

Discussion on changing the electoral system: Is social inclusion falling out of reach?¹

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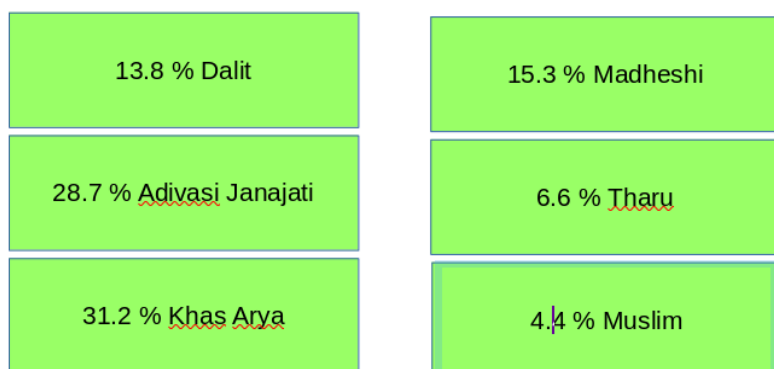
In recent days, there have been repeated calls for a change in the electoral system. A prominent example is Sher Bahadur Deuba's call for the abolition of the proportional representation (PR) system in the House of Representatives elections.

Constitutional demands

As a reminder, during Jana Andolan II, the demand for adequate inclusion of all social groups of the multi-ethnic state was among the prominent demands of the demonstrators on the streets. In order to achieve such, the proportional electoral system was introduced by the Interim Constitution of 2007 and applied for the first time in the elections to the first Constituent Assembly in 2008. At that time, all political parties declared their support for this. The Maoist party had finally even called for a purely proportional electoral system.

In the end, a two-tier system remained: 60 per cent of the MPs were elected through the PR system, the rest through the direct election system (FPTP). The PR system was intended to guarantee political participation in parliament for the various social groups according to their respective share of the population. This would have been rational if the rules on the PR system had also been applied to the selection of FPTP candidates, as stipulated in Article 63 of the interim constitution. Unfortunately, none of the parties complied with this. Rather, even then they used the direct election system to ensure the continuation of the dominance of males from the Khas Arya circle.

PR system in 2017 and 2022 elections



Distribution of the 110 MP mandates based on the share of social groups in the PR system of the 2017 and 2022 elections

Despite these shortcomings, the drafting of the various aspects of the new constitution went quite well until early 2010. It was only when the traditional male elite at the top of the political parties realised that their existing privileges could be dismantled that they took the reins into their own hands. The Constituent Assembly degenerated into an instrument of endless power struggles. When the top politicians finally got their act together after the earthquakes of 2015, the members of parliament were only allowed to approve what the party bosses had decided on as a new constitution.

Strikingly, the new constitution reversed the proportion between the PR and FPTP systems in the elections. Today, only 40 per cent of MPs are elected through the PR system. The passage in the transitional constitution on social inclusion in the nomination of direct

¹ A slightly revised version of this article has been published on 19 June 2023 by the online portal [Khabarhub](https://khabarhub.com).

candidates was deleted altogether. This allowed the political parties to manipulate the composition of the parliamentary level unhindered in their own interests.

The reality in today's HoR

To illustrate this, let us take a look at the election results of 2022: 58 per cent of the directly elected MPs are Khas Arya, with the exception of four persons all males. Yet male Khas Arya do not even make up 15 per cent of the total population. Since a further 31.8 per cent of the 110 mandates to be allocated went to Khas Arya through the PR system, the share of Khas Arya in the HoR is now 47.3 per cent. Only one Dalit was directly elected (population share 13.8 per cent, almost as many as male Khas Arya) and no Muslim (population share 4.4 per cent).² Of the 165 directly elected MPs, only nine are women. In order to make the Khas Arya appear as the numerically dominant group, the Tharu were removed from the Janajati group as a separate ethnic group under the new constitution. Yet the Tharu see themselves as Janajati and are among the oldest affiliates of the Nepal Janajati Mahasangh, now the Adivasi Janajati Mahasangh. Including the Tharu, the Janajati have four percent more members than the Khas Arya, which not only dominate politics.

Party	Candidates Female	Male	PR votes	Per cent	Difference to 2017	Seats	Seats May 2023	
CPN (Unified Marxist-Leninist)	141	11	130	2845641	26.94	-6.31	78	79
Nepali Congress	91	5	86	2715225	25.71	-6.97	89	88
CPN (Maoist Centre)	46	8	38	1175684	11.13	-2.53	32	32
Rastriya Swatantra Party	131	12	119	1130344	10.70	10.70	20	21
Rastriya Prajatantra Party	140	8	132	588849	5.58	3.52	14	14
Janata Samajbadi Party	79	7	72	421314	3.99	-0.96	12	12
Janamat Party	54	2	52	394655	3.74	3.74	6	6
CPN (Unified Socialist)	21	1	20	298391	2.83	2.83	10	10
Nagarik Unmukti Party	30	3	27	271722	2.57	2.57	3	4
Loktantrik Samajbadi Party	51	3	48	167367	1.58	-3.37	4	4
Nepal Majdur Kisan Party	109	12	97	75168	0.71	0.12	1	1
Rastriya Janamorcha	2	1	1	46504	0.44	-0.21	1	1
Aam Janata Party								1
Independents	867	77	790				5	2
Other parties	650	75	575	430208	4.07	-3.14	0	0
Total	2412	225	2187	10561072	100.00		275	275

Elections for the House of Representatives 2022; The number of MPs has been updated on 9 May 2023

So what does Deuba want to achieve with his current proposal? Allegedly, he wants to improve the parliament's ability to act by means of a pure direct election system. However, he fails to realise that the system of 4-5 political parties, as it existed in the 2017 parliament, is no longer valid today. In view of electoral alliances, it is difficult to determine the strengths of the parties. If one wants to get some idea, one has to go back to the results of the PR system. These show that the old established parties are clearly weakening, while new parties have entered into competition.

The hitherto major parties are particularly affected. We see that the CPN (UML) remains the strongest party, just ahead of the NC. This was similar in 2017, except that both parties lost about 6-7 per cent each compared to 2017, and the three major parties altogether, i.e. the main responsible for the chaos, lost almost 16 per cent. The CPN (MC) was still able to maintain its position as the third strongest party, which was probably thanks to the electoral alliance, but the decline of this party since the 2008 elections is evident. At that time, it had won half of all direct mandates and around 30 per cent of the PR seats. The CPN (Unified Socialist) is also on the drip of the electoral alliance. In the PR system, this party has not even crossed the three-percent hurdle and thus no Parliamentary Group status.

² The figures mentioned here refer to the 2011 Census. The figures for the 2021 Census have just been published in the form of Excel tables. The partly changed names of the ethnic groups make it difficult to correctly assign them to the superior groups that are relevant for the PR system.

If Deuba now believes that he can ensure more stable majorities in parliament with a pure FPTP system, this seems utopian. A clear parliamentary majority of a single party has existed in Nepal at best with the first Koirala government of 1991, which, as is well known, was squandered within the party; the short-term NC majority of 1999 was only due to the previous split of the CPN (UML). From 1994 onwards began the system of endless power struggles that continues to this day. The more parties are represented in parliament, the more difficult it becomes to form coalition governments, as the top politicians of all parties are primarily oriented towards their personal power and privileges. Never before have they personally participated as ministers in a government led by another top politician. All politicians lack the overriding interest in the concerns and needs of society, the economy, job creation in the country and nature, to name a few things.

What would definitely fall by the wayside with Deuba's new proposal would be the recognition of social diversity and the adequate participation of the many groups, a concern that should be very closely linked to the new constitution. People's awareness and level of education have grown enormously. Many no longer want to be fobbed off with slogans as they were once common under the monarchy and as they have been adopted by many politicians today. If Nepal wants to maintain its social harmony, it cannot do so without adequate and equal inclusion of all groups in society. However, this is clearly not what the political parties and their leaders want, as can be seen from their one-sided selection of direct election candidates.

The Maoists once contributed to this development with their insurgency and promises. Unfortunately, not much remains of their ideals. The Maoist leaders today move at a similarly detached level as many of the leaders of other parties. At worst, this can lead to new radical movements; at the very least, people's dissatisfaction with today's political leaders is increasing. The slight gain in votes, for example, leads the RPP to believe that a return to Hindu monarchy would solve all the country's problems, but this party, with only 5 per cent of the vote, including presumably many protest voters, is still to be considered insignificant. A return to the Hindu state would be counterproductive, as it would once again deny Nepal's multiethnicity, of which the country should be proud.

Do changes to the electoral system make sense?

What then could be derived from Deuba's criticism? Perhaps the proposal of the Janata Samajbadi Party - Nepal would be an option. Its spokesperson Manish Kumar Suman has recently suggested that a pure PR system should be introduced for the HoR elections. After all, the party of the current prime minister had once pleaded for this as well. In any case, this could be a way to ensure adequate social inclusion in the long run.

Population group	Share	FPTP				PR				
		male	female	total	per cent	male	female	total	per cent	
Adivasi Janajati	35.3	39	3	42	25.5	6	31	37	33.6	
according govt	28.7	33	2	35	21.2	5	26	31	28.2	
Tharu share	6.6	6	1	7	4.2	1	5	6	5.5	
Khas Arya	31.2	91	4	95	57.9	8	27	35	31.8	
Madheshi	15.3	25	2	27	16.4	4	13	17	15.5	
Dalit	13.8	1	0	1	0.6	7	8	15	5.5	
Muslim	4.4	0	0	0	0.0	3	3	6	5.5	
Male	49.0	156				28	82			
Female	51.0	9								
Total	100.0	165				110				

Population group	Share	Total male	Total female	Total	Per cent
Adivasi Janajati	35.3	45	34	79	28.7
according govt	28.7	38	28	66	24.0
Tharu share	6.6	7	6	13	4.7
Khas Arya	31.2	99	31	130	47.3
Madheshi	15.3	29	15	44	16.0
Dalit	13.8	8	8	16	5.8
Muslim	4.4	3	3	6	2.2

Share of social groups in the total population based on the 2011 census (highlighted in yellow). The blue background shows the seats won in the House of Representatives under the direct election system and the green background shows the seats

allocated by the parties under the PR system. The lower table concerns the entire social composition of the House of Representatives.

If, however, the electoral system is to become a purely direct election system again, as now suggested by Deuba, then, with a view to the constitutional goal of an appropriate inclusion of all social groups, the previous participation rules of the PR system would have to be applied already in the nomination of candidates, as the transitional constitution of 2007 had once stipulated. If the parties and their top politicians from among the male Khas Arya continue to be given a free hand as before, the social imbalance in parliament will not change.

The problem is further aggravated in the existing electoral system by the fact that not only did party leaders bring predominantly male Khas Arya into parliament through the FPTP system in the last elections, but then, thanks to the rules of the current PR system, another 32 per cent of the 110 PR seats went to Khas Arya, with some nepotistic traces, resulting in almost half of the current HoR MPs coming from the Khas Arya group. This should be changed, not the PR system abolished.