

# Analyzing Reservation Policies in Civil Service of Nepal

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## Abstract

*State belongs to all its citizen. This is why it has to create such a conducive environment where every kind of citizens' right are secure and they can freely exercise their opportunities. People feel justice when they get equal access to power, resource and opportunity created by the state. In order to increase this access, Reservation is one of the tools of social inclusion which has been recently introduced in Nepal. The main motive behind the policy was to increase participation and expand capacities of the marginalized communities as well as women in the civil services. This paper tries to access this reservation policy taken by the Government of Nepal and seeks to find how much it has been able to solve the problems of marginalization.*

## 1. INTRODUCTION:

Nepal is one of the most diverse countries in terms of ethnic, culture, religion and languages. The recent census of 2011<sup>1</sup> has categorized 125 caste as well as ethnic communities in Nepal out of 26.5 million populations. Though Nepali speaking people count 44.6 percent of the total population, over 92 identified languages are spoken in Nepal and 10 types of religion are practiced. 25 percent of the population lives below the poverty line<sup>2</sup>. Social exclusion is known to be one of the main problems in this country. The process of exclusion

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<sup>1</sup> [www.cbs.gov.np](http://www.cbs.gov.np)

<sup>2</sup> This poverty mapping was done on the basis of purchasing power for a household on minimum calorie of food needed. Nepal Living Standard Survey of 2010-11 did this by constructing food basket of the poverty line by estimating how much the poor spend to reach a minimum calorie requirement of 2,220 Kcal per day.

has been identified to be mainly based on Hindu caste system, socio-cultural stratification and patriarchal system of the society.

There is no single set of indicators of socially excluded groups till now. The poor range over a wide variety of social groups irrespective of caste, religion and geographic regions. Women cut across all categories irrespective of caste, ethnicity, individuals with disabilities, or children. Six categories, based on sex, caste, ethnicity, region, religion and physical condition, have been listed as excluded groups. (GSEA, 2006)

The problems/issues regarding these excluded groups have been identified as: Poverty, Marginalization from mainstream development, discrimination, under-representation in politics and bureaucracy and lack of competent power. Similarly, Culture, language and religion are not adequately protected. Most are affected by the conflict, Women have been always kept out of decision making process and lack share in property and other resources.

Nepal initiated different kind of policies so as to solve the problems of social exclusion. One of the prominent steps was abolition of slavery in 1934. Some major initiatives are targeted to promote equality, participatory development, social security, positive discrimination, reservation on government employment, local development, targeted program, gender budgeting and end of discrimination. In order to increase participation in civil service, government introduced reservation system, with second amendment of Civil Service Act, for women, Ethnic groups, Madhesi, Dalit, Disabled, and the people belonging to remote areas.

Despite all these efforts, the impact has not been realized significantly. Nepal is one of the top ten achiever in Human Development Index<sup>3</sup>. However the gap between 'haves' and 'haves not' seems widening (NLSS, 2010-2011). Total percent of population below poverty line in agricultural wage sector and highly marginalized *Dalit* caste is 44 percent which is much high than National level (25 Percent). Moreover, political and bureaucratic representation of

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<sup>3</sup> According to the Human Development Report of 2010, the 20th Anniversary Edition, Nepal is one of the top countries who are the fast movers in increasing their Human Development level.

these marginalized communities has been very low as compared to their proportion in population.

### ***1.1 Objective of the Study:***

The objective of this study is to find out; to the what extent the reservation policy initiated by the government of Nepal has squarely address the problems of exclusion in civil service of Nepal.

In gaining this objective, this study has tried to seek answer for the following sub question:

- A. Who are the excluded groups in Nepal?
- B. What are the major problems related to the exclusion?
- C. What are the policy responses in solving those problems of exclusion?
- D. Is the reservation policy sufficient enough to address the problem?

### ***1.2 Analytical framework***

(a) The dependent variables are the problems created by exclusion which include under-representation in civil service, lower competitive capacity, and low attraction towards civil services.

(b) The independent variables is the reservation policy of the government of Nepal..

(c) And, the hypothesis is "Despite some achievements, inadequate policy response and weak implementation has not been able to squarely address the problems of exclusion in civil service of Nepal."

This research is mostly qualitative and descriptive. This paper has tried to focus on impact of the reservation policy on increasing participation and capacity development through documentary analysis of reservation practices in Nepal with special focus on the attraction of marginalized communities towards civil service and their success rates.

### ***1.3 Data and material used:***

All the data used is secondary data. Most of the used data are from Annual Reports of Public Service Commission (PSC), Human Development Reports by UNDP, Nepal Living Standard

Survey (NLSS) 2010-2011, Population and Housing Census 2011 by Nepalese Central Bureau of Statistics, and Personnel Information System (PIS) of Nepal Government.

#### ***1.4 The implications of results***

This research is a small attempt to categorize the issues of exclusion in civil service of Nepal and assessment of constraints in public policies as a response to the issues. Furthermore, it has tried to identify some key issues for future researches. The recommendation might be useful for policy makers.

## **2. THEORETICAL CONCEPT OF RESERVATION**

State has been regarded to be a product of human action. State operates through the loyalty of the people so it has some obligations for its citizens. State belongs to all the people so it has to create such a conducive environment where every kind of citizens' right are secure and they can freely exercise their opportunities. People feel justice when they get equal access to power, resource and opportunity created by the state.

Societies have been found to be fragmented over religion, gender, ethnicity, race, color and culture since long. This is why we cannot find a state where justice has been fully realized by each and every people. In order to overcome the situation, the notion of inclusiveness has been introduced. It tries to correct the *historical wrongs* made by state to some of its people. Reservation or Affirmative action is one of the tools of inclusive policy which is mainly focused on increasing participation through employment, of marginalized people in government and related services as well as in education system of the country. Beside this, developing their competitive capacity is another intention. However, this concept is not free of controversy. Many scholars believe that Reservation affects the merit based selection (Chalam, 1990). Furthermore, it helps in preserving the discrimination because state itself, through reservation, recognize people with separate status.

Many states has implemented Reservation as a tool to solve the problem of exclusion in our

societies. Thus, it is necessary to clarify the concept of exclusion first. Adelman and Morris (1973) see it as lack of opportunity to meet basic needs for substantial sections of the population. Sen regard this as a 'capability deprivation' and describes two forms of exclusion; *active exclusion* and *passive exclusion* in our societies<sup>4</sup>. Sen further clarifies that both forms of exclusion are important, to consider, but not in similar way. Similarly, Institute on Social Exclusion, Adler School of Professional Psychology has defined Social exclusion as processes by which entire communities of people are systematically blocked from rights, opportunities, and resources that are normally available to members of society and that are key to social integration.<sup>5</sup>

### 3. PROBLEMS AND SOLUTIONS

Exclusion is one of the oldest problem in our societies. Exclusion practiced or perceived, limits people's opportunities to participate freely and fully in the community, halting the system to achieve the set objectives. It is psycho-biologically painful as well<sup>6</sup>. Its negative effects on society can destabilize our systems. Another aspect is that it is against global concept of Human Right. Due to many conventions against discrimination at the global level, the issue of exclusion has not remained mere domestic issue in any country. Many scholars have tried to relate exclusion with widespread poverty. According to them exclusions increases poverty and ultimately poverty becomes a reason for exclusion as well (Sen, 2000). Solution to exclusion may be different in different context. Basically it depends on the type of exclusion which exists in the society. As the concept of social exclusion has been used in very different ways, different countries have tried to solve those issues in their own way. However, these efforts are commonly known as *inclusive measures*. Reversing the process of

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<sup>4</sup> According to Sen Active Exclusion arises from the policies directly taken by a state. Such as immigrants and refugees do not get political status from the state so they fall on actively excluded category. On the other side when, the deprivation comes about through social processes in which there is no deliberate attempt to exclude, the exclusion can be seen as a passive kind. A good example is provided by poverty and isolation generated by a sluggish economy and a consequent accentuation of poverty.

<sup>5</sup> <http://www.adler.edu/page/institutes/institute-on-social-exclusion/about>

<sup>6</sup> MacDonald, G., & Leary, M. R. has studied the relationship between social and physical pain and found that is it as painful as other physical pain. Their research is published in *Psychological bulletin*, 131(2), 202.

exclusion needs mainstreaming the marginalized communities and provide them rightful sharing in Power, Resource and Opportunity (Korten, 2011). There may be many kinds of tools for social inclusion; Positive Discrimination, End of Discrimination, Equality, Social Security, and Reservation. However, these inclusive measures are not free of controversies. Many scholar believe that Social Inclusion policies specially Reservation policies further increase the discrimination in our society and it is against the principle of equal treatment by a state as well (Pojman, 2010)

#### 4. EXCLUSION IN NEPAL

Nepal is a multifaceted country regarding social structure which involves multi-ethnic, multi-religious and multi-linguistic societies. More than 125 caste/ethnic groups speaking more than 90 languages, live in different parts of this small mountainous country.

The main 10 Caste/Ethnic group is presented in the table 1.

Table 1. Major Caste/Ethnic Groups

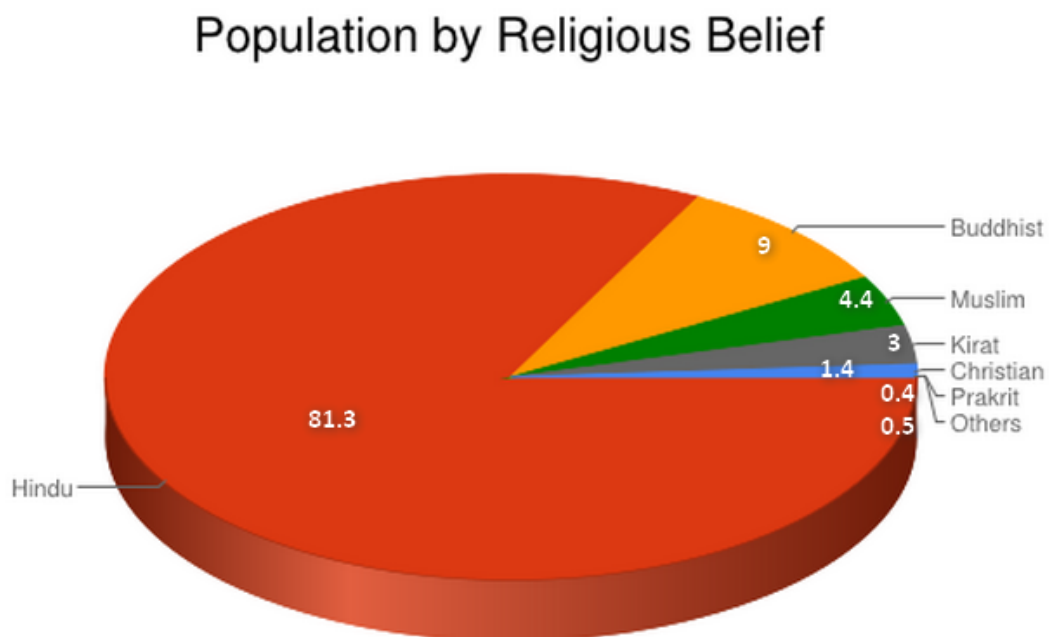
Caste/Ethnicity	Population:	Percentage:
Chhetri	4,398,179	16.6
Bramhin Hill	3,226,903	12.2
Magar	1,887,733	7.1
Tharu	1,737,470	6.6
Tamang	1,539,830	5.8
Newar	1,321,933	5.0
Kami	1,258,554	4.8
Muslim	1,164,255	4.4
Yadav	1,054,458	4.0
Rai	620,004	2.3

(Source: Population and Housing Census, 2011)

The *Chhetris* and *Bramhin* are regarded as higher class in the Hindu caste system. They

consist of 28.8 percent of the population. The total Indigenous Nationalities<sup>7</sup> includes more than 40 percent of population. The Nepal Federation of Indigenous Nationalities<sup>8</sup> has classified the 59 indigenous groups into five categories based on a set of socioeconomic indicators: ‘endangered’, ‘highly marginalized’, ‘marginalized’, ‘disadvantaged’ and ‘advantaged’. At the bottom of the scale are the so-called endangered and highly marginalized groups. These groups rank very low on human development indicators. More than 90% of endangered and highly marginalized groups live in remote rural areas and rely on subsistence agriculture or hunting and gathering.<sup>9</sup> The *Thakalis* and *Newar* caste belong to the advantaged category. On the other side, Dalit consist 13 percent of the population. Dalit are untouchable groups under Hindu caste system. By religion, Hindus dominates the country with 81.3 percent of the total population. The figure below shows the distribution of population by religion:

**Figure. 1: Population by Religion:**



(Source: Population and Housing Census, 2011)

Moreover, 1.94 percent of total population is disabled and has a kind of or multiple type of

<sup>7</sup> National Janajati Development Committee identified 59 types of Indigenous Nationalities in Nepal.

<sup>8</sup> <http://www.nefin.org.np/index.php>

<sup>9</sup> <http://un.org.np/oneun/undaf/endangered>

disability On literacy side, the total literacy rate is 65.9 percent. However, 57.4 percent of women are only literate while in male population the percent of literacy is 75.1 percent. This figure also show that women of Nepal are far behind male in terms of education.

The level of marginalization in different groups can be seen from different figures. According to Nepal human development report 2009 Poverty incidence of Nepal in 2003-04 was 30.8 % on average. Though, disaggregated data by caste and ethnicity indicated the highest level of poverty in *Dalits* at 45.5 %, hill Ethnic Nationalities at 44 %, Muslims at 41.3 % and Terai Ethnic Nationalities at 35.4 %, respectively. Likewise, *Newars* have it at 14 %, *Brahmin/Chhetri* at 18.4 % and the Terai middle caste at 21.3 % (NHD Report 2009, p.45).

The disaggregated data of 2010-2011 NLSS survey shows almost the same trend. Incidence of poverty is much high than national level in *Dalits* of Hill and Terai. *Newars* are only the caste group under ethnic nationalities, which has lower incidence of poverty. (See in Table)

Table 2. Poverty incidence according to caste/race:

Ethnicity/Race	Population under Poverty line (In percentage)	Population Distribution
Hill Bramhin	10.34	12.7
Hill Chhetri	23.40	17.8
Terai Bramhin	18.61	0.5
Terai Middle Caste	28.69	15.4
Hill Dalit	43.63	8.7
Terai Dalit	38.16	4.6
Newar	10.25	6.2
Ethnic Nationalities-Hill	28.25	21.8
Ethnic Nationalities-Terai	25.93	7.1
Muslim	20.18	4.3
Others	12.34	0.9

Source: Nepal Living Standard Survey



The important thing to notice with this disaggregated data is that decreases in poverty rates have

been very unequal across the caste ethnic groups. The most excluded group is *Madhesi Dalit*, followed by hill *Dalit*, *Muslims* and Terai and Hill Ethnic Nationalities. This reveals that marginalized caste and ethnic groups have higher poverty incidences and greater gender differentials.

Not only in economic aspect, *dalit* people have been facing discrimination of untouchability as well from long before. Untouchability is one of the inhumane discrimination existing in this country. Altogether, there are also many other indigenous ethnic and caste groups who have been historically disadvantaged, and who continue to lag behind in their income and asset levels, educational achievements and human development indicators, and to the extent to which they are represented in the power structure.

#### 4.1 Who are the excludes?

Forms of marginalization or exclusion has been measured very few times in Nepal but exclusion in this country is expected to expand on several dimensions. However, The Nepal Gender and Social Exclusion Assessment (GSEA) Report, 2006<sup>10</sup> has categorized six dimension of social exclusion in Nepal (See Table 3). These dimension include: Gender, Caste, Ethnicity/Race, Language, Religion, and Geo/Political. Form of exclusion on each dimension may be different but women falls on all the dimensions and the level of exclusion have been noticed to enhance as the area of dimension expands. It means women of subordinate caste group faces more exclusion than woman of dominant caste group.

Table 3: Dimensions of Exclusion in Nepal:

Social Category Status	Gender	Caste	Ethnicity/Race	Language	Religion	Geo/Political
Dominant	Men/Boys	Bramhin Chettris	Caucasoid	Nepali	Hindu	Parbatiya: Hill Dweller
Subordinate	Women/Girls	Dalit	Janajati/Mongoloid	Other	Non Hindu	Madhesi: Plain Dweller

Source: GSEA Report, 2006

#### 4.2 Causes of the Exclusion:

Many scholars have tried to find the reason behind this multi-faceted exclusion in Nepal. Bhattachan (2009) blames practice of Hindu caste system and discriminatory laws practiced by feudal rulers as the main culprit. Nepal remained under feudal and authoritarian regime for more than 200 years and the foundation for the rule was mostly Hindu system. In Hindu societies, practice of caste division has been seen common, though some argue (Jain, 2011) that caste system that is practiced today is not desired output of caste division by ancient

<sup>10</sup> GSEA was combined effort of UNDP and DFID to explore the dimension of exclusion in Nepal. Summary report entitled 'Unequal Citizens' is available at: <http://siteresources.worldbank.org/EXTSOCIALDEV/Resources/3177394-1168615404141/NepalGSEASummaryReport-part1.pdf>

Hinduism.<sup>11</sup> Whatever it be, caste system is seen in parts of India and Nepal where most of the Hindu people live. As the mechanism for the governance was based on Hindu system in Nepal, caste system also reflected in the domestic laws. For instance, The Muluki Ain or Country Code of 1854 AD brought all these diverse groups of Nepal together under a single legal system and created a hierarchy based on Hindu division. Those people who were not Hindu were also placed on a hierarchy. This system remained, on legal grounds, for many years until 1962 when a law was passed making it illegal to discriminate against the untouchable castes.

The consequence of the exclusion reflects on several dimensions but if we consider for the excluded people under the six dimension explained above, the common problem faced by them is poverty, under-representation and discrimination.

Closeness and isolation from rest of the world became enabling factor to sustain different forms of exclusion in Nepal. Though the process of building domestic regulation based on principle of justice began in 1950s when feudal regime ended and Nepal turned into democratic state, but royal took-over of political regime in 1960 forced the country backward and King's authoritarian rule remained for more 30 years. Several corrective measures were initiated by the government in this period also but the royal inclination was more with Hindu caste system which resulted in extension of marginalization of non-Hindus and so called lower caste groups.

Figure 2 represents the hierarchy system that existed in Nepal.

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<sup>11</sup> According to Jain, system of varna caste division was the outcome of tolerance and trust. He argues, "Though it may now have degenerated into an instrument of oppression and intolerance and tends to perpetuate inequality and develop the spirit of exclusiveness, these unfortunate effects were not the central motives of the varna (Division) system."

Figure- 2: Caste Hierarchy created by civil law of Nepal.



(Source: Bennet et al., 2006)

The woman, on each and every caste group, remained marginalized because of the male dominated society as same as in many other countries. The Gender Equity Index for the women of Nepal is 47 which is considered very low.<sup>12</sup> The women of Nepal have been found suffering from many forms of discrimination; Social, Cultural, Legal, Political and Economical. Despite they constitute half of the population, their representation in government, politics, bureaucracy, development activities and resource sharing was comparatively much lower. For instance, women contribution to agricultural production being above 60 percentage, the total land holding is merely eight percent. (SocialWatch)

Regain of democracy in 1990 opened the doors of Nepal to globalization. Free flow of ideas through many actors like NPOs, NGOs and other institutions bought western concept of governance and diversity management into this country. Nepal became signatory to may international convention on Human Rights and conventions on non-discrimination against women and other backward communities. Being party to these conventions, it was necessary to amend domestic laws in accordance to international standards. In the same period, Ethnic

<sup>12</sup> [www.socialwatch.org](http://www.socialwatch.org)

Nationalism got fertile environment to grow and marginalized people began to demand for pro-marginalized policies as pointed out by Hangen (2007).

New movements initiated in Nepal became enabling factors to introduce the concept of Social Inclusion, Social Security and Affirmative actions in Nepalese domain. Nepalese civil service being highly dominated by upper caste people and people living in urban areas like *Newar* communities, demand for quota on civil service went strong. The table provided by Lawoti (2007) shows the representation of different caste/race groups in civil service as well as other sectors of Nepal before the introduction of inclusive policies in Nepal.

**Table 1. Ethnic/Caste representation in governance, 1999**

Institutions	CHHE		Dalit		Madhesi		Newar		Indigenous Nationalities		Other		Total number
	%	#	%	#	%	#	%	#	%	#	%	#	
Judiciary: Supreme, appellate, district	181	77	0	0	18	7.7	32	13.6	4	1.7			235
Constitutional bodies and commissions	14	56	0	0	3	12	6	24	2	8			25
Cabinet	20	62.5	0	0	5	15.6	3	9.4	4	12.5			32
Parliament: Lower & Upper Houses	159	60	4	1.5	46	17.4	20	7.6	36	13.6			265
Public administration, police, army elite	190	77.6	0	0	9	3.7	43	17.6	3	1.2			245
Central members of national political parties	97	58.4	0	0	26	15.7	18	10.9	25	15.1			166
District Development Committee chair/vice chairs, mayor/deputy mayors	106	55.8	0	0	31	16.3	30	15.8	23	12.1			190
Industry/commerce association leaders	7	16.7	0	0	15	35.7	20	47.6	0	0			42
Education: administrative & academic elite, and teachers association leaders	75	77.3	1	1	7	7.2	11	11.3	2	2.1	1	1	97
Culture: Organization and association leaders	85	69.1	0	0	0	0	22	17.9	6	4.9			113
Science/technology: organization and association leaders	36	58.0	0	0	6	9.7	18	29	2	3.2			62
Civil society association leaders	41	75.9	0	0	4	7.4	8	14.8	1	1.9			54
<b>Total</b>	1,011		5		170		231		108		1 0		1,526
Percentage (a)	66.25		0.3		11.1		15.1		7.1		0		100
Population %, 1991 (b)	31.6		8.7		30.9		5.6		22.2		0.1		100
Difference % (a-b)	+34.65		-8.4		-19.8		+9.5		-15.1		-1		
Domination ratio (a/b)	2.1		0.03		0.56		2.69		0.32				

*Source:* Adapted from Neupane, 2000:82.

*(Source: Lawoti, 2007)*

### **4.3 Problems of the Exclusion:**

The facts given above clearly point out that several communities of Nepal have been excluded from the mainstream. Not only direct or indirect discrimination but poverty and under-representation in governance system have also been some common problems they are facing. It is responsibility of a state to correct this undesirable situation as soon as possible.

## 5. INTRODUCTION OF RESERVATION SYSTEM IN NEPAL:

Nepalese government constructed a project named Governance Reform Program (2001-2005). One of the responsibility of this project was also to explore the level of marginalization and to suggest corrective measures for the government. The project report, first time in Nepal, proposed quota reservation for marginalized people of Nepal. The Interim Constitution of Nepal 2007 also guaranteed the right to equality. Clause 3 of article 13 mentions that “*nothing shall be deemed to prevent the making of special provisions by law for the protection, empowerment or advancement of women, Dalits, ethnic nationalities (Adibasi-janajati), Madhesi or farmers, laborers or those who belong to a class which is economically, socially or culturally backward or children, the aged, disabled or those who are physically or mentally incapacitated*”. This constitutional provision along with some other similar provision opened the door to establish Reservation system in civil service of Nepal. Eventually, to make civil service more representative, the second amendment of the Civil Service Act in 1991 has made provision to recruit 45 percent of the employees on inclusive basis. Of these 33 percent are reserved for women, 27 percent for the Adibasi-janajatis (Ethnic Nationalities), 22 percent for *Madhesi* (terai people), 9 percent for the Untouchables, 5 percent for disabled and the rest 4 percent for backward areas. Here, for the clarification of the law, *Aadibasi* means antediluvian Residence, *Janajati* means Excluded from Hindu caste classification, *Madhesi* means Claimed antediluvian residence of terai region and has specific cast, mother tongue and culture. Similarly, *Dalit* means previously discarded untouchable and segregated groups of cast, Disabled means Physically or mentally unable, and Women means Human female.

Beside this, the Act also made an arrangement of reviewing the impact of the above provision in a period of ten years. Moreover, the Act has fixed 40 years as the age bar for women candidates to enter in the civil service, whereas the maximum age for entry into the service is 35 years. The government of Nepal has, through a notification in The Nepal

Gazette, specified the positions for which only women candidates could compete owing to the specific nature of the work involved. Civil servants who fall under the above inclusive category have a grace period of one year for being the potential candidates for promotion.

### ***5.1 Nepalese Civil Service:***

Nepalese civil service is one of the major employment creator in Nepal. For instance, in 2012 Public Service Commission asked application for 2803 vacancies in government job. Though the history of modern civil service is much shorter than the history of the country. Modern Nepalese civil service got its foundation only after dawn of democracy in 1951. That year Public Service Commission was established and Butch Commission led by N.M. Butch, an Indian administrative expert, suggested to build some basic structure of civil service in Nepal. This was the starting point and it grew further. Present Administrative structure of Nepal government is segmented into the central and field levels. At the central level, there are Ministries, Departments, Constitutional Bodies and other central level offices. It is assumed that out of 75,000 civil servants 40 percent are employed at the central level. All the civil servants are hired on a permanent basis by the Public Service Commission (PSC).

According to constitutional provision of Nepal, Public Service Commission is a sole authority to conduct examinations for the selection of suitable candidates to be appointed to Civil Service positions. In order to select suitable candidates through open competition, it conducts competitive written examinations, competitive practical examination, Short-listings of candidates, and Interview for the final selection. The vacant positions in Government Offices need to be given to PSC and it selects suitable candidates for those positions and recommends the government to appoint them. These government positions are of several types but basically divided into three categories; Gazetted, Non-gazetted and Class-less. Under these categories there are different positions. All these categories along with positions fall under 10 types of services which form civil service in Nepal.

Many efforts have been undertaken in the past to make better Nepalese Civil service. For instance, Administrative Reorganization Planning Commission, under the Prime Minister Tanka Prasad Acharya, played very important role in introducing the Civil Service along with the availability of necessary rules and regulations in the field. Following the Acharya Commission of 1956, various attempts on administrative reforms through the formation of commissions were made in Nepal as the commissions submitted their reports with necessary recommendations.<sup>13</sup> Unfortunately, even a single commission never brought the policy of inclusion to disadvantaged groups – Women, *Madhesi*, Ethnic Nationalities, *Dalit*, and other marginalized in administrative mechanism of the country. As a result, these groups remained marginalized and deprived of representation in the civil service. Thus, during feudal *Rana* and Authoritarian *Panchayat* regime, they were deprived of congenial environment of opportunity to join the civil service and pro-marginalized civil service curriculum. In this scenario, the main objective to introduce Reservation in Nepalese civil service was to build such an environment where deprived people can also enter the service. Because, before the new system, very few candidates of these groups were able to enter the service and the representation of these communities in civil service was much low than their ratio in population.

## **6. ASSESSMENT OF RESERVATION SYSTEM IN NEPAL:**

Five consecutive years have been passed since the introduction of reservation policy in Nepal. This period is not sufficient enough to evaluate the effectiveness of any public policy. However, it is necessary to analyze the trends it has shown. For this, use of data generated by PSC has been considered as appropriate in evaluating the reservation system because PSC is the sole authority to conduct various types of examinations in civil service of Nepal. After the implementation of the system, five annual reports have been released by PSC. This analysis is mostly based on those reports.

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<sup>13</sup> Some of the major commission to suggest on reform of the Nepalese civil service in this period include the Jha Commission: 1968, Thapa Commission: 1975, and Koirala Commission: 1990.



### **6.1 Allotment of Seats<sup>14</sup>:**

In this period PSC published notices for 17 thousand 6 hundred and 59 seats. Among them, 2031 were for promotion based schemes, 2206 for internal competition examinations and 13422 for Open Competition. Out of these 13422 seats, 8329 seats were allotted for free open competition and 5093 were allotted for reserved quotas commonly known as inclusive seats.

The figures above reflects that percentage-wise allotment of the seats for inclusive quotas is only 38 percent. This seems low than what the civil service act has provided (45 Percent). This happened because PSC operates on three different kind of acts; Civil Service Act, Health Service Act and Parliament Secretariat Act. Health service act has not yet introduced the reservation system, so those all seats related to health services have been counted as non-inclusive seats.

The table 4 shows further division of the 5093 seats under different inclusive groups. This division does not seems in accordance with the provisions of the laws. This is because of the error in allotment of decimal points. Though, total allotment percent for inclusive groups is 45 percent and in the sub groups it is almost near to the legal provisions.

*Table-4: Allotted seats for Reserved Quotas:*

<b>Reserved Category</b>	<b>Number of Seats:</b>	<b>Percentage:</b>
Woman	1743	34
AJ	1334	26
Madhesi	1113	22
Dalit	526	10
Disabled	233	5
Remote Area	144	3
<b>TOTAL:</b>	<b>5093</b>	<b>100</b>

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<sup>14</sup> Here Seat means the vacant position in civil service which needs to be fulfilled by PSC with different types of examinations.

## 6.2 Gender-wise distribution of the Applicant:

Number of women and male applicants in the five consecutive years is shown in the table 5.

Table 5: Male-Female ratio of the Applicants:

S.N	Year	Women		Men		Total
		Number	Percentage	Number	Percentage	
1	2008	67,435	39	107,687	61	175,122
2	2009	32,457	38	53,711	62	86,168
3	2010	139,963	47	160,500	53	300,463
4	2011	110,307	43	141,344	57	251,651
5	2012	113,785	42	157,792	58	271,577

(Source: PSC Reports)

According to this table, we can say that the number of women candidates has increased after the introduction of the reservation system. However, it is not up to the demographic composition where female population is 51.5 percent and male is 48.5 percent of the total population.

## 6.3 Number of Successful Candidates

In these five years 10,809 candidate were able to succeed the open as well as inclusive types of examinations (including interview examination also). Out of this, number of candidates on inclusive category were 3561 which is about 33 percent of the total seats. The number of

SN	Reserved Category	Number of Seats:	Percentage:
1	Woman	1310	37
2	AJ	975	27
3	Madhesi	730	20
4	Dalit	302	9
5	Disabled	141	4
6	Remote Area	103	3
	TOTAL:	<b>3561</b>	<b>100</b>

successful candidates under different inclusive groups is shown in the table 6.

Above table shows that number of successful candidates is not accordance with the allotted percentage by the law. Percentage of women seems higher than the allotted percentage while percentage of *Madhesi*, Disabled and Remote area is low in compassion to allotted percentage. Reason behind this can be related to the situation where nobody becomes able to get the minimum marks in the examination. According to PSC reports, 277 seats on Inclusive categories were unfulfilled because no candidate became able to get the minimum required level in the examination. This incidence reflects two major pints:

- A. Entry of marginalized community cannot be ensured just by allotting certain seats.
- B. Though some people argue that affirmative action of seat reservation affects the principle of meritocratic selection, this type of mixed system (with quota and meritocratic selection) will not give merit based selection to die. Even the seats are reserved for certain groups, they have to at least get minimum requirements to enter the service.

#### **6.4 Gender Status in Civil Service:**

Table shows the male female ratio in civil service of Nepal as per data given by *Nijamti Kitabkhana*, (the Personnel record office of the Government of Nepal):

Table 7: Ratio of Male and Female Employees:

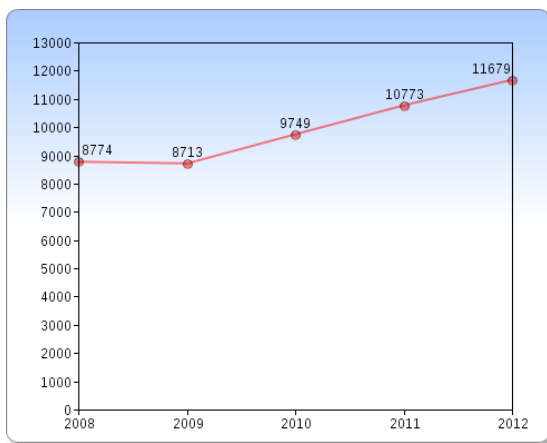
Year:	Female		Male		Total
2008	8774	11.09	70368	88.91	79142
2009	8713	11.96	64125	88.04	72838
2010	9749	13	65225	87	74974
2011	10773	13.84	67075	86.16	77848
2012	11679	14.67	67928	85.33	79607

Source: *Nijamati Kitabkhana*, 2013

Above data shows that the number of women employee has increased from 11.9 percent of the total employees at the base year to 14.67 percent of the total employees in 2012. If we take 5 years increment of women employees in numbers, it is 2905. But the number of

women who succeeded to enter the civil service through reservation system is only 1310. It means 1595 women were able to enter civil services without using reserved seats. However, in these years, 1098 women were able to enter civil service through some special schemes where only women can compete. Most of these schemes were on health services which include staff nurses and assistant health workers. These are not the reserved seats but the seats only applicable for the women candidates.

Figure 3: Chart showing increasing number of Women in Civil Service:



Thus, only 497 women have been able to enter civil service without using reserved quotas and other women-specific examinations. This number is indeed very low for a 5 years period and reveals the fact that different programs on enhancing the capacity of women candidates are needed. Not only for women but this type of

program are needed for all the inclusive subgroup candidates.

### 6.5 Caste Analysis of Reserved Seats:

PSC reports have not presented the caste-wise distribution of the candidates for Reserved seats. However it has provided caste distribution for the total number of applicants. For instance, out of total 271,577 applicants (in 2012), 39 percent were from *Brahmin* caste, 15 percent from *Chhetri* caste, 5 percent from *Magar* caste, 4 percent from *Newar* and about 3 percent from *Tharu* (Terai indigenous) caste. This figure shows that attraction of other excluded groups than woman has not increased significantly despite the reservation system. Similarly, in case of woman, the number of candidates to succeed through reserved seats for women, belong from higher caste groups such as *Bramhin*, *Chhetri* and *Newar*. For instance, the recent result for the 19 post of section officer (PSC Advertisement No. 3044/069-70) for marginalized woman category shows that out of 29 successful candidates who have

succeeded in written examination and called for interview, 27 are from Hindu higher caste groups. The remaining two are from *Newar* caste which is one of the dominant caste group in Nepal. In Indigenous Nationalities category as well, *Newar* has been seen as the dominant caste. This picture reflects that the reserved quotas has been mostly beneficial for the same groups who have been dominant in civil service as well governance system since long.

## **7. DISCUSSIONS:**

Reservation is for specific communities only and no one except from allowed communities can compete in those seats. Thus, reservation is for competition of limited groups only and it is based on principle of limited meritocracy. Like fingers of our hand, all the communities are not of same capacity. Reservation is thus for the people whose representation in civil service is very low but cannot compete with other capable communities to enter the service. Civil service is part of government and in democratic system every people of every communities have the right to participate. Reservation system introduced in Nepal has created conducive environment for the marginalized to enter the civil services. However, it is not as comprehensive as it needs to be. Forms of exclusion in Nepal has made different communities unrepresented in governance system. Most of those unrepresented communities has got chance through reservation system but exclusion based on religion has not been recognized by the Reservation policy. Buddhist and Muslim people are under-represented till now.

In case of women, reservation policies has been able to attract them towards civil service as the number of female applicant seems increasing. But very few female have been able to enter the service without reserved quotas. Capacity development programs are needed to increase their competitiveness. Moreover, objectivity of the reservation system being promotion of the economically and socially backward communities, corrective measures are needed to control the dominant caste group utilizing the quota system to enter the civil service.

Moreover, it is not clear in Civil Service Act that how many times a person can utilize reservation system in his career. It has been seen that a person entering civil service through reservation system has been able to use the same system to get promoted in upper position (PSC Reports). This phenomenon has created controversies among employees. Lack of clear policy is responsible for this faulty situation.

## **8. CONCLUSION:**

Reservation or the Affirmative action has been regarded one of the tool to increase the participation of underrepresented groups and communities in public services. However, many scholar believe that this system needs proper handling as it may destroy merit based system in civil service. In case of Nepal, the merit based bureaucratic system of the past failed to proportionately recruit people from different marginalized communities. Thus, social imbalance was created and it prevented a larger section of the society from having access to opportunities and thereby excluding them. Similarly, the absence of respectable representation in nation building activities prevented equal benefit sharing. This is why Civil service Act of Nepal introduced reservation system in government jobs.

Five years of period is not sufficient to evaluate the impact of the policy. However, impacts created needs to be assessed so as to direct this policy towards its goal. This newly introduced system has been able to give some positive impacts in terms of increasing representation of some marginalized communities but has created some controversies and confusions as well. If reservation is not categorized properly as a tool of inclusion, it may continue to be under the domination of a limited elite group even within the excluded groups. Moreover, ultimate objective of this policy is capability enhancement, as said by Sen (2000), so more considerations are needed in building meaningful participation. Nepalese reservation system has not given comprehensive attention to all the dimensions of exclusion but its effects on generating attraction of some marginalized people towards national bureaucratic system is praiseworthy.

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