

Women's Political Participation: Needs, Issues and Challenges

Awani Mainali Bhattarai¹

Laxmi Sharma²

1. Introduction

Women constitute more than half of the population of Nepal. As compared to men their contribution to the social and economic development of societies is also more than half; significantly more in underdeveloped society as compared to developed society; by virtue of their dual roles in the productive and reproductive spheres. Yet their participation in formal political structures and process, where decisions regarding the use of societal resources generated by both men and women are made, remains insignificant; again, drastically insignificant in underdeveloped society as compared to developed society. Despite the pronounced commitment of the international community and assertion at national level by all in control of power to gender equality and to bridging the gender gap in the formal political arena, reinforced by the Convention on Elimination of All form of Discrimination Against Women (CEDAW) and the Beijing Platform of Action presently women's representation in political arena is dismal. Fortunately, their representation in present constituent assembly is 33% which is indeed a matter of pride.

This paper attempts to investigate the conceptual and material bases of women's historic exclusion from the formal arena of politics; its causes and consequences, analyze strategies adopted by Nepal to promote women's political participation/representation; identify internal and external conditions, factors that facilitates or hinder the creation of an enabling environment for women's political empowerment. It tries to show the nexus between social development and necessity of women's involvement in politics. And for that matter in the constitution making process.

The global debate on the promotion of women's political participation/representation has been surrounded by intrinsic and instrumentalist argument. The former argues for equal participation of women in politics from the human rights perspective. Women constitute half of the world population and therefore it is only fair that they should have equal participation and representation in world democracies. Instrumentalist argument pushed for women's greater participation on the essential ground that men

¹ Assistant Professor, Kathmandu School of Law

² Assistant Professor, Kathmandu School of Law

and women are different. Women have different vision and concept of politics owing to their sex and gender roles as mothers. Therefore it is assumed that women in politics owning will bring a special caring focus and female values to politics. No matter whatever reason one gives but there is broad agreement that women must be included in politics.

The challenge being faced by all advocates of gender equality in politics today is the wide gap between gendered shared values reflected in the national and international policies and practices. Before discussing the need of women's political participation and keys strategies for its promotion the vital elements in the enabling environment for women's political empowerment needs to be discussed We need to strive for the deeper understanding of the structural imperatives of various aspects with which women's political participation is instituted.

1.1 Gender, Women and Human Rights

1.1.1 Gender

Gender comprises a range of differences between men and women, extending from the biological to the social. In addition to age, gender is one of the universal dimensions on which status differences are based. Unlike sex, which is a biological concept, gender is a social construct specifying the socially and culturally prescribed roles that men and women are to follow. According to Gerda Lerner gender is the costume, a mask, a strait jacket in which men and women dance their unequal dance.³ The fact that we are gendered means that we are called upon to think about certain issues that are not confined to private plot however it goes with us into the workplace and the rest of public life. Thus it can not be classified as personal. Gender can be divided into two dimensions. One is **biological gender** which means that sex refers to the biological division into male and female. Another one is sociological dimensions which deals gender to parallel and socially unequal divisions into femininity and masculinity. It draws the attention to the socially constructed aspects of differences between women and men. The culturally dominant ideas about masculinity and femininity are stereo types which correspond only crudely to reality. It has shown that there are huge cross-cultural variations in ideas about gender and in the roles of men and women. Gender refers to the attitudes and behaviors that class a person's stereotypical identity - women cook and clean, men fix cars. Almost all societies, to a

³ Gerda Lerner, The Creation of Patriarchy (p 238) <http://www.trinity.edu/mkearl/genderhtml>

certain effect have a gender/sex system, although the components and workings of this system vary markedly from society to society. The societal set up boundaries made women backward and added somewhere at the bottom of the agenda along with children and disabled. The feminist raised the voice against suffrage.

As far as political acceptance of women is concerned until 1920 the only European countries that allowed women to vote were Sweden in 1919 and former Czechoslovakia in 1920. In the USA some states granted voting rights to women in 1920, and some states allowed it earlier. Women could not vote in France or Italy until 1945, in Switzerland until 1971. Women were granted the right to vote in Kuwait for the first time in 2005, but in Brunai, Saudi Arabia and the United Arab Emirates they are still not allowed to vote.⁴ In this matter in Nepal, where culturally women are still assigned distinct gender role to confine them in private sphere and where suffrage outweighs appreciation, right to vote were handed in 1958 for the first time. Again another statically commendable achievement compared to world scenario. The pace of time and its dynamism has changed the world. Thus, the international community has taken steps to include women in all spheres of political, social and economic activities where women's participation in fullest term is still a distant dream. For example setting the agendas 'Women and Development' and 'Gender Mainstreaming in Development' are two such initiatives.

Before propounding these agendas the root cause of women's subordination was found in destitution. Thus, poor women's living standard and their income generating activities were supported and capacity enhanced through various means such as micro finance, saving and credit schemes etc carried through gender mainstreaming process. Similarly, the international arena has tried the various approaches to emancipate women's conditions through gender in **isolated approach** (for instance: establishing Women Commission, Women Ac, Quota System etc) and in **holistic approach** (non-discriminating approach).

1.1.2 WOMEN

The unprecedented rapid development in information and communication sector globally made it impossible for Nepalese people to stay aloof from the changing world scenario. The late 1990's change in national and international arena and level of awareness thus raised had profound effect on Nepalese people also. Consequently,

⁴ Rusell Ash, WORLD OF FACTS, Penguin Books India, Delhi, 2008

Nepalese women are now becoming more and more conscious of their constitutional and statutory Rights. This consciousness has awakened in them a sense of urgency in experiencing equality and social justice without it there can not be democracy in the real sense. Thus after 1990 the Nepalese women started to advocate for their own rights and create an environment where they may participate more meaningfully in all the aspects of life- social, political and economic. After restoration of democracy they explicitly came out in public against various unequal and discriminated laws and policies. However, there is still more to do to advocate “women’s right for the development” . The voyage is still continuing

This relentless effort of Nepalese women brought many remarkable changes affecting various aspects of their life. *Kehi Nepal Ain Samsodhan garne Ain* (Gender Equality Act) 2063 BS, Citizenship Act 2063, Interim Constitution 2063 BS, Foreign Employment Act 2064 BS, Human Trafficking (Controlling) Act 2064 BS were either enacted or amended to meet women activists demand although not fully but to some extent. Beside the legislative act Nepalese Judiciary is also proactive for women's liberty, freedom, equality, advancement and emancipation. To prove this fact we can take judicial pro-activism in traditional practices such as Chaupadi (menstruation) period, witchcraft, Badi Women, equality in employment and property, laws in women's privacy, sexual harassment, trafficking, abortion, in-camera court etc as examples.

The changing international and national scenario and tireless effort by women activist has made even general Nepalese people more aware of gender sensitive rights. Different constitutional provisions have recognized women's specific rights. The significant provisions are – Art. 20 for Rights of women⁵, Art. 21 for Right to Social Justice, Art. 142 for mandatory provision for inclusion of women in Political Parties to be eligible for election, Art. 63 Formation of the Constituent Assembly which makes proportional representation of women a mandatory provision for parties.

From these de jure rights are stark example to prove that Nepalese society is headed towards the journey of modern, civilized and democratic society which is eventually paving the path for developed and prosperous New Nepal. But, still there is a lot to be done for achieving the de facto rights of more than half of the population's for their meaningful participation in nation building.

⁵ Interim Constitution of Nepal, 2007

Without doubt, 2007 AD can be coined as golden era for the Nepalese women in terms of women's right as human rights.

1.1.3 HUMAN RIGHTS

The atrocities committed in two world wars brought untold sorrow to human kind which as a result persuaded human beings to think for humanity, peace, dignity and equality. To achieve this objective in an efficient and effective way various international instruments were created and activated. Thus from league of nation to third generation of rights all prescribe strongly about equality, dignity, peace, religion, liberty etc. These subjects related to international law are all universal, inalienable, indivisible and natural.

Human right is considered as a matter of common humanity. Human right is a right by birth hence every individual should be blessed with it. It is a right to be respected and be responsible for and applies to all human being universally. It is not a matter of begging rights. Women's problem in this regard is not new and isolated. Although women are also human being and are surviving somehow on their own, rights of women is one of the biggest single problem that human society is facing today. It just cannot be the subject matter of "discussion for the sake of discussion" between some institutions because the problem has arisen from every sector of society itself and has deep social impact. However there is general agreement that the problem has local, national and global impact with multidimensional facet.

The basic characteristics of human rights are the respect of human dignity basically the human qualities and be a part of others pain and pleasure, burden and conflict. This protected quality leads a human being to develop other additional qualities such as intelligence, talent and conscience and satisfy his or her spiritual and other needs. Identity of an individual and respect to his/her dignity gives an individual a sense of value and worth which leads to equality. The existence of human rights demonstrates that human beings are aware of each other's worth. The denial of human rights and fundamental freedoms not only is an individual and personal tragedy but creates conditions of social and political unrest. It is the starting point of violence and conflict within and between society and nations. Thus, human right is inherent and inalienable rights which are due to an individual by virtue.

As this natural rights is growing and broadening its sphere encompassing different aspects of social, economical and private life various types of rights are coming together which are tangled and interrelated. All these carry a great deal of hue and cry

of equality and dignity. Basically the right of equality in terms of gender is covered under Convention on The Elimination of All Forms of Discrimination against Women (CEDAW).

By adhering to the aspiration of CEDAW, and dealing the issues of Gender, Women and Human Rights in holistic way the upcoming constitution would therefore have to be comprehensive and address all the aspects outlined here.

2. Historical analysis on the Role of women in the constitution making process in Nepal

The contextual issue in women's political participation relates to the nature of politics in general and in liberal democracy in particular. Without any doubt democracy has served whole human being but sadly, it has historically served men better than women. Quantitative participation and representation of Nepalese women in politics is on rise but still not sufficient (Table 1 and Table 2).

Table 1: Women's participation in Politics⁶

		Remarks
Voters	49.57%	
Parliament Election (1999)	Contestants 107 (52.2%) Winner 12 (5.85%) Upper House 9 (15%)	
Interim Parliament	Members 57 (17.3%)	Total members 330
Constituent Assembly (Direct Election)	Contestants 218 (9.72%) Winner 30 (12.5%)	Total for direct election 240 12.5% out of 240 seats
Constituent Assembly (Proportional)	Winner 161 (48.06%)	Total for proportional 335 48.6% out of 335 seats
Constituent Assembly (Nominated)	Nominated 6 (23%)	Total for nomination 26
Central Committee Members of different political parties	27 (9.27%)	Total numbers of CC Members of 9 political parties are 291
Local Bodies DDC	Chairperson 0 (0%) Vice Chairperson 1 (1.3%)	Total 75 DDC

⁶ Laingik Aadhar ma Bivajit Tathaynka, Rastriya Mahila Aayog, pp 33-41

	Members 70 (6.7%) Council Members 150 (1.5%)	Total 1117 members Total 10000 members
Local Bodies Municipality (2054 BS)	Mayor 0 (0%) Dep. Mayor 0 (0%) Ward Chief 3 (0.37%) Council Members 806 (1.5%)	Total 58 Municipality Total 803 chiefs Total 4146 members
Local Bodies VDC (2054 BS)	Chief 20 (0.5%) Dep. Chief 17 (0.4%) Ward Chief 240 (0.7%) Members 3913 (7.7%) Council Members 3913 (2.1%)	Total 3917 VDCs Total 35253 chiefs Total 50857 members Total 183865 members

As per the voter's list of last election for constituent assembly (2007) women voters constitute almost half i.e. 49.57 percent of total voters. Ironically, female population constitutes a little more than the male population but fewer women are registered as voters than the male (50.43 percent). Probably this disparity is because of the level of awareness among females on the significance of exercising political rights i.e. to franchise and the level of interest in national politics. Women are also occupied with household jobs and hence lack leisure time to think about exercising political rights.

Table 1 above shows dismal picture of women's involvement in politics. It seems that political parties who are always competing with each other in blaming game by painting opponent as gender insensitive are themselves too reluctant to introduce women in politics. Women are not preferred even in those posts which can be filled up by nomination.

In the political history of the country, Mrs. Dwarika Devi Thakurani was appointed as the first woman minister in the 1960 Nepali Congress led Government. After the 1995 parliamentary elections the coalition government led by the Nepali Congress had for the first time appointed Ms. Shailaja Acharya as the Deputy Prime Minister of the country. This is the highest post in which a woman has been appointed in the democratic Nepal. The second parliament has witnessed the appointment of the

women Member of Parliament (MP), Mrs. Leela Shrestha Subba representing the Communist Party of Nepal (United Marxist – Leninist) as the Deputy Speaker of the parliament. This was followed again in the third parliament in which the Nepali Congress MP Mrs. Chitra Lekha Yadav was appointed in the same post of Deputy Speaker.

However through out this democratic era the number of women ministers have not exceeded beyond 2 at a time, that in the 34 members cabinet constitutes only 5.88 percent of the total.

Talking about the participation of women in the constitutional making process in Nepal except for the constitution of 1990, the previous four constitutions were drafted without any form of popular participation. The Constitution of 1948 was drafted by the then autocratic rulers with technical help from few Indian and Nepali experts. The Interim constitution of 1951 was aimed at giving legal continuity and was supposed to lead to the formation of constituent assembly through popular election, which did not materialize. As a response to struggle by the political parties in the mid 1950s, then King Mahendra announced new constitution in 1958. But again this was aimed at consolidating the power of the monarch. Following the Royal coup in 1960, another constitution was drafted in 1962, which was aimed at legitimizing the autocratic rule of the king. Through some amendments, the constitution lasted till 1990, when again another popular movement led to the dismantling of the autocratic panchayat rules. (Table 2)

Even though the members of constitution drafting committee were nominated by the parties, compared to all past four constitutions, to some extent the 1990 constitution was more participatory., Members of constituent commission went to all the districts headquarters, thereby, taking the recommendations and suggestions from the general public. However, it is now realized that even this constitution largely failed to address the need of janajatis, dalits, and women. As non of the members of the drafting committee were women or from any ethnic group they were neither able to envisage the discontent brewing underneath nor address the grievances of these community or group.

Table 2: Members involved in constitution drafting⁷

SN	Year	Male	Female
1	2004, Nepal Sarkar ko Baidhanik Kanun	6	0
2	2007, Interim Constitution	10	0
3	2015, Constitution of Nepal	5	0
4	2019, Constitution of Nepal	5	1
5	2047, Constitution of Nepal	9	0
6	2063, Interim Constitution	12	4

3. Constitutional Provisions:

Constitution is the supreme law of the country. It contains a framework for government and provides a legitimate vehicle for granting and limiting the power of government officials. Accordingly, all of those rules which directly or indirectly affect the distribution or exercise of sovereign power in the state are comprised in the term ‘Constitutional Law’ including rules to define the members of the sovereign power to regulate the relation of such member to one another and to the community at large and to determine the way as in which they exercise their authority.

In a country with a written Constitution, therefore or where the Constitution is an act of conscious creation, a working definition of Constitutionalism demands that Constitution carries decisive supremacy and force defines and limits governmental powers and prescribes the relations of its various organs interest and with the citizen. Prior to 1948, Nepal had no formal Constitution. In 1948, for the first time Rana regime enacted a written Constitution called the *Nepal Sarkarko Baidhanik Kanoon* (the government of Nepal Act 2004). Although, the act enumerated a few laudable provisions, in particular guarantee of free education and equality before the law people other than members of the Rana Family did not have access to education and other fundamental rights. Nor did the act have any special provision to ensure rights for women.

Constitutional Development in Nepal

Interim Constitution 1951:

⁷Supra note 6, pp 43

The Interim Constitution promulgated in 1951 recognized the right to equality a fundamental element of governance. It promised social justice through equal opportunity to employment, appointment and welfare schemes. The rights to work and participate in politics without any discrimination were recognized as basic rights of citizens. Since it did not expressly mention women as a disadvantaged class no affirmative action was taken towards gender equality under this Constitution. Hence, the Interim Constitution was not a progressive legislation in terms of women's rights.

The Constitution of the Kingdom of Nepal, 1959:

This Constitution was modeled on the 'British Westminster Model' of governance. Article 4(3) of this Constitution contained a general guarantee of equality as it stated: " In respect of appointment to the service of the crown there shall be no discrimination against any citizens on grounds only of religion, race, caste or tribe, and in respect of appointment to the service of the crown which are open to both sexes, there shall be no discrimination on grounds of sex."

The Constitution of Nepal, 1962:

This Constitution guaranteed the rights to sexual equality in the application of general laws and Constitution had no provision for the judicial review of inconsistent legislation the scope of **Constitutional** protection proved to be simply a myth for women.

The Constitution of the Kingdom of Nepal, 1990:

This Constitution is an outcome of the movement for restoration of multiparty democracy. The following provisions on citizenship, fundamental rights and special provisions relating to women are important aspects of the Constitution concerning issue of gender equality.

Citizenship: The second part of the Constitution deals with 'citizenship' and with the specific rights and duties that determine entitlement to citizenship of Nepal. Article I envisages four types of citizenship: First by descent, Secondly by accession of a new territory, thirdly by naturalization, lastly by matrimonial relationship with a Nepalese citizen.

Article 9(2) of the Constitution provides the right to citizenship to a person whose father is a citizen of Nepal. In other words the citizenship of the father is a prerequisite for acquiring such rights and it is immaterial whether other half is Nepalese or not.

The provision of the citizenship act 1963 Article 8(b) is discriminatory in a sense that it refers to section 3 of the citizenship act, which categorically says that father's Nepalese citizenship will be a prerequisite for obtaining Nepalese Nationality.

Fundamental rights: The rights enumerated in part 3 of the Constitution come from the British common law tradition. The Constitution guarantees the right to equality as one of the fundamental rights. Although, the fundamental rights referred to under part 3 of the Constitution are equally applicable to all men and women, in practice discrimination prevails almost **without changes**.

Right to equality: Article 11 can be considered as the spinal cord of the Constitution as it enumerates the whole concept of the right to equality and the principle of non-discrimination. It states:

1. All citizens shall be equal before the law. No person shall be denied the equal protection of the laws.
2. Under Article 11 both citizen and non-citizen are guaranteed the right to equality but on different bases. It guarantees the right to be 'equal before the law' and the right to 'equal protection of the laws.'

Special Provisions: In addition to gender equality, article 11(3) of the Constitution also provides special protection for women. It explicitly states:

“ Provided that special provisions may be made by law for the protection and advancement of the interests of women, children, the aged or those who are physically, or mentally incapacitated or those who belong to a class which is economically socially or educationally backward”.

In this way, article 11(3) secures two fundamental rights of women; right against sex based discrimination and positive discrimination for full realization of the right to equality.

Interim Constitution, 2007 AD (2063)

The significant provisions in Interim Constitution 2007 are – Art 20 Rights of Women, Art 21 Right to Social Justice, Art.142 inclusion of women as eligibility criterion for political parties to take part in election, Art.63 which incorporate clause for formation of the Constituent Assembly with proportional representation of women.

After gaining rights in written form now the Nepalese women are in the stage of applying the principle of equal liberty in to practice. When applied to the political

procedure defined by the constitution, it can be referred to as the principle of equal participation in all electoral process. It requires that all citizens are to have an equal right to take part in, and to determine the outcome of the constitutional process that establishes the laws with which they are to process that establishes the laws with which they are to comply.⁸

Be it armed or peaceful revolution women participation was overwhelming. They were in forefront even leading at times. Now they are equally active in peace process because they are the worst sufferer of conflict. It's indeed a matter of pride that as of today compared to men women are more active in constitution making process. The recent struggle for women's right has been a struggle to eliminate discrimination, to achieve a dignified place for women in the world dominated by male chauvinistic. The struggle of the women's movement for equal and proportionate representation and participation in the electoral and representative system has now bear the fruit and is becoming a reality.

Analysis of the Political party's Commitment for the enrollment of women in the Constituent Assembly election in Nepal, 2063

The election for the Constituent Assembly in Nepal took place on 10th April. Women sought to be elected in a proportional representation system as well as in direct representation system.

According to the Electoral law, it is mandatory for the political parties to field 50% female candidates under the proportional representation system and again 50% female from each inclusion group (These groups are the Dalits, Madeshi, Janjatis, backward regions, and others). This will guarantee **168 seats for women**. All these provisions paved the way for 197 women to be elected as member of constituent assembly, which is 34% of the total strength of 575 members. This will be remembered in country's history as a victory for Nepali women.

As compared to earlier elections (6% in 1999), this election elected more than five times as many women in the parliament and has placed Nepal well above the Asian average of 17%. Contrary to this scenario on the other hand, none of the political parties fielded 33% women as candidates to contest in direct election provision. The

⁸ Jhon Rawals, A Theory of Justice, 1972, Oxford University Press New York

Congress fielded 11% women, Communist Party of Nepal (Unified Marxist - Leninist) fielded 11% and Maoist fielded 18%. It is rather saddening that Maoist party which boasted about 50% of its militant being female fielded just 18% of female candidate to contest in direct election. Out of 240 seats allocated for direct election i.e. "First past the post" only 29 women won the elections. This is far below the 33% ratio stipulated by the interim constitution.

In their election manifestos almost all parties had inscribed their commitment to ensure at least 33% in all policy making positions and government bodies. They did reiterate their commitment for provisions of positive discrimination and reservations. Promotion of gender equality and access to all economic, social and educational programs as well as health services were stressed. Some even stressed on the necessity of establishing child care centers and women, family and juvenile courts.

It is encouraging to see that political parties are now competing with each other to show their party as most progressive in terms of empowering women. Compared to other parties, the Maoists policies regarding women seem to be more progressive. They have committed to provide equal inheritance rights and ensure land ownership rights of women. They have promised 50% representation of women in all state structures and policy making bodies. The present minister for women children and social welfare, Pampha Bhusal, has committed to pass the bill on domestic violence, ending discrimination against women, combating trafficking of women and girls, and provide support to women victims of conflict.

However few political parties like *Nepal Majdoor Kisan Party* has given only 27.55% seats to women. Similarly *Rashtriya Janamorcha* has given 11.2% of the seats to women. But unfortunately none of the political parties were able to nominate women in 33% of seats as envisioned in Interim Constitution. The most interesting and equally disheartening fact was that, political parties gave ticket to only few women candidate in seats with high probability of winning the election by that political party. Else the tickets to the women contestant were given for that particular place where there was few or very less chance to win in the election.

This shows that whatever is written and explained in the political manifesto of the political parties none of the parties were serious in giving seats for women in the Constituent assembly so easily. Women were given tickets not to win but just for the sake of fulfilling the mandatory provision.

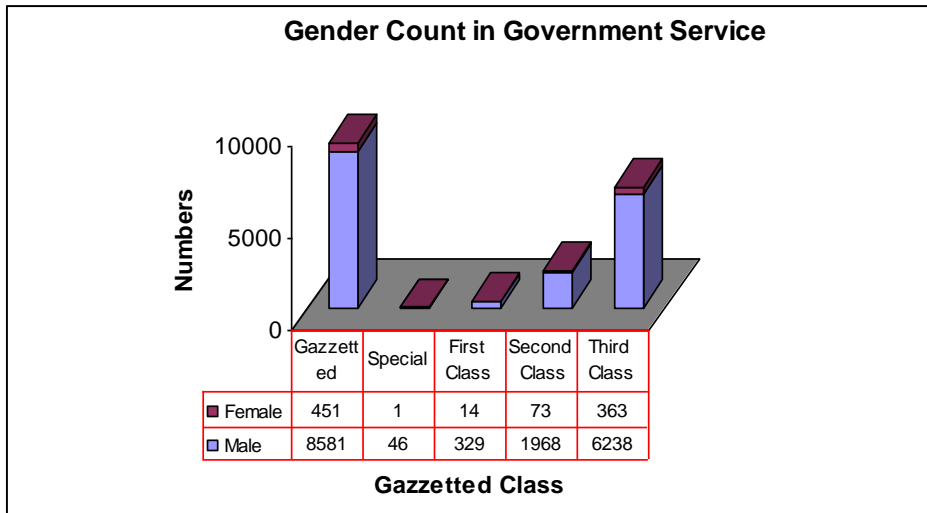
The patriarchal thinking still obstructs women's full phase development as gender biases and stereotypes are amply reinforced in every sector. In Nepal also women face obstacles for their participation in public world. Moreover the politics is still out of reach for general women. However, the changes of 2007 A.D brought satisfactorily remarkable changes for women. The international and national pressure created conducive environment for drastic increment in women's representation at national level (Constituent Assembly). This mandatory provision ensures 33% women representation, out of total 601 members, in Constituent Assembly.

Although this figure in political inclusion has increased from 5% to 33% minimal progress has been made in education, opportunity, social and private life (violence, gender based discrimination in home etc). Which means the ideal parity between men and women in public and private life still remains a distant dream.

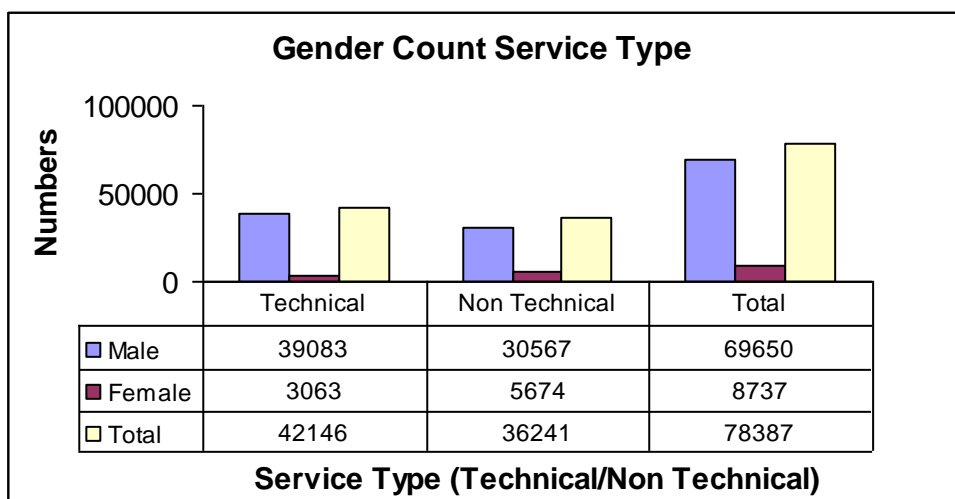
Based on present number of women in Constituent Assembly and their proactive attitude it can be said that the first phase of women's participation in politics has been accomplished. Now the next phase is to halt the legislation. For the actual liberation of women from the long history of suppression, oppression and repression, the actual and meaningful participation of women in all sphere of life is a prerequisite. It means the involvement of women must be substantive and not only a mockery as before. The substantive participation of women means that model which focuses on equality in result and rejects the principle of sameness as a goal. According to this principle, that treating every body in the same manner when they are in fact in unequal situation perpetuates inequality.⁹

With an increasing recognition among international community of women's historic exclusion from structures of power a global commitment has been made to redress gender imbalance in politics. Women's enhanced participation in governance structure is viewed as the key to redress gender inequalities in society. **In a reality or in de facto prevailing situation of Nepalese women in public world can be evidence from the following charts.**

⁹ O. Hood Phillips, constitutional and administrative law, sweet and Maxwell, 1996 at 22



After going through the situation of women in the public world it is very rare to find women as capable in the public life. The political participation of the women candidates in the electoral processes shows their strengths and commitments towards formation of a democratic and republic Nepal but on the other hand, defying the social norms and culture of feminine roles will create various obstacles in asserting their rights. The patriarchal structure and feudal beliefs has always suppressed women, their identity and their confinement to private sphere has denied the basic human rights for women.



This scenario if analyzed critically then also one can find great divergent in the socio, political and economic standards of the women elected for the CA. As per the news published on 25th of Baishak one of the parliamentarian come to know that she has become a CA member while she was washing the dishes on others house. Similarly news published on the same date says that a lady nominated for CA is still selling bangles (chura) on her shop. In fact these are rare exemplary incidents which show

that the Constituent Assembly of Nepal does constitute members covering the wide range of society having divergent background irrespective of their sex, caste, tribe, wealth, popularity and so forth. But here the question arises that whether their participation as a member of the CA will be in real or they will just act like a puppet, acting on behalf of so called highly influential and veteran (Professional politician) members of the CA eventually serving their agenda. The initial incident in the house has shown that the role of women has always been curtailed and their voice has always been suppressed there.

Conclusion

Establishing right is not only a meaning right to women actually must have access, enjoy with those right which ultimately lead to justice. Entitling the rights also need the assertion of right through different institutin from every sectors of state mechanism. Unlike sex, gender roles are by no means fixed by nature, they are made by people and can be renegotiated and changed. Recently the right to women is satisfactory in terms of realizing, recognizing and further entitling to assertion. However reeluctancy in implementation in each mechanism of the state whether it is state actor or non sate actor or even in the household. Right could be real or right in-defacto is accessibility of it as well as enjoyment of those rights which resulted in justice. Here for women all the provisions promises plan are seems to be black letter or in lip service. The real situation of women is still in vast disparity with men. The above chart indicates Nepalese women's scenario I public domain. Thus only asserting right not always mean equality. Equality in result needs to go through equity model. So in every plan action guide line should prioritize women and give the substantive approach to the up-liftment of women. Then only the development will take place. As our main theme is about need of women in constituent assembly the presence only can not cover voice of women. They should give power, political equality is a power relation which is related with personal identity, individuality. The power equation is as follow

$$\text{Power} + \text{identity} + \text{individuality} = \text{Equality.}$$

This equation means that women member of CA should have identity, individuality with power. Lastly we can say securing the place in each and every level is not guaranteeing women's right there should have the identity and individuality with

power this can be achieved with ensuring compulsory education creating awareness to both gender. Going through the now context

To participate in the political processes, women need to exercise of their civil and political rights in totality. Freedom of expression, freedom in media, in opinion, of peaceful assembly, of association and other normal democratic freedoms are necessary vehicles for women's full political participation. In countries where the freedom of association is limited, women find themselves under constant surveillance and sometimes under threat by their own governments. In countries where religion and culture impose numerous social restrictions and impinge on state laws, women experience more difficulties in accessing education and engaging in the public political space. The fulfillment of basic survival and social needs, economic independence, and freedom from family and community violence are equally crucial requirements in women's realization of their political potentials.

Women political leaders have to overcome identity politics, local elite politics and control by family dynasties, which in many developing countries have been the same forces that have allowed women to access positions of political power in the first place. Women are also faced with the challenge of tearing down cultural restrictions which dictates on how women should look, speak and act. While at the same time, they should put collective effort in transforming the political culture into a genuinely gender-fair environment. A gender-fair environment estimates women's capabilities not on how well they imitate 'male-speak' or how well they compete but on their capacity for collaboration, vision and leadership.

Moreover, there is also a need of effective and continues training for the newly appointed women Constituent members for the sensitization of them towards the right of women. They should also be encouraged to speak on the assembly on the various issues concerning women and must campaign together to institutionalize it in the new upcoming constitution. The various **suggested issues** which must be incorporated under fundamental rights of a new constitution except those which are already there in the present interim constitution can be summarized as below:

Right to Identity

With out right to individual identity women in this 21st century cannot identify herself as a free human being. So this is the most essential rights that must be well addressed by the upcoming constitution. All the members especially the women irrespective of their political inclination should join hands to claim it. Legally there is very thin line

between men and women identically and it can not be said that women do not hold right to identity but the patriarchal value is a big obstacle in this regard. All most all activities of the public sphere are controlled by men. Because of their mind set up, faulty values and societal brought up they never count women as human.

Reproductive right should be ensured

Even in this 21st century Nepalese women are losing their life during pregnancy, child birth and even after pregnancy. Because of the lack of proper delivery service they are pushed to put their life in threat while giving birth to the baby, so this fundamental right of women should be guaranteed for them.

Protection and security of women, thereby protection from any form of violence

Women being the maximum victims of the violence of any form, a special measure have to be guaranteed for them to have a life free from any kind of fear. Incidents through out the world have shown that during the conflict (either internal or external) the main targets of violence are women, so a special measure has to be taken for their protection and security.

Right to remuneration and Equal pay for Equal work in labor/manual work

The right to equal pay for equal work has been guaranteed in the law but there are sectors where this provision of law has to be materialized yet. One such sector where there is discrimination in pay is agricultural sector. Nepal being agricultural country agriculture plays major part in creating predominantly labor intensive job market. Thus discrimination there has nation wide adverse effect. So the notion of equal pay for equal work should be in all sectors including the agricultural and labor work. Hence the notion of equal pay for equal work must be guaranteed in every sector.

Right to financial independence and ownership of property

Until and unless the women are provided with the economic rights (i.e. Practical not only theoretical right to hold the property and ownership) all other rights are meaningless, ineffectual and inaccessible to the women.

Complete inclusion of women in the Judiciary system

More pro women unbiased judgment can be expected with more the inclusion of women in the judiciary. Because, women themselves can internalized the feeling, pain and suffering of the women more than men.

Therefore it is essentially required that all those rights which are very essential for the development and enlistment of the women but ignored earlier should be raised or voiced over strongly in the present constituent assembly.

CHALLENGES

So the presenter see followings as challenges before the women members of constituent assembly and expect floor to discuss over it:

- Whether the participation of women in the Constituent assembly will be meaningful and sufficient enough to raise the women's issues?
- Can they participate in the integrate manner (women as a group) in CA for securing all the rights of a women?
- Can the upcoming constitutional granted right covers the Women's Human Right?
- What sorts of mechanism **should be introduced /established** for ensuring Women's Human Right?
- Can women from each and every corner of Nepal will be able to entertain those rights?
- How far the establishing rights can empower the women in immediate action and sustainable manner?