

Representative Bureaucracy: Implementing Effects and Structural Barriers of Affirmative Action Initiative in Nepal

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ABSTRACT

Since its adoption in 2007, affirmative action policy within the Nepalese civil service has been the focus of research concerning representative bureaucracy dynamics. This study elucidates the extent to which affirmative action initiatives have fostered representation of marginalized groups within the bureaucratic framework of Nepal, thereby promoting social equity and inclusivity. Through qualitative research methods and a scoping review of 75 secondary scholarly articles and authorized publications, the research reveals that the affirmative action policy has positively impacted the representation of women and historically marginalized communities. The findings of this research shed light on both the adverse and positive effects of affirmative action and key barriers in Nepal's civil service since 2007–2022. While affirmative action policy has contributed to a notable growth in the representation of marginalized groups, including women, Dalits, and ethnic minorities, inequalities persist in terms of equal opportunities for empowerment and meaningful participation in decision-making processes. Furthermore, structural barriers such as deep-rooted biases, a lack of adequate education and resources, patriarchal organizational culture, and limited political commitment pose major hurdles to the effective implementation of affirmative action initiatives in Nepal.

Introduction

A government agency is said to have a representative bureaucracy if the employees reflect the clientele and target audiences for its policies in terms of their racial and ethnic makeup. More than 80 years have passed since J. Donald Kingsley (1944) first brought up the subject of representative bureaucracy in relation to public administration and management. The initial attempt advanced the issue in a normative and descriptive manner, addressing the issue of how much the bureaucracy represents the people it supports and how much it ought to. In order for a workforce to be truly representative, according to Gidengil and Vengroff (1997), people from various societal groups must be present at all organizational levels, especially those that have high-level decision-making authority. A representative bureaucracy is required to implement policies with social justice and inclusivity (Kingsley, 1944; Meier, 2019; Jamil and Baniamin, 2020). This has positive repercussions for public administration. Meier and Capers (2014) contend that by assessing how well a nation's bureaucratic structure represents various socioeconomic groups, it can prevent the development of an elitist bureaucracy that undermines the objectivity of decision-making. An inclusive bureaucracy is what defines democracy and democratic governance.

Nepal is one of the countries that has implemented a policy to ensure that women and other members of marginalized groups have sufficient representation in the civil service. Although it is required by law that public service organizations pay attention to and welcome diversity in gender, caste, ethnicity, and

region, the real experiences of women and other marginalized people reveal instances of gender-, caste-, and ethnicity-influenced actions. The different encounters that marginalized people have with the Nepalese civil service are examined in this paper. The purpose of affirmative action, as it is used in South Asia, is to support underprivileged people in order to level the playing field, notably in the fields of politics, employment, and education. Reservations have traditionally been supported by socio-ethnic organizations and social activists in Nepal (Gurung, 2005). Some significant policies on social inclusion are the outcome of discussions about social exclusion and affirmative action that intensified during and after the Maoists' "People's War" (Druzca, 2016). The interim constitution of Nepal, which was constructed in the wake of the 2007 people's movement, established the system of reservations. In 2007, the Government of Nepal made an amendment to the Civil Service Act of 1993 (Second Amendment), known as the Reserve Clause. This amendment aimed to address the challenges faced by women, marginalized communities, and left-wing political groups. The amendment introduced a reservation policy, which mandated that eligible applicants from underrepresented groups would have priority in open competitions to fill 45 percent of the available seats. The reserved seats were allocated as follows: women – 33 percent, Adivasi-Janajatis – 27 percent, Madhesis – 22 percent, Dalits – 9 percent, differently abled people – 5 percent, and backward area – 4 percent.

In Nepal, a regular bureaucrat has traditionally been male and Khas-Arya dominated (Jamil and Dangal, 2009). This is no longer the case, though Khas-Arya men continue to dominate top positions in the bureaucracy. While Nepal's bureaucracy remains a highly exclusive institution—with approximately 80 percent men and 70 percent characterized as Brahmins, Chhetris, and Newars—it has begun to become more inclusive in recent years as a result of unprecedented inclusionary politics and affirmative action or reservation policies. After fifteen years of enactment, 14,956 out of 39,979 candidates employed are from marginalized groups in the civil service of Nepal, and 88,568 people are working in the civil service (NIC, 2022). Nepal's neighbors, mainly India, have had a major effect on the reservation system in the Nepalese public service. In Nepal, the Hindu caste system and caste, also known as "Jaat," play a significant part in a person's status in the social hierarchy and in the decision of their profession (Jamil, 2019). Jamil and Baniamin (2020) examined the impact of the affirmative action implemented in Nepal's civil service since 2007 and found that it has led to increased representation and inclusivity, reflecting the country's gender, caste, ethnic, regional, and demographic diversity within the bureaucracy, thereby making it more representative and inclusive to the country and citizens as a whole (Bhul, 2023).

This study examines Nepal's affirmative action in the public service using related literature to investigate the foundation of representative bureaucracy and social inclusion. The perspective of Nepal's bureaucracy is then briefly described, along with Nepal's civil service system and the importance of gender and other minorities as identities. The representative bureaucracy theory has been applied to the setting examined by a number of Nepalese social situations, particularly in areas like job challenges and resources. After analyzing the literature, this study examines its findings and makes several recommendations on how to increase the policy benefits of gender and other minorities' representation in Nepalese public service. This study concludes by identifying future research areas that will extensively assess affirmative action to determine if the representative bureaucracy theory remains legitimate in reality.

Literature Review

According to supporters, affirmative action should be strongly pursued as a way to combat prejudice and dismantle the systems that keep it in place against minorities, especially women (Rosen, 1974; Braun,

1995). They contend that affirmative action advances social justice and social equality by allocating limited resources in favor of people who have historically faced discrimination and disadvantage (Gibelman, 2000; Gu et al., 2014; Premdas, 2016). Despite criticism, affirmative action is a crucial strategy to address historical injustice and exploitation and to ensure inclusion for underprivileged groups (Premdas, 2016). Conversely, opponents of affirmative action, such as Pojman (1998), criticize the concept on several grounds. Firstly, they argue that affirmative action leads to reverse discrimination, where certain groups are disadvantaged in favor of others, suggesting that progress has already been made in the fight against discrimination (Selden, 2006). Secondly, opponents contend that affirmative action promotes mediocrity and incompetence by prioritizing factors like race or ethnicity over merit, potentially compromising workplace performance (Pojman, 1998). Lastly, critics claim that affirmative action undermines the principle of awarding positions based on qualifications, pointing out the absence of affirmative action in areas where certain groups dominate, like basketball (Pojman, 1998).

According to Haider (2011:3), it may take some time for quotas to have a positive impact since minorities must first gain the necessary skills and confidence, and society must change its attitude about women in leadership posts. In a similar way, affirmative action policies are successful if they are implemented over a long period of time (30 years or more) and in conjunction with other special measures (Browne, 2013). Affirmative action policy is critical for historically marginalized groups seeking official recognition (Moodie, 2013; Middleton, 2013). In these cases, the criteria and requirement for success revolve around establishing proportional representation, which may eventually rise to retention and advancement challenges. According to Korten (2011), reservation provides a minority population with the rightful share of power, resources, and opportunities. Reservation rules exacerbate prejudice in society while also violating the principle of equal treatment by the state (Pojman, 2010) and affecting merit-based selection (Chalam, 1990; Rai, 2022). The lack of minority representation has been highlighted in earlier research on representation, including Gurung (2006), Edigheji (2007), DFID and World Bank (2004), Bhatta et al. (2008), Onta et al. (2008), Sunam and Shrestha (2019), Rai (2022), and Bhul (2023). According to Pardhan (2014), social inclusions and exclusions were impacted by many categories of class, gender, caste, and area, as well as various levels of oppression and discrimination. According to Dhakal's (2013) analysis of the Civil Services' reservation policy, there is now positive representation of some excluded communities; however, this has led to some controversy. Even among the groups that were excluded, it can still be dominated by a small elite group. Paudel (2016) reviewed the Nepalese Civil Service's reservation policy and arrived at the conclusion that the government was unable to attract people from marginalized communities and that enrollment trends had not changed. Elite family members had more access to reservations with family who had previously been engaged in the Civil Service.

In Nepal, affirmative action is "absolutely necessary" (Middleton and Shneiderman, 2008:39; Sunam and Shrestha, 2019:286). This necessity is caused by a number of factors. The most important justification is perhaps the history of social exclusion and marginalization that was encouraged by the state and its institutions. Khas-Aryas and Newars have historically held a majority in the Nepalese bureaucracy, whereas the Dalits have long been subject to "near total exclusion" (Lawoti, 2005:19; Sunam and Shrestha, 2019:286). Even today, men from the Khas-Arya ethnic group hold almost all of the high positions in the governing system and make up almost two-thirds of the civil service. This state bureaucracy's dominance goes beyond issues of representation. The interconnection between control over and access to state resources and benefits determines power dynamics, influencing social, political, and economic capture and hegemony.

Reservation policies have both positive and negative consequences on society. When implemented effectively, with a thorough understanding of various factors such as intersectionality and the specific needs of excluded groups, they can promote equality and reduce inequality. However, if these policies are not properly implemented and fail to consider the diverse dimensions of exclusion and the inequalities faced by marginalized groups, they can lead to further inequality and social conflict (Bhul, 2023). Affirmative action (reservations) has arisen as a critical policy for establishing an inclusive nation-state, with the aim to transform the socio-demographics of the bureaucracy playing a crucial role. However, the policy has been met with harsh criticism from the start (Subedi, 2014; Sunam, 2018). Some of the primary criticisms are: (1) reservations violate the concept of equality; (2) reservations benefit the economic elites of the excluded group; and (3) reservations undercut meritocracy, weakening the delivery of public services (Sunam and Shrestha, 2019).

Research Method

This study critically analyzed the effectiveness of affirmative action and its effects on Nepalese bureaucracy. It conducted a qualitative research method focused on a scoping review of 75 secondary authorized literatures. It assesses affirmative action in Nepal's civil service between 2007 and 2022 from various sources such as academic papers, policy documents, and reports. The sources have been identified as scholarly articles, review reports, policy documents, and others. Selection criteria were concentrated on documents that discuss the experiences and outcomes for women, Dalits, Janajatis, Madhesis, persons with disabilities, and people from remote areas of Nepal.

This study is validated by the method of qualitative scoping review because it is able to study many different documents at once that explain how affirmative action works through capturing the broad range of available literature, describing affirmative action's effects using different perspectives. A broad range of secondary sources has been included to have a better insight into the effects of the policy. The use of authorized and trustworthy materials enhances the reliability and validity of the findings, creating a solid foundation for analysis. The chosen sources delve deeply into the way that affirmative action has made an impact on minority populations working for the government. This means it is from this position that this research is able to identify its core themes, trends, and conclusions concerning their representation, empowerment, and socioeconomic improvement. By undergoing this process of critical analysis, the study is expected to yield a sophisticated and comprehensive judgment about the policies of affirmative action, thereby making a contribution to a wider conversation concerning the involvement of disadvantaged people in societal issues and fairness in governmental initiatives.

Results and Discussions

This section presents data and discussion on the different encounters of affirmative action for women and marginalized people working in the civil service of Nepal, as follows:

Constitutional Goal and Revisiting Affirmative Action

The constitutional goal of fostering social inclusion and resolving historical prejudice aligns with the application of affirmative action in the civil service of Nepal. The reservation policy is intended to guarantee proportionate representation and involvement of disadvantaged communities in government service, in accordance with the constitution (Articles 42 and 84). This constitutional clause acknowledges the importance of using reservations to combat structural injustices and advance social justice. Affirmative action

helps build a more inclusive and representative bureaucracy by allocating reserved seats for underrepresented groups. Nepal's affirmative action in the civil service serves the interim constitution's (2007) mandate for social justice and inclusivity. The reservation policy, as established by the constitution, strives to remedy previous discrimination and ensure that disadvantaged groups have equitable representation in public service (Ghimire, 2020). This new constitutional provision (2015) emphasizes the Nepalese government's commitment to advancing social justice and presenting opportunities for marginalized groups in the federal structure. By implementing affirmative action, Nepal has made tremendous progress toward creating a more inclusive public service that represents the diversity of its population.

Undoubtedly, Nepal's civil service reservation policy is an essential measure to advance social justice and inclusivity by giving underprivileged groups opportunities (Dhungel, 2015). It is consistent with the requirement for proportionate representation and the constitutional acknowledgment of historical discrimination. Affirmative action has enhanced the participation of marginalized groups in the civil service by reducing the historic dominance of particular castes and ethnicities (Dhungel, 2015). As a result, individuals who were previously marginalized have gained the ability to participate in government and public administration. In order to overcome structural injustices and foster a more inclusive and diverse civil service, affirmative action has proven crucial (Dhungel, 2015). Consequently, underprivileged groups now have a voice and may actively engage in societal decision-making. The reservation policy has made a substantial contribution to social equity by enabling individuals who were once disadvantaged to participate in Nepal's growth (Dhungel, 2015). It reflects Nepal's ambition to build a just and inclusive society (Bhul, 2023).

After the promulgation of the new constitution in 2015, Nepal experienced significant initiatives in state restructuring. This includes the formation of three levels of government, the completion of all levels of elections, and the establishment of a leftist majority government in the whole country (following the elections of 2017 and 2022). The Nepalese administration has emphasized rapid development and prosperity as part of, and as a result of, such remarkable politics of change. At the same time, it has put forth measures for inclusive growth, such as a new affirmative action in a draft bill for the civil service that is now being debated in parliament at the time of writing (Bhul, 2023). According to the government, the updated reservation strategy is intended to benefit the less fortunate (Sunam et al., 2021). This study adds to the body of knowledge on affirmative actions while also having direct policy implications in light of the Government of Nepal's ongoing efforts to implement a new reservation policy (Pyakurel, 2011; Shneiderman, 2013).

Affirmative action in Nepal's civil service strives to provide opportunities to individuals from disadvantaged groups, including Dalits, Janajatis, Madhesis, and women, who have traditionally been excluded from positions of power and influence. Interestingly, Dalits still have very low representation in higher positions of the overall civil service compared to their demographic proportion. In terms of representation, high-caste Hindus continue to dominate Nepal's bureaucracy, while all other ethnic groups except the Newars are rigorously underrepresented. As of 2022, only 27 percent of Nepal's public service employees are women, with the remaining 73 percent being men (NIC, 2022). According to data from the Department of Personnel Records, 63.50% of civil service employees are Khas-Arya, whereas Muslims account for only 0.60%, Dalits for 2.50%, Madhesis for 15.40%, and indigenous communities for 19.5% (Bhul, 2021). The formation of the quota system has resulted in increased participation of marginalized communities in the civil service, shattering the dominance of specific castes and ethnicities (Sunam et al., 2021). In the last fourteen years, the Public Service Commission selected 39,979 people for the Civil

Service and Nepal Health Service, and 14,956 (37.40 percent) people were selected through affirmative action. According to the Inclusion Commission's report, reserved women make up 5,160, or 12.9 percent of the total selected people from this policy; Adivasi/Janajati account for 4,057 persons, or 10.14 percent; Madhesi make up 3,199 persons, or 8 percent; and Dalits comprise 1,308 persons, or 3.27 percent, along with 698 persons from differently abled persons, or 1.74 percent; and 534 persons from backward areas, or 1.33 percent (NIC, 2022). This has enabled previously underprivileged and underrepresented individuals to participate in governance and public administration. However, the practicality and control of affirmative action may vary, and arguments and disputes about it continue.

Affirmative action is one of the policy reforms implemented in Nepal to make the bureaucracy more representative and inclusive. It is a challenging endeavor to adopt affirmative action in a country that has a history of cultural and social exclusion and is undergoing substantial structural change and legal reform. When a number of major changes are introduced simultaneously, affirmative action concepts are likely to lose momentum. Historical social stratification and exclusion within Nepal's diverse society have resulted in economic exclusion and a lack of representation in the governance system for lower caste (Dalit) and indigenous (Janajati) groups, as well as regional minorities, necessitating a transformative change in this historical narrative. Geographic exclusion is also a reality, with hill people having more influence on government decisions than Madhesi/Terai lowlands inhabitants. Gender and language are two more exclusion factors that affect demographics and life opportunities in Nepal (Bhul, 2023).

Promised and Real Results of Affirmative Action

In 1951, Nepal experienced significant changes following the institutionalization of democracy. Up until that point, the demand for reservations was part of the larger civil rights struggle, which culminated in the Comprehensive Peace Agreement (CPA) in 2007. The Interim Constitution of 2007 (2063 BS) then included a provision introducing the fundamentals of representative bureaucracy with the intention of incorporating the diversity of groups from across the country. This was implemented in Nepal in 2007. Reflecting the demographic makeup of the nation, Nepal's bureaucracy is becoming more representative with the adoption of affirmative action. In addition to promoting sustainable community development, women, indigenous peoples (Adivasi/Janajati), Madhesi, and Dalits were given preference for employment in the civil sector (Bhul, 2023). The Government of Nepal implemented a reservation policy in 2007 by revising the 1993 Civil Service Act in response to the long-standing struggles of marginalized communities and left-wing political organizations. According to the Civil Service Act, 1993, qualified candidates from underprivileged groups are given first preference in an open competition to fill 45 percent of the total seats. Of the total number of reserved seats, 33 percent are allocated for women, 27 percent for Adivasi-Janajatis, 22 percent for Madhesi, 9 percent for Dalits, 5 percent for differently abled people, and 4 percent for backward regions (GoN, 2007).

There is an opinion that the affirmative action implemented by the Government of Nepal undermines meritocracy and leads to poor public services. However, there is no evidence in favor of this opinion. There has been little systematic research on bureaucratic affirmative action and its impact on meritocracy and the standard of public services. The affirmative action policy has successfully fostered inclusivity by increasing the representation of women, Dalits, Madhesi, and Adivasi-Janajatis, resulting in a more diverse civil service workforce that reflects the social diversity of Nepal (Bradbury & Kellough, 2011; Rasul & Rogger, 2015; Sunam et al., 2021). This diversification has not only brought valuable contextual knowledge, experiences, and multicultural skills to the bureaucracy but has also enhanced problem-solving abilities and improved

policy-making and service delivery outcomes at both local and higher levels. Furthermore, the increased diversity has facilitated effective communication and understanding between civil servants and citizens, particularly those from marginalized and indigenous communities, through language competencies and cultural understanding (Sunam and Shrestha, 2019; Sunam et al., 2021). The symbolic significance of including previously excluded groups in the bureaucracy has been instrumental in fostering a sense of ownership and inclusion among marginalized communities, strengthening the state-citizen relationship, and enhancing trust and cooperation between citizens and bureaucratic organizations (Ricucci et al., 2014; Sunam et al., 2021). These positive outcomes challenge the notion of diminished government services and highlight the significant benefits of affirmative action in Nepal's civil service.

In terms of fostering inclusivity and presenting opportunities for historically marginalized groups, affirmative action in Nepal's civil service has shown encouraging results. Sunam (2018) contends that those who have benefited from reservations—including women, Dalits, Madhesis, and Janajatis—have helped to create a more diverse civil service workforce. For critical problem-solving and inclusive policy-making, this diversity has brought in a range of expertise, experiences, and cultural viewpoints. Delivering efficient services to a diverse population has also greatly benefited from the participation of public officials from marginalized groups. Sunam (2018) further asserts that members of these underrepresented groups in the public service have been crucial in assisting their communities and others in securing justice in cases of caste- or gender-related discrimination.

Implementing Effects of Affirmative Action

The affirmative action policy has socio-economic effects that aim to address historical injustices and promote social inclusion. These effects can be analyzed in terms of adverse and positive impacts on employment and representation in Nepal.

Adverse Effects of Affirmative Action

While affirmative action has had a significant positive impact by increasing the participation of genders, castes, classes, groups, or communities that were previously excluded due to various types of discrimination (NIC, 2022), it can also lead to perceptions of discrimination against the more prosperous class, contradicting the concept of equality. Anger among the majority arises as limited seats make it difficult for them to secure civil service employment in Nepal. Additionally, less talented and capable individuals from disadvantaged groups may benefit from the reservation policy, surpassing more qualified candidates from the majority. This creates a perception that capacity and merit are irrelevant, eroding motivation. Such instances exemplify reservations becoming a form of reverse discrimination, undermining the goal of equality. Balancing inclusivity and equal opportunities without compromising meritocracy remains a complex challenge for affirmative action in Nepal.

Meritocracy is a crucial system for societal progress, motivating capable individuals to achieve high ranks and contribute efficiently. For example, an upper-caste male candidate scoring 90 out of 100 may lose a position to a reserved group candidate who scored 50 out of 100 due to the reservation policy. The introduction of affirmative action, which prioritizes access to higher education and public employment for minority groups without considering their eligibility or overlooking suitable candidates from the majority, can undermine meritocracy. This depletion of meritocracy can be observed not only among the majority but also within the minority group itself. Affirmative action may provide an easier path to employment, potentially discouraging effort and diminishing motivation. This issue requires attention as it can have significant consequences if the reservation policy undermines both the beneficiaries' performance and

the majority group's competitiveness. The absence of meritocracy in education and administration risks repeating unfortunate historical situations.

The concern regarding the effect of affirmative action on bureaucratic efficiency revolves around the belief that it leads to a decline in the overall quality of recruits and subsequently hampers institutional performance. Critics argue that without affirmative action, recruitment processes prioritize the selection of candidates based on merit, assuming a correlation between selection standards and job performance. They contend that affirmative action reduces recruitment standards in favor of disadvantaged group members, resulting in lower selection criteria and, consequently, weakened efficiency and productivity. Supporters of this argument, such as Bolick (1996) and Shah (1991), emphasize that ethnic preferences in recruitment ignore relative qualifications, potentially advancing less qualified individuals over more qualified ones, leading to low efficiency and productivity. For example, a teacher from a marginalized community recruited through the reservation quota who has low confidence, lacks skills, knowledge, and experience compared to candidates from the open category may, despite dedication and commitment, lack the proficiency required to deliver high-quality education. Concerns about affirmative action's impact on efficiency are also echoed in Nepal's social media.

Evidence on the effects of affirmative action on efficiency is mixed. Studies by Lott (2000) and Marion (2009) suggest negative effects, while Lewis (1997), Johnson (2015), and other studies in the private sector find that hires from marginalized groups perform just as well or even better than their counterparts. Factors such as the imperfect measurement of employee quality, potential biases in meritocratic recruitment exams, and the correlation between scores and socioeconomic status contribute to the complexity of assessing the actual impact of affirmative action on performance. Notably, existing literature has primarily focused on entry-level positions, and the promotion process may mitigate any potential efficiency losses. However, the study acknowledges that promotion or high-level hiring quotas, which are not considered in this analysis, may introduce additional efficiency costs.

While affirmative action in the civil service of Nepal has been praised for its positive outcomes, it is important to acknowledge that there are also some negative effects associated with this policy. Deshpande (2013) highlights that one of the concerns raised by policymakers and scholars is the potential for elite capture within affirmative action. The argument suggests that economically well-off individuals from disadvantaged groups, known as the "creamy layer," may benefit more from reservations than the most economically disadvantaged members of those groups in Nepal (Suman et al., 2019). For example, through the reserved quota, a well-educated student from a disadvantaged family gains admittance to a high-status college. Compared to most members of their community, this student has access to private tutoring, excellent education, and other learning opportunities. Simultaneously, a student belonging to the same disadvantaged group but with limited educational opportunities and poor socioeconomic status might struggle to secure the limited spot. This situation can lead to the intended beneficiaries of affirmative action, particularly the poorest of the poor, being left out and not receiving the intended support. While empirical evidence specific to Nepal is limited, this concern has been a subject of debate in the context of India's affirmative action, which shares similarities with Nepal's. It is essential for policymakers to carefully consider the potential negative consequences of affirmative action policies to ensure that they effectively target and uplift those who are most in need of support.

Positive Effects of Affirmative Action

Affirmative action in government has not only diversified the government but has also made significant contributions to economic and social dynamics. The civil service of Nepal is becoming more inclusive and

representative following the application of affirmative action (Sunam et al., 2021). For example, there has been a significant rise in women's participation in different positions, increasing from 12 percent to 28 percent, ensuring at least 33% female representation as mandated by law. It is important to clarify that the Interim Constitution of Nepal, 2007, played a significant role in emphasizing the objective of developing an inclusive and participatory state with regard to the civil service. The Civil Service Act of 1993, which oversees Nepal's largest and most well-organized government agency, was subsequently modified in 2007 to incorporate affirmative action into the civil service. Due to this change, provisions from the Civil Service Act have been included in all laws and regulations governing public services, including those provided by the Nepal Health Service, the army, and the police. According to these provisions, positions must be reserved for six different groups and filled in accordance with the predetermined ratios and distributions specified in the legislation. This affirmative action was also implemented in the organized public sector prior to 2007 and continues to be applied in all organized government services formed after 2007. Any new public services will likewise follow the Civil Service Act's reservation guidelines. Therefore, through the implementation of reservation measures providing representation and opportunities for excluded groups, the Civil Service Act's reservation provisions have greatly contributed to transforming the entire Nepalese public sector into an inclusive service (NIC, 2022).

Changes in the value system are evident in the civil service, such as the shift away from a male-dominated culture (Sunam et al., 2021). For example, the execution of this policy has altered societal values by nurturing greater acceptance and respect for diversity, as seen in the increased representation of marginalized communities in Nepal's civil service. Over the last fifteen years, Nepal's Public Service Commission has selected a large number of individuals for civil service positions from different genders, ethnicities, and minorities. A significant portion of these applicants, 37.40 percent, were recommended through the reservation procedure. This approach has ensured that marginalized groups—including women, Madhesis, Dalits, differently abled people, and people from backward areas—have increased their representation in the civil service of Nepal. The reservation mechanism has been implemented continuously, with around 45 posts filled each year through group competition among the reserved groups. Employees from reserved groups are now represented in a variety of services and positions, which has had a significant impact on overcoming long-standing discrimination and notions about who is eligible for public employment, as well as on their own families. By emphasizing that the civil service is open to everyone, regardless of status or caste, this approach has dispelled the myth that it is an unreachable profession. The efficiency of affirmative action is confirmed by the rising participation of all reserved groups each year. Recent actions by the state to fill open positions show its commitment to strengthening affirmative action and ensuring its viability (NIC, 2022).

The self-confidence of women and other marginalized people is growing, leading to increased participation, the ability to voice their opinions, and taking a stand for the promotion of females and underprivileged individuals (Sunam et al., 2021). For example, the significant boost in self-confidence among women and other marginalized people is exemplified by the number selected for higher government positions, empowering them to actively participate in leadership and decision-making. The extensive inclusion of candidates through affirmative action, combined with their effective performance in a range of positions and ranks, has given staff members confidence that these candidates are capable of handling various duties. Furthermore, by demonstrating that they are equally capable and not inferior to others, it has increased the confidence of persons from marginalized groups who were previously excluded. This is further supported by the apparent rise in the proportion of differently abled people, people from ethnic minorities, and underrepresented groups in public services, as well as individuals from a variety of genders

and geographic locations. Historically, these groups have faced both internal and external barriers (NIC, 2022).

In society, there exist three classes—high, middle, and low—based on social and economic advancement. The low class, predominantly comprising minorities and disadvantaged groups, struggles to meet basic needs. Affirmative action, through reservation policies, provides better opportunities for growth, allowing disadvantaged and minority groups to move from the low to middle class and potentially to the high class. The increase in the number of middle-class Dalits and other minorities over time demonstrates the success of reservation policies in improving employment opportunities (Srinivas, 2015). Disadvantaged families often struggle to afford quality education, and historical social exclusion has diminished their confidence. Affirmative action, however, boosts their confidence and encourages education for a better future (Borooah, 2010).

Affirmative action has the fundamental purpose of promoting education and providing equal opportunities for all, including marginalized groups, to access employment. This contributes directly to increasing the literacy rate of a country by enabling citizens, regardless of their caste, creed, or gender, to pursue education and avail themselves of employment opportunities. Literacy plays a pivotal role in the development of a nation, as it fosters an understanding of the importance of education and enables individuals to qualify for better job prospects. This, in turn, leads to the overall development of human capital, elevating living standards and per capita income. Additionally, literacy equips individuals with knowledge about health issues, including nutrition, healthcare standards, and family planning methods, thereby contributing to the country's development by reducing mortality and birth rates. Large-scale studies have demonstrated that affirmative action obligations imposed on employers have resulted in increased representation of minority and female employees within the civil service of Nepal. Affirmative action serves as an effective enforcement tool for creating job opportunities and has played a significant role in improving the economic position of underprivileged groups (Leonard, 1984). For example, the enactment of affirmative action in Nepal has contributed to improving the economic position of marginalized communities by ensuring their access to employment, academic opportunities like international scholarships, and other capacity-building initiatives in the government sector.

The debate over the institutional effects of affirmative action encompasses multiple perspectives, and some scholars argue that affirmative action for administrative positions can actually enhance institutional performance, similar to its positive impact in the workplace (Sowell, 2004; Crosby et al., 2006; Holzer & Neumark, 2006; Leslie et al., 2014). One prevalent argument revolves around ethnic favoritism and its potential influence on the distribution of services (Sunam et al., 2021). For example, this policy has empowered concerns about the rights and needs of ethnic characteristics, potentially influencing the distribution of government resources and services based on ethnic representation, such as Adivasi, Madhesi, and Dalit. Affirmative action may enhance bureaucratic performance by recruiting individuals from marginalized groups who are more likely to effectively serve members of their own communities. This can result in gains in provision for the marginalized group, potentially at the expense of the entrenched group, leading to equity gains, or gains in both equity and efficiency if provision for the marginalized group improves while maintaining or enhancing provision for the entrenched group. In programs targeting specific populations, such as anti-poverty initiatives, the latter outcome is likely to prevail, where any improvement in distribution to the poor contributes to overall system performance.

There are several explanations regarding why members of marginalized groups may serve their own communities particularly effectively. Firstly, they may possess a cognitive bias or preference toward

their own group, a phenomenon well-documented in the literature on distributional politics (Kramon and Posner, 2016). Secondly, they may lack the discriminatory attitudes exhibited by members of the dominant group (Dee, 2005). Thirdly, they may face social sanctions from within their own group, creating additional incentives to fulfill their responsibilities toward their community (Tsai, 2007). Lastly, they may possess greater knowledge about their own group and its challenges compared to other groups, enabling more efficient administration (Kasara, 2007). While not explicitly addressing affirmative action, existing literature on “representative bureaucracy” supports this hypothesis, finding that bureaucracies resembling the populations they serve tend to perform better than those that do not (Meier and Nigro, 1976; Krislov, 2012). In the Indian context, the distributional argument is frequently used to justify reservations, as highlighted in the Mandal Commission report, which emphasizes that while affirmative action candidates may face social and cultural disadvantages that might make them slightly less competent, their firsthand knowledge of the struggles and issues faced by marginalized sections of society is a significant asset for field workers and policymakers at all levels. It is important to note that this argument could also be framed in the opposite sense, suggesting that members of disadvantaged groups outperform others not due to favoritism but simply because they do not discriminate against their own communities.

Furthermore, affirmative action programs can potentially enhance institutional performance by addressing weaknesses in the recruitment process. In the absence of affirmative action, agencies often recruit lower-quality bureaucrats from privileged groups due to discriminatory practices or biased measures of quality that favor the powerful (Jencks, 1998). Alternatively, it can be argued that candidates from marginalized groups, who face unobserved selection effects resulting from discrimination, are actually better qualified than candidates from other groups with similar formal qualifications (Ferreira and Gyourko, 2014; Anzia and Berry, 2011). If this holds true, affirmative action can elevate the quality of recruits and potentially lead to improved outcomes.

Affirmative action in Nepal’s civil service has produced positive effects, promoting increased inclusivity and diversity in the workforce. Sunam’s (2018) research demonstrates that those who have benefited from reservations, such as women, Dalits, Madhesis, and Janajatis, have contributed significantly by bringing a range of knowledge, experiences, and cultural perspectives to the civil service. Critical problem-solving and inclusive policy-making have benefited from this workforce’s diversity. Additionally, members of marginalized groups in the civil service have contributed significantly to the provision of efficient services to a wide range of citizens and the advancement of justice in caste- or gender-discrimination-related issues. The inclusion of marginalized people in the bureaucracy not only has symbolic significance but also acts as an example for others and a source of motivation. The study emphasizes how civil employees from underprivileged origins have contributed to the efficacy and efficiency of government services by being hardworking, demonstrating multicultural abilities, possessing strong educational backgrounds, and being dedicated to serving the public. Therefore, affirmative action has played a crucial role in developing a more diverse and inclusive workforce in Nepal’s public service, which has a positive influence on service delivery and social justice.

Structural Barriers of Affirmative Action Initiatives in Nepal

Since the division of Nepalese society into four castes and 36 Varnas (Bista, 1991:35), individuals and communities have been engaged in their own traditional professions. As a result, there is a lack of confidence to leave their own profession and choose a new one, which ultimately becomes the beginning of discrimination and exploitation in Nepalese society. The traditional occupations of Newars, Kayasthas,

and Gauchans included trade; Gurung, Magar, Rai, and Limbu were recruited into the Paltan (military); Sherpas engaged in mountaineering; Yadavs in cattle farming; Bahuns in Pandityai (priesthood); Chhetris in government service; Dalits in their own caste occupations; and women in domestic work and obligations. Nepal did not become a multicultural, multi-religious, and multilingual state until decades after its unification in 1768 (Dahal, 2003:88).

The implementation of affirmative action in the civil service of Nepal has faced both historical and cultural barriers that have posed challenges to its effectiveness. The popularity and efficiency of affirmative action are influenced by Nepal's diverse population and rich cultural heritage. The deeply rooted caste-based social system that has historically defined social hierarchies and roles is a crucial cultural obstacle (Thapa, 2017). The caste system divides society into distinct communities with different levels of power and resource access. Reservation policies undermine this established social structure by providing opportunities to historically neglected and disadvantaged castes. Individuals or organizations who have benefited from existing caste-based privileges generate cultural barriers to affirmative action implementation (Gyawali, 2020). Another cultural obstacle is the importance assigned to identity and cultural preservation. Nepal places high importance on the preservation of its cultural diversity and practices (Gyawali, 2020). Some communities see reservation policies as a threat to their cultural identity, worrying that the inclusion of underprivileged groups through reservations will dilute their own cultural traditions and representation. Integrating the preservation of cultural diversity with addressing historical discrimination creates a complex obstacle in the implementation of affirmative action (Shrestha, 2019).

Moreover, the deeply rooted beliefs about fairness and meritocracy in Nepalese society provide a cultural obstacle to reservation implementation. Meritocracy is strongly valued, with appointments and promotions based exclusively on individual qualifications and abilities. Some critics argue that affirmative action undermines this principle by distributing advantages based on social identity rather than merit (Shrestha, 2019). This perspective leads to criticism of affirmative action implementation (Gyawali, 2020). In addition, prevailing social norms and conservatism in Nepalese society can resist reforms that contradict established norms and traditions, challenging the adoption of reservation policies (Thapa, 2017). The complex nature of inter-community relationships and conflicts is another cultural obstacle. The presence of several ethnic, linguistic, and religious communities in the country might create tensions and conflicts when reservation policies are implemented (Shrestha, 2019). The perception of preferential treatment or competition for limited resources may increase inter-community conflict and restrict the implementation of affirmative action in Nepal.

To overcome these historical and cultural barriers, a multifaceted approach needs to be adopted. This includes encouraging various communities to engage in interaction and awareness to minimize concerns and promote support for the reservation policy. Cultural barriers could be eliminated by emphasizing the value of social justice, equitable opportunities, and inclusive development (Gyawali, 2020). Simultaneously, addressing the deep-rooted caste-based social structure and associated discrimination demands fundamental improvements, as well as the implementation of strict criteria to prevent discrimination and bias in the civil service (Shrestha, 2019). By tackling these historical and cultural barriers, Nepal is capable of progressing toward a more inclusive and equitable public service system.

Conclusion

This study reviewed Nepal's civil service reservation policy since 2007, concentrating on (i) constitutional goals, promising results, and reality; (ii) major positive and negative implementation effects

of affirmative action; and (iii) major structural barriers of affirmative action initiatives in Nepal. In Nepal, social inclusion is promoted for three main reasons: reservations. First, despite legislative prohibitions on caste-based discrimination, social exclusion remains a severe problem that requires efforts to rectify historical disadvantages. Second, most excluded groups have not benefited from current development measures, indicating a lack of substantial state efforts. Third, reservations and other inclusionary measures have had a positive effect by disrupting current government and bureaucratic systems.

This study has revealed that affirmative action has played an imperative role in building a more representative bureaucracy by including women, Dalits, Janajatis, Madhesis, differently abled people, and people from backward regions. One in every six employees in Nepal's civil service now comes from a reserved community, reducing the dominance of Khas-Arya males (Sunam, 2019). It helps to create job opportunities for previously disadvantaged communities, allowing them to advance up the social ladder and contribute to higher living conditions and human capital development. Furthermore, the inclusion of previously excluded groups has increased a sense of belonging, strengthened the state-citizen connection, and increased trust and cooperation. This diversity in the civil service has fostered better relationships between the government and marginalized communities, promoting social inclusion without imposing significant costs on the government.

Criticism of affirmative action in assisting with education and empowerment initiatives neglects the reality that the affirmative action or reservation policy has not redirected funds that may have gone toward these kinds of initiatives. Concerns regarding meritocracy and elite capture should be properly addressed to ensure that the system effectively targets and uplifts those most in need of assistance. Additionally, affirmative action policy in Nepal faces significant challenges stemming from profound stereotypes, underfunded and inferior schooling systems, male supremacy in leadership structures, as well as reservations by policy formulators due to structural barriers. Overall, affirmative action has shown positive results in terms of promoting inclusion and socioeconomic advancement, emphasizing the necessity of finding a balance between equitable opportunities and a merit-based Nepalese civil service. Reservation, empowerment, social inclusion, and social justice are interrelated; if underprivileged groups were given better education, socioeconomic support systems, subsidies, reinforcement, and cultural awareness, then there would be no need for reservations in the future. According to the study's findings, policymakers should consider both meritocratic principles and the push for inclusiveness and socioeconomic empowerment. Other countries could benefit from Nepal's experience, demonstrating that it is possible to achieve diversity in service delivery by balancing equity in opportunities with respect for merit-based values and strengthening public-private partnerships.

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Disclosure statement

There is no conflict of interest for this article.

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