



**Centre for Rural Technology, Nepal [CRT/N]**

Towards Action for Development ..... Since 1989

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**GENDER AND ENERGY UPTAKE IN  
THE POLICY AND CONSTITUTION –  
NEPAL**

**Prepared by**

**Dr. Indira Shakya,  
Dr. Purushottam Shrestha  
and  
Ms. Ashma Pakhrin**

2018

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## ACRONYMS

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CPN-ML	Communist Party of Nepal-Marxist and Leninist
AEPC	Alternative Energy Promotion Centre
CRT/N	Centre for Rural Technology, Nepal
UDHR	Universal Declaration of Human Rights
WHO	World Health Organisation
CA	Constitution Assembly
SEforAll	Sustainable Energy for All
SDGs	Sustainable Development Goals
DCCs	District Coordination Committees
PPP	Public Private Partnership
MW	Mega Watt
TOE	Tons of Oil Equivalent
GDP	Gross Domestic Product
VDCs	Village Development Committees
NEA	Nepal Electricity Authority
GoN	Government of Nepal
NPC	National Planning Commission
VDCs	Village Development Council
EUCs	Electricity Users' committees
ESAP	Energy Sector Assistance Programme
MoEST	Ministry of Science, Technology and Environment
NRREP	National Rural Renewable Energy Programme
NACEUN	The National Association of Community Electricity Users-Nepal,
CREP	Community Rural Electrification Programme
CBRE	Community Based Rural Electrification

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## FOREWORD

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Since 2015, Centre for Rural Technology, Nepal (CRT/N) has been engaged in the Gender and Energy Research Project: The Gender Factor in the Political Economy of Energy Sector Dynamics. This is a two country study, India and Nepal, conducted under the leadership of (M. S. Swaminathan Research Foundation) MSSRF in Chennai, India. Both organisations are driven by the common objectives and mission of strengthening the initiatives and reaching out effectively to a larger mass on the importance of energy and gender in development. The study has been supported by the International Network on Gender and Sustainable Energy (ENERGIA) based in the Netherlands. It has been working in the advocacy and lobby for evidence based policy influencing for gender in the national and international energy programmes and projects. This project has the honour of receiving policy support of the Alternate Energy Promotion Centre (AEPC), Nepal which is also responsible for the Sustainable Energy for All (SEforALL), a global initiative led by the former Secretary-General of the United Nations, Ban Ki-moon. It is also an ardent member of the SEforALL National Coordination Mechanism.

Energy is key to broader economic development. However, poverty in energy perspective has distinctive characteristics that disproportionately affect women and girls. Even in Nepal, the primary responsibilities for collecting fuel and water lies upon women and girls. Their participation in the informal economic sector (for example, home base enterprises, agro-processing), rely largely on biomass but struggles to feature in national energy policies and priorities. There has been increasing emphasis on energy access especially with the launch of the Sustainable Energy for All (SEforAll) initiative and the Sustainable Development Goals, (SDGs). As signatory to the initiative it is but obvious that, even for a country like Nepal it provides a unique opportunity for i) empowering women to be more efficient energy managers at the household and community levels as well as ii) exercising the commitments for expanding access to sustainable energy for all. Propounding the fact that women's empowerment is crucial for economic growth and even so for sustainable development, this study has been carried out to assess the focus on energy and energy agenda in the New Constitution of Nepal. The findings will provide guidance to identifying areas for advocacy and lobbying related to gender and energy.

**Mr. Hari Gopal Gorkhali**  
Acting Executive Director  
CRT/N

## PART.1: INTRODUCTION, OBJECTIVES AND METHODOLOGY

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### 1.1 Background

Energy is key to broader economic development. However, poverty in energy perspective has distinctive characteristics that disproportionately affect women and girls. Even in Nepal, the primary responsibilities for collecting fuel and water lies upon women and girls. Their participation in the informal economic sector (for example, home base enterprises, agro-processing), rely largely on biomass but struggles to feature in national energy policies and priorities.

A large number of studies confirm that women's empowerment is crucial for economic growth and even so for sustainable development. In recent years there has been increasing emphasis on energy access especially with the launch of the, Sustainable Energy for All, SEforAll, initiative and the Sustainable Development Goals, SDGs. As signatory to the initiative it is but obvious that, even for a country like Nepal it provides a unique opportunity for i) empowering women to be more efficient energy managers at the household and community levels as well as ii) exercising the commitments for expanding access to sustainable energy for all.

This dependency on biomass poses a serious health problem for women and girls. Every year indoor pollution from the burning of solid fuels takes its toll on 4.3 million people – mainly women and children – and die as a result of indoor air pollution and women are also exposed to other health risks likened to the toilsome work of energy collection. (WHO 2016)<sup>1</sup>. In case of Nepal annual mortality of 54,900 people is attributed to household air pollution<sup>2</sup>.

Women spend considerable time gathering biomass for energy. Energy poverty affects women and girls by virtue of the toll it takes on their time, resulting in 'time poverty' (a lack of time for rest and leisure after taking into account the time spent working, whether in the labour market or at home). Easy access to energy sources and related services can help alleviate some of these challenges. Research in rural Nepal shows that with access to electricity the attendance of girls is on the rise. Similarly, improved cookstoves can reduce cooking time by upto 50%.

As access to modern energy is also a key enabler for women's empowerment (SDG 5) – because rural women and girls are predominantly responsible for the bulk of household work, access to energy makes a significant difference to their health and well-being. While access to energy services would not necessarily guarantee gender equality, it would go a long way in relieving women and girls of the drudgery associated with their daily tasks and providing them time for income-generating opportunities and education.<sup>3</sup>

Asian Development Bank (ADB), in its Country Partnership Strategy (2010-12), highlights the need to 'address gender, ethnic, and caste discrimination through policy reform, targeted investments, and the mainstreaming of equal opportunity measures in key sector investments,' and aims to guide and ensure that in all ADB operations and sectoral assistance, gender and social-inclusion concerns are adequately addressed. To help the Government of Nepal (GON) achieve its power sector goals, ADB's assistance for 2013-2015 will continue to mainstream crosscutting themes (such as gender, governance, regional cooperation and integration, environmental sustainability, and private sector development) and fund investments in the energy, transport and urban services ~~space-space~~<sup>4</sup>.

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<sup>1</sup> WHO 2016, 'Household air pollution and health', Fact sheet No. 292

<sup>2</sup>WHO 2015, CLIMATE AND HEALTH COUNTRY PROFILE – 2015 NEPAL, WHO and UNFCCC

<sup>3</sup>ENERGIA, 2011, 'Fact Sheet on Energy, Gender and Sustainable Development,' 2011.

<sup>4</sup> ADB 2018, SUSTAINABILITY REPORT 2018 INVESTING FOR AN ASIA AND THE PACIFIC FREE OF POVERTY, Asian Development Bank

## 1.2 Gender and Energy in Nepal

Nepal's average annual per capita electricity consumption is about 130 kWh – one of the lowest consumption in South Asia. Shortages and unavailability of electricity for social uses such as drinking water, lighting for education, media for information, and refrigeration for health clinics; as well as for productive uses such as water pumping for irrigation, agro-processing, and income-generating applications, is an obstacle to meeting the related Millennium Development Goals (MDGs).

For the country as a whole, firewood is the predominant energy carrier, accounting for more than 75 percent of consumption, and biomass, including animal and agro-wastes accounts for 83.70 percent (MoF, 2012). In rural Nepal, more than 92 percent of total cooking energy consumed is traditional biomass of which fuel wood constitutes 75.1 percent (CBS, 2009).

Renewable energy has been promoted by the government, and till date, around 12% population has access to electricity through renewable energy sources. Gender perspectives in the RETs sector have been found to differ from technology to technology. However, women's ownership of the different technologies is still very low. According to the study carried out by Vipramshree Energy Pvt Ltd in 2011 for Ilam district-the ownership of the systems is as follows: ICS - 20%, Biogas – 33%, Solar Home Systems - 15% and Improved Water Mills – 4%.

The annual death toll caused by Indoor Air Pollution (IAP) in Nepal is around 7,500 (WHO, 2007), this could very much be reduced with intervention of ICS. Significant reduction in the IAP level (65.73% for PM2.5 and 62.34% for CO) has been recorded after ICS installation alone.

Under the context of gender and energy in Nepal this report attempts to delve into the various regulatory measures adopted or the energy development in the country and to assess them from a gender lens. It specifically focus ~~on the~~on the provisions mainly made by:

- Constitution 2015, Nepal
- Election manifesto of different parties
- Plans and Policies

The study was conducted between 2015 and 2018 based mainly on secondary data. Different methods were employed, including literature reviews, consultation with Government and non-Government institutions, community members and policymakers. In the context of the Agenda for Sustainable Development, aiming to end poverty and promote well-being and prosperity while safeguarding ecological systems of the planet by 2030, including an emphasis on energy access and gender equality in accordance with the SDGs, this study intends to assess the country's preparations to achieve this goal.

## PART.2: THE CHANGED POLITICAL SCENARIO IN NEPAL

The Year 2015 saw the promulgation of Nepal's long-awaited constitution. With the promulgation of this long-awaited constitution in September 2015, Nepal's political transition reached an important milestone. This study aims to assess what provisions these political changes have specifically in two areas (i) development and access to energy (ii) empowerment of women.

### REPEATED

To begin with, the Preamble of the new Constitution has the following highlights:

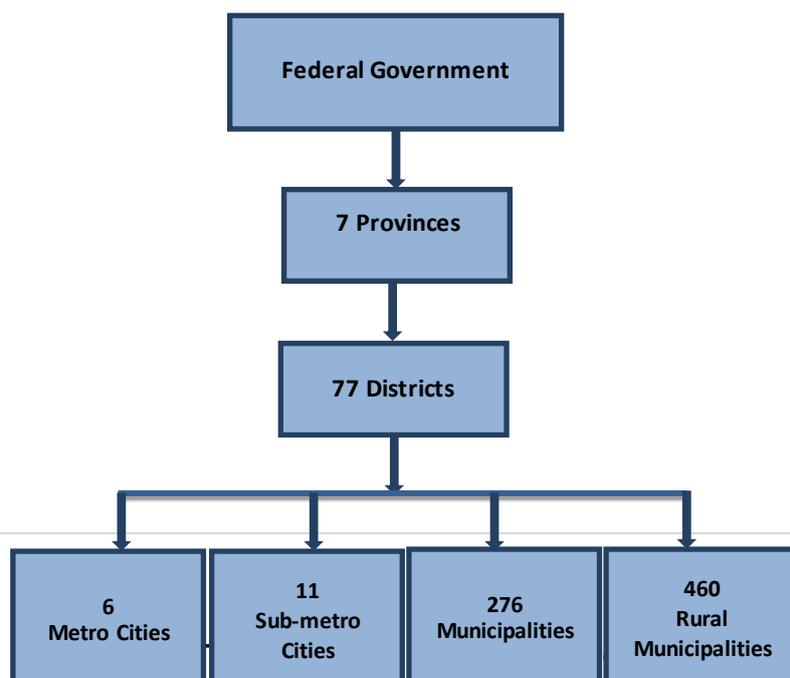
1. The Constitution has been adopted and proclaimed in the name of "We, the people of Nepal, in exercise of the sovereign powers inherent in us."
2. The people of Nepal has the sovereign power and the right to autonomy and self-rule, by maintaining Nepal's independence, sovereignty, geographical integrity, national unity, freedom and dignity.
3. It declares ending all forms of discriminations and oppression created by the feudal, autocratic, centralized and unitary system of government in the past.
4. It notes its commitment to Nepal's multi-ethnic, multilingual, multicultural and diverse geographical specificities and end of discriminations relating to class, ethnicity, region, language, and religion and gender discrimination including all forms of racial untouchability, in order to protect and promote unity in diversity, social and cultural solidarity, tolerance and harmonious attitudes.
5. It also expresses the determination to create an egalitarian society on the basis of the principles of proportional inclusion and participation, to ensure equitable economy, prosperity and social justice.

### 2.1. The Administrative Structure

The Constitution restructures Nepal as a federal country with three layers of federalism. [Part 5] The erstwhile unitary structure of the country has been replaced by seven federal provinces. With the new constitution, Nepal begins its transformation into a federal structure, changing central, provincial and local systems. The administrative divisions of the country are its subnational administrative units. The first level of country subdivisions of Nepal are the Provinces. Each province is further subdivided into Districts and districts into urban and rural municipalities. Fulfilling these requirement of the new constitution of Nepal in 2015, all old municipalities and villages (which were more than 3900 in number) were restructured into 753 new Municipalities and Villages. The former 75 district development committees (DDC) were also replaced by 77 new District Coordination Committees (DCC) which have much less power than the DDCs. At present there are 6 Metropolitan Cities, 11 Sub-Metropolitan Cities, 276 Municipalities, and 460 Rural Municipalities. See Figure 1. Also see Annex 1 for some information of the provinces.

### 2.2. Decentralisation of Authority

The erstwhile unitary structure of the country has not only been replaced by seven federal



provinces but also with delineation of stipulated legislative powers for the central, provincial, and local bodies. There is an elaborate federal scheme in the Constitution. [Parts 5 - 20]. It provides for separate list of powers of the federal layers. [Schedules 5-9] Similarly, legislative and financial procedures of each level have also been elaborated by the Constitution. [Parts 14-16 and 18-19]. This Constitution is also said to be the constitution of all provinces and even an important statute for the municipalities.

To achieve the federal objective, the Constitution<sup>5</sup>, sets out some key principles. Firstly, the State powers of Nepal shall be used by the three main levels of structure: federal, provincial and local, in accordance with this constitution. Secondly, the power of the each level of the structure has been set out in the given schedules and shall be exercised in accordance with this Constitution and the federal law. Thirdly, the Constitution also sets out concurrent/shared power of the federation and the province, and federation province and the local level. Fourth, Article 58 states that powers relating any subject that are not mentioned in the list of powers of the federation, province or the local level entity, or in the concurrent/shared powers of federation and the province, or not stated in this Constitution, shall rest with the federation as residual powers. Fifth, the Constitution also lays down norms for use of fiscal power and distribution of sources of revenue. Finally, the federation may make basic laws regarding necessary policies and criteria related to the subjects included in the list of concurrent/shared power and in other areas of fiscal authority, which may also be implemented in provinces.

Here the constitution grants local government that will have authority to plan and implement development programs of their own.

It is obvious that the Constitution of Nepal 2015 envisages a 3 tiered, devolved and decentralised architecture of governance, comprising of the Federal, Provincial and Local governments. The aim is clearly to bring the government closer to the people and to enhance the speed and quality of development by providing space for peoples' participation in development governance. As the Constitution aims to actualize its vision of building an inclusive nation, it ensures that key government services are accessible to all citizens and are delivered in a transparent and accountable fashion at all tiers of the government. The Constitution refers to spheres of governance and service deliveries as

- (a) Exclusively Federal Functions,
- (b) Exclusively Provincial Functions,
- (c) Exclusively Local Functions,
- (d) Concurrent Functions of Federal and Provincial Governments, and
- (e) Concurrent Functions of Federal, Provincial and Local Governments.

The Constitution also lays down the Directive Principles, Policies and Responsibilities of the State as guidelines for the governance of the State. According to this it is the responsibility of the state to mobilize required resources and means for their implementation [Article 49]. A National Natural Resources and Fiscal Commission has been created to determine extensive grounds and measures, regarding the distribution of revenue from the federal consolidated fund to the federal, provincial and local level governments according to the constitution and law. [Articles 250-251]

### **2.3. Fundamental Rights**

The new Constitution provides a long list of fundamental rights, including economic, social and cultural rights, most important for the Nepalese people at this stage. [Part III] There is a provision for affirmative action for historically prejudiced or disadvantaged communities among others. [Article 18(3)] The right to inclusion and participation in the state structures is also there that applies to all communities in the country. [Article 42, for example] The rights of the Women, Dalits, indigenous people and minorities have also been enlisted through several provisions. These rights can be claimed at the provincial high court and district courts as part of the right to remedy. See Annex 2 for the list of Fundamental Rights.

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<sup>5</sup>See Part 5 of the Constitution 2015.

Moreover, the Constitution of Nepal has enshrined right to basic and secondary education, right to basic health, right to clean water and sanitation, right to food, right to housing and right to energy as fundamental rights of the citizens. As the fundamental rights will have to be progressively realized in the medium term, priorities need to be accorded to the SDG targets which help achieve these constitutional commitments.

As can be seen the country has set its domestic policies to achieve sustainable development through inclusive social and economic development strategies. The Constitution has adequately covered the issues of fundamental rights of the citizens and the responsibility of the state to deliver them.

As the Constitution directs for inclusive development with social justice, the priority of the government has been implementation of the same to reduce absolute poverty, achieve fundamental rights of the citizens, and minimize the disparity in development outcomes across gender, social class and geographical regions.

#### **2.4. Paving the way for Energy Sector Development**

The Constitution promulgated the need to develop energy for national economy. It emphasises on the energy development for

- i) Economic development
- ii) Fulfilling the right of its population to clean and healthy environment
- iii) Accessing to energy for light, drinking water and irrigation
- iv) Reducing the burden on forest, conservation of natural resources

Actions related to conventional energy as well and renewable energy comprise of:

- To ensure mixture of 2 percent ethanol in petroleum substance
- To build solar rotation stations for conducting electric rides
- Establishing Battery Recycling Plant in Public Private Partnership, PPP, Model |
- Renovation of renewable energy sector
- Reduction of petroleum consumption by utilizing renewable energy
- Irrigation, drinking water, small and medium industries will be implemented by implementing the concept of solar power.
- To develop awareness on the use of hydroelectric power, solar energy and biogas, biomass energy.
- Increasing local economic activities through the power generation unit of electricity
- Increase the wind power of the solar energy mixture
- Use of carbon funds from the rise of renewable energy
- To bring new projects to a carbon market

#### **2.5. Provisions for Energy Sector**

In energy, the government has come up in 2016 with an Approach Paper to end Energy Crisis and Electricity Development Decade which intends to produce 10 thousand MW of electricity by 2025 and ensure energy for all. Similarly, Biomass Energy Strategy 2017 has been formulated to promote biomass as reliable, affordable, and sustainable energy resource to address the increasing energy demand.

With the commitments to SDG in place it would not be wrong to say that the constitution stands by its commitments to SDG7 which focuses largely on energy.

SDG 7 - Ensure access to affordable, reliable, sustainable and modern energy for all: The SDG7 targets include achieving, by 2030, universal access to affordable, reliable and modern energy services, increasing substantially the share of renewable energy in the global energy mix and doubling the global rate of improvement in energy efficiency.

Nearly three-fourth (74.7 percent) of households in the country are using solid fuels as the primary source of energy for cooking, while one-fifth (18 percent) are using LPG for cooking (Table 1). Usage of LPG has increased rapidly during the last few years not only in the urban households and commercial sector, but also in rural areas. However, household's heavy reliance on traditional energy sources (solid fuels) seems unchanged. While nearly three-fourth (74 percent) of the households have access to electricity in their dwellings, the actual supply of electricity is far below the demand. In rural areas, electricity supply from off-grid hydropower plants is limited and used mostly for lighting and powering charging mobile phones and small equipment and appliances. Electricity from solar PV home systems is growing but it is sufficient mostly for lighting only. Access to grid electricity, especially in the rural areas, is still perceived as unreliable even after the removal of the load shedding. Households without access to electricity depend on kerosene and LPG for lighting and cooking. Biogas is a popular energy source for cooking and lighting, but its coverage is limited. Under the above condition, ensuring access to affordable, reliable, and modern energy for all is a daunting task. However, given the immense hydro power potential, private sector coming up strongly in power generation, grid connectivity expanding and alternative modern energy sources being capitalized, the country has the strength to meet the targets. Thus the proposed specific targets for SDG 7 include accessibility of 99 percent households' to electricity, reduction to 10 percent -from nearly 75 percent now - the households who resort to firewood for cooking, limiting the uses of LPG to less than 40 percent of the households, generation of at least 15000 thousand MW of electricity, increase per capita electricity consumption to 1500 kwh and decrease the commercial energy use per unit of GDP from 3.20 TOE/m in 2015 to 3.14 TOE/m in 2030.

**Table 1: SDG 7: Ensure access to affordable, reliable, sustainable and modern energy for all Targets and Indicators**

	2015	2019	2022	2025	2030
<b>Target 7.1 By 2030, ensure universal access to affordable, reliable and modern energy services</b>					
7.1.1 Per capita energy (final) consumption (in GJ)	16 <sup>a</sup>	18.13	19.73	21.33	24
7.1.2 Proportion of population access to electricity (%)	74 <sup>b</sup>	80.7	85.7	90.7	99
7.1.3 Households using solid fuel as primary source of energy for cooking (%)	74.7 <sup>d</sup>			10	
7.1.4 People using liquid petroleum gas (LPG) for cooking and heating (%)	18 <sup>b</sup>	23.60	27.80	32.00	39
7.1.5 Electricity consumption (kWh per capita)	80 <sup>e</sup>	458.7	742.7	1026.7	1500
7.2.1 Share of renewable energy in total energy (final) consumption (%)	11.9 <sup>d</sup>	22.1	29.7	37.3	50
7.2.2 Installed capacity of hydropower (MW)	782 <sup>e</sup>	4573	7417	10260	15000
7.2.3 Grid connected to solar PVC (MW)	0.10 <sup>e</sup>	266.7	466.7	666.7	1000
7.3.1 Commercial energy use per unit of GDP (TOE/m)	3.20 <sup>d</sup>	3.28	3.17	3.15	3.14
7.3.2 Energy efficiency in Industry (MJ per 1000 rupees of product)	47.20 <sup>f</sup>	45.28	43.84	42.40	40
7.3.3 Efficient lighting systems CFL (in residential & commercial), (%)	20	58.0	80.0	50.0	0
7.3.4 Efficient lighting systems LED (in residential & commercial), (%)	0.1	7.6	15.0	50.0	100
7.3.5 Higher efficiency appliances (in residential & commercial) (%)	10	40.0	50.0	68.0	100
7.3.6 Electric vehicles in public transport systems (%)	1	37.8	50.0	53.8	60

Sources: a: Consultation with thematic committee and experts from NEA, b: CBS (2011), c: CBS (2014), d: NPC (2016), e: NPC (2015), f: CBS (2014a)

## 2.6. Provisions for Women

The new Constitution of Nepal guarantees inclusive socio-political and economic development in Nepal. The Constitution of Nepal guaranteed, the right of every citizen to live with dignity, right to freedom, right to equality, right to communication, right to justice, right of victims of crime, right against torture, right against preventive detention, right against untouchability and discrimination, right to property, right to freedom of religion, right to information, right to privacy, right against exploitation, right to clean environment, right to education, right to language and culture, right to employment, right to labour, right to health, right to food, right to housing, rights of women, rights of child, rights of *Dalits*, rights of senior citizen, right to social justice, right to social security, right of the consumers, right against exile and right to constitutional remedies.

The new Constitution provides a long list of fundamental rights, including economic, social and cultural rights, most important for the Nepalese people at this stage. [Part III] There is a provision for affirmative action for historically prejudiced or disadvantaged communities among others. [Article 18(3)] The right to inclusion and participation in the state structures is also there that applies to all communities in the country. [Article 42, for example] The rights of the Women, Dalits, indigenous people and minorities have also been enlisted through several provisions. These rights can be claimed at the provincial high court and district courts as part of the right to remedy.

Further, the new Constitution creates specific independent constitutional commissions (such as the Women Commission, Dalit Commission, Janajati Commission, Madhesi Commission, Tharu Commission and Muslim Commission). They will exist with the National Human Rights Commission. These commissions, which are created outside the framework of Fundamental Rights, and in different chapters, have a mandate to recommend changes in the laws, policies, and practices of areas that discriminate against or deny rights to their respective communities. They submit annual reports to the parliament. These provisions are expected to make the state inclusionary for major groups and communities in the country.

Furthermore, the new constitution expresses the determination of the state to build an equitable society on the basis of the principle of proportional inclusion and participation, by ensuring economic equality, prosperity and social justice.

The Constitution of Nepal (2015) guaranteed inclusive socio-economic and political development; building an egalitarian and pluralistic society; eliminating all forms of discrimination based on class, caste, geography, language, religion and gender; and for ensuring economic equality, prosperity and social justice. This is a guiding document to all policy, plan, programme and project, which carries the aspiration of SDGs "no one is left behind". Some of the sectorial plans, priorities and targets are aligned with SDGs while some of them are not perfectly aligned and they are in alignment process.

The new constitution of Nepal enshrines the fundamental rights of women. Therefore, the government of Nepal is committed to implement international conventions and treaties it has signed related to gender equality and empowerment of women. It has formulated various act, policy, plan and programme to achieve gender equality and empower women and girls. Women empowerment and gender equality are achieved gradually in other social and political spheres. Women occupy 29.5 percent seats in the national parliament and 33 percent in local government. Women's participation in decision-making level in the private sector is 25 percent and 50 percent in cooperative sector. The Constitution of Nepal ensures the sexual and reproductive rights of women. Similarly, the Health Policy of Nepal ensures access to basic health services to all women and adolescent girls.

Nepal is on track on promoting gender equality and women's empowerment. However, achievements vary across regions, caste and ethnic groups and economic status. There are higher levels of gender

disparity in the poorer wealth quintiles. Discrimination and violence against women and girls still exists in many different spheres. Women participation in public sector decision making is relatively low.

During the SDGs period, the Government of Nepal aims to bring ratio of women to men 1:1 in technical and vocational education. Increase participation of women in decision-making level at all public and private sector, and increase ratio of women to men in technical and professional work from 24 percent in 2015 to 40 percent in 2030.

## 2.7. Some of the Gender and Social Inclusion Agendas

- Reservation policy in public services through second amended in the Civil Service Act 1992 in 2007 to empower women and marginalized groups. This Act reserves 45 percent of all vacancies to six groups. Assuming the 45 percent reserved vacancies as 100 per cent, 33 percent is reserved for women, 27 percent for *Adibasi/Janajati*, 22 percent for *Madhesi*, 9 percent for *Dalit*, 5 percent for persons with disability, and 4 percent for those from the backward areas (MOGA, 2013). Such an affirmative action is expected to achieve gender equality and empowerment of women during the SDG period in Nepal.
- "Right to social security: Economically poor, physically incapacitated and helpless person, helpless single women, persons with physical impairment, children, persons who cannot look after themselves and the citizens who belong to communities that are on the verge of extinction, shall have the right to social security as provided by law." [Article 43]
- "Embracing multi-caste, multi-lingual, multi-cultural and diverse geographical specificities, by ending discriminations relating to class, caste, region, language, religion and gender discrimination including all forms of racial untouchability, in order to protect and promote unity in diversity, social and cultural solidarity, tolerance and harmonious attitudes, determination to create an egalitarian society on the basis of the principles of proportional inclusion and participation, to ensure equitable economy, prosperity and social justice," (Preamble)
- "Women shall have the right to access and participate in all state structures and bodies on the basis of the principle of proportional inclusion. [Article 38(4)]
- "Dalit shall have the right to participate in all agencies of the state based on the principle of proportional inclusion. There shall be special legal provision of empowerment, representation, and participation of Dalit community for employment in other area also including the public service." [Article 40(1)]
- "Socially backward women, Dalits, Janajati, Madhesi, Tharu, minorities, persons with disability, marginalized, Muslim, backward classes, gender and sexual minorities, youths, peasants, workers, oppressed or citizens from backward regions, and economically poor Khas Arya shall have the right to participation in the state bodies on the basis of principle of inclusion." [Article 42(1)]
- "It shall be the political objective of the State to strengthen a federal democratic republican system to ensure an atmosphere where democratic rights are exercised by acknowledging sovereignty, independence and integrity of the country to be of utmost importance; by protecting freedom, equality, property and all citizens through rule of law; by embracing the norms and values of fundamental rights and human rights, gender equality, proportional inclusion, participation and social justice; and by maintaining a just system in all spheres of national life in order to establish a government system aimed at public welfare, while maintaining relations between federal units on the basis of cooperation between them, and internalizing the principle of inclusion in the governance system on the basis of local autonomy and decentralization," [Article 50(1)]
- "The entry of women, Dalit, indigenous community, Khas Arya, Madhesi, Tharu, Muslim, people of backward class and backward region shall be ensured in Nepal Army, based on the principle of equality and principles of inclusion as provided for in the Federal law." [Article 267(3)]

## PART.3: PARTIES COMMITMENT IN THE ELECTION MANIFESTO

### 3.1. Election Manifestos

**Communist Party Nepal – Maoist (CPN Maoist)** plans to eliminate country’s endemic power shortage problems in three years by developing hydropower projects, solar and wind generating systems, and inter-country transmission lines. The party claims to develop 10,000 MW of generating capacity in 10 years; 25000 MW by 20 years; and 45000 MW by 40 years. The party also mentions about creating a separate government agency to develop new transmission lines. They hope to increase local participation in developing new projects and give tax breaks to encourage private investors in the electricity generation sector. One of the other things that the party mention is starting a “National Energy Business Company” to transact “stored electricity” with petroleum products. Storing electricity at large scale is itself limited and very costly, so there are concerns as to how the party is planning to achieve this goal.

**Nepali Congress** claims to end the load shedding problems in three years in Nepal and eliminate the power shortage of Kathmandu region and industrial areas in two years! With the goal of developing power plants to generate 5000 MW within five years, the party also promises to install at least three intra-country high voltage transmission lines and connect each Village Development Committee (VDC) to the national grid. The manifesto also talks about emphasizing on renewable energy, promoting public-private partnership in solar and wind generating sectors, making electricity a source of foreign currencies, and providing 1 unit (kWh)/day of free electricity to poor families.

**Nepal Communist Party – United Marxist Leninist (CPN-UML)** plans to develop a national policy with all party consensus to promote hydropower and infrastructure sectors. The party aims to connect grid-electricity to all citizens by five years and also provide ‘free’ electricity to poor families and agriculture sector. They talk about building big hydropower sectors within ten years, and also invest and provide incentives to the micro-hydro and biomass sectors.

**Madeshī Janaadhikar Forum – Democratic (MFJ-D)** has a very vague hydropower policies in its manifesto. The manifesto mentions that Nepal has massive water resources and the party plans to promote and develop the sector keeping environmental and natural aspects in mind. It is surprising that MFJ is the only party that talks about impact of climate change in Nepal’s glaciers.

Table 2 summarizes the major parties election promises in the energy sector:

**Table 2: Summary of Major Parties’ Manifestos related to Energy**

Energy Goals/parties	CPN Maoist	Nepali Congress	CPN-UML
Ending Load Shedding?	In 3 years	In 3 years; Kathmandu and industrial area – in 2 years	5 years
Installing new generating capacity	10000MW in 10 years 25000MW in 20 years 45000MW in 40 years	5000MW in 5 years	10000MW in 10 years
Develop intra-country transmission lines?		Yes, at least three	
Focus on other renewable sources?	Yes	Yes	Yes
Minimize Global Warming impacts?	No specific plans	Do not mention at all	No specific plans

The major political parties have laid out overly ambitious plans for the energy sector in their manifestos. Some of the claims are not feasible – both technically and economically. Some of the questions are:

- CPN Maoist and Nepali Congress plan to eliminate load shedding problems in three years! Developing electricity infrastructures are both time consuming and capital intensive. CPN Maoist, the major political party of Nepal, claims to install 10000 MW in ten years. They made similar promises in last CA election and six years have passed by.
- CPN UML and Nepali Congress promise to provide 'free' electricity to poor families. How is it economically sustainable to provide free electricity when Nepal Electricity Authority (NEA) is already debt ridden? The idea of 'free' electricity might be of mere publicity stunt rather than implementing it in the reality.
- Political parties have not thought much about the impact of global warming in Nepal. The rise in global temperature and melting of glaciers will have serious impact on Nepal's energy sector since most of our electricity comes from the hydropower sector.

### 3.2. The good news

Even though political parties have made big election promises, there is a glimmer of hope that a stable government can help develop Nepal's energy sector. All the major parties acknowledge that energy sector is crucial for the better future of Nepal and give a high priority to eliminate current power shortage problems. Parties also plan to increase electricity generating capacity, build new intra-country transmission lines, promote renewable energy sources, decrease dependence on petroleum products, and encourage private investment.

## PART.4: CONCLUSION

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Democracy is the most widely admired political system, but perhaps the most difficult to maintain. Democracy begins with excellent objectives in human governance with unquestionable intentions to impart freedom from injustice and social exclusion. It is characterised as a system in which expectations are raised because people identify themselves with the polity. There has been a greater urge for opening up the space for participation and competition in a state like Nepal which had a long history of monarchical domination.

Nepal's democracy is in its embryonic stage which faces several challenges from various fronts. However, it would be too early for Nepal to anticipate a nearly perfect democracy as democracy is a self-learning and self-correcting system that requires longer exercise as well as commitment and sincerity of people. With the promulgation of an Interim Constitution in Nepal, the latest wave of democracy now appears to effectively institutionalise democracy at all levels and achieve sustainable peace, coupled with the implementation of a visionary sustainable development agenda. But, the leaders have an uphill task to make the roots of democracy go deep into the fabric of Nepal's social system.

As Nepal being traditional and pluralistic society, the participation of different minority groups in governance and decision-making process becomes an important aspect in this direction. A few caste groups exercise excessive domination in all important spheres of national life. Hence, it has become imperative that major reforms in political institutions must be carried out in view of inclusion of marginalised ethnic groups proportionately in the political process. There is a need to initiate radical reform in the state structures towards achieving a more equitable and just society and inclusive democracy. The state should address century old social problems like injustice, inequalities and discriminations based on class, caste, sex, ethnicity and geography. Without abolishing these inhumane pathogenic characteristics of Nepalese society, thinking a democratic Nepal is meaningless.

Despite the fact that political parties are the backbone of multi-party democracy, in Nepal; the people have accused the leaders of political parties for a constant erosion of democratic norms and values. In the

past, political parties were responsible for political instability. There has been increasing erosion of public trust in political parties which are mostly power oriented. Intense power struggles, rampant corruption, favouritism and nepotism, monopoly and abuse of power are some fundamental challenges which need to be addressed for strengthening democratic ethos in Nepal.

Rising expectation of the people and international community is also a serious challenge before the democratic government. With the first step to end the old order, the state has to implement a sustainable economic agenda that addresses widespread poverty and massive unemployment, severely skewed resource distribution patterns and centrally controlled planning and resource allocation system of development.

Though, interim parliament is certainly a good beginning, strengthening of democracy depends on the sufficient flexibility and willingness of leaders to work together. The civil society groups, political parties and media have a significant role to play in making certain sense of democratic values and behaviour amongst all citizens. If the forces of the country want democracy, they have to become active to create a national consensus showing probity, flexibility and learning from the past weaknesses and avoiding blame and counter blame. There is a need to address the root causes of crises and to develop confidence. Hopefully, the future of democracy in Nepal depends on how the parties work on the ground.

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## **ANNEX 1: INTERIM CONSTITUTION OF NEPAL 2063 (2007) – Affirmative Statements (Women)**

### **PART 2 - CITIZENSHIP**

#### **8. Citizenship at the Commencement of the Constitution:**

- 6 A woman of foreign nationality who has a matrimonial relationship with a Nepalese citizen may acquire naturalized citizenship, if she desires to do so, pursuant to the laws in force.
- 7 Notwithstanding anything contained elsewhere in this Article in the case of a person born to the women citizen of Nepal married to a foreigner, if such a person is born in Nepal and has been residing permanently in Nepal who has not acquired citizenship of the foreign country by virtue of the citizenship of his/her father he/she may acquire the naturalized citizenship of Nepal pursuant to the laws in force.

### **PART 3 - FUNDAMENTAL RIGHTS**

#### **13. Right to Equality:**

- 1 All citizens shall be equal before the law. No person shall be denied the equal protection of the laws.
- 2 No discrimination shall be made against any citizen in the application of general laws on grounds of religion, race, sex, caste, tribe, origin, language or ideological conviction or any of these.
- 3 The State shall not discriminate among citizens on grounds of religion, race, caste, tribe, sex, origin, language or ideological conviction or any of these.

Provided that nothing shall be deemed to prevent the making of special provisions by law for the protection, empowerment or advancement of the interests of women, Dalit, indigenous ethnic tribes, Madeshi, or peasants, labourers or those who belong to a class which is economically, socially or culturally backward and children, the aged, disabled and those who are physically or mentally incapacitated.

- 4 No discrimination in regard to remuneration and social security shall be made between men and women for the same work.

#### **18. Right regarding Employment and Social Security:**

- 2 Women, labourers, the aged, disabled as well as incapacitated and helpless citizens shall have the right to social security as provided for in the law.

#### **20. Right of Woman:**

- 1 No one shall be discriminated in any form merely for being a woman.
- 2 Every woman shall have the right to reproductive health and other reproductive matters.
- 3 No physical, mental or any other form of violence shall be inflicted to any woman, and such an act shall be punishable by law.
- 4 Son and daughter shall have equal rights to their ancestral property.

**21. Right to Social Justice:** (1) Women, Dalit, indigenous tribes, Madeshi community, oppressed group, the poor peasant and labourers, who are economically, socially or educationally backward, shall have the right to participate in the state mechanism on the basis of proportional inclusive principles.

### **PART 4: RESPONSIBILITIES, DIRECTIVE PRINCIPLES AND POLICIES OF THE STATE**

#### **33. Responsibilities of the State:**

- d To carry out an inclusive, democratic and progressive restructuring of the State by eliminating its existing form of centralized and unitary structure in order to address the problems related to women, Dalits, indigenous tribes, Madhesi, oppressed and minority community and other disadvantaged groups, by eliminating class, caste, language, sex, culture, religion and regional discriminations.
- (e) To formulate a minimum common programme for socio-economic transformation to eliminate all forms of feudalism and implement it gradually.

#### **35. State Policies:**

- 8 The State shall pursue a policy of encouraging maximum participation of women in national development by making special provisions for their education, health and employment.
- 9 The state shall pursue a policy of making special provisions of social security for the protection and welfare of single women, orphans, children, helpless, the aged, disabled, incapacitated persons and the disguising tribes.
- 10 The State shall pursue a policy of making special provision based on positive discrimination to the minorities, landless, squatters, bonded labourers, disabled, backward communities and sections, and the victims of conflict, including women, Dalits, indigenous tribes, Madhesis and Muslims.
- 11 The State shall pursue a policy to make legal provision to provide allowance to the aged, incapacitated women and the unemployed.

## **PART 6 LEGISLATURE-PARLIAMENT**

### **45. Constitution of Legislature-Parliament:**

- 1 There shall be a unicameral Legislature-Parliament in Nepal which shall consist of the following 330 members:
  - a 209 members of the seven political parties and other parties who are elected members of the House of Representatives and National Assembly existing immediate before the commencement of this Constitution,

**Explanation:** The phrase "Seven Political Parties" means Nepali Congress, NCP(UML), Nepali Congress (Democratic), Janamorcha Nepal, Nepal Sadbhawana (Anandidevi), Nepal Majdur Kisan Party and Samyukta Bam Morcha (United Left Front), which maintained political understanding on Kartik 22, 2063 (November 8, 2006),

- b 73 members from and on behalf of NCP (Maoist),
- c 48 members from among the Samyukta Bam Morcha, people based and professional organizations, class organizations and professional bodies, oppressed tribe, backward region, indigenous tribe, women and various political personalities nominated through understanding.

## **PART 7 CONSTITUENT ASSEMBLY**

### **63. Formation of the Constituent Assembly:**

- 4 The principle of inclusiveness shall be taken into consideration while selecting the candidates by the political parties pursuant to sub-clause (a) of clause (3) above, and while making the list of the candidates pursuant to sub-clause (b) above, the political parties shall have to ensure proportional representation of women, Dalit, oppressed tribes/indigenous tribes, backwards, Madhesi and other groups, in accordance as provided for in the law.

Notwithstanding anything contained in this clause, in case of women there should be at least one third of total representation obtained by adding the number of candidature pursuant to sub-clause (a) of clause (3) to the proportional representation pursuant to sub-clause (b) of clause (3).

## **PART 15 NATIONAL HUMAN RIGHTS COMMISSION**

### **131. National Human Rights Commission:**

- 1 There shall be a National Human Rights Commission in Nepal consisting of the following Chairperson and the members:
  - a One person from amongst the retired Chief Justices or Judges of the Supreme Court who have made an outstanding contribution for the protection and promotion of human rights, or a person who hold a high reputation and has rendered outstanding contribution being actively involved in the field of protection and promotion of human rights or social work. - **Chairperson**
  - B Four persons from amongst the persons who have provided outstanding contribution, being actively involved in the field of protection and promotion of human rights or social work - **Members**

-2 In the appointment of Chairperson and the members in the National Human Rights Commission shall maintain representation from all fields including the woman.

**142. Registration Required for Securing Recognition for the Purpose of Contesting Elections as a Political Party:**

-b the constitution or the rules of the political party must provide for election of office bearers of the party in all levels at least once in every five years, (c) in the executive committee of all levels, there should be the provision for the inclusiveness of members from neglected and suppressed regions including the Women and Dalits,

**PART 19 EMERGENCY POWER**

154. **Formation of Commissions:** The Government of Nepal may form necessary commissions to safeguard and promote the rights and interests of different sectors of the country including women, Dalits, indigenous ethnic groups, Madhesi, disabled, labourers or farmers. The provisions for the formation, functions, duties and powers of such commissions shall be as determined by the law.