

# **Dalit Women and Reservation Policy**

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## 1. Introduction

Of Nepal's total population, the share of the Dalits is 13%<sup>1</sup>. Dalit women constitute about 15% of total Nepalese women (who constitute over fifty percent of Nepal's total population). Generally, women in Nepal have been discriminated on the basis of gender for centuries because of the defective value based society, which regards woman as second and low class human and make the subject of the exploitation and suppression. Such discrimination has lead women to their subordinate status in the society and deprived of equal participation in all governance process. Only a small group of women from elite class and caste have access to power-playing centers. The Dalit women are nowhere in the race or are far behind in the race.

Dalit women are discriminated due to a patriarchic dominated social structure on the one hand and humiliation within them due to caste ridden social system on the other. As such, they have virtually very low access to resources, power and control over their lives than Dalit men and other women in Nepal. Dalit women's families are ultra poor and represent about 80% of the ultra poor in Nepal<sup>2</sup> The situation of the Dalit women is worse even among the general women whose status is very low. They face triple discrimination, because they are women, so- called low caste and discriminated by their male from their own caste groups. Due to triple oppression of class, caste and gender, Dalit women have least of access to opportunities for social and economic nobilities. Their liberation does not lie purely in economic or political terms. The social and cultural liberation is the determining factor for their lives.

## 2. Situation of Dalit Women

The ignorance to the Dalit women by the Government is the common case. On top of that, the political parties and the international aid agencies have ignored them. They are similarly neglected by Nepalese women's movement. Women activists in Nepal never tried to merge Dalit women in their movement. They hardly pay attention towards Dalit women. They advocate for the women in general in their manifestoes and constitutions. But, while the question on Dalit woman is raised, they stay with folding hands. Voiceless Dalit women, therefore, are deprived of their rightful place in the governance process. It is an irony that even the Dalit activists raise the issue of Dalit males and largely overlook the case of Dalit women. It is a fact that no political parties have supported Dalit women by way of associating them at different levels.

In the Nepalese context, gender, caste and ethnicity are the three interlocking institutions or critical fault lines defining social identity. The constitution has enshrined for equality and equal opportunity before the law. But these three groups and communities are subject to exploitation, discrimination and unfair treatment. One Human development and welfare indicators states: Nepali women are almost invisible in the civil service making up only 8% of overall staff and 4% of officers. There is hardly any representation of Dalit women in public services. Dalit women's literacy rate account for 9% (See' Insec)

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<sup>1</sup> referred to CBS 2001, but several arguments make for more than 15%

<sup>2</sup> (See: Durga Sob' Marg Darshan' FEDO 2003).

compared to 42.9% on national average (CBS, 2001). Their life expectancy remains the lowest among Nepalese women: 42 years (*Mushar* women) while national average stands for 59.8 years (UNDP Human Development Report, 2001). High rate of infant mortality, child mortality and maternal death amongst the Dalit women are serious problems. A small tribe namely the *Badi* women are still forced to continue the traditional prostitution. They suffer from trafficking and prostitution due to their poverty and ignorance.

Similarly, the Dalits are highly disadvantaged groups (Aruna Rao et.al. Working Paper' DFID, 2003-2004). Dalit females have one of the lowest levels of literacy of all groups in Nepal. Their low level of literacy is due to three interrelated factors:

- Continued monopolization of so-called high caste women and men,
- The stronger influence of casteism in rural areas on Dalit females, and
- The control of Dalit males over Dalit women and girls.

As a consequence, Dalit females' access to even basic literacy education is limited. As mentioned above, Dalit women's literacy rate accounts for 9% compared to 42.9% on national average (CBS, 2001). Close to 95% of Dalit women are rural; most are landless or marginal farmers who live in subject of poverty with grinding labour. Many work as day-to-day manual workers. Wage of the women is less than that of men. Their economic situation has worsened due to the overall deteriorating rural economic conditions over the centuries.

In all cases of caste conflict, the Dalit women are first victims. They are raped, gang raped and even made pregnant showing the temptation of marriage and finally left. Even though these incidences of violence against women are extreme, nevertheless, some of these caste biases exist in schools among Hindu teachers. In addition, Dalit females are invisible in school curriculums and textbooks. There are still various words and sentences hostile to the dignity of Dalit and women.

Malnutrition among Dalit women is high. Controls by men over women starts as a girl child where infant mortality due to neglect and malnutrition is very high. Many Dalit girls and women are used and abused by drunken male relatives. The sexual division of labour, child marriage and restricted mobility also limit Dalit females' access to education.

Most importantly, it must address issues important to Dalit women and be accompanied by other social and economic reforms such as the following; sanitation, health, childcare, credit and loans, land reform, conservation, reservation and scholarship for Dalit women.

### **3. Existing Positive Actions for Women and Dalits and Impact upon Dalit Women**

There are about 150 existing positive legal provisions and policies for the substantial change of women at large<sup>3</sup> Though, in general, these provisions were made intentionally

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<sup>3</sup> (FWLD, Special Measures and their impacts on Women, 2003).

to upgrade the status of women, only few from so called high caste and class women have benefited to a larger extent only. No impact on the Dalit women is seen so far.

### 3.1 Actions for Women

- a) **5% candidacy from women for House of Representatives is mandatory to all political parties.** But the practice has shown that only elite women have succeeded and benefited by this provision. Since personal identity of a candidate rather than of political parties is the attraction, the political parties fear to put candidature from Dalit community.
- b) **Reservation of Women in National Assembly:** There is also a provision in the constitution for three seats in the National Assembly of the Parliament. Only the women from so called high caste have got the advantage by this provision. There is not any instance of the Dalit woman as beneficiary of this provision.
- c) **Reservation in Local bodies:** In the Local Self-governance Act, there is a provision of the reservation to women for at least one seat in ward Committee. But no Dalit woman benefited by this provision. Similarly there is a provision for the participation of women in the Development Council. Nominal Dalit women have got chance to participate in the Local Councils at the Municipal, Village Development Committee and District levels.
- d) **Mandatory Provision for Inclusion of Women:** For the compulsory participation of women in all committees, this provision has been made in various laws i.e. consumer law, local motion pictures, central children welfare, steering committee of local development, breast feeding protection and promotion committee.
- e) **Free Education:** The education act obliged all state schools for free education to women. However, Dalit women are not able to have such access due to early marriage and low economic status.
- f) **Scholarship:** The scholarship rule has mandated for 20% reservation in scholarship. But none from among the Dalit girls could benefit from this arrangement. Every seat is provided to the so-called higher castes girls and the girls of high economic profile.
- g) **Mandatory Plan for a Woman Teacher in Primary School:** The Ninth Plan has obliged every school to nominate a teacher from women, however, no satisfactory impact is seen in favor of Dalit women. This provision is more questionable since the schools are going to be managed locally. But, the social practices inhibit the appointment of a Dalit woman as a teacher to teach children of higher castes.
- h) **Relaxation in Age for Civil Service:** The civil service rule (amendment) has relaxed the age limitation for the enrollment for public services to women. Maximum age limit for women to join civil service is 40 years, whereas it is only 35 in case of men. But, there lacks the record of the beneficiary from Dalit women by this provision. Major beneficiaries of this provision of reservation are women from the forward castes.
- i) **Women's Bodies to be searched by Women Police:** If the body of woman has to be searched in connection with investigation of a crime, the search has to be conducted by women police without insulting her. Under the existing arrangement, the body of a Badi woman is searched by male police even without

prior notice, which is not only objectionable but an insult to the pride of the women folk.

- j) ***National Commission for Women:*** The Commission is established with a view to protecting and promoting the women's rights. But, the composition of this Commission lacks any representation from Dalit women. As such, the Dalit women have not got any positive feeling towards this institution.

### 3.2 Actions for Dalits

- k) ***Deprived, Depressed and Dalit Community:*** His Majesty's Government has established this community with a view to planning and executing the welfare policies for Dalit, but there is no any woman's representation in the composition. The males dominate the committee. This situation is self-defeating as the women from Dalit community have no control over the policy and programmes executed through this body.
- l) ***National Dalit Commission:*** A single Dalit woman was appointed in the commission out of ten members from the Dalit community. There were several claims that there existed potential candidates from the Dalit women for this august body.
- m) ***Committee for Formulating Reservation Policy:*** The Government has formulated a main committee under the chairmanship of Finance Minister and several sub-committees with a view to formulating the model of reservation policy to women, Dalit and *Janajati*. But apparently, there lacks representation of Dalit women in any committees.

Though the government has taken several positive actions for the gender justice Dalit women are considered neither at the time of planning nor in the executing of the policies.

### 4. Affirmative Action Elsewhere

With the transformation of the nature of state structure, it becomes the liability of all state to initiate the welfare programs for the marginalized communities. The motto of democracy itself advocates for the rule of law and wide participation. Wide participation and rule of law will not be meaningful, without giving due respect to the empowerment of all backward and marginalized communities. Various states have included the reservation policy for women, backwards and handicapped. Few examples are:

In South Africa, an Employment Equity Act was promulgated with a view to empowering the blacks. This Act has come for promoting equal opportunity, implementing affirmative action measures to redress disadvantaged in employment experienced by designated groups to ensure their equitable representation in all occupational categories. The Act goes also to elaborate measures that constitute affirmative actions. These measures are to be taken by employers to ensure that members of designated groups are adequately represented in the workforce and equal opportunity to compete for and advance in jobs<sup>4</sup>.

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<sup>4</sup> (Women in Action' Gender and Racism and Fundamentalism, nos. 1-2. 2000.)

In India serious efforts are being made towards the enhancement of their participation as well as imparting training to the elected women representatives. The members of women elected to the rural and urban bodies in Karnatak exceed the mandatory reserved for them. Districts are selected as the population of Dalit women in the constituency. Under the 1983 Karnatak Act, 25% seats were reserved for women. The reservation for the SC and ST was in the proportion to their population. The new law of 1993 reserves one-third seats for women (from all caste categories) and one-third for backward classes. The amended 1995 Act provides for reservation of seats for the SCs and STs and the OBCs and women on rotation basis. There is a provision for not less than one third of the total no. of seats to be reserved for women, which includes not less than one third of the seats reserved for SCs and STs belonging to these respective categories<sup>5</sup>.

### **5. Demand for Pro Dalit Women Measures**

Time has come to execute the affirmative action policies and implementation as well. Realizing the need of the reservation for bringing the disadvantaged community into the mainstream of the governance process, the government has called for formulation of the reservation policy to the marginalized communities namely; women, *Janajati* and Dalit. Affirmative policy is generally perceived as steps taken to correct historical disadvantages and unfair discrimination by enabling access to full opportunities and benefits<sup>6</sup>. Therefore, the Dalit women should be given specific focus. There should be 10% reservation in Dalit reservation and 10% in reservation for Dalit women. Otherwise only the creamy layer or the forward women will be benefited and rest of the real oppressed women will not be benefited which is not real objective of the reservation policy. Within the women and Dalits, there should specific provision for Dalit women and ensure their participation in policy formulation positions as well. Following measures are recommended in the plan on reservation:

- Specific land reform and allocation programs should be implemented where the population of Dalit women is high. Allocation of state resources for the advancement of women's equality is essential for the fulfillment of the state parties obligations under the ratified international human rights instruments also,
- Skill providing program should be launched and provide them the job as per their skill for their economic survival.
- Specific programs should be planned for exemption of loans to Dalit women.
- There should be provision for compulsory and free education. Mere free education is not enough. The school-going children, particularly from the Dalit communities, should be provided necessary books, bags and school materials as per their needs free-of-cost.
- After increasing the access of Dalit community in education, there should be reservation for their employment in public services. Within the reservation for women, there should be clear percentage for Dalit women.
- For the participation in civil service, the curriculum for examination should be made Dalit women friendly. These women should be provided travel cost,

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<sup>5</sup> (Aastha Ramesh' 331/2% Reservation towards Political Empowerment, BFC, 2001).

<sup>6</sup> (Dr. Aruna Rao et. al. Working Paper' DFID 2003-2004).

- relaxation in fees and extra costs. Provision should be made for preferences to Dalit women in coaching classes. Separate merit list system should be made for encouraging them to be participated in public services.
- Seats should be separated for Dalit women in gazetted class.
  - Participation in political and public life has traditionally been regarded as a male dominated sector in Nepal. However, women have been active in various political movements and benefited. But Dalit women are not included within the ambit of political beneficiaries. The factors behind this are their illiteracy, lack of resources and support for their mobility. So, for their political participation, there should be specific provision in the constitution and other laws for the reservation for women. In them Dalit women also should be given special preferences.
  - Dalit women are in a disadvantaged position in every sphere of political life. Therefore, 10% seats in constitutional bodies, commissions, committees and mission should be separated from the quotas visualized for women in general.

Other Program oriented activities to be focused are:

- Revise the civil service curriculums and make it Dalit women friendly,
- Create one contact officer in all ministries,
- Family friendly provision should be made for public services like day care, husband and wife in same district, increased maternity mourning leave and paternity protection,
- Gender audit specific reference with Dalit women,
- Dalit women should be given information about the positive policies and provisions and their impact,
- Programs should be framed for the voters' education and for their encouragement in the contest of election.

## 6. Conclusion

Unity among diversity is a constitutional motto, but the integration is not an easy task to maintain it. For this, the government will have to go forward with specific programs for marginalized and poor communities. Until and unless, Dalit community, so-called untouchables are not brought into the governance process and can not give the due respect to the Dalit women for participation, national integrity will remain confined to the constitution only.

Though the Government has planned various gender friendly programs for women in general, it is an irony that the Dalit women have not been beneficiaries from these all. Still they are deprived of participating in the committees for planning the policies for women and forgotten to have the accessibility in the welfare programs.

Women from so-called higher caste family have grasped all the welfare programs and plans. The government does not care for them. Not only the government, even the political parties do not voice for the Dalit women. Political parties have frequently fashioned their campaigns slogans around the need for uplifting the marginalized sectors, while political leaders, mostly drawn from higher castes offer the promise of equal status

and equal rights. But, the political condition of Dalit women is highly determined by the caste and gender discrimination.

For the overall development of the country as a whole, there should be a plural participation from all castes, classes, communities and groups from all sectors. Dalit community, which has not any representation in any state level, has to push for representation. Since the Dalit women are triple victims from society, males, and economic and social condition, they should be given specific focus.

Government while formulating and executing the programs should not forget to include Dalit women while planning for the reservation policy to women in general. Government should separately determine the quotas for Dalit women and encourage for their education, political participation, representation in public administration and employment. Even there should be clear-cut provision for the representation if any committee is framed. Otherwise, the issue regarding Dalit women will not come into account.