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Dalit friendly electoral system

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Foreword

Dissolution of Constituent Assembly I led Nepali people, eagerly waiting for People's Constitution, into bewilderment. The progressive rights agreed upon to ensure with regard to Dalits and women by the First Constituent Assembly were historic. Safeguarding them is the major challenge at present. There is reduction of Dalit representation after the formation of Constituent Assembly II and the political parties also appeared to get inclined into retrogression. That is why conscious Dalit community is apprehensive if Dalit friendly constitution would be formed.

This publication is the outcome of the conclusions of one of the consultations conducted in series by SAMATA foundation and Samabeshi foundation. The objectives of the consultation was to inform about the demands with regard to entitlements and rights of Dalits in the Constitution making process from Dalit CA members and non-Dalit CA members dedicated for Dalit rights in Constituent Assembly II.

In the consultation, Paper was presented by Advocate Dr. Yam Bahadur kisan; social inclusion expert and chairperson of Samabeshi foundation. And, commentators were current CA member Jeevan Pariyar; a central committee member of Nepali Congress and CA member Daljit Sherpali; the chairperson of Dalit Mukti Morcha. Along with, many other activists expressed their views. I would like to express my sincere gratitude to all on behalf of SAMATA foundation and Samabeshi foundation. Last but not the least, I thank Ms. Sanchita Maharjan for her support provided on the language translation.

Padam Sundas

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1.

Introduction

A system with the provision of election through Adult voting rights; state's constitution and laws to be made by the elected representatives and they in turn be governing the country was in demand since 2007 BS. The second point of the controversial "Delhi Agreement" that subsided the movement against Rana Regime mentions about making the constitution through the general election of "Constitution Assembly" by 1952 on the basis of adult voting right (Shrestha, 2064 BS). On the foundation of that agreement, self-exiled king Tribhuvan returned to Nepal on 4 Falgun 2007 and in his royal proclamation, he expressed, "It being our desire and decision that people should thenceforth be governed according to the provision of Democratic constitution framed by a Constituent Assembly elected by them" (Acharya, 2064). But the Interim Government of Nepal Act, 2007 BS, promulgated and intended only till Constituent Assembly formation, continued till the end of Magh 2015 BS. King Mahendra ended the possibility of constituent assembly election by promulgating the constitution of Kingdom of Nepal 2015 prepared by "New Constitution Draft Commission" formed on 2014 Magh 19 and conducted parliament's election in the same year. That was the first general election in the history of Nepali democracy.

There were multiple elections for National Assemblies, district, village and municipality levels even in Party less Panchayati System that was

established by dismissal of people elected government and parliament in Paush 1, 2017 BS. After the restoration of democracy in 2046 BS, general elections were conducted for the parliament in 2048, 2051 and 2056 BS and local elections in 2049 and 2054 BS respectively. But all those elections were conducted under Majoritarian Electoral System that adopted First-Past-The-Post system, simply award the seat to an individual who receives the maximum votes in an election. Though the members of all caste, ethnicity, gender, religion and class had the liberty to be the candidates but the elected were always the male members of traditional ruling caste and ethnicity. After the restoration of democracy, the elected women representatives did not exceed more than seven and as far as Dalit community is concerned, only one Dalit candidate was elected in first general election and not a single candidate could grab the victory in successive two elections. In such extreme state of lack of inclusion in Nepal, Interim Constitution and democracy established by Maoists People's war and People's Movement II adopted Mixed-electoral system, for inclusion in Constituent Assembly and parliament, that encompasses the elements of both First-Past-The-Post and Proportional electoral systems. As a result, 50 CA members and 41 CA members could be elected in Constituent Assembly of 2064 BS and 2070 BS respectively; similarly, significant numbers of members of minority, backward and marginalized communities were also elected; which is a new, historical example and first of its kind in the democratic history of Nepal in terms of inclusion in the highest institution of people's representatives.

2.

Allies of electoral system: An analysis

The way a state is directly or indirectly relative to class, caste, ethnicity, gender, religion and community, similarly, as per the character of the state, electoral system also tallies with class, caste, ethnicity, gender, religion and community. As the state can't be absolutely neutral, in the similar way electoral system also can't be neutral. The class, caste, ethnicity, gender, religion and community which have access and strong grip in the state, so is electoral system also envisioned and adopted ensuring their representation. It means, class, ethnicity and gender of traditional rulers adopt the electoral system that ensures their access to state mechanism and provide authentication and have been adopting such. In the similar way, the class, gender and groups, who have been away from power, resource and state and are excluded, also need to envision and adopt the electoral system that ensures their representation and they have been doing. Therefore, it is the fact that nature of electoral system is based on class, caste and community. The electoral system that had been adopted for the election of local and parliamentarians/ Constituent Assembly is First-Past-The-Post under the Majoritarian electoral system that adheres class, ethnicity and majority of traditional rulers and elite groups and all the systems under proportional electoral system are supposed to be for the traditionally suppressed, minority and marginalized community. The following is discussion on the allies of both the systems.

2.1 First-Past-The-Post electoral system

First-Past-The-Post electoral system doesn't have to get the votes of majority of the people, can be victorious by the limited elites votes only, and mainly it is the electoral system that was envisioned to rule on majority people on the basis of votes of minority voters. There is high scope of illegitimate influence in the forms of fear, intimidation, fraud, greed and many other factors. Generally, in this system that is used in "one candidate constituency", the candidate with the capacity to spend money is likely to win. This example has been proven in previous elections. This system is more intimate to the capitalist philosophically and politically with liberal democracy where as it promotes individualism and eminence of an individual. This system is against the quintessence of collectivism; so it is instrumental in making the grip of elites and limited caste and an individual strong in politics. Conceptual source of this system is liberal capitalist democracy of England where as political cultural source is south neighbor of Nepal. What it meant is, the system we have been following since 2015 BS was not created by us as per our specific requirements and it doesn't coincide with those even at present. This is not unnatural in the context of geographical scenario.

The history is evident that in the context of Nepal, since the first general election of 2015 BS to the Constituent Assembly of 2070 BS, traditional ruler castes (mainly hill Brahmin, Chhetri and Thakuri), elites in terms of class (including other castes and region also), mainly male in terms of gender and so called "Superhuman" are getting benefitted by this system. This is further proven by the result of second Constituent Assembly. So, behind the implementation of this electoral system in all previous elections in Nepal and in 240 seats (40%) in both the elections of Constituent Assembly, the same elites, ruling caste and ethnicity, gender and individual "Superhuman" are responsible and this is quite clear. Therefore, this system is completely unfit for the

Dalit community. So, this system should completely be discarded as it is not favorable from the perspective of boycotted and excluded caste, ethnicity, class, community, gender, religion and region including Dalit community. This is principle a theoretical recognition. But, complete discard of this system doesn't appear possible due to existing specific geographical situation, structure of the parties, ideological and communal structure and supporters.

2.2 Proportional Electoral System

Proportional electoral system is envisioned for the proportional representation of all class, caste, ethnicity, community, language, gender, religion and region in general. The proportional electoral system based on the list is comparatively a better system. This system was implemented in 335 seats (56% of total number of seats) out of total number of seats in both previous Constituent Assembly elections in Nepal. Proportional electoral system based on the list also comprises of lists of the party, collective/community, alternative, central, regional, class, closed and open. According to which the voters of all class, caste, ethnicity, community, language, gender, religion and region cast the votes to the political parties and the parties are required to manage the collective/ community representatives including Dalits in the seats allocated on the basis of total percentage of votes. This can be called mixed listing system. This is a palpable system implemented in other parts of the world. But the procedure of submitting the list of the candidates in Election Commission and resubmission of the list of elected candidates after the election to Election Commission by the central committee of the political party, i.e. dual listing system was implemented in Nepal which was the outcome of mischievous attitude of traditional ruler group, caste and gender. The mischievous intention of those groups, caste, ethnicity and gender who were in the state mechanisms in previous political parties (and current) was

to deploy all leaders and workers for the election and once the votes are collected, exploit the basic notion of proportional electoral system in terms of financial gain, nepotism, favoritism and caste and it was clearly visible. This attitude was clearly stripped out by the time of result declaration of proportional electoral system of Constituent Assembly II.

But opposing of same proportional electoral system by the representatives or “Superhuman” (after the result of proportional system of Constituent Assembly II) of those class, caste and gender who tainted the notion of this electoral system, it is not inappropriate to conclude that it was intended to distort and focus the current discussion on electoral system ultimately into adoption of the First-Past-The-Post system again.

This system is principally implemented in the multi-ethnic, multi-linguistic, multi-cultural country with multiple communities and minorities for the proportional (or appropriate) representation of members of those communities. It has abundance notion of collective representation. This system helps to sustain poor and proletariat also in the existing feudalistic and capitalistic politics. For this, central, party wise, open and dual listing systems that were implemented in both previous Constituent Assemblies should be discarded; instead listing system incorporating the essence of region, alternative, closed and collective/ community should be implemented. Along with it, proportional electoral system on the basis of lists should only be implemented in all posts (100%) of people’s representative institutions. If it could be achieved then, this system would be the best for all excluded class, caste, ethnicity, gender, religion, region and community including Dalits and it would give the best result (entirely proportional) in terms of inclusion of caste, class, gender and region. But in both the Constituent Assembly elections of Nepal, this system

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was merged with First-Past-The-Post system and additionally due to blending of abovementioned faults intentionally; the best result could not be achieved. Proportional electoral system should be implemented in 100% members of people's representative institutions of all levels on the basis of regional, alternative, closed and collective/ community list systems for the benefit of Dalit community. This is an agenda to be demanded. But, it appears a day dream due to specific geo-political situation of Nepal, structure of the political parties, ideological and communal structure and allies.

3.

Dalit: Mixed Electoral System and Result

Mixed electoral system was adopted in both Constituent Assembly elections. First-Past-The-Post was implemented in 40% single member constituencies; central, party wise, open and dual listing proportional system in 56% seats; and nomination system was adopted for 4% seats. So, both electoral systems were implemented in previous Constituent Assembly elections. Though it was termed as mixed electoral system procedurally; but was a parallel electoral system in terms of result and it is. The elements of both the proportional representation and Majoritarian system were applied. In this system, two ballot papers were provided to each voter and s/he could cast votes for the candidate and for the political party separately. This is called Parallel system because “proportional element” of this system doesn’t provide any compensation for disproportionate representation in the Majoritarian system implemented constituencies and doesn’t reflect the notion of proportional in totality. Though 26 seats (4%) reserved for the nominations was intended/ and an opportunity to correct or compensate the unbalanced result through parallel system but this notion was not implemented in the context of Dalits in Constituent Assembly I because not a single Dalit candidate was nominated out of 26 seats. So, disproportionate result (50 CA members/ 8.31%, 4.9% less for the proportional representation of Dalit community) of the Constituent Assembly I was not compensated. Out of 575 declared

seats, the presence of Dalit community is 41 (7.13%) in Constituent Assembly II. And there is no possibility of compensation in the context of Dalit community in 26 seats of nominations due to disproportional result even now. If so, the representation of Dalit community would be limited to 6.82% only in Constituent Assembly II which is 1.48% less than Constituent Assembly I and 6.38% less (in proportion to 13.21% of present population) in terms of proportional representation.

As aforementioned, mixed and in fact, parallel electoral system was the major cause behind the disproportional result of Dalit community in proportional system in both the Constituency Assemblies. Along with it, according to the 63 (3) (a) Article of Interim Constitution of Nepal and Constituent Assembly Member Election Act, 2064 BS and Section 3 (a) of the Ordinance 2070 BS, during selection of the candidates by the political parties in the constituencies allocated according to the First-Past-The-Post electoral system, lack of enough Dalit candidacies according to the Article 63 (4) of same Constitution and 5 (3) of the Act and Ordinance; absence of nomination from Dalit community during nominations for 26 seats (4%) as per the Article 63 (3) (c) of the Constitution and Section 3 (c) of the Act; lack of minimum candidacy (threshold) in the context of Dalit as in the context of women which has the threshold of 33% according to Article 63 (5) and 7 (4) of the Act and Ordinance are the other reasons (Kisan, 2070 BS a)¹. Similarly, the legal provisions in which the political parties do not have to follow Dalit's proportional representation if they submit the candidacies below 30% of the total seats (7/15 of the Act and Ordinance); similarly, Article 7/9 and 12 also permitted the parties, that submitted the candidacies up to 30%, to have flexibility up to 10%

1 Paper on "Constituent Assembly Election and Dalit representation in Present Political Scenario" presented by Yam Bahadur Kisan in the program "Present Political Situation , Upcoming election and Dalit" organized by International Dalit Development Forum, Nepal on 21 Jestha 2014 BS in Kathmandu.

in terms of Dalit's proportional representation while submitting last list of the candidacies; the political party that could grab only one seat in proportional also need not to follow inclusion policy (Section 7/15) etc are the additional reasons (Kisan, 2070 b). This condition makes the fact clear that during discussion of electoral system, one should be aware of "other legal games" inserted into it.

4.

Discussion on Dalit friendly Electoral System within Dalit movement

Though there were often worries with regard to electoral system are expressed in Nepali Dalit movement yet they have less tendency of pondering on severity of the issue. It means Dalit movement did not pay enough attention on electoral system, all kinds of political and legal foul games and the seriousness of the matter. As an example, there is no serious interest shown and discussion done with respect to Dalit friendly electoral system in Dalit community. Not only that, despite the fact that all the major parties stepped back from the proposal submitted by them in the Committee for Determining the Forms of Governance and unanimously agreed upon on existing Mixed (Parallel) electoral system, the tendency of speaking in line with the concept proposed by their political parties or as per their wish was rampantly observable among the members of Dalit sister organizations and Joint Political Dalit Struggle Committee. Even among the intellectuals of Dalit community also, there is a gap of serious pondering, discussion and uniformity with regard to better and more effective electoral system for Dalit community. In spite of those situations, many individuals have been raising the agenda of electoral system in many meetings, seminars and write ups which are further discussed as follows:

4.1 Multi-member Direct Proportional Electoral System (Collective Voting System)

Unified Communist Party of Nepal-(Maoists) proposed for Multi-member Direct Proportional Electoral System (Collective Voting System) in the Committee for Determining the Forms of Governance of Constituent Assembly I and it received the maximum (not majority) number of votes i.e. 18. While submitting the proposal, the specialties of this electoral system as it portrayed were: 90% of the members of legislative to get elected according to Multi-member Direct Proportional Electoral System in accordance to law; consisting of multi-member constituencies; the political parties to give collective candidacies on the basis of proportional inclusive theory; number of the member to be determined on the basis of the population, geography, economy, social specialties of the constituency; the voters to cast the votes as per the number of the candidates.² Among other specialties of this system, adopted³ in many countries in the globe: Plurality or Majoritarian electoral system to be adopted in multi-member constituencies; the vote to be casted is directly proportional to number of seats in the constituencies, voters enjoy the freedom of casting vote for the candidates of the party or individual candidate; and are free to cast votes without any limit. In addition, it proposed for 10% seats, in proportion to the votes political parties could garner and as per law, for nominations among the experts who had contributed significantly in various sectors of national life and representatives of minorities,

2 Mixed Member Proportional Electoral System is implemented in Albania, Bolivia, Germany, Hungary, Italy, Lesotho, Mexico, New Zealand, Venezuela (Nepali Shrestha, 2062BS)

3 This electoral system has been implemented in Cayman Island, Falkland Islands, Guarnecia, Mauritius, Kuwait, Laos, Lebanon, Maldives, Palestine, Gulf Republic of Syria, Tonga and Tuvalu (Till 2004 AD), Jordan, Mongolia, Philippines, and Thailand (recently discarded) (Nepali Shrestha, 2062 BS).

marginalized and the community about to extinct as recommended by the parties.

The proposal of Multi-member Proportional Electoral System by the Unified Communist Party of Nepal- (Maoists), which advocated for List Proportional Electoral System before Constituent Assembly election and even exited from then Interim government, needs a discussion and an analysis about its usefulness for proletariat, minority and marginalized communities. Unified Communist Party of Nepal- (Maoists) had dual motives of proposing for the Multi-member Proportional Electoral System in that period of time. First, it was the largest party as per the result of Direct Electoral System but could not form the majority government due to result of proportional system and it expected, on the basis of internal analysis, that it would be able to garner majority through Direct Electoral System. This conclusion was a result of immature analysis and vested interest of the party. Second, the way it can be analyzed is this proposal was brought forward with a noble intention to ensure the proportional representation of marginalized caste, ethnicity, community, gender and religion. That's is why, this proposal was supported by the sister organizations of Unified Communist Party of Nepal-Maoists and Communist Party of Nepal-Maoists including the supporters of other political parties, individuals and civil society organizations (Bishwakarma, 2069:65). Whereas after the dissolution of Constituent Assembly I and prior to Constituent Assembly II, major political parties agreed upon to adopt current Mixed Electoral System with more seats allotment for Direct Electoral System and less towards Proportional which was accepted by Unified Communist Party of Nepal-Maoists also.

This system is comparatively better for the proportional representation of Dalit community. But the matter to be paid attention was it ensures the physical representation (Inclusion) of communities in terms of caste

or gender but it doesn't ensure the representation of proletariat group of that particular community. Because it is again Majoritarian (First-Past-The-Post) system in which the probability lies on elites of those caste, ethnicity, gender, religion and community getting elected. So, though this proposal was endorsed with a noble motive yet ignoring the representation of class (proletariat) by the political party that claims to be the leader of proletariat is ultimately an ideological deviation. Because as per this electoral system, the voter casts vote to an individual, has freedom to cast vote to either candidate of a party or an individual candidate and can cast maximum number of votes (equivalent to seat number) or less, that again tends to create conducive environment for elites to get elected thus, leaving proletariat group defeated. There will be the probability of defeat of minority. Multi-member Direct Electoral System itself is individual centric and promotes elites, so this system is more useful for the city dwellers, educated and elites. The votes of Dalit voters would be divided and the votes of non-Dalits would be decisive thus tending Dalit oriented candidate defeat in the election. Therefore, this electoral system may be correct in terms of proportional representation but cannot be recommended following the notion of class representation because Dalit community wants the representation of Dalit community; not mere a representation of a Dalit individual.

4.2 Mixed-member Proportional Electoral System

Nepali Congress and Communist Party of Nepal- United Marxist-Leninist were the first proposers of Mixed member Proportional Electoral System in the Committee for Determining the Forms of Governance and this proposal could receive 16 votes in the committee. It proposed for the First-Past-The-Post Electoral System ensuring the candidacies of 50% members belonging to women, ethnic/nationalities, Dalit, Madheshi and other class and communities according to the principle of proportional inclusion and 50% members

are to get elected in proportion to received votes on the basis of list system of Proportional Electoral System assuming whole province as a single constituency but with a provision of electing the members from those communities for any disproportional result through this electoral system as compensation⁴. Other specialties of this system are, mixed member of party and community can be proportional member; legislatives are to be of two groups; the candidate with majority to win, proportional representation on the basis of national list and allocation of seats for additional compensation or the first to win and the provision of compensation only⁵.

4.3 Constituency Reservation System

In recent days, strong voice is being raised for Single member Constituency Reservation under First-Past-The-Post in Dalit community⁶. Such voice was more audible prior to the Constituent

4 Concept note on Determining the Forms of Governance and Preliminary draft report with analytical comments, 2066 BS (Kathmandu: Constituent Assembly Secretariat, Singh Darbar. Proposed Article.,

5 Mixed Member Proportional Electoral System has been implemented in Albania, Bolivia, Germany, Hungary, Lesotho, Mexico, New Zealand and Venezuela (Nepali Shrestha, 2062 BS).

6 This provision is practiced in Afghanistan, Uganda and Rwanda (For women), Columbia (For Black community), Croatia (minorities of Hungary, Italy, Czech, Slovak, Ruthenia, Ukraine, German and Australia), India (reservation of the seats and posts for Schedule Tribes and Schedule Caste and local women), Jordan (Christian and Sarkesian), Niger (Tuareg), New Zealand (Maori), Pakistan (Non-Muslim minorities), Palestine (Christian and Samaritani), Samoa (Non-indigenous minorities), Slovenia (Hungary and Italy) and Taiwan (Indigenous community), Lebanon and Fiji. In India, 79 seats in Loksabha (Lower house of Indian Parliament) and 440 seats (Constituencies) in legislative Assemblies of various states are reserved (Nepali Shrestha, 2062 BS).

Assembly II election and after the dissolution of Constituent Assembly I especially by Dalit and women activists. In Dalit movement, Dalit leaders who support Nepali Congress and Communist Party of Nepal-United Marxist-Leninist have been supporting Single member Constituency Reservation under First-Past-The-Post against the proposals of their respective parties' for Mixed member Proportional Electoral System. Especially after the result of direct electoral system in the Constituent Assembly II election, Dalit leaders and leaders of civil societies have also started supporting this electoral system.

This electoral system that has been practiced for Dalit and Indigenous community in neighboring country India with rotational shift of the constituencies does not only provide Dalit candidacies in Direct Electoral System but also ensures victory. According to this system, out of total seats in Constituent Assembly or legislative of any other people's representative institutions, proportional or certain seats are allocated for Dalits or any other minority communities and equal seats are reserved for single Member Constituencies. Candidates belong to those particular communities only where as voters are all adults residing in that particular constituency. Through single member constituency under this electoral system, the member gets elected as per First-Past-The-Post of Majoritarian system. Through this, representation of Dalit community equivalent to the allocated or reserved seats gets ensured.

So, though this system ensures proportional representation yet member of Dalit community tends to be more grateful to non-Dalit voters as the votes of Dalits would get divided and the votes of non-Dalits would be decisive because the candidates are from the Dalit community only where as the voters are all adults (including non-Dalit). In fact, the

situation would develop when the representative would be of Dalit community but he would be more obliged to be the representative of the voters whose votes are decisive to make him/her victorious. Because of which a common Dalit will not be benefited. Along with, the representatives from this electoral system would again be rich, movable and opportunists through the perspective of class. In totality, though this electoral system ensures allocated representation still this system is not appropriate and significant enough for Dalit community because it doesn't ensure the representation of Dalit in terms of caste and class. The history of India over the last 60 years also portrays the same situation.

Envisioning the same result, Dr. Bhimrao Ambedkar demanded for separate electorate and dual voting rights along with constituency reservation for Dalits. This electoral system states the provisions for the Dalit community only both as the candidates and as the voters. For this, there will be separate registration of voting list for Dalit community only who would elect the member of "Own community" for the legislative. In present democratic countries, New Zealand is the major example where communal voter system for Maori voters is practiced with separate voter list for them. The voters have dual voting rights in this system. This electoral system is practiced in formulation of non-territorial structure also. But, non-territorial structures and the electoral system in which only Dalits vote for Dalit candidates are not appropriate in Nepal (Kisan, 2069 BS, b). It is not scientific and practical because it leads in creation of an isolated island for Dalits (Kisan, 2069 BS, a). But due to 'Fast Unto Death' of Gandhi against this system led Ambedkar step back from his demand to save his life and agreed upon for existing (Reserved constituency under joint electorate) through Poona Pact in 25 October 1932 (Maharjan,

2069: 239-240) which was perceived as an incomplete agreement by Dr. Ambedkar himself because of which Indian Dalits remember 25 October as “Black Day” till today.

In spite of well acquaintanceship of the fact that this system doesn't ensure the victory of proletariat class and Dalit oriented candidate yet Dalit leaders have been supporting this system and clearly visible vested interests of the central leaders of political parties and of Dalit sister organizations are- it ensures mandatory representation of Dalit community in Constituent Assembly or parliament or any people's representative institutions in proportion or as allocated through Direct Electoral system and ensuring security in terms of representation. In addition, the supporters of this system claim that the candidates to get elected through the proportional system may have to face inferiority complex, denial by the bureaucrats, and lack of direct contact with the people. One aspect of this outcome is the inferiority complex and the next is individual perception that individual excellence is universal. Though this perception is natural among Liberal Capitalistic Democratic but the advocacy in support of this system cannot be perceived natural for communism and communal supporters and the followers of Ambedkar. This system, though seem attractive at present, is not appropriate for common Dalit community in long term.

4.4 Support of present system and way forward

Supporting the present Mixed or Parallel Electoral System means “Demanding and trying to achieve at first; surrendering later if not”. This is the most shameful situation; a situation where there is no other scope than agree. To be honest, present Nepali Dalit movement is in such obligatory situation. At this condition, the strategy to be adopted is to adjust and incorporate Dalit's issues in the Action plans of other political parties rather than institutionalizing own Action Plan and

ensure Nepali Dalit movement's strategy also resembles the same. Despite various proposals in the Committee for Determining the Forms of Governance of Constituent Assembly I and by the end of Constituent Assembly I and the start of preparation for Constituent Assembly II, all major parties agreed on present Mixed Electoral system. And there are sufficient bases that the political parties would come to the consensus on present Mixed Electoral system at last in the Constituent Assembly II. With such speculation, Dalit movement also appears to support Mixed Electoral System with some modifications. If such mandate and agreements continue to exist, there were demands of more seats allocation for proportional and less for Direct Electoral system (Sajha Sawal, 2069 BS), ensuring proportional candidacies in Direct Electoral System as well; amendment of various Sections of current Electoral Act to make it Dalit friendly and Dalits also to be nominated for nominated seats (Kisan, 2070 a). This can be considered as the outcome of the situation.

Along with, there are often discussions among the intellectuals on "Best loser System" for Dalit community. "Best loser System" is implemented in Mauritius; according to which the candidates of any particular community who was defeated in Direct Electoral System but with majority of vote or best losers are given place in the legislative to maintain overall ethnic balance. It can be implemented in Mixed member Proportional Electoral System more easily but can be implemented in present Mixed Electoral system. In both the elections of Constituent Assembly, it was heard that leaders of the political parties specially those of central committee, central members of Dalit sister organizations, mature Dalit leaders who contributed in the party as well as famous leaders were hesitant to be the candidates through Direct Electoral System; some of them initiated for the candidacies under proportional after knowing that they were going to be the candidates in Direct Electoral System and few of them found making a lot of

effort to return the ticket under Direct Electoral System. The reasons behind were weak economic status and caste based discriminatory and stereotypical attitude of the voters towards Dalits. On analyzing this situation, this system seems appropriate in the context of Dalit. According to this electoral system, the provision can be made that the candidates of Dalit community who achieves second position in Direct Electoral System or the candidate who is defeated but could achieve majority of votes in the Dalit community are announced as “Best losers” and assuming that they apparently get nominated in listing under Proportional Electoral System and mandatorily electing them or bringing them under nominated seats. This provides moral support to the leaders of Dalit community for candidacy through Direct electoral system.

Along with, a discussion on “Manipulating District Boundaries System⁷ (Gerrymandering)” has been started. The representation of a particular community can be promoted through Direct Electoral System by the use of this system. In this system, constituency boundary is created/manipulated on the basis of that particular community. This system is being implemented in the United States of America. Both these systems can be implemented in the context of Dalit community in Direct Electoral System.

7 Then Governor Thomas Gerry of Massachusetts State of United States of America manipulated the boundaries of the constituencies to ensure the representation of certain party and community in 1812 AD. This process of manipulating the boundaries of the constituencies to ensure or not to ensure the representation of an individual or a party was termed "Gerrymandering" after his name. This system can be implemented for those who are holding the state mechanism or for backward caste, ethnicity and group. Traditional rulers and caste/ethnic communities have been practicing Gerrymandering during constituency demarcations in the past in Nepal also. Now, it is the time to implement this method for Dalits and other excluded communities.

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All these means are the obligatory situations for a person to follow in the absence of any other alternatives. It means these are reformatory or agreement oriented. But, it is necessary for the Dalit community to focus more attention and activities for establishing new Dalit friendly system with collaboration with all class, caste, ethnicity, community, gender, religion and region which are marginalized rather than reforming present system.

5.

Conclusion

Electoral system is co-related to class, caste, gender, community, political parties and political ideology, so it is quite obvious to have debate, struggle and twists and turns to make it in favor of the vested interests of various groups. So, it is natural for the elite group and traditional ruler caste and ethnic community to opt for Majoritarian and within that also First-Past-The-Post in single member constituency and similarly Dalit and other minority and marginalized communities giving opinion in favor of electoral process that completely ensures for complete proportional representation. During the election of Constituent Assembly I and prior to its dissolution and on the context of preparation of making new elected government, the same interests in terms of class and caste played a major role behind the discussions and consensus with regard to electoral system among four political parties. So, it is apparent that such discussion on adoption of electoral system as per the group interest would continue in future as well and Dalit community need to keep on struggling for Dalit friendly electoral system.

A single electoral system cannot be complete and without defect. There can be many electoral systems which can be appropriate for Dalit community in terms of ensuring the representation from the community;

which are being implemented in various other countries. But Dalit community needs the electoral system that ensures proportional representation; ensures the representation of caste and proletariat group of Dalit community and most importantly, actual representative of Dalit community than mere a tag of a Dalit representation. And on present scenario, Mixed-Member Proportional Representation System-MMRP is comparatively considered to be more appropriate for Dalit community. For this, it would be appropriate to make the environment for the solidarity and struggle in support of this electoral system among the Joint Political Dalit Struggle Committee, sister organizations of political parties, intellectuals and representatives of Dalit civil society.

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