



SITUATION OF WOMEN AND MARGINALIZED GROUPS' REPRESENTATION IN THE ELECTED INSTITUTIONS IN NEPAL: ANALYSIS OF FEDERAL AND PROVINCIAL ELECTION 2022

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Abstract

The legislative bodies are the key decision making bodies for the democratic countries. They are normally formed through election process. After Nepal after changed into a federal structure from unitary system, two elections have been held in 2017 and 2022 for the federal and provincial legislatures. The constitution of Nepal 2015 is based on the spirit of inclusive governance. This has been included in the in the constitution and changed political system and structures of Nepal. Along with such changes, the expectation of women and underrepresented groups has been increased for their increased representation in the decision making levels. This article is based on analysis of secondary data and desk review and aims to analyze the result of election of 2022 held for the House of Representatives at the federal level and Provincial Assemblies' members, from gender equality and social inclusion perspectives. The findings show, the representation of women and marginalized groups has increased significantly in the federal system compared to the centralized unitary system of governance. The reservation and proportionate representation electoral system are playing a significant role to increase it. However, it is not that extend to the demand of women and marginal groups' movement. Compared to the election of 2017, the representation of women has been increased by 1.96

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percent in the Provincial Assembly but decreased by 1.53 percent in the House of Representatives. Likewise, the representation of Madhesi and Dalits has decreased by about 1 and 1.18 percent in the HoR and decreased by 2.73 and 0.46 percent respectively for Madhesi and Dalits in the provincial assembly in 2022 compare to 2017. The conclusion of this analysis would be useful for law makers, implementers and the organizations representing women and marginalized groups for their evidence based advocacy efforts.

Key Words: *election, elected institutions, gender, inclusion, intersectionality, marginal groups, representation, women.*

Introduction

The legislative bodies are the key decision making bodies for democratic countries. They are normally formed through the electoral process. Being formed through the electoral process, they can be called the 'elected institutions'. In the parliamentary history of Nepal, the first election of parliament was held in 1959. A total of 6 women candidates participated in the election but all lost the election (Wikipedia, 2023). The next democratic election took place in 1991 after the restoration of the democracy where 2.9 percent women were elected out of the total 205 members of the House of Representatives. Of the representation of women was enabled by the constitutional provisions (1990) that required at least five percent women's candidature. In the election of 1994 and 1999, 3.4percent and 5.8 percent women were elected respectively in the House of Representatives (Election Commission, 2021). During the Constituent Assembly (CA) elections held in 2008 and 2013, there was a dramatic increase in the representation of women, 32.8 percent and 30percent respectively in the CA. This was due to the reservation quota for women, which was provisioned in the Interim Constitution of Nepal 2007 (Acharya, 2013). The main purpose of the CA was to make new constitution but it had also the responsibility of parliament during the transitional period.

After the promulgation of the Constitution of Nepal, 2015, determination of federalism and new state structures accordingly, two elections have been held in Nepal for the members of House of Representatives which is also considered as Lower House. The federal system includes three tiers of governance structures; local level, provincial level and federal level. Considering the

highly diversified Nepalese society and privileged and underrepresented situation of diverse social groups based on sex, caste/ethnicity and others, the constitutions and Acts provisioned special measures for underrepresented ones, however, the impact of the legal provisions have not being analyzed and the recently held election results has not yet analyzed so far. So, this article aims to analyze the result of election of 2022 held for the House of Representatives (HoR) and Provincial Assemblies' (PAs) members, from gender equality and social inclusion (GESI) perspectives. This is a desk review based article. "Despite of facing several challenges by women, in political participation and electoral processes, they are successful in achieving higher participation in political positions although that is not enough" (Upreti et al., 2020). 'At both the national and sub-national levels, there are legal quotas in place to encourage women's political participation' (OECD, 2023). The state commitments, legal and policy frameworks have contributed significantly to increase the representation of women and marginalized groups in Nepal. However, the progress is not as expected. "While more women are being elected to parliaments around the world than ever before, equality remains a long way off, and current progress is far too slow. Most legislatures are still heavily male-dominated, and some have no female representatives at all" (IPU, 2023).

The findings show, the representation of women and marginalized groups has been increased significantly than centralized and unitary system in Nepal, although it is around the level of transitional period of Nepal; Constituent Assemblies of 2008 and 2013. The proportionate representation electoral system included in the mixed electoral system is playing a significant role to increase it. But this trend has not been stable and progressive. The progress is not in line with the expectation and advocacy of women and marginal groups' movement. Compared to the election of 2017, the representation of women, has decreased by 1.53 percent in the HoR while it increased by 1.96 percent in the Provincial Assemblies. Likewise, the representation of Madhesi and Dalits is decreased by about 1 percent and 1.18 percent in the HoR and decreased 2.73 and 0.46percent respectively for Madhesi and Dalits in the provincial assembly in 2022 compared to 2017. The situation of women and marginalized groups' representation differs from province to province. The problems and challenges hampering women and marginalized groups in representation in the elected institutions broadly are socio-cultural, political and economic. The

conclusion of this analysis would be useful for law makers, implementers including the Election Commission and the organizations representing women and marginalized groups for their evidence based advocacy efforts in order to increase their representations.

Methodology

This is a secondary data analysis and desktop review based article. Basically, the secondary data were used from official record and web-based publications of the Election Commission of Nepal (ECN). Some other relevant websites were also the source of information. To analyze the current situation of women and underrepresented groups' representation in the provincial and federal legislatures data were acquired from the ECN. For that, the whole lists of elected candidates for House of Representative (HoR) at federal level and Provincial Assembly members of seven provinces were acquired both of first past the post and proportional representation systems. The data were coded, tabulated and analyzed. To analyze, whether constitutional and legal provisions and electoral systems are effective for ensuring representation of women and marginalized groups in elected institutions, the relevant constitutional provisions, election related laws and some other relevant sources were reviewed while writing this article.

Results and discussion

Legal and policy frameworks

The Constitution, through its preamble, committed to 'end discrimination and oppression related to class, caste and ethnicity, regional, religious, gender etc. created by the feudal, autocratic, centralized and unitary state system and to build an egalitarian society based on the principles of proportional inclusion and participation to ensure social justice' (Constitution, 2015). From this, it is obvious to expect that all such issues of inequality, discrimination and oppression are addressed by the federal democratic republican governance system. In order to promote inclusive representation from the perspective of gender equality and social inclusion in elected institutions for social justice, the constitution has arranged several provisions in the various articles and sub-articles regarding the participation and representation of women and underrepresented groups. In addition to this, there have been legal arrangements to enforce the constitutional provisions in

this regard. However, from the point of view of the demand side, questions are also being raised that those constitutional and legal arrangements are insufficient and some of them are ambiguous.

When discussing the specific constitutional and legal arrangements regarding the representation of women and marginalized groups, Article 38 (4) and 40 (1) of the Constitution respectively state that 'women and Dalits have the right to participate in all state bodies based on the principle of proportional inclusion' (Constitution, 2015). Another Article 42 (1) related to social justice states that 'economically, socially or educationally backward women, Dalits, indigenous nationalities, Madhesi, Tharu, Muslims, backward classes, minorities, marginalized, persons with disabilities, gender and sexual Minorities, farmers, workers, citizens of oppressed or backward areas and economically disadvantaged Khas Aryas have the right to participate in state bodies based on the principle of proportional inclusion' (Constitution, 2015). In accordance with these fundamental rights and the spirit of preamble, the constitution made more provisions in other articles and sub-articles regarding the representation of women and marginalized groups at the decision making bodies. The Article 84 (8) mentions that at least one-third of the total number of members elected by each political party represented in the Federal Parliament should be women (Constitution, 2015). Since the Federal Parliament is made up of the House of Representatives and the National Assembly, the Constitution has left a flexibility to achieve that proportion of women collectively through the election systems, first-past-the-post (FPTP), proportional representation (PR) election system, and the election of the National Assembly.

Among the 275 members of the House of Representatives, 165 members are elected through the first-past-the-post election system and 110 members are elected through the proportional election system. It has enabled women and marginalized groups to reach to the parliament at least through the proportionate election system because this system has made it mandatory to have 50 percent women from each social cluster from this system. In Article 84 (2) of the Constitution, it has been provisioned that 'in filing candidacy by political parties for the election to the House of Representatives under the proportional electoral system, representation shall be ensured on the basis of a closed list also from women, Dalit, indigenous nationalities (Aadibasi Janajati) Khas-arya, Madhesi, Tharu, Muslims and backward regions, on the basis of population (Constitution, 2015).' The constitution has paid attention to both aspects of gender and social inclusion by

arranging such system. In the same way, with respect to the members of the Provincial Assembly, 60 percent are elected through the first-past the post electoral system, and the remaining 40 percent through the proportional electoral system. The same arrangement like in HoR, has been made for the election of provincial assembly members under the Article 176 of the Constitution. The gender ratio has also been taken into account while selecting the head and deputy head of those elected institutions. Article 91 (1), 92 (1) and 182 (1) of the Constitution stipulate that in the election of Speaker and Deputy Speaker of the House of Representatives, Chairperson and Vice-Chairperson of the National Assembly and Speakers and Deputy Speakers of the Provincial Assemblies, one woman of two should be elected at each level (Constitution, 2015).

When discussing relevant legal provisions, it is relevant to mention the law related to political parties first, because political parties are the "gateway" in terms of leadership development and representation of any group in the elected institutions. According to Section 15 (3) and (4) of the Political Party Act, 2017, the organizational structures and committees of a party shall be elected or appointed in such a way that the social diversity of Nepal is reflected based on the principle of proportional inclusion among its members and at least one-third in all levels of committees should be women. But the Act is silent about representation of women and marginalized groups in the key posts which has adversely impacted the leadership of women. The clause 28 (3) and (5) of the House of Representatives Member Election Act, 2017 provisions, when the party participating in the election prepares the closed list of candidates according to the proportional election system, names of at least fifty percent women within the inclusive clusters; Dalits, indigenous nationalities, Khas Aryas, Madhesi, Tharu and Muslims must be included in the closed list. Likewise, the House of Representatives Member Election Act, 2017 also provision of 50 percent discount in the charge to be levied to candidates of women and Dalit or minority communities or economically disadvantaged candidates while fielding candidacy for the election through FPTP. The State Assembly Member Election Act, 2074 has also made the same arrangement in relation to the women candidacy ration from proportional election system and fielding charge. The schedule-1 of the House of Representatives Member Election Act, 2017, for the closed list of candidates, the order of inclusion clusters is as Dalit, indigenous nationalities,

Khas Arya, Madhesi, Tharu and Muslim. But the Election Regulation 2017 disordered it that put Dalits in the third column in the matrix of the inclusive clusters which is effecting to the representation of Dalit.

From a policy point of view, the Sustainable Development Goals (2016-2030) aim to increase the representation of women to 40 percent in both the federal parliament and the provincial assemblies and to 42 percent at the local levels by the year 2030. Accordingly, the quantitative target for 2022 is set 34.4percent representation of women at both the federal and provincial levels (NPC, 2020). The vision statement of National Gender Equality Policy of Nepal is to ‘maintain gender equality through the economic and social transformation by ensuring substantial and meaningful participation of women in all sectors’ and strategy number three to ‘develop gender responsive governance system in the three tiers governance through legal provisions, institutional reforms and capacity development initiatives’ (MoWCSC, 2021).

According to the provisions of the constitution and electoral laws of Nepal and the election system adopted accordingly, the provincial assembly, house of representative, national assembly, president and vice president election held in 2017, achieved women representations by 34.40 percent in the provincial assembly, 33.53 percent in the HoR and 37.30 percent in the national assembly. From social inclusion perspective, the representation of Madhesi, Dalits and disabled persons was 18 percent, 6 percent and 3 persons respectively in the Provincial Assemblies, 17 percent, 7 percent and 2 persons respectively in the HoR and 8 percent, 12 percent and 4 persons respectively in the National Assembly (Election Commission, 2021). This article analyses of the elections of House of Representatives and the Provincial Assemblies held in 2022.

Status of women and marginalized groups’ representation in federal parliament

To analyze the results of the House of Representatives election held on November 20, 2022, only 5.10 percent women were elected through the first-past-the-post, election system. While adding women elected from proportional elected system on it, it becomes 32 percent. In terms of

representation of different social groups², Dalits 5.82 percent, indigenous nationalities 22.18 percent, Madhesi 14.91 percent, Muslims 2.18 percent and Tharu 5.09 percent were elected by both systems, while the proportion of Khas-Arya 49.82 percent. If we look at the gender ratio in different groups, the percentage of women is 50, 40.98, 31.71, 50, 42.86 and 24.09 percent respectively within Dalits, indigenous nationalities, Madhesi, Muslims, Tharu and Khas-Arya. If we analyze the diversity among women, out of the total of 88 women elected from both systems, the ratio of women from Dalit, indigenous nationalities, Madhesi, Muslim, Tharu and Khas-Arya is 9.09, 28.41, 14.77, 3.41, 6.82 and 37.50 percent respectively (Table: 1).

Table 1: Gender and Inclusion Clusters' Ratio in Members of the House of Representatives

Major group	First Past The Post (FPTP)				Proportional Representative (PR)				FPTP + PR				Group percent
	Female	Male	Total	Women percent within group	Female	Male	Total	Women percent within group	Female	Male	Total	Women percent within group	
Khas-arya	3	94	97	3.09	30	10	40	75.00	33	104	137	24.09	49.82
Dalit	0	1	1		8	7	15	53.33	8	8	16	50.00	5.82
Adibasi Janajati	2	32	34	5.88	23	4	27	85.19	25	36	61	40.98	22.18
Madhesi	2	23	25	8.00	11	5	16	68.75	13	28	41	31.71	14.91
Muslim	0	0	0	-	3	3	6	50.00	3	3	6	50.00	2.18
Tharu	1	7	8	12.5	5	1	6	83.33	6	8	14	42.86	5.09
Total	8	157	165	5.10	80	30	110	72.73	88	187	275	32	100.00

Source: Election Commission Nepal, 2022

Interestingly, political parties have not shown the commitment to go beyond reservation to increase participation of women and marginalized groups because the minimum legal requirement with regards to representation can be achieved through proportional representation system in which 50 percent women candidates must be there from each inclusive cluster under the proportional system.

² There are several social groups in Nepal but the election Act and Regulation categorize these six clusters; Dalit, Indigenous nationalities, Khas-arya, Madhesi, Muslim and Tharu for the proportional representation quota, so this article analyses the situation only of these six groups

Status of women and marginalized groups' representation in Provincial assemblies

Looking at all the seven provincial assemblies' members together, out of total 330 members only 4.24 percent women were elected through the first past the post electoral system. Adding to that of elected women members through proportional election system then becomes 36.36 percent women in all seven provincial assemblies (Table:2). To assess the status of different social clusters, Khas-Arya occupies 44.36 percent followed by indigenous nationalities 26.36, Madheshi 15.27, Dalit 5.64, Tharu 4.91 and Muslim 3.45 percent through both electoral systems. While looking at the gender ratio in different groups, the ratio of women is the highest within Dalits with 80.65 percent followed by indigenous nationalities 45.52, Madheshi 29.76, Tharu 29.63 and Khas-Arya 27.87 percent.

Table 2: Gender and Inclusion Clusters' Ratio among members of the seven provincial assemblies

Major group	First Past The Post (FPTP)				Proportional Representative (PR)				FPTP + PR				Group percent
	Female	Male	Total	Women percent within group	Female	Male	Total	Women percent within group	Female	Male	Total	Women percent within group	
Khas-Arya	6	163	169	3.55	62	13	75	82.67	68	176	244	27.87	44.36
Dalit	1	2	3	33.33	24	4	28	85.71	25	6	31	80.65	5.64
Adibasi Janajati	6	70	76	7.89	60	9	69	86.96	66	79	145	45.52	26.36
Madheshi	1	53	54	1.85	24	6	30	80.00	25	59	84	29.76	15.27
Muslim	0	10	10	-	8	1	9	88.89	8	11	19	42.11	3.45
Tharu	0	18	18	-	8	1	9	88.89	8	19	27	29.63	4.91
Total	14	316	330	4.24	186	34	220	84.55	200	350	550	36.36	100.00

Source: Election Commission Nepal, 2022

On the other hand, from the intersectionality perspective within women, out of a total of 200 elected through both systems, the ratio of Khas-Arya women is highest with 34 percent followed by women from indigenous nationalities 33, Dalit 12.5, Madheshi 12.5, Muslim 4 and Tharu women 4 percent. The province wise analysis is done below.

Province No. 1

During the 2022 election of the provincial assembly, only 3.57 percent women were elected in Province No. 1 through the first-past-the-post (FPTP) electoral system. When combining result of both the FPTP and PR electoral systems, the ratio of women reaches 35.48 percent. When disaggregated by different social groups, the representation of Dalits is 4.3 percent, indigenous nationalities is 41.94percent, Madhesi is 7.53 percent, Muslims is 2.15 percent, Tharu is 3.23 percent and Khas-Arya 40.86 percent in the Province. By social groups, Khas Arya has a disproportionately higher representation (40.86 percent), even though their population in the province is Khas-arya 27.84, indigenous nationalities 46.55, Dalit 9.31, Madhesi 7.54, Muslim 3.59 and Tharu 4.15 percent (Nepali et al., 2018).

The gender ratio within the different groups is found diverse. It is highest within Dalit with 75 percent women followed by Tharu: 66.67, Muslim: 50, indigenous nationalities: 43.59, Madhesi: 28.57 and the lowest 21.05 percent women within Khas-arya. Within Khas-Arya, as the majority of men won through the first past the post electoral system, the percentage of women within that group became low.

Table 3: Gender and Inclusion Clusters' Ratio of the members of the Province No. 1 Assembly

Major group	First Past The Post (FPTP)				Proportional Representative (PR)				FPTP + PR			
	Female	Male	Total	Women percent within group	Female	Male	Total	Women percent within group	Female	Male	Total	Women percent within group
Khas-Arya	1	28	29	3.45	7	2	9	77.78	8	30	38	21.05
Dalit			0		3	1	4	75.00	3	1	4	75.00
Adibasi Janajati	1	19	20	5.00	16	3	19	84.21	17	22	39	43.59
Madhesi		5	5	-	2		2	100.00	2	5	7	28.57
Muslim		1	1	-	1		1	100.00	1	1	2	50.00
Tharu		1	1	-	2		2	100.00	2	1	3	66.67
Total	2	54	56	3.57	31	6	37	83.78	33	60	93	35.48

Source: Election Commission Nepal, 2022

On the other hand, if we look at the diversity among women, the ratio women from indigenous nationalities, Khas-Arya, Dalit, Madheshi, Muslim, and Tharu is found 51.52, 24.24, 9.09, 6.06,

6.06 and 3.03, percent respectively out of the total 33 women elected to the provincial assembly from both the electoral systems. This data reveals, the proportion of women from diverse groups is not proportional against their population.

Madhesh province

In the same way, to analyze the results of Madhesh Provincial Assembly elections, only 6.25 percent women were elected in the province through the FPTP system. To combine the result of both the FPTP and PR systems, women's ratio is 37.38 percent in the Province. If we see it disaggregated by social groups, the proportion of is Khas-Arya I 7.48 percent, Dalit 7.48 percent, Indigenous nationalities 6.54 percent, Madhesi 62.62 percent, Muslim 12.15 percent and Tharu 3.74 percent, whereas their population in the province is 4.88, 10.08, 16.30, 51.80, 11.58 and 4.86 percent respectively (Nepali et al., 2018). The gender ratio within different social groups is also found disproportionately diverse such as women ration within Dalit 87.5 followed by indigenous nationalities 71.43, Madhesi 31.34, Muslim 38.46, Tharu zero and Khas-Arya women 25 percent.

Table 4: Gender and Inclusion Clusters' Ratio of Madhesh Provincial Assembly Members

Major group	First Past The Post (FPTP)				Proportional Representative (PR)				FPTP + PR			
	Female	Male	Total	Women percent within group	Female	Male	Total	Women percent within group	Female	Male	Total	Women percent within group
Khas-Arya	2	6	8	25.00			0		2	6	8	25.00
Dalit		1	1	-	7		7	100.00	7	1	8	87.50
Adibasi Janajati	1	2	3	33.33	4		4	100.00	5	2	7	71.43
Madhesi	1	40	41	2.44	20	6	26	76.92	21	46	67	31.34
Muslim		7	7	-	5	1	6	83.33	5	8	13	38.46
Tharu		4	4	-			0		0	4	4	-
Total	4	60	64	6.25	36	7	43	83.72	40	67	107	37.38

Source: Election Commission Nepal, 2022

Within Khas-Arya, as the majority of men won FPTP electoral system, the women's percentage is lowest. Similarly, among the total 40 women elected from both the electoral systems, the ratio of women from Madhesi, Dalit, indigenous nationalities, Madhesi, Muslim and Khas-Arya and

Tharu is 52.50, 17.50, 12.50, 12.50, and 5 percent respectively (Table:4). There is no representation of Tharu women despite of 4.86 percent population in the Province.

Bagmati province

In the election 2022, the women’s representation is 36.36 percent in Bagmati Province. But only 7.58 percent women were elected through the FPTP electoral system. From the social inclusion perspective, the representation of indigenous nationalities is 51.82, Khas-arya is 46.36 and Dalit is 1.82 percent, while there is no representation from Madheshi, Muslims and Tharu because their population size is also negligible. Still, there is underrepresentation of Dalit and indigenous nationalities compare to their population. The population distribution in the province is Khas-arya 37.10, indigenous nationalities 54.45 and Dalit 5.66 percent (Nepali et al., 2018). To see the women ratio within different social groups, it is cent percent in Dalit, 25.49 and 43.46 percent respectively within Khas-Arya and indigenous nationalities.

Table 5: Gender and Inclusion Clusters’ Ratio of Bagmati Provincial Assembly Members

Major group	First Past The Post (FPTP)				Proportional Representative (PR)				FPTP + PR			
	Female	Male	Total	Women percent within	Female	Male	Total	Women percent within group	Female	Male	Total	Women percent within group
Khas-Arya	1	33	34	2.94	12	5	17	70.59	13	38	51	25.49
Dalit			0		2	0	2	100.00	2	0	2	100.00
Adibasi Janajati	4	28	32	12.50	21	4	25	84.00	25	32	57	43.86
Madhesi			0				0		0	0	0	
Muslim			0				0		0	0	0	
Tharu			0				0		0	0	0	
Total	5	61	66	7.58	35	9	44	79.55	40	70	110	36.36

Source: Election Commission Nepal, 2022

Likewise, among a total of 40 women elected in the Province from the both systems, the proportion of women from Khas-Arya, Dalit and indigenous nationalities is 32.5, 5.0 and 62.5 percent respectively (Table:5).

Gandaki province

In Gandaki provincial assembly, of the 35 percent women elected from both the stsems, only 5.56 percent of them were elected through the FPTP system. From the social inclusion view point, there is representation of Khas-Arya 53.33 percent, indigenous nationalities 36.67 and Dalit 10 percent and no representation from other groups whereas the population distribution is Khas-arya 36.10 percent, indigenous nationalities 41.53, Dalit 17.62, Madhesi 3.45 and Muslim 1.17 percent (Nepali et al., 2018) in this province. The gender ratio within the social groups is also different. It is highest within Dalits with 83.33 percent women followed by indigenous nationalities 36.36 percent and Khas-Aryas 25 percent.

Table 6: Gender and Inclusion Clusters' Ratio of Gandaki Provincial Assembly Members

Major group	First Past The Post (FPTP)				Proportional Representative (PR)				FPTP + PR			
	Female	Male	Total	Women percent within	Female	Male	Total	Women percent within	Female	Male	Total	Women percent within group
Khas-Arya	1	22	23	4.35	7	2	9	77.78	8	24	32	25.00
Dalit	1		1	100.00	4	1	5	80.00	5	1	6	83.33
Adibasi Janajati		12	12	-	8	2	10	80.00	8	14	22	36.36
Madhesi			0				0		0	0	0	
Muslim			0				0		0	0	0	
Tharu			0				0		0	0	0	
Total	2	34	36	5.56	19	5	24	79.17	21	39	60	35.00

Source: Election Commission Nepal, 2022

Looking at the diversity among women, out of a total of 41 women elected from both systems in the Province, the proportion of women from Khas-Arya, indigenous nationalities and Dalit 38.10, 38.10 and 23.81 percent respectively (Table:6).

Lumbini province

The women representation is highest with 37.93percent in the Lumbini province among seven provinces. However, only 1.92 percent of women were elected in the Province through the FPTP system. To assess from the social inclusion aspect, the representation of Dalits is 4.60 percent, indigenous nationalities 17.24 percent, Madhesi 11.49 percent, Muslims 4.6 percent and Tharu 14.94 percent, while this ratio of Khas-Arya is 47.13 percent, even though their population in the

province is Khas-arya 30.03 percent, indigenous nationalities 34.46, Dalit 14.07, Madhesi 14.50 and Muslim 6.56 percent (Nepali et al., 2018).

Table 7: Gender and Inclusion Clusters' Ratio of Lumbini Provincial Assembly Members

Major group	First Past The Post (FPTP)				Proportional Representative (PR)				FPTP + PR			
	Female	Male	Total	Women percent within	Female	Male	Total	Women percent within group	Female	Male	Total	Women percent within group
Khas-Arya	1	26	27	3.70	13	1	14	92.86	14	27	41	34.15
Dalit			0		3	1	4	75.00	3	1	4	75.00
Adibasi Janajati		7	7	-	8	0	8	100.00	8	7	15	53.33
Madhesi		8	8	-	2		2	100.00	2	8	10	20.00
Muslim		2	2	-	2		2	100.00	2	2	4	50.00
Tharu		8	8	-	4	1	5	80.00	4	9	13	30.77
Total	1	51	52	1.92	32	3	35	91.43	33	54	87	37.93

Source: Election Commission Nepal, 2022

The women's percentage within Dalit is 75 percent followed by indigenous nationalities 53.33, Muslims 50, Khas-Arya 34.15, Tharu 30.77 and Madhesi 20 percent. Among the total 40 women elected in the Province, the proportion of women from Khas-arya, indigenous nationalities, Tharu, Dalits, Madhesi and Muslim is 42.42, 24.24, 12.12, 6.06, 6.06 percent respectively (Table:7).

Karnali province

Of the total 40 members in Karnali Provincial Assembly, 37.5 percent women were elected as members in 2022 election, however no single woman was elected from the FPTP electoral system. All women were elected through the PR system.

Table 8: Gender and Inclusion Clusters' Ratio of Karnali Provincial Assembly Members

Major group	First Past The Post (FPTP)				Proportional Representative (PR)				FPTP + PR			
	Female	Male	Total	Women percent within	Female	Male	Total	Women percent within group	Female	Male	Total	Women percent within group

Khas-Arya		22	22	0	9	1	10	90	9	23	32	28.125
Dalit		1	1	0	3		3	100	3	1	4	75
Adibasi Janajati		1	1	0	3		3	100	3	1	4	75
Madhesi			0				0		0	0	0	
Muslim			0				0		0	0	0	
Tharu			0				0		0	0	0	
Total		24	24	0	15	1	16	93.75	15	25	40	37.5

Source: Election Commission Nepal, 2022

Through both electoral systems, the representation of Khas-arya remained highest 80 percent followed by Dalits 10 percent and indigenous nationalities 10 percent whereas the population proportion is Khas-arya 60.96, and Dalit 22.92 indigenous nationalities 14.38 percent in the Province (Nepali et al., 2018). Since, there is no significant size of population of Madhesi, Muslim and Tharu, their representation remained zero. The gender ratio within different social groups, the ratio of women within Dalit and indigenous nationalities is equally 75 percent but only 28.12 percent in Khas-Arya. To look at the diversity among women, out of a total of 15 women elected through both systems, the proportion of women from Khas-arya, Dalit, indigenous nationalities and Khas-Aryan women is 60, 20 and 20 percent respectively (Table:8).

Sudurpaschim Province

Like Karnali Province no single number of women was elected through FPTP system however women representation is 33.96 percent in Sudurpaschim Province due to the proportional electoral system. Looking at the status of different social groups, from both systems, predominantly Khas-Arya represents with 79.25 percent followed by Tharu 13.20, Dalits 5.66 and indigenous nationalities 1.89 percent. The population proportion is Khas-arya 60.02, indigenous nationalities 20.75 and Dalit 12.94 percent in the Province (Nepali et al., 2018).

Table 9: Gender and Inclusion Clusters' Ratio of Sudurpaschim Province Assembly Members

Major group	First Past The Post (FPTP)	Proportional Representative (PR)	FPTP + PR
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	Female	Male	Total	Women percent within group	Female	Male	Total	Women percent within group	Female	Male	Total	Women percent within group
Khas-Arya		26	26	0	14	2	16	87.50	14	28	42	33.33
Dalit			0		2	1	3	66.67	2	1	3	66.67
Adibasi Janajati		1	1	0			0		0	1	1	-
Madhesi			0				0		0	0	0	
Muslim			0				0		0	0	0	
Tharu		5	5	0	2	0	2	100.00	2	5	7	28.57
Total		32	32	0	18	3	21	85.71	18	35	53	33.96

Source: Election Commission Nepal, 2022

To see the gender ratio within different social groups, the percentage of women is 66.67 percent within Dalits, 28.57 and 33.33 percent respectively within Tharu and Khas-Arya. Out of a total of 18 women elected in the provincial assembly from both electoral systems, the proportion is 77.78, 11.11 and 11.11 percent women respectively from Khas-arya, Dalit and Tharu.

Women are relegated in elected institutions

Normally, women are relegated to subordinate positions in the organizations, whether it is in developed or developing countries. This situation is observed in the elected institutions too. Table 10 shows the situation of the chief and deputy chief in the elected institutions in Nepal. Of the 18 seats speakers/chairperson and deputy speakers/vice-chairperson of the House of Representatives, National Assembly and seven provincial assemblies 55.55 are women but of the 9 seats of speakers and chairperson, 8 (88.88 percent) are predominantly from men. At federal, there is none from women for the post of speaker and national assembly though this ratio is 14.3 percent in the provincial assemblies. Only Karnali province got woman speaker among seven provinces (Table: 10).

Table 10: Gender and social ration of the heads and deputy heads of elected institutions

Cheifs&Deputy Chief	Sex Ratio			Inclusion Clusters						
	Female	Male	Total	Khas-Arya	Dalit	Adibasi Janajati	Madhesi	Muslim	Tharu	Total
Speaker & Deputy	1	1	2	1		1				2

Speaker (HoR)										
Chair & Vice Chairperson (NA)	1	1	2	2						2
Speakers & Deputy Speakers (PAs)	8	6	14	7	0	4	2	0	1	14
Total	10	8	18	10	0	5	2	0	1	18
percent	55.55	44.44	100	55.55	-	27.77	11.11	-	5.55	100

Source: Election Commission Nepal, 2022

The other aspects of relegating women are limiting women in the reserved seats and the proportionate representation electoral system which are ironically considered as the “second class” positions and treated accordingly. According to election result of Nepal election 2022, of the 825 total legislative members in House of Representatives and Provincial Assemblies, 288 (34.9percent) were women and of the total 288 women 266 (92.4percent) were elected through PR system. This is another form of issue of relegating women in the elected institutions in Nepal.

Intersectionality

To consider the existence of diversified groups in the society with different identity and situation, it is important to analyze from the intersectionality perspective too. One of the features of principle of proportionate representation is to ensure fair representation of diverse groups to safeguard their interests and perspectives. To analyze from intersectionality perspective to the results of federal and provincial level election 2022 of Nepal, Khas-arya occupies about 50 percent of the total seats of HoR but it shares only about 24 percent to women within this group. The indigenous nationality group secures 22 percent in total but it shares only 41 percent to women within the cluster. Likewise, this ratio is 31.71 and 42.86 percent in Madhesi and Tharu. Only Dalit and Muslim share 50 percent to women within their groups. Among women, of total 88 women elected in the HoR (out of 275) through both the electoral systems, the proportion of Khas-Arya women is the highest 37.5 percent followed by indigenous nationalities (28.41 percent), Madhesi (14.77 percent), Dalit (9.09 percent), Tharu (6.82 percent) and Muslim women (3.14 percent).

Similarly, the proportion of Khas-arya, Dalit, indigenous nationalities, Madhesi, Muslim and Tharu is 44.36, 5.64, 26.36, 15.27. 3.45 and 4.91 percent respectively in the seven provincial assemblies. Except Dalit, the women ratio in other groups is less than 50 percent. On the other hand, out of a total of 200 women who reached the provincial assemblies, the ration of Khas-

Arya women is highest with 34 percent followed , indigenous nationalities women 33, Dalit women 12.5, Madheshi 12.5, Muslim 4 and Tharu women 4 percent. In case of chiefs and deputy chiefs of the HoR, NA and PAs, 55.56 percent of both chiefs and deputy chiefs belong to the Khasa-Arya group. After that, 27.78 percent are from indigenous nationalities, while 11.11 and 5.55 percent are from Madheshi and Tharu respectively. There is not even a single person from Dalits and Muslims. Hence, there is no properly inclusive and gender responsively balanced representation to consider the diversified characteristics of Nepali society and their population proportions.

Challenges

There are a number of issues concerning the electoral process and the representation of women and marginalized groups in elected institutions. The patriarchal and caste-based social systems, social beliefs, norms, and values not only suppress, subordinate, and discriminate against women and excluded groups, but also marginalize them in decision-making processes and institutions. It is more common in elected institutions. Due to the structural barriers, women and marginalized groups face challenges to promote participation and establish leadership in all aspects of the election process. Dalit women face challenges to run for office due to social structure, demographic distribution, and caste discrimination. In the electoral management process, there are insufficient efforts to achieve gender equality and social inclusion. The lack of coordination and interdependence between the election commission and other concerned agencies in addressing GESI concerns in the elections (Election Commission, 2077). Political parties are unable to embrace and address the issue of women and inclusive clusters in order to develop their leadership and capacity by incorporating them into thematic, regional, and different levels of committees. Women and marginalized groups do not have equal access to resources due to their economic, social, and educational status. Another issue in the election management sector is a lack of gender and social clusters' disaggregated data (Election Commission, 2077).

‘Women running for election face numerous challenges including addressing discrimination or cultural beliefs that limit women’s role in society, balancing private, family and political life, gaining support from political parties and securing campaign funding’ (IPU, 2023). In the Nepalese context, ‘empowering people of backward class, region, sex, caste, ethnicity, and

communities in accordance with the GESI principle as provided by the constitution and laws; ensuring participation and representation of women and marginalized groups in all election processes and steps; institutionalizing the representation, participation, ownership, and leadership of women and target groups by mainstreaming from the GESI perspectives in all levels of election; some challenges include institutionalizing the representation, participation, ownership, and leadership of women and target groups by mainstreaming from the GESI perspectives in all levels of election management and maintaining a common perspective/understanding on gender and inclusion among the election commission, political parties, and other election-related stakeholders' (Election Commission, 2021). Other challenges include 'maintaining coordination, complementary, and coordination among election commissions, political parties, and other election-related stakeholders with regard to gender and inclusion policies, plans, and programs, ensuring at least one-third women in all levels of political party committees and key posts, representing women and inclusion clusters people spontaneously based on population for the posts, and ensuring at least one-third women in all levels of political party committees and key posts; representing women and inclusion clusters people spontaneously based on the population for the posts apart from the legally mandatory seats; empowering people from women and inclusion clusters making them able for collective bargaining for their representation and arranging election costs to women and inclusion clusters' candidates from the state fund by applying positive discrimination principles for the election expenditures' (Election Commission, 2021). Political finance is regarded as a major challenge for female candidates because there is a high pressure to spend large sums on campaigns, but political parties have limited capacity to support candidates in fundraising and are unwilling to support female candidates, and women have less access to funds than men (IFES, 2020). All these problems and challenges are affecting to substantial and meaningful participation of women and marginalized groups in the elected institutions.

Conclusion

Due to the federal structure, constitutional and legal system and electoral system, the representation of women and marginalized groups is increasing in the federal system as compared to the centralized and unitary state system. The quota system and Proportional Representation Electoral System has significantly been a milestone for increasing the

representation of women and underrepresented group in Nepal. This system is becoming a mean to fulfill minimum requirement of women's representation in the election institutions. But this trend has not been stable. Reservation and PR system contributed to increased representation and could not address the issues of relegation and intersectionality significantly. In 2022, the representation of women in the House of Representatives decreased by 1.53 percent compared to 2017, while it increased by 1.96 percent in the Provincial Assemblies. From an inclusion point of view, the representation of Madhesi and Dalits respectively decreased by about one and 1.18 percent in the House of Representatives whereas it decreased by 2.73 and 0.46 percent in the provincial assemblies. Since the basis of the principle of proportional inclusion is not clearly defined in legal and other terms, the representation of women and other social groups have not increased as expected. Still there is predominant of high caste men in the elected institutions even after federalism with about 50 percent in HoR and more than 44 percent in provincial assemblies. Mostly high caste men are elected through first past the post system. Through the first-past the post system less than 8 percent women were elected in HoR and provincial assemblies, In Karnali and Sudurpashchim provinces no women were elected through the system. There is different situation of women in the provinces. Lumbini province has highest (37.93 percent) and Sudurpashchim has the lowest (33.96 percent) representation of women in total. Women and inclusive cluster groups have been pushed to come through proportional representation electoral system who are more under control of the political parties because they do not have direct people's mandate, so they cannot play effective role. Although there is a system in which the Speaker and Deputy Speaker of the House of Representatives and the Provincial Assemblies must be of different genders, there is no system that requires them to be from different communities, so it is difficult for some groups including Dalits to reach to those positions. Although there is an arrangement that at least one-third of the political party structures should be women, but silence about in the key posts which has affected to developing of women's leadership. In Schedule-1 of the House of Representatives Member Election Act, 2074, the order of inclusion cluster for the closed list of candidates as first Dalit then indigenous nationalities and other but in Regulation Dalits is ordered in the third that has negatively affected to adequate representation of Dalits. The quantitative target of Sustainable Development Goals is achieving 34.4 percent by 2022 but there is doubt to achieve at federal level though achieved at provincial levels. Therefore, it is necessary to address the legal, procedural and behavioral gaps

to achieve greater gender equality and social inclusion in the elected institutions for the social justice. This requires more commitment and concerted action by law-makers, election commission, political parties and women and underrepresented groups themselves for being serious to address the issues.

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