

The Review of Affirmative Action for the Inclusive Civil Service of Nepal

Baburam Bhul

PhD Scholar, Nepal Open University, and Office of the Auditor General, Kathmandu, Nepal

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Abstract

This article examines the executing effects of affirmative action for the inclusive civil service of Nepal. Affirmative action is part of a broader social inclusion agenda introduced after the Comprehensive Peace Agreement (CPA) signed in 2006. The reservation system as a tool of affirmative action has been performing its role, which has been adopted since 2007, after the second amendment of the Civil Service Act, 1993. This article employed the descriptive research design based on the systematic review of secondary data for the analysis. In a nation like Nepal, it can be challenging to implement affirmative action successfully since it includes challenging redistributive behaviors and welfare societal norms as well as centuries-old discrimination that is reinforcing every day. The construction of target groups in affirmative action based on social categories as indicators of discrimination leads to debate regarding its good intentions. Two unintended implications arise from this: firstly, affirmative action can foster inter-group differences and polarization between targeted and non-targeted groups, potentially fueling discrimination and resentment. Secondly, there is a risk of overlooking inequalities within social groups, as observed in Nepal's civil service positions, where reserved spots may be filled by relatively well-off families, neglecting economically disadvantaged individuals. These unintended consequences highlight the complexity of affirmative action and emphasize the need for careful consideration and evaluation to address potential drawbacks and ensure fairness and inclusivity.

Corresponding Author

Baburam Bhul, Email: sagarbaburam@gmail.com

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Background

Affirmative action is an example of positive discrimination to uplift or empower a society's minority or disadvantaged groups. It serves as a policy intervention measure by governments and enterprises to assist marginalized groups in gaining access to improved occupational and livelihood opportunities (Vaidya, 2022). Affirmative action does not follow one particular model. Affirmative action programs may be public or private, and definitions of protected groups can range from being narrowly focused on populations from particular historical eras and geographic regions to being broad enough to include a wide range of populations with comparable physical, cultural, or social characteristics. Moreover, enforcement measures might be very strict or almost nonexistent. Oppenheimer (1989) outlined a straightforward typology of affirmative action initiatives, ranging from very restrictive quota systems at one extreme to somewhat less legally enforceable organizational promises to not discriminate at the other. There were several preference systems, organizational self-evaluations, and outreach strategies in between these ideal-typical extremes. In many respects, affirmative action is a consequence of the movement for civil rights. Since the early 1960s, when President John F. Kennedy of the United States used it to describe public policies intended "to overcome the present effects of past racial discrimination," the term "affirmative action" has been in use. This usage dates back to Executive Order No. 10925, which gave the secretary of labor responsibility for laying out rules and implementing them (Louis 2005: 141). Similar affirmative action policies are referred to by different names, such as "preferential treatment," "reverse discrimination," "positive discrimination," etc. In essence, it is a plan where the law authorizes special treatment individuals, groups, or particular steps to be taken. The justification for a provision is the existence of a special scenario that calls for such specific actions that depart from the idea of formal equality. As a result, the goal of affirmative action is to protect or enhance the welfare of a person or group who was previously marginalized, suppressed, or the target of discrimination (Leaber, 1991).

Nepal is one of the most ethnically, culturally, religiously, and linguistically diverse nations (Dhakal, 2016). One of the major issues in this country is social isolation. The Hindu caste system, cultural and social stratification, and the patriarchal structure of the society have all been cited as major factors in the exclusion process (Ibid). The history of the movement in Nepal to include excluded groups in the country's mainstream growth is entirely new. The country's various socioeconomic

and cultural diversity was recognized in Nepal's present constitution. The plans for development made an effort to address the issues of marginalized groups by creating a legal framework, starting institutional development, and launching associated initiatives. Ultimately, social inclusions have been acknowledged as one of the strategic pillars of a more comprehensive strategy for poverty reduction in the Fifteenth Plan (2019-20-2023/24). As a part of administrative reform, affirmative action in Nepal began formally in 2007 and focuses on public service, has emerged as a crucial driver for establishing an inclusive nation-state by increasing the inclusion of women and members of marginalized groups in government employment (Suman, 2017). The terms of this peace agreement led to the adoption of a new interim constitution in 2007. The foreword of the constitution places a lot of stress on "the gradual reconstruction of the state to tackle the present barriers of the country relating to class, caste, region, and gender." Women, Dalit's, indigenous ethnic groups, Madhesi Communities, oppressed groups, and poor farmers and laborers who are economically, socially, or educationally backward have the right to participate in state structures. According to Article 20, 38 and 40 of Constitution of 2015, right of justice, women and Dalit were adopted as fundamental rights in place of the country's constitution. The number of excluded groups finding work at all levels should alter consistently as part of any evaluation of the efficacy of affirmative action.

In Nepal, the state is integrated in society, even replicating the hierarchical, Hindu-based social stratification structure developed when the Rana dynasty unified Nepal between 1740 and 1769 (Druzca, 2016). In Nepal, social exclusion is "rooted in structures that reproduce inequalities on a systemic basis" (Kabeer 2005: 196). In fact, the state and society in Nepal foster exclusion and clientelism. Nevertheless, as we can see from the Nepal story, the success of affirmative action may be hampered if a thorough long-term approach is not taken from the start that focuses on behavior modification, retention, and promotion. Muluki Ain has been amended twenty-eight times in Nepal, mostly in favor of Nepal's minorities. The interim constitution of Nepal, 2007, has official provisions for affirmative action. The Nepalese Constitution of 2015 then gave a fuller definition of positive discrimination, outlining the categories that would benefit. According to Article 18 (3), the state shall not discriminate against citizens on the basis of their origin, religion, race, caste, tribe, sex, economic status, language, region, ideology, or any other comparable ground. Implementing affirmative action effectively is immensely challenging, whether it focuses on women only or also caste, race and ethnicity, as Nepal does. The article is organized to study of affirmative action literature, then a situation analysis of Nepal to contextualize the situation. Affirmative action in the

civil service is then discussed, as well as some of the challenges to properly adopting affirmative action in a state like Nepal. The conclusion comes after that.

Review of Literature

Three trends emerge from our review of affirmative action literature. First, literature on affirmative action is becoming more empirical. Anecdotes, autobiographies, and armchair philosophizing about affirmative action predominated until the mid-1980s, but this approach has largely given way to empiricism since the 1990s. Second, the study has become truly interdisciplinary, spanning education, law, sociology, and economics (e.g., Bergmann 1996, Cordes 2004, Cunningham et al. 2002, Hochschild 1999, Leonard 1996, Munro 1995, Reskin 1998), as well as psychology. Third, a large percentage of psychological research is applied, in the sense that it applies basic theories and concepts to concerns surrounding affirmative action. Occasionally, researchers (e.g., DeBono & Snyder 1995, Mellema & Bassili 1995) employ affirmative action as a handy approach to test theories that have little to do with the specifics of affirmative action. However, social scientists frequently strive to contribute to both the basic understanding of human behavior and the challenges involved in developing and executing social policies. According to the World Bank (n.d.). Similar to how Edigheji (2001) demonstrates that affirmative action policies are frequently mistakenly blamed for South Africa's problems due to a pervasive belief that these policies can limit state capacity by hiring unqualified or unskilled (black) employees, affirmative action policies have been shown to have the opposite effect. Affirmative action can really prevent nepotism when implemented properly (World Bank, n.d.: 63). Effectively putting affirmative action rules into practice involves massive hurdles.

A progressive approach, the right use of time and resources, and a combination of policies and activities are the keys to effective affirmative action. According to Haider (2011: 3), it may take some time before quotas have a good influence since minorities must first get the necessary knowledge and self-assurance, and society must change its attitude towards women in positions of authority. Similar to this, affirmative action policies are effective if they are put into place over a long period of time (30 years or more) and in conjunction with other special measures, according to Browne (2013), who bases his argument on the literature on affirmative action in Malaysia and South Africa. For historically marginalized groups seeking governmental recognition, affirmative action laws have great significance (Moodie, 2013; Middleton, 2013). In these situations, the success criteria revolve around achieving proportional representation, which may

eventually lead to concerns with retention and advancement. Shah and Shneiderman (2013: 10) state new policies that attempt to improve huge inequalities are framed with an eye towards empirical rigor, sustained debate informed by historical and comparative data, and frank discussion." If affirmative action is to be successful, a clear, evidence-based approach is essential. The impacts of affirmative action should be evaluated in light of the views and opinions of the excluded groups themselves. Affirmative action is necessary to reduce previous injustice, and it will continue until equality is restored (Glen, 2013, p. 22). Affirmative action happens when an organization invests resources (including time and money) to ensure that people are not discriminated against because of their gender or ethnic group. Affirmative action has the same purpose as equal opportunity, but it is more aggressive (Burstein 1994). Equal opportunity is a passive policy that aims to ensure that prejudice is not tolerated if it is discovered. In contrast, with affirmative action, organizations use established methods not merely to undermine, but also to avoid, discrimination (Crosby & Cordova 1996).

Objectives

The major objective of this article is to review the application of affirmative action for the inclusive civil service of Nepal. Affirmative action is part of a broader social inclusion agenda introduced in 2007, after the second amendment of the Civil Service Act, 1993. It examines the current effects of affirmative action in the civil service of Nepal through PSC and MOFAGA.

Methodology

This article is based on the thematic review of existing literature, which is collected from secondary data and information. The secondary data is taken by reviewing the related reports, policy documents, journal articles, books, and other relevant documents published in Nepali and English languages. This article has analyzed the findings of previous research work most especially in a thematic approach.

Results and Discussion

Representative Bureaucracy

According to the representative bureaucracy theory, the social and demographic background of bureaucrats matters because it has an impact on their values, which in turn affect how they make administrative decisions. The idea is based on two basic assumptions. The first is that people from the same social demographic

background will share certain values because of socialization processes (Long, 1952; Meier, 1975; Mosher, 1968). The second assumption is that bureaucrats would behave morally and "attempt to maximize the values that are prominent to [them] at the moment of the decision" (Meier and Morton, 2015, p. 99). The reasoning is that if a bureaucracy is representational of the population it serves, then its judgements will more strongly reflect the values of that population. Organizational behavior refers to diverse levels of analysis, both at the level of individual bureaucrats and at the collective level of organizations or units within the organization. The impact of context on representativeness, performance and the relationship between the two concepts may manifest itself in different ways (Johns, 2006, Pp. 387-388). First, context shapes meaning. This aspect of context is especially relevant for the study of representative bureaucracy, since identity, which shapes the meaning underlying organizational behavior, is at the core of the theory. Which identities are salient will depend on the context, both on the internal organizational context and on the political context external to the organization. Hence, what (whose values?) is being represented will be context dependent and so will be the meaning representativeness takes on in administrative decision-making. For instance, in France race and ethnicity are not accepted as concepts to be represented in bureaucracy (Meier and Hawes, 2009).

The theory of representative bureaucracy, which has gained support from many academics, contends that bureaucratic authority may be made more responsive to the public if the people reflect the demographics of the public they serve (Sowa and Selden, 2003:700 cited in Karikari and Ohemeng in 2012). Selden (1998), who was referenced by Karikari and Ohemeng in 2012, stated main advantages that the concept offers a community. She begins by emphasizing the value of passive representation, saying that it is crucial since socialization experiences varied depending on demographic background. People' upbringing and socialization experiences that affect their opinions and values. Another benefit of representative bureaucracy is that "a bureaucracy that reflects the diversity of the general population implies a symbolic commitment to equal access to power. When members of distinctive groups become public officials; they become legitimate actors in the political process with the ability to shape public policy" (Selden 1998:6 cited in Karikari and Ohemeng in 2012). A third benefit is that representative bureaucracy will as Kranz (1976: 110) cited in Karikari and Ohemeng in (2012) notes that representative bureaucracy will "lead not only to more democratic decision-making but to better decisions because it would expand the number and diversity of the views brought to bear on policy making." Whereas Kim (1994) cited in Karikari and Ohemeng in (2012) has identified major criticisms of

representative bureaucracy. First, they note that more representativeness does not necessarily lead to more responsiveness, as much as similar social backgrounds do not necessarily lead to similar experiences throughout life. Second, they remind that there is much concern about the linkage between social origins and values. This is because the socialization process in which bureaucrats find themselves is a long one, and it keeps changing because of changes in the societal environment. Third, they said that responsive bureaucracy does not always result from a bureaucracy that happens to be representative of the general population.

The Civil Service Nepal

In contrast to its neighbors in South Asia, Nepal was never colonized. Yet its neighbors, especially India, have a big impact on its bureaucracy. N.M. Butch, an Indian administrative specialist, served as the Butch Commission's chairperson in 1951, and his proposals were instrumental in creating the Nepalese civil service's organizational framework (Dhakal, 2013). Prime Minister Taka Prasad Acharya enacted the Civil Service Act in 1956 with the assistance of Indian solicitor G. Murdeshowr. This law serves as the cornerstone of Nepal's modern civil service, which is still in existence today. Moreover, Murdeshowr created additional laws, such as the 1956 Nepal Administrative Service Regulations and the 1956 Nepal Administration Level Classification and Recruitment Rules (Shrestha and Paudel, 2019). According to Bhattachan et al. (2003), the Hindu caste system and the arbitrary rules of feudal lords are the fundamental causes of exclusion in contemporary Nepali society and the Nepalese government service. For instance, the Muluki Ain or Country Code of 1854 established a hierarchy based on Hindu social stratification and unified all Nepalese people under a single legal framework. This hierarchical structure also applied to non-Hindus (Dhakal, 2013). Even now, the terms "pure" and "head of the hierarchy" are still used to describe the Bahmus (Brahmin), Chetri, and Newar. Muslims and foreigners are seen as "water-unacceptable," which means that those of pure caste cannot accept water from them. Dalits are regarded as "untouchable," with both groups being associated with low status and impurity (Bennet et al., 2006).

Since its founding in 1956, the Nepalese civil service has continuously altered its operational procedures because of political regime changes and public movements. Whilst there are still critiques, it has evolved during this time towards professionalism, fairness, merit-based selection, and more inclusiveness and representation. Because of the populist uprisings of 1990 and 2006, respectively, the government of Nepal has now pursued an affirmative action policy since 1990 generally and since 2006. Since 2007, the civil service has been operating on the inclusive policy. More than 20,000 federal employees were hired as a result of this

strategy. There were 70,000 of them who were public servants and covered by the inclusion clause. The civil service has undergone a change as a result. There are 80,000 government employees, 85% of whom are men and 15% of whom are women. However, there is a significant male majority among government officials. Similarly, the caste and ethnic composition of the government service has shifted. Brahmin make up 56% of the population, followed by 14 percent Chhetri, 15% ethnic group, 5% Dalits, and 8% Madheshi (Paudel, 2018).

Affirmative Action in Nepal: Revealing the Progress

The goal of affirmative action, or reservations as they are known in South Asia, is to help the underprivileged and level the playing field, notably in the fields of politics, employment, and education. In Nepal, Dalit groups and social activists have long advocated for reservations (Gurung 2005). Some significant social inclusion measures have evolved from discussions of social exclusion and affirmative action that intensified during and after the Maoists' "People's War" (see also Druzca 2017). The Comprehensive Peace Accord preceded requests for quotas in the public sector. A high-level reservations committee suggested in 2004 to reserve 35% of civil service positions (20% for women, 10% for Janajati, and 5% for Dalits), but political unrest prevented the proposal from being implemented (Bennett, 2005: 26). Although separate tests for women, Dalits, Janajatis, and handicapped persons were permitted, the Public Service Commission (PSC) debated quotas but did not include them in the subsequent reform of the public service because it was worried that this may undermine meritocracy (ibid., 36). (Bennett and Sharma, 2006: 93). The Government of Nepal implemented a reservation policy in 2007 by revising the 1993 Civil Service Act in response to the long-standing struggles of Dalits and other oppressed groups as well as the left-wing political organizations. According to the Civil Service Act, qualified applicants from underrepresented groups will be given first preference in an open competition to fill 45% of the total seats. Of the total number of reserved seats, 33% are given to women, 27% to Adivasi-Janajatis, 22% to Madhesis, 9% to Dalits, 5% to those with disabilities, and 4% are given to backward regions (GoN, 2007).

In addition to Muluki Ain, certain international organizations include provisions that are in support of Nepal's minorities. We can use the United Nations Declaration of 1992 on the Rights of Persons Belonging to Ethnic, Religious and Linguistic Groups, which said that egalitarian is required in order for minorities to participate in decision and policy making processes (Upreti, 2065 B.S., p. 14, 15).

Table 1: Historical Inclusive Provisions Made after the CPA

Initiative	Date	Rationale
Amendment to the Citizenship Act	November 2006	Provision of citizenship by descent from both the father and the mother. Easy access to citizenship for Madheshi/Terai people with one parent born in India.
Interim Constitution	2007	Recognition of traditionally marginalized groups. Rights to non-discrimination and equal social recognition to Dalits.
Interim Constitution Amendment	March 2007	Provision of proportional representation in state affairs to all marginalized and excluded groups and regions.
Constituent Assembly member Election Act	2007	Adoption of mixed electoral system with both First Past the Post (FPTP) and proportional representation system.
Amendment in Civil Service Act	2007	Provision of reservation quota in civil service.
Ratification of ILO169	2007	Ensured the rights of Janajati with regard to culture, land, natural resources, education, traditional justice, recruitment and employment conditions, etc.
Amendment in Nepal Police Regulations	2007	Reserved quotas for women and marginalized groups. Provision of reservation quota in Nepal Police and Armed Police Force.
Ordinance on social Inclusion	2009	Made public services more inclusive.
Proposed ordinance on Public service Reservation	2012	Allocated reservation quota in branches of the public service. Initiated a multi-layer reservation system. Included a proposal to amend 19 relevant Acts.

Source: Awasthi and Adhikary, 2012; Kristie Druzca, 2016

The constitution of Nepal has affirmative action provisions. As an example, consider the following passages from the interim constitution of Nepal dated 2063. Male Khas-Aryas have traditionally captured in Nepal's bureaucracy (Jamil and Dangal 2009). Although Khas-Arya males continue to hold the majority of higher-ranking posts in the bureaucracy, this is no longer the strong case. While the Nepalese bureaucracy is still a relatively exclusive institution, with roughly 80% of men and 70% Brahmans, Chhetris, and Newars represented, it has begun to

become more inclusive in recent years because to the unprecedented politics of inclusion and the reservation policy. Over the last 10 years, around 15,000 applicants from underrepresented groups have joined the approximately 87,000-person civil service through reservations (Sunam 2018: 19). Reservations have benefited one out of every three women, one out of every four Adivasi-Janajati and Madhesi government employees, one out of every five Dalits, and one out of every four Dalits. Women in the civil service have increased from 11% in 2007 to over 26% now (Khadka and Sunam 2018). Before the quota policy was introduced, Dalit participation in the government sector was uncomfortably low (less than 1%). It currently stands at 2% (Sunam 2018: 21).

Major Findings

Fourteen years have passed since the introduction of reservation system in civil and Nepal health services in its current form. About fourteen years from the financial year 2064/65 to 2077/78 (end of June 2078). Civil Service Act, 2049 and Nepal Health Service Act, 2053, 45 percent of the total number of posts to be filled by vacancies are reserved and distributed among six different categories, with the provision of limited competition. Out of the total 14,956 recommended for reservation by the Public Service Commission, 5180 people i.e. 34.63 percent of the total recommendations have been recommended for women, while 543 people i.e. 3.63 per cent have been recommended from the least backward areas. The service distribution of 14,956 people recommended for appointment in civil and Nepal health services towards reservation is also interesting. Two services are highly recommended while three services are highly recommended. The highest number of 5,044 people, i.e. 33.72 percent of the total number of recommendations, has been focused on the civil service of Nepal administration. After that, the second largest number of recommendations has been made in Nepal Health Service. The number of recommendations here is 4,347 people, i.e. 29.06 percent of the total recommendations.

Table 2: Service Wide Distribution after Reservation System

No. Service	Recommendation				
	Total	Open	Percent	Reservation	Percent

1	Nepal Healthy	12,369	8,022	64.88	4347	35.14
2	Nepal Administration	12803	7759	60.60	5044	39.39
3	Nepal Engineering	4193	2565	61.17	1628	38.82
4	Nepal forest	2997	1737	57.95	1260	42.04
5	Nepal Agriculture	1926	1205	62.56	721	37.43
6	Nepal is fair	2109	1415	67.09	694	32.90
7	Nepal is diverse	2079	1409	67.77	670	32.22
8	Nepal Education	772	481	62.30	291	37.69
9	Nepal Audit	233	127	54.50	106	45.49
10	Nepal Foreign Affairs	268	166	61.94	102	38.05
11	Nepal Economic Plan and Statistics	230	137	59.56	93	40.43

Source: Study report 2022, National Inclusion Commission: NIC

According to the recommendation of the commission, the gap of 55 and 45 percent towards open and reservation is met only in the Nepal Audit Service, while the highest gap is 67.77 and 32.22 percent in the Nepal Miscellaneous Service. Such a difference is also different in terms of service. In Nepal Miscellaneous Services, this difference is more than 60 percent on the open side and less than 40 percent on the reserved side, while Nepal health service, Nepal administration service, Nepal engineering service, Nepal agricultural service, Nepal justice service, Nepal miscellaneous service, education service, and Nepal foreign service. It is more than 55 percent on the open side and 45 percent less on the reservation side. In the Nepal Forest Service and Nepal Economic Planning and Statistics Service, it is less than 60 on the open side and less than 40 on the reservation side. The main reason for the difference in the specified percentage is that there are no candidates for the reservation and the candidates who are there are not able to pass the competition. The reason for this kind of wide difference in health, which requires various types of technical skills, and various service positions, which require special skills that cannot be included in any service, is that candidates are not getting selected for reservations or because they are unable to pass. This is the main reason for the low presence of women and other reserved groups in the legal education required for judicial service. In terms of percentage, when it decreases on one side, it increases on the other side. Even if there is a small difference, it will show a lot in percentage.

Table 3: Structure of the Civil Service of Nepal

Categories of Services	Percentage
General administration	46.30
Health	20.52
Engineering	9.95
Agriculture	6.16
Forestry	6.04
Others	11.03
Total	100

Source: Poudel, 2018

Table 3 presents that out of the total size of the civil service, 46.30 percent is covered by the general administration service, 20.52 percent is covered by the health service, the engineering service is 9.95 percent, whereas agriculture and forestry are at 6.16 and 6.04 percent, respectively, and the remaining 11.03 percent is covered by the other five services in the civil service of Nepal. It has been a decade since Nepal adopted a policy of reservation to promote inclusion, but the government still lacks official figures about the representation of various ethnic groups in the civil service. The Ministry of Federal Affairs and General Administration has recently begun an assessment of the impact of the reservation policy, though. If the government has the willingness to prepare ethnicity-wise data on civil employees, it may not be an uphill task. But as a result of the dominance of a certain group, the government is just not willing to prepare ethnicity-wise data on civil employees.

The data in Table 4 projects the dominance of Bahuns and Chhetris in the civil service of Nepal. While Bahuns contain only 12.74 percent of the population, they occupy 72 percent of posts in the civil service of Nepal. Likewise, though Chhetris only cover 15.80 percent of the population, they have 15.89 percent of the civil service of Nepal's job positions, whereas almost 73 percent of the population has been covered by other disadvantaged groups like Adivasi Janajati, Madhesi, Dalit, Muslims, and so on, but they occupy only 12 percent of low-level posts in the civil service of Nepal. These statistics also show that upper-class Bahun and Chhetris dominate positions in Nepal's civil service (special and gazette categories).

Table 4: Caste/ethnic Representation in Special and Gazette Class

No.	Caste/Ethnicity	Population	Representation in the Civil Service
1	Bahuns	12.74	72.00

2	Chhetris	15.80	15.89
3	Newar Janajatis	5.48	7.14
4	Non-Newar Janajatis	30.83	1.64
5	Madhesi	12.32	1.17
6	Dalit's	14.99	0.67
7	Muslims	4.27	0.1
8	Others	3.57	1.39
	Total	100	100

Source: Ministry of General Administration, cited in Dong (2016)

Table 5: Ten Years Gender Situation Analysis in Civil Servants after Reservation Policy

Fiscal Year	Male		Female		Total
	No	%	No	%	
2066/067	66357	85.45%	11303	14.55%	77660
2067/068	67075	86.16%	10773	13.84%	77848
2068/069	67928	85.33%	11679	14.67%	79607
2069/070	67834	84.95%	12017	15.05%	79851
2070/071	67381	84.03%	12806	15.97%	80187
2071/072	67226	82.33%	14424	17.67%	81650
2072/073	67231	80.76%	16014	19.24%	83245
2073/074	67682	77.85%	19260	22.15%	86942
2074/075	68518	76.40%	21169	23.60%	89687
2075/076	65419	74.06%	22906	25.94%	88325
2076/077	65613	74.09%	22945	25.91%	88558
2077/078	65652	74.09%	22954	25.91%	88606

Source: Public Service Commission cited by Bhul, 2021

The above table shows the number of male and female civil servants in the civil service after the implementation of reservation policy from the fiscal years 2066-067 to 2077-078. Males made up 85.45% of the population in 2066/067, while females made up 14.55%. Then the share of females in 2067/068, 2068/069, 2069/070, 2070/071, 2071/072, 2072/073, 2073/074, 2075/076 and 2077/78 has been gradually increasing like 13.84%, 14.67%, 15.05%, 15.97%, 17.67%, 19.24%, 22.15%, 23.60%, and 25.94%, 25.91% respectively. In the year 2077/078, male participation was 74.07% and female participation was 25.94%. Before the

implementation of the reservation policy, the female participation rate was 11% at the end of Ashadh, 2065. The pattern of female participation is gradually increasing after the implementation of reservation policy, and women are now advocating for and empowering their own rights and employment independently.

Table 6: Status of Reservation System in Civil Service of Nepal

Fiscal Year	Open Quota	Employees Selected from Reserved Quota						Total
		Women	Janajati	Madhesi	Dalit	Disables	Remote	
2077/078	28	9	6	2	1	2	0	48
2076/077	130	39	26	24	7	3	4	233
2075/076	2394	625	509	409	168	95	77	1883
2074/075	4007	1088	858	711	292	163	132	3244
2073/074	5273	1383	1026	901	385	189	142	4026
2072/073	3300	797	629	503	213	101	95	2338
2071/072	2783	639	547	454	168	95	76	1979
2070/071	2767	626	509	384	173	91	71	1854
2069/070	1707	372	318	254	106	51	35	1136
2068/069	1805	352	280	212	99	40	30	1013
2067/068	2487	471	371	300	105	59	43	1349
2066/067	2080	495	368	319	142	64	43	1431
2065/066	840	117	94	91	36	15	12	365
2064/065	2228	366	245	183	84	33	17	928
Total	31829	7379	5786	4747	1979	1001	777	21827

Source: Public Service Commission cited by Bhul, 2021

In this table, out of the 88,325 civil servants of the Nepalese bureaucracy, most are diversified in terms of their socio-economic occupation and cultural traditions from ancient times. A very small segment of Nepalese society dominated the early stages of Nepalese civil service. In the Rana regime, a spoil system was completely committed to the emperor at this time. According to the National Inclusion Commission's study on the effect of reservation in existing government services some time ago, 12.77percent of posts were filled for inclusive women, 10.28 percent for tribal tribes, and 8.05percent for Madhesi during seven years. Similarly, the ministry said that the rate of filling up of posts was 3.27percent for Dalits, 1.66percent for disabled and 1.32percent for backward areas.

The tabulated results presented here are interesting; however, they lack a distinct sense of conclusion. With the help of these statistics, we can get a general idea of how these features have improved since the implementation of the reservation system, but they cannot provide a convincing representation of the role of representative bureaucracy in the formulation of policy or even the specific effects of representative bureaucracy on service delivery practices. The representation of women in the health and other service sectors has increased since 2007 throughout the various service sectors. Some time ago, the National Inclusion Commission's study report 2022 on the effect of reservation on the existing government services recommended ending the reservation, saying that there was dominance of 16 castes, and it was recommended to remove it as soon as possible.

Nepal must implement comprehensive policies to address its inequities and demonstrate "strong political will" to achieve its goal. Nepal must develop policies and programmes to address all the issues concurrently and in order of priority because there are several marginalized groups with varying degrees of marginalization. The interests of the Dalit's should be given top priority by being freed from obstacles as they are without a doubt one of the most marginalized groups. As has been previously described, caste appears to be the biggest obstacle standing between them and equality with their peers. In addition, although important, affirmative action measures like preferential treatment and reservations are insufficient to eradicate casteism from society. Because of this, Nepal has to implement a new strategy that puts eliminating the idea of "different schools for different people" as its top priority. Instead, it needs to establish a common school system (CSS) with the goal of offering the same education to everyone.

Debate of Affirmative Action: Merit vs Reservation

In order for the debate on the necessity of affirmative action to be thorough, the main critiques must be answered. Based on equity, meritocracy, the quality of public service, and elite capture (the so-called "creamy layer" capturing reservations), critics have questioned reservations. In a culture where socioeconomic inequality is pervasive, promoting equality is a problem. In light of this, people should be considered not just as unique individuals but also as members of certain groups with distinctive traits. According to philosopher John Rawls, the principles of equality might be violated in order to benefit those who are most disadvantaged (Rawls 1971). That reservations undermine meritocracy is a common critique of them. Preventing talented, deserving persons from joining the civil service, which results in inadequate delivery of public services. Here, we contend that the reservation system used by the bureaucracy is really substantially meritocratic. Since candidates are only qualified for reservations if they satisfy the

educational and other requirements for the relevant positions and succeed on the competitive examination run by the Public Service Commission (PSC) of Nepal, the policy exemplifies the practice of what we might term meritocratic inclusion. Compared to hiring people through favoritism, political appointees, or *afno manchhe* ('one's own people') networks, it is a method that places a much greater emphasis on merit (Bista 1991).

Do people who join the civil service through reservations exhibit less merit than regular applicants do? This is a widely held belief in Nepal. While shallow and false, this understanding of the applicants under the reservation system may have had lower total PSC ratings than other candidates may, but this does not imply that they are less deserving of consideration or merit than other candidates. The notion of merit should go beyond its evaluation by a single generalized PSC exam, which ignores several crucial indicators of merit, including candidates' academic standing, their job experience, and whatever training they have undergone. A comparison of accomplishments and possibilities is not undertaken either. From a theoretical sense, the idea of meritocracy is extremely difficult. Meritocracy is a system or practice that promotes merit; in general, effort and talent comprise merit. According to Walzer (1983), the meritocracy would be effective if everyone had equal access to equal opportunities and outcomes. Unfortunately, these characteristics have an influence on opportunities and outcomes in Nepali society, which has significant socioeconomic and cultural disparities in situations and circumstances. Yet, a wide definition of meritocracy focuses on individual qualities/strengths, rendering structural social injustices invisible; merit is earned in a specific political and socioeconomic setting. The blindness of meritocracy to differences in race, caste, ethnicity, gender, sexuality, or class obscures how these discrepancies tend to have a major influence on the probability of candidates being chosen. Reservations are one policy tool that can help us achieve our goal of creating an inclusive state. It is also a means of establishing "inclusive meritocracy," which assists in correcting structural problems in both the concept and practice of meritocracy. We think that meritocracy should not be an obstacle to policies that promote social inclusion and fairness. While affirmative action does not benefit individuals from rich castes or social groups, it does benefit members of disadvantaged groups.

For many years, meritocracy has been seen as fundamental to Nepal's bureaucracy, as it is in many other nations. The practice of meritocracy in Nepal must be contextualized within the caste system and the attendant prejudices and exclusions that have long plagued the Nepali government and culture. As a result, it is critical to explore the dynamics of caste and social exclusion that served as the foundation

for Nepal's affirmative action programmes. The 2007 Civil Service Act amendment that was the catalyst for the introduction of Nepal's affirmative action policy is the subject of this article. This policy reserves 45% of all unfilled positions for hiring individuals from underrepresented groups through an open competition. 33% of the positions are earmarked for women, 27% for ethnic and indigenous nations (Adivasi-Janajatis), 22% for Madhesis, 9% for Dalits, 5% for individuals with disabilities, and 4% for "backward" regions (GoN, 2007). The civil service in Nepal has grown more inclusive as a result of the execution of this strategy. Almost 15,000 people representing women, Dalits, and other target groups have joined the civil service's 87,000-person workforce in the past ten years (Sunam & Shrestha, 2019). The percentage of Dalits in the civil service was less than 1% before the affirmative action policy went into effect, but it is presently over 2%. Affirmative action policy has come under heavy fire despite these results (Subedi, 2014; Sunam & Shrestha 2019). One of the main critiques is that the affirmative action policy undercuts meritocracy by prohibiting deserving applicants from entering the civil service, which results in the subpar delivery of public services.

This paper has demonstrated that affirmative action enriches the current meritocratic recruiting process in two key ways, rather than undermining it. First, it can address the main flaws in the conceptualization and evaluation of the meritocracy, namely its ignorance of the ways in which social exclusions, structural inequalities, and power relations influence the conception and execution of hiring in the bureaucracy. To achieve equality of results, it achieves this by levelling the playing pitch for socially excluded groups. In addition to individual merit and diversity, it takes into account historical marginalization and group inequities that have their roots in the unique historical social, cultural, political, and economic settings that influence both merit and the politics of recruiting. Consequently, we might contend that hiring practices based on affirmative action are a sort of "meritocratic inclusion" that address the issue of fusing social justice with important meritocratic principles in an unequal society (see, for instance, Tan, 2008; Young, 1990). Second, as we've seen in Nepal, an affirmative action policy encourages a workforce that is varied in terms of gender, caste, ethnicity, and other social characteristics. Therefore, it encourages diversity and social inclusion while rewarding skill in the public administration if Nepal.

Summary and Conclusion

Affirmative action is commonly perceived as a means to eliminate disparities in socioeconomic, political, and cultural realms (ibid). Nepal is characterized by immense diversity in both its society and geography. Ensuring increased

representation through affirmative action in the Nepalese civil service holds significant importance, not only for fostering social harmony but also for enhancing bureaucratic capacity, legitimacy, and public policy acceptance in such a diverse society. The implementation of affirmative action policies should not divert and that could be allocated to initiatives promoting empowerment in local level minorities for crucial areas like health, education, and other relevant fields. However, it is vital for the Nepalese bureaucracy to address and tackle these challenges of affirmative action collectively as part of their representative agenda (Bhul, 2021).

The good intentions behind affirmative action are often debated due to the construction of target groups based on social categories as indicators of social discrimination. In this regard, two unintended implications of affirmative action can be outlined. Firstly, it can contribute to inter-group differences and foster polarization between targeted and non-targeted groups. When target groups are defined based on caste or ethnic affiliation, there is a risk that development actors unintentionally reinforce caste and ethnic consciousness, potentially fueling discrimination and resentment towards the beneficiary groups. Consequently, non-targeted groups may perceive the treatment as unfair. Secondly, another unintended implication is the overlooking of inequalities within social groups. For instance, in Nepal, scholars have observed that reserved civil service positions for marginalized people are often filled by relatively well-off families, neglecting economically disadvantaged people who do not benefit from affirmative action measures. Therefore, these unintended consequences highlight the complexity and challenges associated with affirmative action policies, necessitating careful consideration and evaluation to mitigate potential drawbacks while ensuring fair and inclusive outcomes.

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