



Journal of International Women's Studies

Volume 21
Issue 2 *Articles from the 5th World Conference
on Women's Studies, Bangkok, Thailand*

Article 8

April 2020

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Recommended Citation

Upreti, Bishnu R.; Upreti, Drishti; and Ghale, Yamuna (2020). Nepali Women in Politics: Success and Challenges. *Journal of International Women's Studies*, 21(2), 76-93.
Available at: <https://vc.bridgew.edu/jiws/vol21/iss2/8>

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Nepali Women in Politics: Success and Challenges

By Bishnu Raj Upreti¹, Drishti Upreti², Yamuna Ghale³

Abstract

This paper is based on an extensive three-year research project employing qualitative methods. In this paper we will discuss women's struggle for equality in Nepal, their current successes in the political process, and remaining underlying challenges. The aim of this paper is to share with a wider audience that establishing equality and equity is hard but not impossible if and when constant efforts are made in a concerted way by bringing all likeminded people (men and women, politicians and parliamentarians), together. Nepal has been undergoing tremendous socio-political transformations over the past two decades, from civil war to negotiated peace, unitary to federal and monarchical government, and ultimately to the current republican political system, where the role of women is eminent. Historically, despite unfavourable circumstances, Nepali women have established themselves as key actors of socio-political changes. Under the leadership of Yogmaya Neupane (1860-1941), Nepali women began their struggle during the Rana Regime and advanced since the 1950s, by engaging both in popular peaceful political movements to armed insurgency and parliamentary competition with their male political counterparts. As a result, the new constitution of Nepal in 2015, ensured 33 % of seats, guaranteed to the parliaments and all other government positions as well as provision of male-female alternate seat provisions in the highest positions such as President and Vice President, Chief and Deputy Chief of Parliament (in both upper and lower houses), Mayor and Deputy Mayor where two of one must be female. Further, it has ensured inclusive provisions in all state structures. As a result, from the national and local elections of 2017-18, women have come to occupy 41.8% of political positions across the country. One of the key factors to ensure higher and meaningful participation of women in politics were these favourable electoral provisions. We found that despite numerous challenges that women face in political and electoral processes, they have demonstrated success in achieving higher participation in political positions. However, what has been achieved so far is not enough and continued concerted action among all actors is essential.

Keywords: Nepal civil war, women in government, socio-political processes, parliament, qualitative methods,

Women's struggles for political reform

Nepal, a landlocked country and officially a Federal Democratic Republic at present, sits on its rugged terrain and topography of high mountains in the north and fertile flat plains in the Terai along the southern slopes between two Asian giants, India and China. The country, whose current population stands at 29.8 million (UN, 2019), had been reeling under the prolonged autocratic rule of the Ranas for over 104 years. It was during the period of decolonization of South

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Asia and the departure of the British from India, that the Rana oligarchy came to an end (Einsiedel, Malone, & Pradhan, 2012) in 1951 (Sharma, 2006). Nepal thus entered into a series of unstable democratic experiments, with prevalent political instabilities. The monarchy of King Tribhuvan announced an interim government and an interim constitution for a period up to the election of Parliament in 1959, in which the Nepali Congress Party (NCP) won with a two-thirds majority. In early 1961, the then King Mahendra dissolved the first elected two-thirds majority government of the NCP and altogether banned all political parties in order to take absolute monarchical power into his own hands (Gurung, 2011) to form a unitary top-down, centralized, monarchical state referred to as the "*Panchayat System*" (Khadka, 1986).

The struggle of women for equality and political participation goes back more than a century, during these periods of political instability. Nepali women's engagement in social, economic, and political freedoms have not been properly documented. In line with this observation, referring to Thapa (2012), Dhungana (2014) argues that the history of women's struggle for their freedoms is not well documented in Nepal because men were the writers of history (Dhungana, 2014). Thapa (2012) argues that many women such as Ambalika Devi, Lok Priya Devi, Chandrakala Devi, Mangaladevi, and Divya Koirala among many others, have contributed to Nepali literature, art, and politics but very few have been included in the narratives of official records (Thapa, 2012).

Historically, for example, Queen Rajendra Laxmi led a process to unify Nepal; Mrs. Kamala Kunwar (the wife of the warrior Balabhadra Kunwar) participated in the Nalapani Fort battle⁴ in the Anglo-Nepal war in 1814-16. Dhungana (Dhungana, 2014, p. 46) referring to (Onta, 1996) indicates that there were the dead bodies of women inside the Nalapani Fort where Nepali fought against the British Army, indicating that Nepali women fought against the attempted British invasion.

The direct engagement of, and confrontation with the ruling elite for the rights of women began with Mrs. Yogmaya Neupane (1867-1941), born at Simle, Bhojpur, and Eastern Hill of Nepal. Neupane organized and lead protests against discriminatory practices demanding *Dharma Rajya* (meaning "good governance" in the religious state of the time); she demanded respect for and the social and political participation of women (Lotter, 2017). Under the leadership of Yogmaya Neupane, Nepali women began fighting against suppression and discrimination of women. Dhungana referring to Sangraula (May 4, 2011) highlights that that Yogmaya gave voice to the voiceless, including women, lower castes, and the marginalized at a time when the country cowered under the Rana rulers. She was a true revolutionary marrying three times during a time when widow marriage was treated as an unpardonable offense by the rulers. Yogmaya submitted petitions to Prime Ministers Bir Shumsher, Chandra Shumsher and Juddha Shumsher for demanding alms and *dharma-rajya* (Hutt, 2013; Rana, 2011). The Prime Minister Juddha Shumsher assured her that her demands would be met, but they were not. Hence, Yogmaya and her 204 followers made plans for mass immolation in order to put the weight of the deaths on the ruler's conscience. But before they were able to commit immolation, Yogmaya and her followers were arrested and jailed in Dhankuta and Bhojpur. Yogmaya became the first woman in the country to obtain a jail sentence for her political beliefs. Yogmaya was released four months later. As the rulers did not make any reforms, Yogmaya and her 67 followers hurled themselves into a swollen

⁴ Nalapani was a fort where there was a battle between Nepali soldiers and the British Army of Colonial British India.

Arun River in their final act of rebellion⁵ on 14 July 1941 and they all perished⁶ (Dhungana, 2014; Sangraula, 2011; Aziz, 2001).

The women's movement was further advanced with the support of educational and political organizations. Another woman reformer, Yogmaya Koirala created the first organization of women called the 'Women's Committee' in 1974 (Shrestha, 2011). Prior to that, Chandrakanta Malla had established the Padma Kanya School in 1945 to provide opportunities for girls to become educated. As well, Rebenta Kumari Acharya established the women's organization, Aadarsha Mahila Sangh in 1945 (Thapa, 2008). Further, women leaders had established several women's political organizations. For example, Mangala Devi Singh created Nepal Women Associations: Punya Prava Devi Dhungana created the 'All Nepal Women's Association' in 1947 Kamal Rana created the Women's Volunteer Services in 1952 and Rohini Shah established Birangana Dal, or The Association of Brave Women (Dhungana, 2014). Through these formal organizations, Nepali women were able to influence policy to some degree and acquire some legal rights. These included 'equality before law', enshrined in the Nepal Government Act-2004 B.S., and later was recognized in the 1950 Constitution (Neupane, 2004). Further, the Nepali Congress Party mobilized female college students for political purposes. Women students such as Kamaksha Devi Rana, Hira Devi Tuladhar (Yemi), Ram Maya, Sadhana Pradhan Adhikari, Sahana Pradhan and many others became very active and even started to protest by showing black flags to King Mahendra in 1961 as political dissent (Shah, 2004, p. 113). During the autocratic Panchayat political system too, Nepali women were actively engaged in fighting for their rights (Upreti, Adhikari, Shivakoti, & Kolas, 2018).

Although under the direct rule of King Mahendra major reforms were established in infrastructure development—ranging from health, education, communication, agriculture, road networks and transportation—failure to gain the public trust, repeated corruption scandals of officials, bans on political parties, and suppression of opposition voices all weakened his legitimacy. This corruption led to democratic protests and opposition to end 30 years of unitary rule by the Panchayat Regime, protests in which the role of women was equally important as of men (Pandey, 2019; Upreti et al. 2018). In the 1990s, a mass movement against the Panchayat system was jointly called by the NCP and alliance of the leftist parties, popularly known as *Jan Andolan One* (Hachhethu & Gellner, 2010). This movement was led by Ganesh Man Singh along with other senior leaders of the NCP and Communist Parties for the restoration of a multi-party system. Women leaders such as Sahana Pradhan and Sailaja Acharya, among others played crucial roles in restoring the multi-party system in 1990 in Nepal (Pandey, 2019).

Armed conflict, the peace agreement, and women's engagement

Developing countries are often prone to civil unrest in comparison to developed countries, because of high poverty rates and inequality, pervasive gender-based discrimination, high unemployment, poor governance, and frequent changes in government (Upreti, 2009; Sharma, 2006). On these grounds, the Communist Party of Nepal (Maoist) [CPN (Maoist)] at the time initiated an armed insurrection in February, 1996 (Yami, 2007). The insurgency created huge destruction: according to the Ministry of Peace and Reconstruction, *17886 people were killed, 1530 were disappeared, 79571 persons were displaced, 3142 persons were abducted, 8935*

⁵ <https://www.peacewomen.org/content/nepal-yogmaya-neupane-nepals-first-female-revolutionary>

⁶ Their sacrifice had a long-term impact as this case was the foundation for women's organized efforts for their liberation movement.

persons were disabled, 9000 women became widows, 620 children became orphans, and the property of 17484 people was damaged, causing the country multi-billion in economic losses" (Upreti et al. 2018: P78). With pressure on all areas of life for the Nepali people, the government and the CPN (Maoist) came to sign a Comprehensive Peace Agreement (CPA) on 21 November 2006 (Upreti, 2009). Consequently, with the promulgation of the new Constitution in September of 2015, the country entered into a Federal Democratic Republic with 7 Provinces and 753 local governments, in which 41% were women, elected at all levels of the new government.

The People's Movement I (1990) and the role of women

The People's Democratic Movement, also known as or *Jana Andolan I* (1990) restored democracy and overthrew 39 years of the "party-less Panchayat system" (Srivastava & Sharma, 2010). This Movement, an alliance of the banned political parties who were against the Panchayat regime, led to street protests and violence between February and April of 1990 where the riot police attempted and failed to control the masses (Thapa, 1999). Wide sections of Nepali society—students and teachers, academicians, journalists, intellectuals, farmers, business persons, actors, poets and even bureaucrats—participated in the People's Movement with women playing a central role among these groups. Consequently, the King was required to compromise. Finally, he declared the restoration of multiparty democracy (which was snatched by his father in 1961) with a constitutional monarchy. Women had played a crucial role in the protests and demonstrations; several women even became martyrs. Ms. Sahana Pradhan had represented women on the team of negotiators from the side of Democratic Movement, to pressure the King to restore multi-party democracy. They convinced the King to renounce his powers, vesting the sovereignty in the people. He also formed an interim government in which Ms. Pradhan became a senior member of the 7-member cabinet (Pfaff-Czarnecka, 2005).

The central reasons for widespread participation in the street protest of the 1990s People's Movement, were a combination of the country's underdevelopment, gender discrimination, income inequality, regional disparity, ethnic and caste discrimination, and suppression of the voice of the opposition, and the ban on political parties (Khanal, 2007). Once the King agreed to rewrite a new constitution, a constitution drafting committee was formed with representatives of the King and the alliance of political parties. Thus, a new constitution emerged, with more democratic rights and more opportunities for women in politics (Thapa, 1999).

In 1991, as per the provision of the 1990 Constitution, general elections were held under the newly reintroduced multi-party, political system in 1990. The 1990 Constitution of the Kingdom of Nepal required that at least five % of the candidates of the parties must be women, in the election of the Lower House of the Parliament (Mahato, Paudyal and Baruah, 2019). This provision facilitated women's participation in politics but the mindset of the male decision makers in all political parties restricted to create conducive space for women.

The Peoples' Movement II (2006) and women's roles

The monarchy came to end, because of the swell of resistance—including an outpouring of popular street protests in which women also played a central part—to the King's unconstitutional actions, taking complete power by arresting political parties which he branded as corrupt; failing to govern the country, suppressing the media and civil rights activists, and labeling the CPN (Maoists) as terrorists (with the hope—unfulfilled—that international powers would

support him (Upreti, 2009). Consequently, the seven political parties formed an alliance, popularly known as the Seven-Party Alliance or SPA, engaging with the Maoists to fight against the direct rule of the King. Hence, the tripartite conflict (among the democratic political parties, the King and the Maoists) was reduced to binary conflict between the King and the combined forces of the banned Maoists and the SPA. The SPA then called for a protest against the King's takeover, strongly backed by the CPN. Consequently, nearly half of the population of the country poured into the streets to protest. The King mobilized the military, but he was not able to control the mass protests spreading across the country, and ultimately, he had to surrender. The SPA formed an interim government and began peace talks with the CPN. They agreed to a different reform agenda including the abolition of the monarchy, and the Comprehensive Peace Agreement (CPA) was signed on 21 November 2019. The Constituent Assembly (CA) Election was then held on the 10th of April 2008. At the first meeting of the elected CA, they abolished the monarchy and declared Nepal as a Federal State on 28th May 2008.

Holding to their three core demands in the formation of an interim government, an elected Constituent Assembly and a Republican State, the CPM and the government called for a joint ceasefire in August 2001 (Murthy, 2003). Following the failure of the second peace talks during the end of 2001, violent attacks by the CPN at an army barrack led to major death tolls (Upreti, 2009) after which a State of Emergency was called. Now, the CPM were regarded as the "terrorists" (Murthy, 2003). In June 2001, after the tragic royal massacre occurred the new King Gyanendra (the brother of the late King Birendra) had attempted to impose an authoritarian system in 2002 by dissolving the Parliament and installing his puppet government (Khatiwada, 2014). The political parties were in constant opposition, and as tension between the political parties and the King mounted, the King took power on 1 February 2005. Then, the situation completely changed: the seven major parliamentary parties formed an alliance known as the Seven-Party Alliance (SPA). Leaders of the SPA with India's involvement, signed a 12-point understanding with the CPM, laying down the conditions of collaboration (the end of autocratic monarchy; the end of armed conflict; major political and social reforms) finally laying a solid foundation for the nationwide People's Movement II in 2006 (Upreti & Sapkota, 2017). This movement forced the King to reinstate the dissolved Parliament (as he had done previously) and return political power to the democratic parties. This was the basis for CPA, which officially ended the decade-long armed conflict (Bhattarai-Ghimire & Upreti, 2008). In the People's Movement II, the role of women was also crucially important (Pandey, 2019; Upreti et. al., 2018).

Women's Participation Mandated by the Interim Constitution

The Maoists and the SPA jointly agreed on the 2007 Interim Constitution which provided for 601 CA members, with a mixed electoral system; 240 were to be elected by the First-Past-The-Post (FPTP) system and 335 through a Proportional Representation (PR) System. Out of 575 elected members, 195 seats were reserved for women; each political party was required to ensure that 30% of women's participation was through the FPTP system, and 26 members were to be nominated from various walks of society. In the Constituent Assembly Election (10 April 2008) the CPN secured a landslide victory, and its leader Pushpa Kamal Dahal Prachanda became the first elected Prime Minister of the Federal Republic of Nepal in August 2008 (Haug, Aasland, & Dahal, 2009). The quota provision introduced in the Interim Constitution contributed to an increase women's participation in the CA and legislative structures.

Women's status and key actors of socio-political change

Despite unfavorable circumstances throughout the political history of Nepal, as noted earlier in the paper, Nepali women have established themselves as key actors of socio-political change (Upreti, 2009; Pandey 2019). Again, the struggle of women in the political process began with the birth of the women's movement in Nepal during the period of *Rana* rule (prior to 1950) and continued in the *Panchayat* era (1961-1990) (Thapa, Bhandari, Gautam, & Adhikari, 2015). Women leaders played significant roles in both periods. Their names are important to add into the historical record: Yogmaya Neupane, Sadhana and Sahana Pradhan, Mangala Devi Shrestha, Sadhana Pradhan (Adhikary), Kanak Lata Shrestha, and Sneha Lata, Sailaja Acharya, Bidhya Bhandari, Hisila Yami, Jayapuri Gharti, Binda Pandey, Onsari Gharti, Chitra Lekha Yadav and many others. Nepali women who were once deprived of all kinds of political, social and economic rights, victims of oppressive cultural, religious and social traditions emerged as key actors in fighting for and securing their rights (Pandey, 2019; Upreti et al., 2018; Upreti 2009) now formalized through the Constitution of Nepal 2015 (GoN, 2015). This does not mean that the oppressive conditions have been obliterated; de jure protections must infiltrate into society; many girls and women still experience de facto discrimination embedded in cultural norms, beliefs, and practices.

Still, women have been able to engage in all popular peaceful political movements; they fought in the armed insurgency against the state/monarchy⁷ and have also been able to ensure their seats in the Parliament and other important constitutional positions including President, Chief Justice, Speaker of the Parliament, Deputy Prime Minister, Ministers, Secretaries, and members of Constitutional Commissions (Upreti et al. 2018). It is also important to note that during the brief period of multi-party democracy in 1959, Dwarika Devi Thakurani from Dadeldhura was the first woman to serve the portfolio of Deputy Minister of Health and Self Governance under the government led by the Nepali Congress (Mahato et al., 2019).

The collective efforts of many women indicate a history of women's movement activity in Nepal. The 21-member women's organization, the *Nepal Mahila Sangh* led by Mangala Devi Singh 8 August 1947, to fight for women's equality through a single platform (Sellars-Shrestha & Tamang, 2015). The newly formed *Nepal Mahila Sangh* firmly stood against injustice, oppression and inequalities faced by women as well as harmful practices including child marriage, polygamy, and marriage of young women (even of age) to much older men (IDEA, 2011). The delegation of women leaders (Mangala Devi Singh, Sahana Pradhan, Sadhana Pradhan (Adhikary), Kanak Lata Shrestha, Sneha Lata) demanded equal voting rights for women with then Prime Minister Padma Shamsher, (IDEA, 2011; Sellars-Shrestha & Tamang, 2015) providing inspiration and encouragement to other women leaders to continue their struggles.

Regarding women's involvement in the armed conflict, Manchanda (2010) argues that the role of women during the Maoists insurgency helped to redefine women's roles and paved their way to the Constituent Assembly. Referring to the female Maoist leader Hisila Yami, Rita

⁷ Women's participation in armed insurgencies is a complex issue in relation to women's "empowerment," equity, and role transformation, and there are differing viewpoints emanating from distinct branches of feminism, in evaluating women's involvement as indicators of increased power, agency and self-determination. Women are often subjected to high levels of sexual violence, do not receive proper health and sanitation facilities and their roles in armed conflicts as fighters and even commanders do not on their own, lead necessarily to any direct corollary in positions of power and influence in post-conflict periods. Nonetheless, given women's long history of exclusion from battle and leadership positions within the institutional structures of armed uprisings, it is important to point out women's involvement in the Maoist insurgency in Nepal and to explore the impact of their participation, as it is in each circumstance of women's involvement in armed conflict, globally.

Machanda indicated that during the period of the Maoist insurgency, women constituted more than 30 per cent of the People's Liberation Army⁸ (PLA) (both as political commissars and fighting militia (Manchanda, 2010). The political history of women has also witnessed the activism and struggle in the face of heroic guerilla leaders such as Shanti Shrestha, Kamla Bhatta and Devi Khadka (Gautam, Banskota, & Manchanda, 2001). The main reason for women's participation in the armed insurrection waged by the CPN, according to the then Maoist woman leader Hisila Yami⁹ were class and sexual oppression, two factors that propelled women to revolt (Manchanda, 2004).

After the introduction of affirmative action in 2007, the new constitution of 2015 guaranteed 33 per cent of all seats in the Constituent Assembly (CA) to women (Lotter, 2017), previously unimaginable. After the end of the armed conflict and provision of the new Constitution, the country also embraced women's roles in high political office, including a woman President (Bidhya Devi Bhandari) since 2015. The country's first female Chief Justice of the Supreme Court, Sushila Karki, was appointed in 2016. Similarly, Onsari Gharti Magar became the first female unopposed elected Speaker of the Parliament of Nepal in 2015.

The CPA was a fundamental milestone in paving the path for women's political participation. Hence, a brief discussion on women's participation in different political structures is presented in the table below.

⁸ However, the verification of the CPN, ex-combatants by United Nations Mission in Nepal (UNMIN identified only 19 % of women participating in the PLA.

⁹ She revolted from the NCP, with her husband Baburam Bhattarai (who was second in command in the party after Puspa Kamal Dahal aka Prachanda) and formed another reformist Naya Sakti Party but was unable to operate it and it merged with another regional party.

Table 1: overview of women's participation in Election	
Election	Results for Women Candidates
1959 Parliamentary Election	6 women contesting in election lost where total 109 men were elected (Suwal, 2013)
Rastriya Panchayat 1986 (legislative) Election	Out of total 140 members, 3 women were elected (Mongbay, 2013)
Parliamentary, 1991	Out of 205 legislative representatives only 7(3.4%) women were elected (Yemi, 2010)
Parliamentary and Local Bodies, 1999	12 (5.85%) of total 205 member of parliaments were women and 806 (19.4%) of total 4146 local elected representatives were women (UNESCO, 2001)
Constituent Assembly, 2008	30 out of 240 elected CA members were women of the total 601 CA members (Election Commission, 2008)
Constituent Assembly 2013	Out of 240 elected candidates total 10 (4.1%) candidates were women (Shahi, 2013)

Source: (Dhungana, 2014)

Women in the 2006 reinstated parliament

The 19 days of *Jan Andolan II* forced King Gyanendra to hand over state power to political parties and reinstated the dissolved House of Representatives as per the demand of the agitating political parties. During this time, the rebelling political parties asked the Speaker to organize a parliamentary street meeting, but he favored the King and refused to call a street meeting of Parliament. However, the woman Deputy Speaker Chitra Lekha Yadav called the parliament meeting in the street and chaired it. She played a crucial role in reinstating the dissolved Parliament (House of Representatives). She has also since played a pivotal role in raising women's issues which added a new dimension to the Nepali women's movement (IDEA, 2011).

Women in the 2007 Interim-Constitution

The interim constitution of Nepal 2063 (2007) under clause (3) of sub-clause (b) includes that political parties shall ensure proportional representation of women, *dalit* (so-called “untouchables” outside the caste system), oppressed communities/indigenous peoples, “backward regions”, Madhesis¹⁰ and other classes. In addition, it mentions that at least one-third of the total number of candidates nominated shall be women (GoN, 2007). The reinstated legislature Parliament of 2007 saw participation of approximately 17.3% women from the major political

¹⁰ The Madhesis are an ethnic group living mainly in the southern plains of Nepal, close to the border with India, who have long felt marginalised by the country's northern hill people. Like the hill people, Madhesis are predominantly Hindus with some Muslims and very few Christians.

parties (See table 2), demonstrating that women were outnumbered by men, with only 57 women participating out of 330 candidates belonging to the major political parties even after 83 members were added from the CPN, of which 31 were women 37.4%.

Table 2: Women's Participation in the reinstated Legislature Parliament in 2007			
Party	Total	Participation by Women	
		Number	Per cent
Nepali Congress	133	10	7.5
CPN (UML)	83	12	14.5
CPN (Maoist)	83	31	37.4
Others	31	4	12.9
Total	330	57	17.3

Source: As cited in (IDEA, 2011)

Women in the 2008 Constituent Assembly

As a result of the strong provisions in the Interim Constitution 2007, that favored more participation of women in politics, the Constituent Assembly election of 2008 became historic as approximately 53 per cent of voters were estimated to be women outnumbering men voters (Kanel, 2014). The Constitution made a significant contribution in terms of gender equality as a 33% quota had been allocated for women representatives ranking Nepal 16th out of 140 countries in terms of the percentage of women in national parliament (UNDP, 2010).

Table 3: Women's Participation in Various Committees of the first Constituent Assembly (2065 B.S.-2070 B.S.)		
Different Committees of the first Constituent Assembly (CA)	Number of Women in the committee	Women chairing the committee
Constitutional Committee	16	
Fundamental Rights and Directive Principles	15	Binda Pandey
Minority and Marginalized Community Rights	17	
State Restructuring and State Power Sharing	12	
Committee for determining the pattern of Administrative Organs	11	
Committee for Determination of State Government	12	
Jurisdiction	16	
Committee for Structure of Constitutional Body	15	
Natural Resources, Financial Rights and Revenue Sharing	7	Amrita Thapa Magar
Committee for determining the basis of cultural and social solidarity	19	Nabodita Chaudhary
National Interest Conservation	9	
Civil Relations	15	Meena Pandey
Civil Concept Compilation and Coordination	14	
Capacity Building and Source Management	18	
Total 14	196	4

Women in the 2013 Constituent Assembly

In 2013 a new election was held, under the chairpersonship of the Supreme Court Judge Mr. Khil Raj Regmi, following the 2012 dissolution of the Constituent Assembly. Compared to the 2008 election, fewer women were elected in the 2013 CA election. The major political parties saw losses in the number of women candidates from 96 in 2008, to 77 in the 2013 CA election. However, the percentage of women in the CA remained 30 per cent out of 601 members (Dhungana, 2014) mainly because of the constitutional provisions of proportional representation in the electoral system.

Women in 2015 Interim-Constitution of Nepal

The Constitution of Nepal 2015 adopted the principles of inclusive democracy and became the most representative body ever formed in Nepal. The Constituent Assembly had 33% representation of women in the Central and Federal Parliament (Dahal, 2017) and 40% in local

government (CEDAW, 2018). The Constitution also has provisions to include at least one woman in the two leadership position system, among the highest positions of the nation (e.g. Presidents or Vice-President, Speaker or Deputy Speaker, Chair or Vice Chair of the National Assembly must be women) and at least 33 per cent representation of women in the State structure, as well as one representative position for women as the head and deputy head of local governments (Upreti et. al., 2018). This Constitution also ensures maintenance and promotion of diversity, social and cultural solidarity, tolerance, and harmony and ensures financial equality, prosperity and social justice by ending class, ethnic, regional, linguistic, religious, gender discrimination and all types of racial discriminations (Mahato et. al, 2019; Upreti et. al, 2018). However, some ethnic groups and people of Madesh-Terai are still arguing that this constitution is not able to address all their concerns and needs amendment.

Women in the present Parliament

The year 2017 became a landmark year for Nepal as it conducted the first elections since the adoption of its new Constitution in 2015 and the first at local levels after more than 17 years under the federal republican political system. It was also a successful year in terms of women's political empowerment and social inclusion as it saw representation from women and marginalized voters and candidates. At the local level, 41 per cent of newly elected officials were women along with 34 per cent Provincial assembly seats reserved for women (UNDP, 2017).

Women in the 2017-2018 provincial election

The provincial elections of 2017-18 saw participation of women candidates in almost all of the major political parties, underscoring this as a historic moment in terms of gender inclusion (see table 4). This was the first provincial and local election after the promulgation of the Constitution in 2015 under the federal republican system. Women achieved their quota of 40.4 per cent mandated by the Nepal Election Commission, including the higher posts of mayor and deputy mayor, in which parties were required to include at least one, woman candidate in either of the posts. However, the candidacy and the elected representatives of men outnumbered women candidates.

Provinces	Political parties	Elected Male representatives in local elections	Elected Female representatives in local elections
Province 1	Nepali Congress (NC)	1204	794
	Unified Marxist Leninist (UML)	1849	1370
	Maoist Centre (MC)	317	189
	Sanghiya Samajwad (SS)	79	61
	Others	111	68
Province 2	Nepali Congress (NC)	1042	689
	Unified Marxist Leninist (UML)	711	538
	Maoist Centre (MC)	665	463
	Sanghiya Samajwad (SS)	610	445

	Others	857	585
Province 3	Nepali Congress (NC)	1093	673
	Unified Marxist Leninist (UML)	1749	1278
	Maoist Centre (MC)	522	349
	Sanghiya Samajwad (SS)	104	58
	Others	0	0
Province 4	Nepali Congress (NC)	1053	711
	Unified Marxist Leninist (UML)	950	702
	Maoist Centre (MC)	208	143
	Sanghiya Samajwad (SS)	0	0
	Others	104	61
Province 5	Nepali Congress (NC)	948	659
	Unified Marxist Leninist (UML)	1133	810
	Maoist Centre (MC)	868	367
	Sanghiya Samajwad (SS)	139	105
	Others	257	170
Province 6	Nepali Congress (NC)	643	401
	Unified Marxist Leninist (UML)	862	554
	Maoist Centre (MC)	669	469
	Sanghiya Samajwad (SS)	0	0
	Others	76	44
Province 7	Nepali Congress (NC)	943	624
	Unified Marxist Leninist (UML)	943	692
	Maoist Centre (MC)	313	221
	Sanghiya Samajwad (SS)	0	0
	Others	64	41

Source: (NEC, 2017)

Though a woman representative has been able to retain the position of President (1), 17 in the House of Representatives, 6 in the Provincial Assembly and 21 in National Assembly, the ratio of male and female elected representatives still shows a huge percentage gap difference of 98.16%:8.13% (See table 5). This shows that power structures and hierarchy still prevail in Nepali politics.

Table 5: Elected Candidates in House of Representatives (Pratinidhi Sabha) and Provincial Assembly (Pradesh Sabha) of 2017 based on the gender

Gender	Elected House of Representatives	Elected Representatives in Provincial Assembly	Elected Representatives in National Assembly	President	Vice-President	Total	Percentage
Male	313	159	35		1	508	91.86
Female	17	6	21	1		45	8.13
Grand Total	330	165	56	1	1	553	100

Source: (NEC, 2017)

Women leaders in other areas

According to the census of 2011, the population of Nepal is 48.5 per cent male and 51.8 per cent female; the total population of women is 7,996,422 (MoPE, 2017). After the successful completion of local, provincial, and federal elections in 2017, Nepal not only installed a Federal State but also took steps towards gender and social inclusion in the government, ending the age-old exclusionary processes. In recent years, the share of women in wage employment in the non-agricultural sector has improved to 44.8 per cent in 2013 from 18.9 per cent in 1990. Similarly, the proportion of seats held by women in the National Parliament increased from 3.4 per cent in 1990 to 32.8 per cent in the last Constituent Assembly (ADB, 2017). Women are also taking steps toward leadership in the private sector (Federation of Nepal Chambers of Commerce and Industries), universities, public limited companies and networks such as the Federation of Users Committees, and the like.

The Constitutional provisions have helped to bring about positive socio-political transformation in the country. Some women CA members, including Amrita Thapa Magar, Binda Pandey, Pratibha Rana, Sapana Pradhan Malla, Puspa Bhusal, Shanta Chaudhari, Purna Kumari Subedi to name a few, have played important roles in ensuring provisions for addressing women's concerns in the Constitution (NDI, 2010).

During the armed conflict (1996-2006), many men from the rural parts of the country migrated in enormous numbers, rendering agriculture in Nepal a feminized sector (Ghale, 2008). Although this added to their still-required domestic workloads, women nonetheless were able to increase the scope of their decision-making and negotiate with warring parties. Women have also entered into private enterprises. After the 1995 Beijing Declaration, the government introduced various gender-based initiatives, increased microfinance support systems, and introducing gender policies and programmes in government bodies and NGOs (Bushell, 2008). Various NGOs, governmental organizations and civil society have also promoted women's rights, peace and rehabilitation beyond direct political participation (Upreti, et.al, 2018).

Ongoing challenges for women

While the patriarchal system of Nepal has been weakened across the above sectors discussed in this article, it still persists (Upreti et al., 2018). This is apparent in the ongoing discriminatory practices pervasive in the society including at the household level (Upreti, 2009). Patriarchy is systemic across political, economic, social and cultural systems and it encompasses multiple, intersecting axes of discrimination in addition to gender. In the case of Nepal's

patriarchal system gender and sexuality intersect with caste, indigenous and ethnic status as well as religion. Dismantling patriarchal systems across the globe that have been built up over millennia, including in Nepal is a long-term, multi-generational process.

Women's minimal participation in the Parliament is on persistent issue in government. According to Khakurel et al, 2011, only 27 out of 197 women had previous parliamentary experience, and for other 170 women representatives, it was a completely new experience. Similarly, it was also mentioned that 17.9 per cent of women CA members had no formal education and could hardly read and write (Kanel, 2014). Hence, majority of parliamentarian women have problems understanding complex, legal issues and therefore experience great difficulty to engage meaningfully in political debate.

Further, some women having political positions belonged to higher class and castes or were close relatives of male politicians and were largely subordinate to the male leaders (Kanel, 2014). Even with the provision of 33 per cent participation of women in the CA, in some cases, the influence of women in the decision-making and constitution-building processes has been found to be limited. Men often do not acknowledge their participation in debates and discussions on general subjects (Rai, 2015). Hence, access of poor and marginalized women from the remote rural areas in the political position is still a challenge, and the social norms of patriarchy persist in political interactions.

During the *Panchayat* era, only three seats were reserved for women; after the *Jana Andolan I* of 1990, the quota for women in Parliament was raised to 5%. Women were severely underrepresented in the cabinet and women politicians did not exceed 6% at any time until 2007 (Lotter, 2017). Though democracy was restored, and the country moved towards a more inclusive State after 1990, "women were denied the right to pass their citizenship to their children" (Haug, Aasland, & Dahal, 2009). For the Constitution of 2015, amendments in the Nepal Citizenship Act, 2006 were suggested where one of the key points stated, "A person shall have the right to acquire a citizenship certificate through the name of either parent and shall be allowed to choose among the permanent address of the father or the mother" after which a child can now acquire citizenship in the name of the mother as well (FWLD, 2016). However, Pant, 2014 has stated that a special provision has been made to ensure children can acquire their citizenship from the name of mother instead of father for the children born out of rape or if fathers are not known. (Rai, 2015).

Despite the favorable legal and policy frameworks, women's representation, particularly in the executive, judiciary, and bureaucracy still remain low (Upreti, et.al, 2018).

An exploratory study conducted by the Asia Foundation on the needs and capacity of Nepal's locally elected women representatives revealed the major challenges faced by 190 women representatives who were elected locally. Of the 53 per cent of the surveyed representatives who indicated some of the challenges they faced after being elected, 19 per cent cited facing problems of time management, 9 per cent cited financial problems, 6 per cent cited problems of caste and gender-based discrimination, and 3 per cent cited problems of transportation (Asia Foundation, 2018).

Conclusion

From Rana rule to the Panchayat era to the Maoist insurgency and the Federal Democratic Republic, Nepal has undergone lengthy and massive socio-political uncertainties and changes. However, Nepali women have constantly challenged the patriarchy in all its dimensions. They initiated a movement for their rights—one that has been largely ignored in the literature—more

than 100 years ago under the leadership of Yogmaya Neupane, a movement that continues today. Even though the road for women towards political participation has not been easy, they have been quite successful over the last decade in securing their rights. Achieving the 33 per cent quota in the Parliament and other political and bureaucratic structures is an example of such success.

Though the Constitution of 1990 brought much hope for the country's political transformation and guaranteed considerable political rights, civil liberties, and individual freedom, it was only able to introduce a few changes regarding gender-discriminatory laws. After the signing of the CPA and the promulgation of the Interim Constitution, the one-third representation in government structures for women was secured. Consequently, the motivation for women to engage in the election process also increased. The Constituent Assembly election of 2008 became historic as women's participation outnumbered men—an example of such motivation.

The Constitution of 2015 promised at least 33% of women's participation in all the State operations. At the local level, 41 per cent of newly elected officials were women along with 34 per cent of Provincial assembly seats reserved for women. However, despite the promise of including women's representation in the State restructuring, women have been denied political power at the local level. Women candidates have been elected in the Parliament simply to fulfill the quota of including women representatives. As noted above, many operational problems in the daily execution of Parliamentary duties persist due to entrenched discrimination.

The women of Nepal are still not freed from the burden of living in a patriarchal society. Too often their capacity to participate in Parliament at quota levels has been questioned, rather than holding up for scrutiny the forms of discrimination and lack of opportunities that have underprepared women for equal participation. The influence of women in decision-making and constitution-building process remains limited. Though women have become successful in acquiring higher positions (e.g., President of Nepal, earlier Chief Justice of Supreme Court and Speaker of the Parliament), achievements not even possible to imagine two decades ago, the achievements attained thus far are not enough. Continued, concerted action among all actors is essential.

Acknowledgments

The authors would like to acknowledge the Feminization of Agriculture, Transition and Rural Employment (FATE) research project funded by the Swiss National Science Foundation and Swiss Agency for Development and Cooperation (SDC) for supporting this research. The authors are grateful to all the respondents for their valuable information. We would also like to express our sincere gratitude of Professor Dian Fox, the editor in chief of the journal for her time and efforts to correct English and providing text in appropriate places to make article more interesting.

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