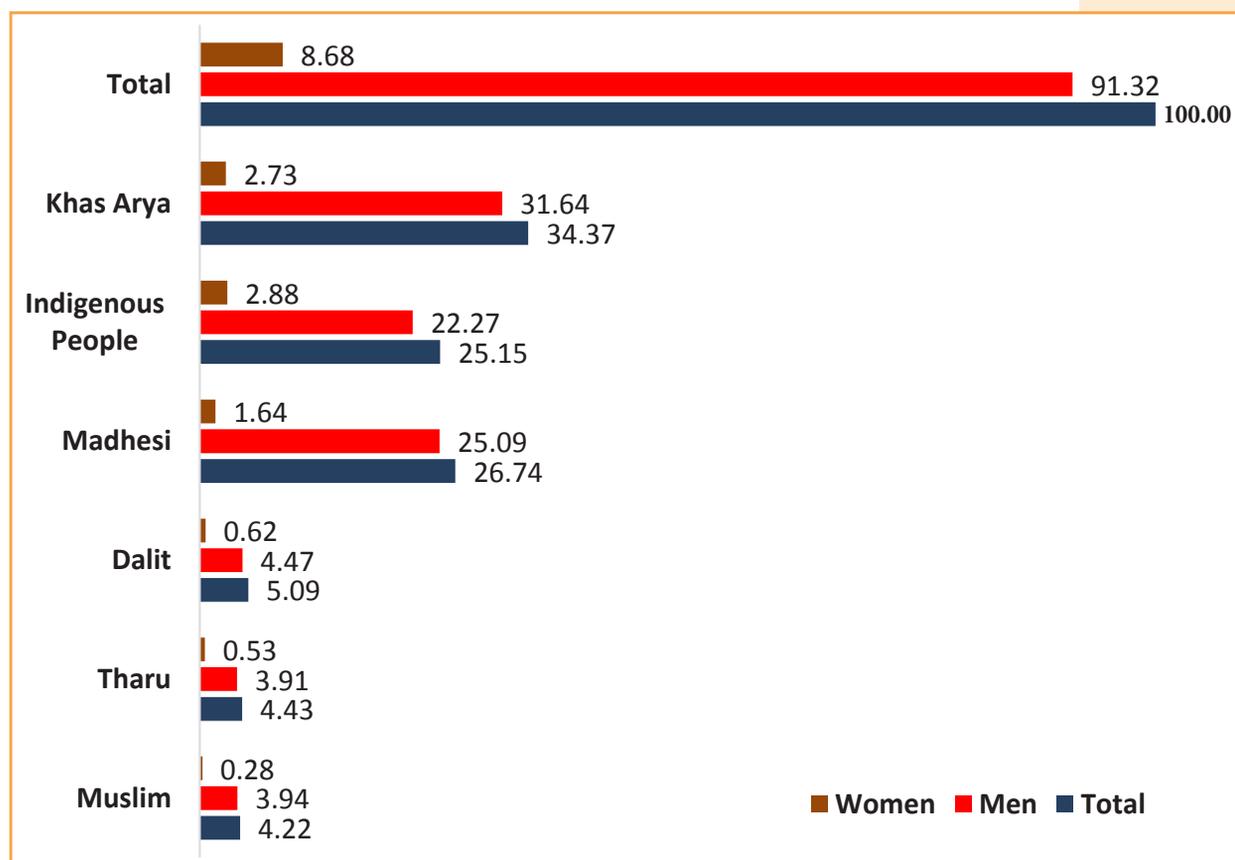


Source: Election Commission and Dignity Initiative, 2022

In the 2022 HoR elections, of the 2,412 candidates for FPTP, 1,046 (43.37%) were from Khas Arya, while there were 101 (4.19%) Dalit members. Major political parties had minimum number of Dalit candidates. CPN (UML) and CPN (Maoist Centre) had one and two Dalit candidates, respectively, while Nepali Congress fielded no Dalit candidates. Twenty-eight Dalit ran as independent candidates in the HoR election.

Similarly, in the provincial elections, of the 3,224 FPTP candidates, 1,108 (34.37%) were from Khas Arya, while there were only 164 representatives from Dalit community (5.09%). As in the federal elections, Nepal's major political parties fielded a very low number of Dalit candidates. CPN (Maoist Centre) and CPN (UML) had five and four Dalit candidates, respectively, but Nepali Congress did not field any Dalit candidates.

Figure 16 : Candidates of different caste/ethnic groups in provincial FPTP election



Source: Election Commission and Dignity Initiative, 2022

At both the federal and provincial levels, Dalits were left out by party leaders, despite hope of receiving candidate tickets. It is important to note that even where Dalits were given candidate tickets, they were made to contest from places with slim chances to win. For example, in the 2022 HoR election, Janata Samajwadi Party fielded Shyam Sinal, a Dalit candidate to run against Sher Bahadur Deuba, president of Nepali Congress. Similarly, Loktantrik Samajwadi Party fielded Dalit candidate Dan Bahadur Biswokarma in Kailali-5, and Rastriya Prajatantra Party nominated Dalit candidate Purna Bahadur Biswokarma in Kavrepalanchowk-1. Both Dalit candidates were up against heavyweight and powerful candidates from major political parties and contesting in places with weak party structure and support. Importantly, both parties; JSP and DSP have a stronghold in Madhesh and a strong probability of winning, but they did not give candidate tickets to a single Dalit member in Madhesh province.

Overall, though political parties have formally accepted the principle of proportional representation, implementation is weak. Past electoral results clearly demonstrate that Khas Arya men have been prioritized for candidate tickets, restricting the choices of voters. Madheshi, Indigenous People, Tharu, and Muslims were given candidacy only in places where those communities have large and politically important populations.

Meanwhile, these marginalized groups were given candidate tickets for places where their political party's defeat was certain. This creates and sustains the false narrative that women, Dalit, and other excluded groups are unable to win elections, which in turn reduces their chances of being selected as an FPTP candidate. It is in this context that Dalit, women, and other marginalized groups have to depend on PR to be elected.

Problems with PR electoral system

Since Nepal adopted mixed electoral system including FPTP and PR in 2008, there have been important changes in terms of representation of marginalized communities. The mixed electoral system, embraced for the first and second Constituent Assembly elections, had provisions for 40% seats through FPTP and 60% from PR. This increased the representation of Dalit and marginalized communities to some extent. However, the Constitution promulgated in 2015 changed several elements of PR system.

One, the new Constitution states that 60% parliamentary seats should be allocated through FPTP and 40% from PR, unlike the previous 40-60 ratio. Two, the Interim Constitution of 2007 had not included Khas Arya community in the list for proportional representation. However, the 2015 Constitution includes the dominant Khas Arya in the proportional representation list. As shown above, this has resulted in Khas Arya, who already have a large percentage of FPTP seats, also receiving the most PR seats. This further ensures their overrepresentation in the federal parliament and provincial assemblies, while decreasing the representation of Dalit and other marginalized communities.

Conclusion

The 2015 Constitution and the mixed electoral system were introduced to help secure proportional representation for historically marginalized communities in state structures. However, while representation has increased overall than before, the numbers are nowhere near proportional to population sizes.

Analyses of the 2022 federal, provincial, and local elections show the continued dominance of Khas Arya. Furthermore, PR system, initially conceptualized to increase representation of those who would not be included via FPTP, has been utilized to increase the proportion of the already dominant Khas Arya community. Additionally, data shows that exclusionary practices have not just remained consistent in key posts but also appears to be increasing.

With people from Khas Arya dominating leadership positions in all three spheres of the government in Nepal, including key roles in formulating laws, policies,

programs, and budgets, there is a large risk that the voices of historically marginalized communities will not be heard, and such continuous exclusion will sideline their rights and welfare.

Recommendations

HoR and Government

- The principle of proportional representation and its implementation needs to be intensively revisited. Constitution and laws related to the election must ensure the proportional representations of all communities at all levels of the state structure according to population size.
- The Local Level Election Act 2017 has to be amended to ensure meaningful representation of women, Dalit and marginalized communities at the key leadership positions at the local governments.

Election Commission

- Political parties must have policies and practices to ensure meaningful and proportional representation at all levels of the party structures in accordance with the population of Dalit and other marginalized communities. The Election Commission should have such a policy to make political parties inclusive.
- The Election Commission must have policies to ensure that all parties should have proportional candidates from all social groups as per their population to take part in all the elections.
- To ensure proportional representation of the Dalit community, it is essential to have a legal provision for at least 13% reserve constituency within the first-past-the-post system in both the federal parliament and provincial assemblies. In those constituencies only Dalit candidates can be contested in the election, and constituencies can be rotate in each election.
- Proportional representation of historically marginalized groups must be ensured by PR system if their representation is less than their population size.
- The Election Commission should formulate necessary electoral policies to secure the representation of Dalit and marginalized communities in all levels of government and ensure proportional representation according to their population.

Political parties

- Political parties should implement inclusive democratic principles in all party structures, including election committees and abide by Constitution of Nepal, as well as their party constitutions, to strengthen inclusive democracy.

- Political parties should formulate concrete policies to ensure proportional representation of Dalit and marginalized communities at all levels of the party's internal structure, and this should be effectively implemented.
- Political parties should work to develop leadership from the Dalit and marginalized communities and map concrete steps in developing inclusive candidate lists for all levels.
- All political parties should have policy provisions to ensure that elected representatives from Dalit and marginalized communities are supported in fulfilling their duties at federal, provincial, and local levels.
- Wings of the various parties — including women, Dalit, Indigenous People, among others marginalized communities— should pressure party leaders to ensure proportional representation within different levels of the party and in the election candidate list.

Other stakeholders' group

- Advocates of inclusive democracy and social justice — intellectuals, experts, academics, politicians, and civil society organizations — should create pressure for the amendment of the Constitution and necessary laws necessary for the proportional inclusion of Dalit and other excluded communities building a strong collaboration.
- Excluded groups should form strategic partnerships to advocate for measures to ensure the proportional representation of Dalits and other marginalized communities, including in higher elected posts at all levels of government.
- Dalit sister organizations, affiliated with various political parties and civil society, must strategically undertake a movement with a comprehensive action plan to ensure the proportional representation of Dalits. This movement should persist until the desired results are achieved.

Dignity Initiative is a Kathmandu-based research organization which focuses on issues of Dalits and marginalized communities in Nepal. It has been established by Dalit academics, researchers, writers and activists. In Nepal, there is still economic exclusion, political marginalization, untouchability and discrimination based on a caste based economic-political system. To end all kinds of discriminatory practices, ensure justice, liberty and dignified life to everyone; Dalits in Nepal have been struggling for seven decades. The result of the struggle has provided some constitutional and legal rights and there has been a reduction in discrimination against the Dalit community in some respects. However, researchers, critics and public intellectuals have historically ignored issues pertaining to the Dalit community. Dignity Initiative aims to rectify this by actively working on a multi-dimensional approach to the Dalit community through research and knowledge production as well as critical engagement in public debates to help the Dalit movement.



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