



## IMPACTS OF INCLUSION IN CIVIL SERVICE AND WAY FORWARD

■ PURNA BAHADUR BISHWOKARMA

### EVOLUTION OF PUBLIC ADMINISTRATION IN NEPAL

For much of Nepal's history, the king was the arbitrary head of public administration. Before Nepal's unification, religious texts like Manu Smriti, Yagyavalkya, Chanakya Niti, Narad Smriti or teachings of saints were the principles of public policy. There were no laws, by-laws or regulations to run the country's public administration. Even after the unification, the king solely wielded the power to draft, pass and promulgate laws. The royal palace constituted an assembly of Chautariya, Kaji, Sardar, Khajanchi, Chhapardar, Khardar, Dittha and elderly people to run public administration. The assembly comprised people belonging to castes (Aryal, Pandey, Khanal, Panta, Bohara and Rana).

These Hill-Brahmin castes were rewarded for their contributions to Nepal's unification campaign, which was spearheaded by Prithvi Narayan Shah. In the early years of the Rana oligarchy, Junga Bahadur Rana ended the practice of running public administration on the basis of religious texts by introducing Muluki Ain (General Code) in 1910 BS. Nevertheless, patronage remained more important than merit to be a civil employee.

In 1956, Nepal enacted Civil Service Act to manage public administration. But it is yet to ensure inclusion of all castes, ethnicities, communities, gender groups and regions in all state levels and mechanisms. The constitution that Nepal promulgated after the restoration of democracy in 1990 was slightly progressive in terms of inclusion, but yielded no positive results. In the wake of the 2006 Democracy Movement, the interim government amended Civil Service Act to ensure inclusion of all castes, ethnicities, gender groups and regions in public administration. As a result, civil and other public services are getting increasingly more inclusive of diverse ethnicities, gender groups and regions.

### RESEARCH METHOD

This article is an attempt to examine inter-relationships between Nepal's inclusion acts/policies and their actual impacts. For this, a caste/ethnicity-wise breakdown of 78,836 civil employees (except justices/judges) has been presented here. The statistics of civil employees working as of 14 May 2014 have been sourced from the Department of Civil Personal Records. To minimize the margin of errors in determining which sub-castes/ethnicities fall under which castes or ethnic groups, widest possible consultations have been carried out. Various books and research reports have also been used as secondary source, and the author's experience in this sector has also come in handy.

### THE STATUS OF CIVIL SERVICE

#### 1) Fulfillment of vacancy in civil service

The Civil Service Act has a provision to fulfill vacant posts in civil service through open and internal competitions. All the classless and non-gazetted fifth class posts are fulfilled through open competitions. For non-gazetted second class posts, 70 % are hired through an open competition while 30 % are fulfilled through promotion. For non-gazetted first class posts, 40 % are hired through an open competition and 60 % are hired through promotion. Similarly, proportions of civil employees recruited through open competition and promotion are 70 and 30 % for gazetted third class posts, 10 and 90 % for gazetted second class, 10 and 90 % for gazetted first class and 100 % through promotion for special class posts.

## 2) Provisions of inclusion in civil service

The article 7 (1) of the Civil Service Act 1993 has reserved 45 % of all the posts filled through an open competition for women and marginalised communities. Of these seats, 33 % go to women, 27 % go to Adivasi/Janajatis, 22 % go to Madhesis, nine % go to Dalits, five % go to disabled and four % to backward areas. They can compete among themselves to grab these reserved seats. Some specific posts are created through gazette only for women. For women and marginalised communities, there has been a one-year-less provision for promotion. Women and disabled people can join civil service until they turn 40. For women, probation period is limited to just six months.

The article 7 (7) of the Act explains that Adivasi/Janajatis, Madhesis and Dalits mean those Adivasi/Janajatis/Madhesis and Dalits who are economically and socially backward in the context of inclusion and reservation. But even a decade after this inclusion provision was added to the Act, the state has not paid attention to the subtext of this provision. Various reports published by Public Service Commission or senior authorities of this constitutional body have time and again highlighted the fact that participation of Adivasi/Janajati, Madhesi and Dalit in civil service has increased, but they do not actually belong to the target groups. Therefore, it is the responsibility of the state to implement reservation policy in the spirit of the Act by increasing participation of socially and economically backward Adivasi/Janajati, Madhesi and Dalit in civil service.

## 3) Gender breakdown in civil service

As per the record last updated in January 2016, only

Table 1: gender breakdown of civil employees

Class	Men		Women		Total
	Number	%	Number	%	
Gazetted	13223	91.36	1250	8.64	14473
Chief secretary	1	100	0	0	1
Special class	59	100	0	0	59
Gazetted first class	463	94.88	25	5.12	488
Gazetted second class	3160	95.18	160	4.82	3320
Gazetted third class	9537	89.77	1087	10.23	10624
Non-gazetted	23963	85.78	2973	14.22	27936
Classless	17705	95.25	1487	7.75	19192
Health service	11557	59.44	7885	40.56	19442
Justices/judges	298	97.39	8	2.61	306
Total	66743	82.03	14625	17.97	81368

Source: Tankamani Sharma, Ministry of General Administration, women in civil service, Jan, 2016

**To ensure inclusion of women belonging to marginalised and backward communities in proportion of their populations, another amendment of the Act is needed.**

8.6 % of gazetted civil employees are women. The rest 91.36 % are men. Of the total gazetted first class officers, 5.12 % are women and 94.88 % are men. Of the total gazetted second class officers, 4.82 % are women and 95.18 % are men. Of the total gazetted third class officers, 10.23 % are women and 89.77 % are men. As for non-gazetted

civil employees, 14.22 % are women and 85.78 % are men. As for classless civil employees, 7.56% are women while 92.25% are men. In health service, 40.56% are women while 59.39% are men. In judiciary, 2.61% are women while 97.39% are men (Table 1).

After the second amendment of the Civil Service Act 1993, the number of women civil employees is increasing. But most of these women belong to Bahun and Chhetri castes. A distant second portion of women belong to Adivasi/Janjati and backward areas. But participation of Madhesi and Dalit women is virtually nil. To ensure inclusion of women belonging to marginalised and backward communities in proportion of their populations, another amendment of the Act is needed.

## 4. Caste/ethnic breakdown of civil employees

Khas/Arya communities (Bahun, Chhetri, Sanyasi and Thakuri) constitute 28 per cent of Nepal's population, but their participation in civil service is more than double of their total population, according to the record last updated in January 2016. Their numbers are higher than those of non-Khas/Arya people in all the strata of civil service. They constitute 57% in classless, 68% in non-gazetted, 62.72% in gazetted third class, 74.35 % in gazetted second class, 75.2% in gazetted first class, 83.67% in special class and 100% in chief secretary.

After Khas/Arya, Newars constitute the second highest number in civil service. 7.21 % of civil servants are Newars, which is more than their population. They are 6.67% in classless, 6.23% in non-gazetted, 9.35% in gazetted third class, 10.71% in gazetted second class, 10.60% in gazetted first class, 10.2% in special class and 0% in Chief secretary. Among other Janjatis, Tharus (Chaudharis) have the highest 3.056% participation in civil service. They are 3.96% in classless, 2.77% in non-gazetted, 2.38% in gazetted third class, 0.77% in gazetted second class, 0.19% in gazetted first class, 2% in special class and 0% in chief secretary. Apart from Newars and Tharus, other Janajati groups collectively constitute 8.92% in civil service. They are 13.74% in classless, 6.78% in non-gazetted, 4.85% in gazetted third class, 2.76% in gazetted second class and 2.65% in gazetted first class, 2% in special class and 0% in chief secretary. Madhesis have also a fair share in civil service. They constitute 15.18% in civil service. They are 15.31% in classless, 13.9% in non-gazetted, 18.76 % in non-gazetted third class, 10.34% in gazetted second class, 10 % in gazetted first class, 2% in special class and 0% in chief secretary.

Table 2: caste/ethnic breakdown of civil employees

Caste/ ethnicity	Classless	Non- gazetted	Gazetted			Special class	Chief secretary	Total	%
			Third	Second	First				
Dalit	842 (2.75%)	569 (1.93%)	175 (1.20%)	17 (0.48%)	2 (0.38%)	-	-	1605	2.036
Janajati Newar	2046 (6.67%)	1838 (6.23%)	1361 (9.35%)	376 (10.71%)	56 (10.61%)	5 (10.20%)	-	5682	7.21
Janajati Tharu	1215 (3.96%)	818 (2.77%)	347 (2.38%)	27 (0.77%)	1 (0.19%)	1 (2.04%)	-	2409	3.056
Other Janajati groups	4213 (13.74%)	2001 (6.78%)	706 (4.85%)	97 (2.76%)	14 (2.65%)	1 (2.04%)	-	7032	8.92
Madhesi	4697 (15.31%)	4105 (13.91%)	2731 (18.75%)	363 (10.34%)	53 (10.04%)	1 (2.04%)	-	11950	15.18
Muslim	196 (0.64%)	140 (0.47%)	106 (0.73%)	20 (0.57%)	5 (0.95%)	-	-	467	0.60
Khas/Arya	17463 (56.93%)	20049 (67.92%)	9130 (62.72%)	2610 (74.36%)	397 (75.19%)	41 (83.67%)	1 (100%)	49691	63.02
Total	30672 (38.90%)	29520 (37.44%)	14556 (18.46%)	3510 (4.45%)	528 (0.69%)	49 (0.062%)	1	78836	100

Source: Department of civil personnel records, Hariharbhawan, Lalitpur, April 2013, Note: Khas/Arya=Bahun, Chhetri, Thakuri, Samyasi

**Among Madhesi, high-caste people from the Tarai are ahead of other Madhesi ethnic groups. Share of Madhesi Dalits is virtually nil. Dalits and Muslims fare worse in terms of their shares in civil service.**

Dalits make up for 13 per cent of Nepal's population, but their share in civil service is very low. They constitute only 2.036% of civil employees, with 2.75% in classless, 1.93% in non-gazetted, 1.2% gazetted third class, 0.48% in gazetted second class, 0.38% in gazetted first class and 0% each in special class and chief secretary.

Muslims have the lowest share in civil service. They constitute only 0.6% in civil service, with 0.0064% in classless, 0.47% in non-gazetted, 0.73% gazetted third class, 0.57% in gazetted second class,

0.95% in gazetted first class and 0% each in special class and chief secretary (Table 2).

Ethnic breakdown of civil employees shows Nepal's civil service is dominated by Bahun and Chhetri. Among Adivasi/Janajatis, Newars are ahead with 38% share. Among Madhesi, high-caste people from the Tarai are ahead of other Madhesi ethnic groups. Share of Madhesi Dalits is virtually nil. Dalits and Muslims fare worse in terms of their shares in civil service.

Nepal's ethnic diversity is not reflected in civil service. It has been a decade since Nepal adopted a policy of reservation to promote inclusion, but the government still lacks official figures about representation of various ethnic groups in civil service. The Ministry of General Administration has recently begun an assessment of the

impact of the reservation policy, though. If the government has willingness to prepare ethnicity-wise data of civil employees, it may not be an uphill task. But as a result of dominance of a certain group, the government is just not willing to prepare ethnicity-wise data of civil employees.

### 5) Impacts of inclusion policy in civil service

The Civil Service Act 1993 (second amendment) has a provision for reservation. Before this reservation policy was introduced, share of women in civil service only 11%. Shares of Dalit, Muslim and disabled were virtually nil. Adivasi/Janajatis and Madhesi had slightly higher shares. Percentage of Khas/Arya people was as high as 80%.

- As a result of reservation policy, shares of women, Adivasi/Janajati, Madhesi, Dalit, disabled and people from backward areas are increasing in civil service.
- Ministry of Women, Children and Social Welfare, various commissions and institutions are now running classes to help women and people from marginalised communities to join civil service. But these opportunities are limited to Kathmandu and other cities, and beyond the reach of socially and economically backward people.
- Dominance of Khas-Arya people in civil service is gradually decreasing in the last 10 years.
- Inclusion of diverse social, cultural, religious, ethnic, gender groups and regions has made government services more accessible to diverse communities, and sense of ownership is increasing towards civil service among women and other marginalised communities.
- The government has begun to internalise the spirit of positive discrimination while making political appointments.
- Practice of approving programs and allocating budget

for them in the spirit of reservation and positive discrimination is increasing.

- Seats reserved for women, Adivasi/Janajati, Madhesi and Dalit are actually reserved for socially and economically backward women and Adivasi/Janajati, Madhesi and Dalits. But the state has not prepared criteria to identify socially and economically backward women, Adivasi/Janajati, Madhesi and Dalits. As a result, the real goal of inclusion has not been achieved.
- As a result of reservation policy, participation of women and marginalised communities is increasing while share of Khas/Arya is decreasing. Therefore, those communities whose dominance is on the wane seem to have launched a campaign in mainstream and social media to belittle those women and marginalised people who have joined civil service through reserved quotas.

## WAY FORWARD FOR NEPAL'S CIVIL SERVICE

Nepal's new constitution considered inclusion and proportional representation as one of the guiding principles of the state. So there is no alternative to making Nepal's civil service inclusive. For this to happen, the state must undertake following measures:

- The state must implement the reservation policy in the spirit of the Civil Service Act 1993 by identifying socially and economically backward class and ethnic communities.
- The state must prepare data on shares of people belonging to diverse gender, ethnic communities, class and regions in civil service.
- The state must have a roadmap with details of which ethnic communities, gender, class and regions can be represented in civil service in proportion of their populations in how many years.
- Preparation classes must be conducted to empower socially and economically backward ethnic communities, gender, class and regions to join civil service.
- The state must ensure that a person that has once benefitted from reservation/inclusion policy will not benefit from the same policy for another time.
- Empowerment schemes and programs for socially and economically backward communities must be incorporated in annual budget and periodic plans.
- Research and studies must be carried out to dissect falsehood from reality about quality and capability of service delivery by those who have joined civil service through quotas reserved for women and marginalised communities.

## CONCLUSION

As a result of the reservation policy, Nepal's social, cultural, ethnic and regional diversity is now being

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reflected in civil service. Historical dominance of one caste group in civil service is gradually weakening. Participation of women, Adivasi/Janajati, Madhesi, Dalit, physically disabled and backward communities in civil service is increasing. As civil service becomes inclusive, government services have become more accessible to diverse communities, and sense of their ownership towards civil service is increasing. The constitution has guaranteed proportional representation of economically, socially and

educationally backward women, Dalit, Adivasi/Janajati, Madhesi, Tharu, Muslim, backward class, minority groups, marginalised, physically disabled people, sexual minorities, farmers, labourers, oppressed communities and poor Khas/Arya in state organs. But there is doubt that this constitutional provision can be implemented. Diverse ethnic communities and regions must have a sense of ownership of the state in the process of nation building. For this, proportional representation of all communities in state organs including civil service is the key. This is the purpose of recent political changes, and this ideal has been reinforced by the constitution and several international laws endorsed by the Nepali society. Therefore, it is the need of the hour to promote equality and strengthen democracy by implementing all provisions of proportional representation. Inclusion policy must be more nuanced and scientific, and the state must prepare acts/laws and policy to strengthen relations between the state and marginalised communities.

*(Mr Biswokarma is a School Inspector, District Education Office, Pyuthan)*

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