



Political and Electoral Participation of Dalits in South Asia

Survey Report

APRIL 2023

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Electoral systems empower the people to choose their leaders. Inclusive participation in the electoral system is essential to the functioning of democratic institutions and processes. However, in many parts of South Asia, the history and remnants of the caste system continue to affect the lives and political and electoral participation of those at the bottom of the hierarchy, such as Dalits. This report comprises an analysis of survey data of Dalits across South Asia with questions on elections-

related issues and South Asian countries' legal framework affording Dalits equal political participation, particularly in Nepal. Six in-depth interviews with key informants from the Election Commission of Nepal, the Nepal National Dalit Commission, and other Nepali electoral stakeholders informed the survey findings.

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This report is made possible by the support of the American people through the United States Agency for International Development (USAID) under Award No. AID-367-LA-17-00001. The contents of this assessment are the sole responsibility of ICDR and IFES and do not necessarily reflect the views of USAID or the United States Government.



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IFES By The Numbers



Reached 25M+
people with
civic and voter
education in 2021



Supported 30
elections in 2021,
training 300K+
election officials



Worked across 58
countries in 2021

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Introduction

Electoral systems give people the power to determine who will occupy positions of authority. The central tenet of political participation is the idea of equality: that every citizen, regardless of caste, class, age, sex, gender identity, sexual orientation, disability status, group, culture, or ethnic or religious background, should have an equal right and opportunity to engage with and contribute to the functioning of democratic institutions and processes. Citizens' participation and representation in governance through democratic institutions and processes—such as election management bodies and elections, constitutional bodies and constitution-building processes, political parties, and parliaments—are central to ensuring the long-term, systemic inclusion of non-elites and marginalized groups in democratic structures. Young and new democracies thus must answer two related questions:

- 1. How can electoral systems and processes be designed to promote the participation of marginalized groups?**
- 2. How can electoral stakeholders promote the greater representation of marginalized groups in elected bodies?**

These questions are crucial in caste-based societies (most notably India and Nepal) to design inclusive elections representing the marginalized caste group known as Dalits.

The caste system, although formally abolished in some South Asian countries, continues to categorize people at birth by occupation and social status, defining their place in society and dictating almost every aspect of their lives. Those at the bottom of the hierarchy are referred to as “untouchables” or members of “scheduled castes.” In many instances, members of those are forbidden from joining in the religious and social life of the community and are limited to performing menial tasks that are considered polluting or unclean. These stigmas remain evident to this day. The people of these outcast communities have adopted the term *Dalit* (oppressed). The word has come to symbolize for them a movement for change and the eradication of centuries-old oppression under the caste system.

Some legal efforts have improved Dalits' representation in educational institutions, governmental jobs, and elected positions. These include the affirmative action policies now embedded in the Indian and Nepali constitutions. Notwithstanding the positive impact of constitutionally granted affirmative action in India and Nepal, Dalits continue to represent one of the most underprivileged classes of society in those countries. Dalit populations in other countries across South Asia also face socio-political exclusion and marginalization due to the impact and influence of caste in elections, politics, and society generally.

This report provides insights from the first cross-national survey of Dalit community representatives, examining their responses to the above questions. It then reviews the legal frameworks of India, Nepal, Bangladesh, Pakistan, and Sri Lanka concerning their commitments to Dalit rights, describing the gaps between those formal commitments and the lived experiences of the Dalit people in each country. Finally, the report offers recommendations to promote equity and break down the prevailing and pervasive barriers to the inclusive political representation and engagement of Dalits in South Asia.

Methodology

The core findings of this report are based on original data from the *Survey on the Political Representation of Dalit Persons in South Asia* and human rights activists and experts from countries across South Asia with Dalit populations. Survey respondents were recruited via email through the International Commission for Dalit Rights (ICDR) ListServ. As a convenience sample, the findings of this survey should not be taken as representative. However, they provide insights into the types of election-related issues that Dalit human rights activists and experts are considering.

In total, 114 participants originating from Nepal, India, Bangladesh, Pakistan, and Sri Lanka completed the survey; 213 additional partial responses were recorded.¹ The results analyzed in the report include complete responses only. The survey was made available in Bangla, English, Hindi, Nepali, Tamil, and Hindi to accommodate as broad an audience as possible. On average, respondents completed the survey in 21 minutes.

The survey findings are further informed by six in-depth interviews conducted with key informants from the Election Commission of Nepal, the Nepal National Dalit Commission, and other Nepali electoral stakeholders to develop an understanding of the challenges inherent to their political and electoral ecosystems that impact Dalit participation and representation. The interviewees were recruited and selected to participate in the study based on their expertise in elections in their country.

Finally, to contextualize the survey and interview data findings, the report incorporates primary source research on relevant international, national, and legal frameworks, including human rights agreements and constitutional amendments that guarantee the rights of the Dalits and other minority groups in electoral processes.

¹ The completion rate was 35 percent. Partial responses are not included in the summary of results presented in this paper, with the exception of quotations from responses to open-ended questions.

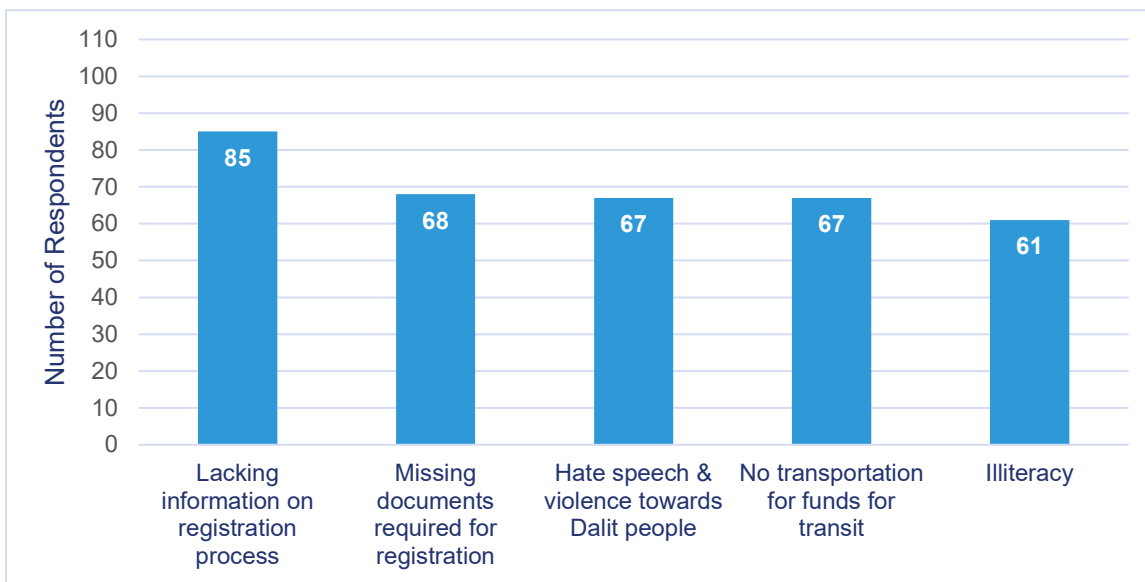
Dalit Experiences with Electoral Processes: Evidence from a Multi-National Survey

The *Survey on the Political Representation of Dalit Persons in South Asia* asked respondents about barriers faced by the Dalit community during all parts of the electoral process, from registering and voting to running for office. It also elicited participants' opinions on whether issues of importance to their community are represented in local and national politics and solicited feedback on how to make improvements.

Participation

Despite formal enfranchisement, South Asian Dalits face several barriers in registering to vote (see Figure 1). The survey asked respondents whether Dalit people faced a variety of barriers, including lack of information regarding registration processes; lack of documents required to register to vote (birth certificates, citizenship documents, and others); lack of transportation or financial resources to travel to a voter registration office; and lack of literacy, resulting in the inability to read or complete forms. Respondents commonly experienced all of these barriers. One respondent cited another barrier: people often cannot register due to seasonal migration for work.

Figure 1. Barriers to Voter Registration for Dalit People

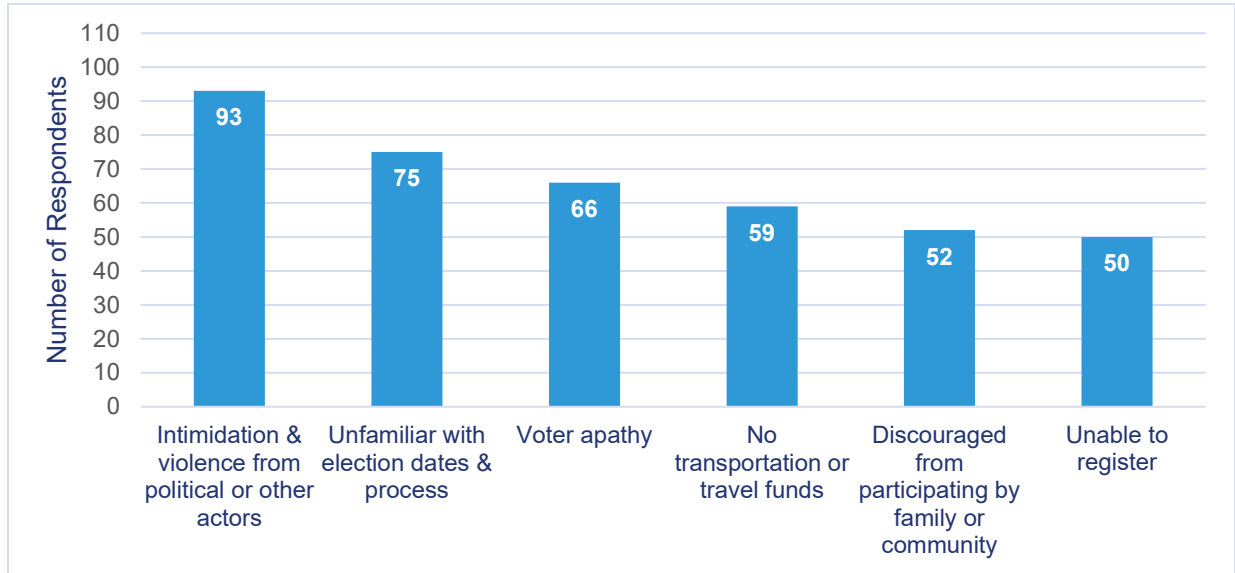


Note for Figure 1: N=114. Respondents were asked to select as many choices as were relevant.

Even when they do overcome registration barriers, Dalits face obstacles in reaching the polls. These include intimidation and violence from party representatives, candidates, or other actors; lack of accessible voter education on election dates, voting processes, and other information; apathy or a belief that their vote will not make a difference; lack of transportation or financial resources to travel to polling locations; and even discouragement from voting by family or community members (see Figure 2). As contextualized by one respondent, people sometimes cannot reach

polling stations without interrupting their working hours. Another respondent lamented the lack of polling stations in or near Dalit communities.

Figure 2. Barriers to Voting for Dalit People

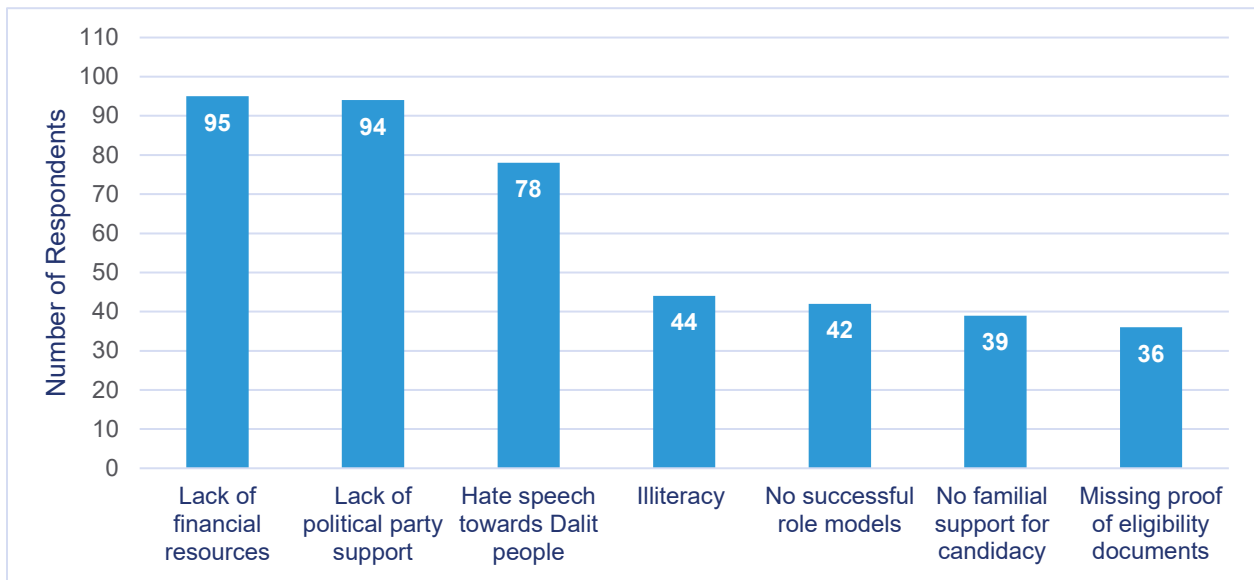


Note for Figure 2: N=114. Respondents were asked to select as many choices as were relevant.

The survey also asked respondents who, in their opinion, prevents Dalit people from voting and to explain why. The “dominant caste” was most commonly identified as a person or type of person who prevents Dalit people from participating. Multiple respondents also named political parties, primarily for disregarding the needs of the Dalit community. This issue is discussed below.

As some Dalits seek election themselves, they face additional hurdles to entering the political arena. Among the factors identified as barriers to Dalit peoples’ candidacy for elected offices (see Figure 3), lack of financial resources was the foremost challenge identified by more than four out of five respondents (83 percent). Nearly as many (82 percent) mentioned a lack of support from the political party. More than half of respondents also noted hate speech toward Dalit people as a barrier to candidacy. Insufficient support from both the Dalit community and society generally makes it challenging for a Dalit person to seek elected office. One respondent commented that Dalit women face increased discrimination from within their own community when they seek candidacy, which becomes even worse if she does not win.

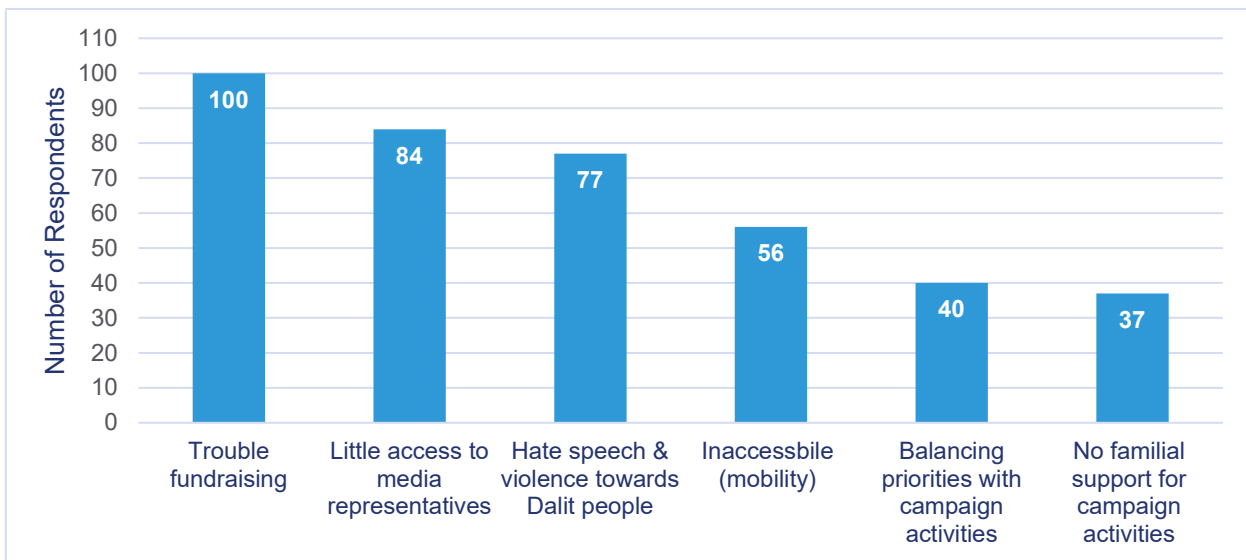
Figure 3. Barriers to Political Candidacy for Dalit People



Note for Figure 3: N=114. Respondents were asked to select as many choices as were relevant.

Those who seek office despite or perhaps in the face of these barriers also seem to face high hurdles during the campaign period (see Figure 4). Fundraising was far and away the most commonly identified challenge, recognized by almost every respondent (87 percent). Nearly three-quarters of respondents also identified a lack of access to media representatives (74 percent), and almost as many cited hate speech and violence toward Dalit people (68 percent) as obstacles during the campaign and election periods. One respondent elaborated that security concerns were a problem when a Dalit person campaigns, and another mentioned that the dominant class stages attacks, although it was unclear what form those attacks take.

Figure 4. Obstacles Dalit People Face While Campaigning and During Election Period



Note for Figure 4: N=114. Respondents were asked to select as many choices as were relevant.

Representation

Elected officials are expected to govern for all people. Survey respondents were asked **whether elected officials generally address issues of importance to the Dalit community** at the national and sub-national levels. At both levels, most respondents felt “Dalit issues” were poorly (38) or very poorly (59) represented. Only 17 agreed that the group was represented well or very well. At the sub-national level, 93 of the 114 respondents said Dalit community issues were poorly or very poorly represented, and only 17 thought they were well represented.

Research has shown the positive impact of having diverse voices at the decision-making table. With this in mind, survey respondents were asked **whether they feel Dalit politicians can be influential in Parliament** and to explain why or why not. Of the 94 respondents who explained their positions, 52 (55 percent) stated they *do feel* Dalit representatives influence Parliament. Many said these representatives are familiar with Dalit issues and have the capacity to bring them to Parliament. A few stated that, while they think Dalit parliamentarians can influence decision-making, they are underperforming in their roles, sometimes recognizing structural limitations on what they can accomplish.

Twenty respondents (21 percent) said Dalit parliamentarians *might* be influential but noted some critical barriers to their effectiveness. The main problem identified is party control. As Dalit politicians join existing parties, they cannot express their views fully due to formal rules and partisan pressure. One respondent proposed a Dalit party that would prioritize and truly give voice to Dalit community concerns; another suggested that a greater number of Dalit representatives would help. One respondent commented that Dalit representatives “were never allowed to reach the level of central leadership.” Others noted that Dalits still face discrimination.

The 22 respondents (23 percent) who answered no, Dalit parliamentarians are *not able* to exercise influence in their positions, offered similar explanations. Multiple people blamed party control, noting Dalit members cannot voice individual opinions. Others viewed this as personal interests getting in the way of overarching party interests.

Survey respondents were also asked to reflect on whether **Dalit representatives might be excluded** from specific processes or high-level dialogue. Most respondents agreed that Dalit representatives are excluded from at least some processes. The most commonly reported process was planning in general, with budget processes a close second. Eighty-one respondents (71 percent) agreed that Dalit representatives were excluded from drafting legislation and policies, and nearly as many suggested they were excluded from efforts to enforce that legislation.

Some countries, including India and Nepal, have attempted to rectify the exclusion of Dalits and disregard for Dalit issues by setting quotas in their Parliaments. The respondents were asked to reflect on **whether quotas are an effective way to ensure Dalit representation**. A subset (80) offered their perspectives.² About half of the respondents who answered this question (45, or 56 percent) said quotas *are* effective. Eleven (14 percent) suggested that quotas *might be* effective under certain conditions, and the remaining 24 (30 percent) said quotas *were not* effective. The respondents who thought quotas were effective tended to justify this answer by saying quotas increase

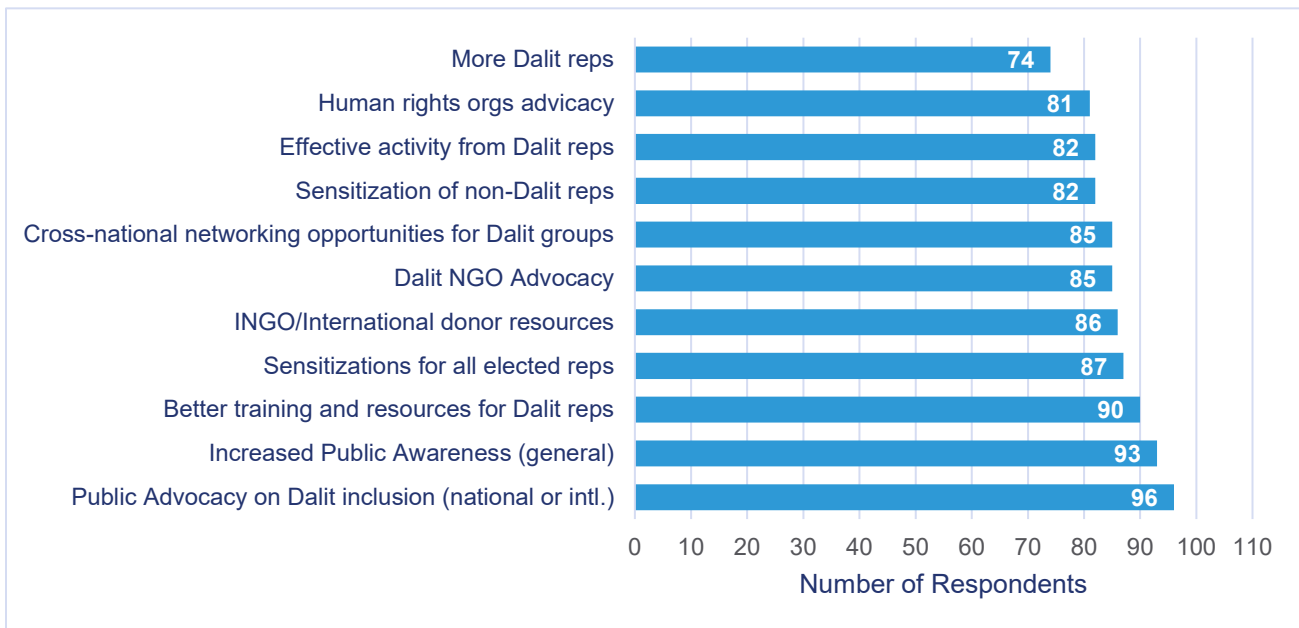
² Two partial responses in this count of 80 include responses to open-ended questions.

opportunities, ensure participation, and give voice to the Dalit community’s concerns. However, among the 11 respondents who responded that quotas might be effective were caveats that the system should only be temporary. Those who said the quota system was not effective stated that it was poorly implemented and did not adequately reflect the community’s concerns. One respondent noted: “The quota system gives quantitative representation but lacks the qualitative representation” of community needs. Several respondents blamed political party pressure since elected officials are still unable to give voice to Dalit community issues or truly speak their minds due to party discipline.

The survey then asked respondents to reflect upon several **possible means of improving the representation of Dalit issues** in elected bodies. Nearly all respondents agreed that public advocacy on Dalit inclusion in national or international organizations, increased public awareness, and better training and resources for Dalit representatives would improve the situation. About three-quarters of respondents (85 or more) thought resources from international nongovernmental organizations (INGOs) and international donors, advocacy by Dalit NGOs (nongovernmental organizations), and sensitization of all elected representatives to Dalit issues would also be of use. More than half of the respondents also agreed that the sensitization of elected representatives to Dalit issues, and a larger number of Dalit representatives, would increase representation. Respondents also showed strong support for other possible changes (see Figure 5).

Some respondents proposed additional methods of intervention, most about political parties. One respondent suggested forming a Dalit rights political party, and two suggested advocacy and lobbying with existing political parties. Two others expressed a need for action from the state or ruling government; another said Dalit community leaders need support to build capacity, raise awareness, and advocate. One respondent specified that Dalit elected representatives need greater office and research support.

Figure 5. Support for Proposed Methods of Increasing Dalit Issue Representation



Note for Figure 5: Originally asked as two questions.

As reflected in this survey, Dalit people across the region are regularly excluded from political processes, and elected bodies often overlook issues of importance to the community. Without such representation, it is unlikely that the inequalities that prevent the actualization of political rights for Dalits and other marginalized groups will be addressed meaningfully. While many actors could take strides to support this community, questions remain about what formal legal protections exist for the Dalit communities in South Asian countries and what changes or improvements could further promote their participation and integrate them as representatives in elected bodies. The following section reviews the *de jure* rights guaranteed to Dalits under international and national legal frameworks in the South Asian nations of India, Nepal, Bangladesh, Pakistan, and Sri Lanka.

Between Law and Practice: Ongoing Discrimination against Dalits in South Asia

India and Nepal

The Annex provides a synopsis of the electoral and relevant legal rights of Dalits in South Asia. It is beyond the scope of this report to provide a detailed analysis of such an extensive topic. However, there are significant gaps between the rights afforded by the law and the rights that Dalit people enjoy in practice.

For example, although Nepal's legal framework includes some protections for the rights of marginalized populations, including Dalits, and has ratified international human rights conventions such as the International Covenant of Civil and Political Rights, it demonstrates only a partial endorsement of human rights conventions.^{3, 4} More importantly, continued acts of violence against Dalits across the country are tolerated despite the legal rights the framework confers to those communities. The Samata Foundation, a Dalit rights organization based in Kathmandu, noted in 2019 that at least 16 caste-based killings had been reported since the 2011 enactment of the Caste Based Discriminations and Untouchability (Offense and Punishment) Act, which prohibits all forms of discrimination against vulnerable communities, including Dalits.⁵ In 2020 alone, the Nepal Monitor, a human rights and security incident monitoring and alert system, recorded 27 cases of caste-based discrimination and atrocities.⁶ However, it is important to note that caste-based atrocities are rarely reported to the police or go to court; even when such crimes are reported, conviction rates are low, often resulting in only small fines and minimal jail terms. The Nepal National Dalit Commission, formed in 2015 under the new Constitution to protect the rights of Dalits and hold the state accountable, has provided minimal benefit to the greater Dalit community. These facts reinforce survey respondents' expressed fear of violence toward Dalits, which was identified as a top barrier to all aspects of political participation—from voting to running for office.

India has more than 200 million members of scheduled castes and Dalits, constituting one-sixth of the total population. Inclusion and equal representation are central to the country's Dalit and Bahujan movements.⁷ Despite steps taken to abolish widespread caste discrimination, Dalits face caste-based persecution, discrimination, and several structural challenges that impede their inclusive representation and engagement in elections and politics. Indeed, many survey respondents did not think existing inclusion efforts guarantee the consideration of Dalit issues at the local or national levels. This leaves a substantial part of the population without proper representation.

³ Nepal Treaty Act, 2047, 1990.

⁴ "View the Ratification Status by Country or by Treaty," [tbinternet.ohchr.org](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?Treaty=CCPR&Lang=en), accessed February 7, 2023, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?Treaty=CCPR&Lang=en.

⁵ "Discrimination against Dalits Still Rife, Continue to Be Left out of Decision-Making Processes." Kathmandupost.com. September 8, 2019. <https://kathmandupost.com/national/2019/09/08/discrimination-against-dalits-still-rife-continue-to-be-left-out-of-decision-making-processes>

⁶ "Nepal: Ensure Justice for Caste-Based Killings," Human Rights Watch, October 28, 2020, <https://www.hrw.org/news/2020/06/01/nepal-ensure-justice-caste-based-killings>.

⁷ "Bahujan" refers to the combined population of the scheduled castes, scheduled tribes, Muslims, rural populations, and other minorities.

This neglect reaches many other levels of society. Caste-based occupational distribution is evident in reserved government employment, with Dalits assigned primarily to manual work. Government institutions' failure to enforce the reservation policies for Dalit representation in government is mirrored by pervasive acts of violence, including the rape and murder of Dalit candidates. Intimidation, hate speech, and violence have been used to prevent Dalits from standing for election. For example, in October 2005, a Dalit woman, Prabhati Devi, was burned alive for contesting a *panchayat* (village council) election against an upper-caste candidate in the Mirzapur district in Uttar Pradesh, India, after she defied a local politician's warning not to run.⁸ Public authorities and private actors systematically discriminate against and abuse Dalits, acting without fear of punishment and rarely facing legal recourse for their violations of Dalits' fundamental rights.⁹ Additionally, due to their reluctance to investigate complaints by Dalits and their own lack of familiarity with relevant legislation, police systematically foster improper and incomplete registration of cases of discrimination or violence filed by Dalits.¹⁰

Despite these severe shortcomings, the constitutional frameworks of India and Nepal provide a basis for Dalit activism and reforms that guarantee the rights to electoral participation and meaningful representation.¹¹ Other South Asian states like Bangladesh, Pakistan, and Sri Lanka do not share this feature.¹²

Bangladesh

Although Bangladesh is a party to international human rights conventions, brutality and discrimination against Dalits are pervasive. Directives such as the Social Safety Net Programme and the National Social Protection Strategy aim to enhance food security and housing and end social and economic discrimination. However, they have had little effect, and the legal system is unresponsive to the discrimination and violence that Dalits face. For example, discrimination in employment is common, with Dalits often relegated to menial and dangerous jobs, such as cleaning toilets, sweeping streets, and cleaning septic tanks. In educational settings, Dalit students are forced to clean classrooms and fetch water and are compelled to sit separately from other students.¹³

Bangladesh Dalits have limited membership in political parties, and very few are involved in local governments. Similarly, although Dalits can exercise the right to vote, no specific legislative mechanisms ensure other kinds of participation in political parties by minority communities.¹⁴ However, Bangladesh does have women's representation

⁸ "Caste Discrimination Against Dalits or So-Called Untouchables in India Information for the Consideration of the Committee on the Elimination of Racial Discrimination in Reviewing India's Fifteenth to Nineteenth Periodic Reports Presented at the Seventieth Session of the Committee on the Elimination of Racial Discrimination." 2007. <https://www2.ohchr.org/english/bodies/cerd/docs/ngos/chrqj-hrw.pdf>

⁹ "Hidden Apartheid: Caste Discrimination against India's 'Untouchables.'" *Human Rights Watch*, February 12, 2007.

¹⁰ "Report on Prevention of Atrocities against Scheduled Castes." National Human Rights Commission, India. 2004. https://nhrc.nic.in/sites/default/files/reportKBSaxena_1.pdf

¹¹ "The Constitution of Nepal - Ag.gov.np," accessed February 7, 2023, https://ag.gov.np/files/Constitution-of-Nepal_2072_Eng_www.moljpa.gov.npDate-72_11_16.pdf; "Constitution of India: Legislative Department: Ministry of Law and Justice: GoI," Legislative Department | Ministry of Law and Justice | GoI, accessed February 7, 2023, <https://legislative.gov.in/constitution-of-india>.

¹² "Bangladesh's Constitution of 1972, Reinstated in 1986, with Amendments through 2014," Constitute Project, accessed February 7, 2023, https://www.constituteproject.org/constitution/Bangladesh_2014.pdf?lang=en; "The Constitution of the Democratic Socialist Republic of ... - Sri Lanka," accessed February 7, 2023, <https://www.parliament.lk/files/pdf/constitution/constitution-upto-17th.pdf>; "The Constitution of the Islamic Republic of Pakistan," accessed February 7, 2023, https://na.gov.pk/uploads/documents/1333523681_951.pdf.

¹³ "The Dalits in Bangladesh." 2016. *The Daily Star*. January 19, 2016. <https://www.thedailystar.net/law-our-rights/rights-advocacy/the-dalits-bangladesh-203845>

¹⁴ Farvergade, Vartov. n.d. "Joint NGO Submission Related to the Review of Bangladesh at the 30th Universal Periodic Review Session in 2018. Situation of Dalits in Bangladesh Prepared by BDERM and Nagorik Uddyog in Association with IDSN." <https://idsn.org/wp-content/uploads/2018/03/NGO-report-UPR-Dalit-rights-in-Bangladesh-2017.pdf>

quotas at all levels of the elected government. Dalits in the country experienced a surge of deadly violence after the 2014 general election, including rapes, abductions, murders, displacement, and the vandalization of Dalit houses and properties.¹⁵

Pakistan and Sri Lanka

The title of the International Dalit Solidarity Network's report on Dalits, "Caste-Blind Does Not Mean Casteless," sums up the situation in both Pakistan and Sri Lanka.¹⁶ Despite its human rights commitments, Pakistan does not acknowledge Dalit issues and dismisses them on religious grounds. Of the 40 caste categories listed in the Presidential Ordinance of Pakistan of 1957, 32 were scheduled castes (including Dalit communities). Scheduled castes are often interpreted as referring to Hindus only, given the belief that Islam has no caste hierarchies. No political or economic security measures in Pakistan are extended to scheduled castes. To complicate matters further, the 2017 Census of Pakistan listed scheduled castes (which include Dalits) in the "religion" category, which meant one could not opt to identify as both a Hindu and a member of a scheduled caste, such as a Dalit. According to International Commission for Dalit Rights (ICDR) research, virtually no Dalits hold higher positions in Pakistani government departments and law enforcement agencies.¹⁷

Similar caste-based discrimination plagues the Dalit community in Sri Lanka. Although some claim discrimination takes milder forms in Sri Lanka, studies have shown that such practices as untouchability and restricted access to temples and water sources have simply become "a hidden entity, not openly addressed by Sri Lankan society."¹⁸ Sri Lankan Dalits are primarily from the minority Tamil community; the majority Sinhala caste system does not include Dalits. Nevertheless, caste-based discrimination exists. Lower castes are not well-represented in political parties and organizations, and issues related to Sinhala castes are rarely discussed openly.

Intersections of religion, gender, sexuality, disability, caste, and ethnicity influence the ability to obtain elected office and the power that elected officials exercise. Various studies have demonstrated that the institutional conditions under which candidate selection processes take place influence parties' decisions.¹⁹ This sometimes means privileging minority men over women, supporting the "double jeopardy" hypothesis of compounding marginalization at various levels.²⁰ These actions reflect the reinforcement and reproduction of inequalities through policies resulting from ethnic blindness in the case of gender and gender blindness in the case of ethnicity. The disjunction between democracy and representation is thus compounded for Dalits, who also face intersectional experiences with marginalization. As a result, women are generally the most disadvantaged and remain at the lowest level of representation.

Including Dalit women in political activity is necessary to ensure that their interests are represented. Representatives of politically marginalized communities often claim to represent all constituents—including those with subordinate

¹⁵ Ibid.

¹⁶ "Dalits of Sri Lanka: Caste-Blind Does Not Mean Casteless." International Dalit Solidarity Network, 2008.

¹⁷ "Challenges for Dalits in South Asia's Legal Community." International Commission for Dalit Rights, December 2021.

¹⁸ "Dalits of Sri Lanka: Caste-Blind Does Not Mean Casteless."

¹⁹ Htun, Mala N., and Juan Pablo Ossa. 2013. "Political Inclusion of Marginalized Groups: Indigenous Reservations and Gender Parity in Bolivia." *SSRN Electronic Journal*: 4–25. <https://doi.org/10.2139/ssrn.2259289>

²⁰ Mügge, Liza M., and Silvia Erzeel. 2016. "Double Jeopardy or Multiple Advantage? Intersectionality and Political Representation." *Parliamentary Affairs* 69 (3): 499–511. <https://doi.org/10.1093/pa/gsv059>

identities. However, those claims may not be entirely true. Patriarchal controls are also at play in subjecting Dalit women's participation, mobility, and conduct to scrutiny. A 2019 study of the political representation of marginalized groups in India concluded that "Dalit women lack confidence and public exposure and there is also a sense of inferiority [compared to non-Dalits and men]. They perceive politics as a male domain and site of conflict, slander, and violence."²¹ It is also important to note that Dalit women are not a homogenous constituency. Even though they belong mainly to the laborer class, intra-group caste structures are essential determinants of the overlapping social and economic relations that are embedded in their daily lives and keeps them fragmented.

²¹ Mehrotra, Ishita. 2019. "Political Representation in Indian Democracy: A View from the Margins." *Journal of Social Inclusion Studies* 5 (1): 59–71. <https://doi.org/10.1177/2394481119859669>

Recommendations for Increasing Dalit Political Participation in South Asia

The history of the countries in the region naturally shapes the road to democracy and political rights in South Asia. For example, India transitioned to democracy after gaining independence from its long colonization by Britain, while Nepal's democratic transition occurred following a history of oligarchies and patronage rule of royal elites and high-caste Hindus. Systemic inequality is embedded in the caste structure of both countries, making their social composition complex and rigid and leading to increased challenges in democratic reforms and changes. India, for instance—despite the affirmative policies and the legal mechanisms created to promote and empower Dalits and other marginalized groups, particularly in political processes through reservations—is still far behind in promoting the rule of law and inclusive democracy.

Any country's strategic choice in the electoral system is central to ensuring the numerical representation of minority candidates, the inclusiveness of the political parties, and the makeup of its Parliament. However, as demonstrated in India and Nepal, adopting systems that pursue this inclusion only at the surface level can fail or remain limited in realizing minority interests. For example, a 2005 study notes that the reservation system in India has only facilitated the participation of minority leaders, with no obligation to democratic accountability or even accountability to their community; a 1996 study called India a deviant case of “consociational democracy” that functions under a self-contradictory model of majoritarian democracy that reflects all elements of power sharing.^{22, 23}

Juxtaposing these survey findings with legal frameworks highlights glaring and perpetuated gaps in the political participation and representation of Dalit communities in South Asia. While India and Nepal have endorsed important policies to ensure the political representation of Dalits (and most marginalized communities), they have failed to translate those policies into the meaningful participation and well-being of the Dalit community. Other South Asian countries do not address Dalit political participation head-on. Therefore, more critical engagement is necessary to ensure Dalit issues and problems receive adequate representation. Through this analysis, we offer the following recommendations to all electoral stakeholders across South Asia to help countries increase Dalit inclusion in political life:

- **Conduct advocacy campaigns** in countries that lack legal provisions to (1) protect Dalit communities from violence and discrimination and (2) promote their full socio-economic and political participation to design effective legal frameworks for the recognition of rights, security, and political participation of Dalits.
- **Strengthen Dalit communities' knowledge and skills to advocate for their electoral and legal rights**, particularly in local languages, in countries with existing legal protections and provisions, such as Nepal and India.

²²Jaffrelot, Christophe. 2006. “The Impact of Affirmative Action in India: More Political than Socioeconomic.” *India Review* 5 (2): 173–89. <https://doi.org/10.1080/14736480600824516>; Lijphart, Arend. 1969. “Consociational Democracy.” *World Politics* 21 (2): 207–25. <https://doi.org/10.2307/2009820>

²³Reynolds, Andrew. 2010. “Electoral Democratisation in Nepal.” *Journal of Contemporary Asia* 40 (3): 509–19. <https://doi.org/10.1080/00472331003798517>

- **Conduct targeted awareness programs on Dalit rights** to increase responsiveness among the greater community and the police to caste-based crimes and discrimination.
- **Build the skills and knowledge of elected Dalit representatives** and connect them with the international anti-racism and anti-discrimination activities of elected representatives in other countries.
- **Conduct further research on the major challenges Dalit leaders face** in seeking candidacy or election to understand barriers to Dalit political representation better.
- **Conduct additional research on the changing patterns of Dalits' socio-economic status** across South Asia to identify opportunities for encouraging their meaningful political participation.
- **Implement more robust census processes** to ensure Dalit populations are accurately counted. Show their numerical strength may enhance their political power.

We also offer recommendations for electoral management bodies:

- **Speak out against caste-based discrimination** using platforms available to electoral management bodies' chairpersons and commissioners as senior public officials. The leaders of electoral management bodies, especially when they enjoy the public's confidence, are well-positioned to explain the dangers of caste-based violence to the electoral process and democracy. By speaking out, leaders can help raise awareness of caste-based violence and hate speech and their consequences. Those actions, in turn, can help to mobilize a public response.
- **Collect and apply data on electoral violence and hate speech against Dalits** to mitigate those behaviors and safeguard all electoral stakeholders. Engage various security actors in joint security planning and implementation.
- **Conduct public information campaigns and voter education programs** to provide accurate information that promotes the rights of all people, especially marginalized groups such as Dalits. Such efforts can help voters to identify and address intolerance in their lives and to recognize and resist hate speech from officials, candidates and their supporters, and the media.

Conclusion

While South Asian countries have adopted many progressive policies regarding Dalit rights and representation, issues remain entrenched in deeper social and political structures. India has pioneered reservations for representation and provisions to ensure participation, which other South Asian nations—including Nepal—have gradually adopted. However, equality has not yet been achieved, and the pervasive violence inflicted upon Dalits continues despite the nations' commitment to various human rights treaties (see the Annex). These issues further compound obstacles to Dalits' access to their legally sanctioned political rights, such as electoral participation.

This complex phenomenon is characterized by notable representation on the outside, although insidious violence continues. Examined through an intersectional lens, it becomes abundantly clear that the complex electoral systems that follow the mixed system of first-past-the-post and proportional representation leave openings to manipulate and co-opt representatives from Dalit communities. Further, the system renders leaders from Dalits and other marginalized communities weak and powerless. The result is a system in South Asia in which Dalits appear as a political commodity that has been used as a “vote bank” to secure political power; nominal Dalits are represented, but their voices have not been heard or have been muted—even totally ignored.^{24, 25}

This issue cannot be understood in isolation from inequalities entrenched in the social structures of the countries studied. The pluralities of identities, subjectivities, and representation are central to the power relationships maintained through electoral politics. The failure to identify points of disjunction limits the ability to establish policies that address social justice within the constricted political contexts.²⁶

Approaching social and political representation as a counter-hegemonic action for establishing an equitable social, economic, and political structure for Dalits and other marginalized communities will require consideration of the larger historical context of elite privilege and structural and systemic embedding of oppression. How social relations overlap with political domination needs to be deciphered based on the locations of people and their interactions within the system. This will help situate the gaps in representation and oppression and aid in designing multi-layered actions to produce meaningful change in the lives of marginalized populations.

²⁴ Frye, Charles E. 1966. “Carl Schmitt’s Concept of the Political.” *The Journal of Politics* 28 (4): 818–30. <https://doi.org/10.2307/2127676>

²⁵ Kelly, Duncan. 2004. “Carl Schmitt’s Political Theory of Representation.” *Journal of the History of Ideas* 65 (1): 113–34. <https://doi.org/10.1353/jhi.2004.0015>

²⁶ Verma, Vidhu. 2019. “A Crisis of Representation: Interests, Identities and Politics.” *Journal of Social Inclusion Studies* 5 (1): 1–18. <https://doi.org/10.1177/2394481119849289>

Annex: Current Legal and Electoral Rights Frameworks for Dalits

India, Nepal, Bangladesh, Pakistan, and Sri Lanka have made formal commitments to uphold their Dalit communities' rights and privileges through international agreements and national laws. The specific obligations vary across countries. This section presents the legal frameworks for Dalit rights of inclusion and representation currently in effect. This discussion presents some critical features of the electoral and legal frameworks, although it is not exhaustive.

International and Regional Human Rights Frameworks

International human rights instruments, including the Universal Declaration of Human Rights (UDHR),²⁷ International Covenant on Civil and Political Rights (ICCPR),²⁸ International Convention on the Elimination of All Forms of Racial Discrimination (ICERD),²⁹ and Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),³⁰ enshrine the principles of non-discrimination and political inclusion and the right to political participation. Having ratified those conventions, the South Asian countries discussed in this paper are obligated to respect, protect, and fulfill the human rights stemming from them.

India's Legal Framework

India's Constitution,³¹ ratified in 1950, was primarily influenced by the ideas of Dr. B. R. Ambedkar, the chairman of the constitutional drafting committee. A Dalit himself, Ambedkar was a strong advocate for inclusion and worked for the good of all Indian citizens.³² India abolished the concept of "untouchability" through the 1950 Constitution and guaranteed the right to life and liberty, which the Indian Supreme Court has interpreted to include the right to freedom from degrading and inhuman treatment and the right to personal integrity and dignity.³³

A party to both the CEDAW and the ICERD, India implemented the provisions applicable to Dalit communities and established constitutional bodies such as the National Commission for Scheduled Castes and Scheduled Tribes. The commission is in charge of promoting respect for the human rights of Dalits and tribal groups, monitoring and investigating the observance of those rights, and securing appropriate redress when they have been violated.

²⁷ United Nations. 1948. "Universal Declaration of Human Rights." United Nations. United Nations. December 10, 1948. <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

²⁸ Office of the United Nations High Commissioner for Human Rights (OHCHR). 2013. "International Covenant on Civil and Political Rights." Ohchr.org. United Nations Human Rights Office of the High Commissioner. 2013. <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

²⁹ UNITED NATIONS. 1966. "International Covenant on Civil and Political Rights." OHCHR. United Nations. December 16, 1966. <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

³⁰ Ibid.

³¹ "Constitution of India." n.d. <https://legislative.gov.in/constitution-of-india>

³² "India for All: How Ambedkar Ensured the Constitution Is All Inclusive and Meant for Common Good." 2019. Edex Live. January 24, 2019. <https://www.edexlive.com/happening/2019/jan/24/india-for-all-how-ambedkar-ensured-the-constitution-is-all-inclusive-and-meant-for-common-good-5133.html>

³³ "Failure to Meet Domestic and International: Legal Obligations to Protect Dalits - Broken People: Caste Violence against India's 'Untouchables' (Human Rights Watch Report, 1999)." 2019. <https://www.hrw.org/reports/1999/india/India994-13.htm>.

India enacted the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act in 1989 and the Protection of Civil Rights Act in 1995, enhancing the legal framework for prohibiting caste discrimination. In addition, Ambedkar advocated for the Indian Parliament to introduce a system of reservations for jobs in the civil service, schools, and colleges for members of scheduled castes and tribes.³⁴ Among the reforms Ambedkar thought should be implemented to annihilate caste and improve lower-caste communities, the distribution of land to Dalits was fundamental.³⁵

The original text of the Indian Constitution recognized the right to property as a fundamental right; however, Article 19(5) empowered the state to impose reasonable restrictions on this right in the general public's interest or to protect the rights of scheduled castes and scheduled tribes. Nonetheless, the 44th Constitutional Amendment Act of 1978 changed the fundamental right to property to a constitutional right, expanding the state's power to appropriate property for a social purpose by redistributing land to the landless people of India. The amendment was momentous in its broader significance for Dalit rights, as land ownership is fundamental to addressing the inequities that exacerbate barriers to free participation in economic, social, and political life.

India holds elections for members of Parliament, state legislative assemblies, state legislative councils, and municipal bodies. The electoral inclusion of Dalits in India was embedded in Ambedkar's negotiations with the central authorities in drafting the 1950 Constitution. Articles 243, 330, and 332 provide for the reservation of seats in those bodies for members of scheduled castes and scheduled tribes.³⁶ The reservation system was expanded to apply to central and state appointments of members of scheduled castes and tribes, providing an additional platform for representation in mainstream society.

India's reservation system grants scheduled castes and scheduled tribes reserved seats with joint electorates. This means that, in reserved constituencies, only candidates from scheduled castes or scheduled tribes can run for election, but voters from all groups can vote for them. From 1951 to 1961, these seats were seen as "extra" in some constituencies; after the passage of the Two-Member Constituencies (Abolition) Act in 1961, each constituency was assigned as open to all candidates or reserved only for those from scheduled castes and scheduled tribes.³⁷ Although this reservation system is the most extensive and longest-established electoral quota system, the full electoral inclusion of Dalits in India remains difficult. Quotas, such as the reservation system, are helpful to combat the systematic exclusion of Dalits from positions of power and break down stereotypes and social barriers between groups. However, change that benefits minority interests will more likely result from changes in political discourse than simply from using quotas in representation.³⁸

³⁴ Kumar, Kamal. 2014. "Indian Constitution: The Vision of B. R. Ambedkar." *IOSR Journal of Humanities and Social Science* 19 (3): 29–

36. <https://doi.org/10.9790/0837-19342936>

³⁵ "RAS | B R Ambedkar on Caste and Land Relations in India." n.d. Ras.org.in.

http://ras.org.in/b_r_ambedkar_on_caste_and_land_relations_in_india

³⁶ "Selected Articles of the Indian Constitution - Broken People: Caste Violence against India's 'Untouchables' (Human Rights Watch Report, 1999)." n.d. https://www.hrw.org/reports/1999/india/India994-15.htm#P2394_516084.

³⁷ "Electoral Quotas as a Tool for Fighting Exclusion and Discrimination." 2016. Center for the Advanced Study of India. April 11, 2016.

<https://casi.sas.upenn.edu/iit/francescajenseniis>

³⁸ Ibid.

Nepal's Legal Framework

As a state party to the legally binding UDHR, ICCPR, ICERD, and CEDAW, Nepal is obligated to respect and ensure the rights they enshrine for all individuals within its territory and subject to its jurisdiction. Furthermore, the 1990 Nepal Treaties Act stipulates the legal mechanism that binds the country's obligation to any international treaties it ratifies, explicitly stating that these should effectively be considered Nepali laws. In essence, any components of domestic laws that contradict ratified treaties shall be nullified. Thus, Nepal should implement the legislative, executive, or judicial tools at its disposal to honor its international obligations.

Nepal's commitment to economic, social, and cultural rights is also made explicit in its foundational legal frameworks. The 2015 Constitution³⁹ contains provisions for protecting individual rights, including freedom of speech and expression and the right to form unions and associations not motivated by politics, further cementing the government's obligation to ensure and promote those rights.⁴⁰ Articles 16 through 46 of the Nepali Constitution cover fundamental rights. These include the right to live with dignity; the right to freedom; the right to equality; the rights of Dalits; the right to social justice; the right not to be subjected to torture; and the right not to be subjected to untouchability and discrimination; and overall economic, social, and cultural rights.

Nepal has taken significant measures to make its legal system inclusive by ensuring the representation of the most marginalized communities and protecting the political and social rights of Dalits. Article 255 of the Constitution establishes the National Dalit Commission of Nepal, which conducts studies on, monitors, and formulates policies regarding the overall situation of the Dalit community. Article 40 ("Rights of Dalit") is a standalone article that protects the rights of Dalits. Among other provisions, Article 40 ensures the rights of Dalits:

- To participate in all state bodies on the basis of the principle of proportional inclusion, with special provisions for the empowerment, representation, and participation of the Dalit community in public services and other sectors of employment;
- To receive free education from primary to higher education, and technical and vocational education;
- To receive health services and social security; and
- To use, protect, and develop their traditional occupations, knowledge, skills, and technology.

Furthermore, Article 40 envisages special provisions regarding land: "the State shall once provide land to the landless Dalit and arrange settlement for the Dalit who do not have housing in accordance with the law." Also stipulated is just distribution that enables Dalits in all communities to obtain land proportionately to other populations.⁴¹ The 2018 Lands (Seventh Amendment) Act provides a legal framework for implementing Article 40(5), which requires the provision of land to landless Dalits.⁴²

³⁹ The Constitution of Nepal Date of Publication in Nepal Gazette." 2015. <https://lawcommission.gov.np/en/wp-content/uploads/2021/01/Constitution-of-Nepal.pdf>

⁴⁰ "List of Multilateral Treaties to Which Nepal Is a Party and a Signatory Government of Nepal Ministry of Law, Justice and Parliamentary Affairs." 2018. <http://www.moljpa.gov.np/wp-content/uploads/2019/04/List-of-Multilateral-Treaties-Signed-by-Nepal.pdf>

⁴¹ "The Constitution of Nepal Date of Publication in Nepal Gazette."

⁴² "Nepal: Land for Landless Peasants Comments and Recommendations on Amendment to the Lands Act 1964." n.d. <https://www.amnesty.org/en/wp-content/uploads/2021/05/ASA3112212019ENGLISH.pdf>

Nepal's history of oligarchies and patronage rule by royal elites and high-caste Hindus imposed acute social and political barriers to the upward mobility of Dalits and other marginalized communities. The 1990 Constitution, for instance, continued the exclusionary electoral system envisaged by the Panchayat regime (1960–1990), with Article 122(3) prohibiting the formation of any political party based on religion, caste, tribe, or religion.⁴³

Since its first democratic elections in 1991, and particularly with the ratification of the 2015 Constitution, Nepal has made steady strides to ensure the political representation and participation of Dalits in electoral processes. The country's transition to a federal democratic republic localized inclusion. The introduction of a mixed electoral system—a combination of first-past-the-post and proportional representation, with distinctive inclusive treatment for minorities and women—demonstrated remarkable progress toward the realization of an inclusive electoral system. The Constituent Assembly swelled to 601 members after increasing the number of first-past-the-post seats from 205 to 240 to increase the representation of Madhesis⁴⁴—indigenous inhabitants of the *terai* region who were historically excluded from political and electoral processes and who have had limited access to education, medical care, and economic opportunities.⁴⁵

Nepal's Constitution also includes special provisions for the political representation and electoral inclusion of women and Dalits. Article 215(4) states that a village executive shall include four women, elected by the members from their number, as well as two members of Dalit or minority communities. Article 216(4) states that members of a municipal executive shall include five women elected by the members from their number and three members of Dalit or minority communities. Article 220(3) states that a district assembly shall elect a district coordination committee with a maximum of nine members, including one chief, one deputy chief, at least three women, and at least one Dalit or minority representative. Article 222(2) states that a village assembly shall consist of the chairperson and vice chairperson of the village executive committee, ward chairpersons, four members elected from each ward, and members of the village executive elected from the Dalit and minority communities.⁴⁶

As a result of the proportional representation system, in 2017, Nepal's local, provincial, and federal elections marked a milestone for inclusive representation in the political and public spheres. Women comprised 41 percent of those elected to public office in local government units (approximately 14,000, including over 6,500 Dalit women). However, representation did not necessarily become meaningful at the decision-making level. Most Dalit women, for instance, occupy positions on ward committees but have limited representation at the mayor and deputy mayor levels.⁴⁷ Electoral quotas provide for increased inclusion of marginalized groups, such as Dalits and women politicians, that otherwise would not be represented at the same levels. However, loopholes in the legal framework relegate marginalized groups to secondary positions and exclude certain groups from competing for seats that are not

⁴³ Ibid.

⁴⁴ Reynolds, Andrew. 2010. "Electoral Democratization in Nepal." *Journal of Contemporary Asia* 40 (3): 509–19. <https://doi.org/10.1080/00472331003798517>

⁴⁵ "Background of the Terai's Madhesi People." 2007. *The New Humanitarian*. February 8, 2007. <https://www.thenewhumanitarian.org/report/70027/nepal-background-terais-madhesi-people>

⁴⁶ "The Constitution of Nepal Date of Publication in Nepal Gazette."

⁴⁷ "Electoral Provisions in the Constitution of Nepal and Some Relevant Information." The Election Commission of Nepal, 2016. <https://nepal.ec-undp-electoralassistance.org/wp-content/uploads/sites/16/2018/12/ec-undp-itf-nepal-resources-publications-electoral-provisions-in-constitution.pdf>

reserved through election quotas.⁴⁸ It is thus vital to highlight factors such as how political participation and representation have been enacted, the vested interests and demands at play, and the level of understanding and engagement within the political system.⁴⁹

Legal Frameworks in Bangladesh, Pakistan, and Sri Lanka

The Constitution of Bangladesh guarantees most of the civil and political rights under the ICCPR, including the right to equality before the law and equal protection of the law. Discrimination based on race, religion, caste, or sex is prohibited, and none of these factors can detrimentally affect life, liberty, body, reputation, or property. The Constitution also ensures equal opportunity in public employment. It sets out fundamental principles that require the state to ensure, among other rights, women's participation in national life, free and compulsory education, public health, equal opportunity, work as a right and duty, rural development, promotion of local government institutions, and respect for international law.⁵⁰ Articles 14, 28, and 29 provide for the advancement of disadvantaged groups with respect to the mandates of those provisions, although they do not define what such measures entail.

Pakistan's Constitution guarantees life and liberty to all persons, as well as fundamental human rights that include, among others, human dignity; freedom of movement, assembly, association, and speech; and ownership of property. Article 25 of the Constitution guarantees that all citizens are equal before the law and are entitled to equal protection. Articles 36 and 38 are the most relevant for scheduled castes and their rights. Article 36 states, "The state shall safeguard the legitimate rights and interests of minorities, including their due representation in the federal and provincial services." Article 38 says that the state shall "secure the well-being of people, irrespective of sex, caste, creed, or race by raising their standard of living."⁵¹ The Constitution also states that access to public education and public entertainment, as well as the ability to be appointed in the service of Pakistan, should not be determined based only on race, religion, caste, sex, or place of birth.⁵²

Like that of Bangladesh, Sri Lanka's Constitution guarantees that all persons are equal before the law and entitled to equal protection of the law. The Constitution also includes a provision against discrimination and restricted access to public places on the grounds of race, religion, language, caste, sex, political views, or place of birth. Moreover, the state ensures equal opportunities for all citizens regardless of race, religion, language, caste, sex, political views, or occupation.⁵³

⁴⁸ Mehrotra, Ishita. 2019. "Political Representation in Indian Democracy: A View from the Margins." *Journal of Social Inclusion Studies* 5 (1): 59–71. <https://doi.org/10.1177/2394481119859669>

⁴⁹ Lijphart, Arend. 1969. "Consociational Democracy." *World Politics* 21 (2): 207–25. <https://doi.org/10.2307/2009820>

⁵⁰ "Bangladesh's Constitution of 1972, Reinstated in 1986, with Amendments through 2014." Constitute Project, 2021. https://www.constituteproject.org/constitution/Bangladesh_2014.pdf?lang=en

⁵¹ "Pakistan's Constitution of 1973, Reinstated in 2002, with Amendments through 2015." Constitute Project, 2021. https://www.constituteproject.org/constitution/Pakistan_2017.pdf?lang=en.

⁵² *Ibid.*

⁵³ "Sri Lanka's Constitution of 1978 with Amendments through 2015." Constitute Project, 2021. https://www.constituteproject.org/constitution/Sri_Lanka_2015.pdf?lang=en

Even when every citizen is accorded the same formal political rights—such as the right to vote, assemble, and run for office—political equality can remain out of reach. Other inequalities between groups persist, such as the distribution of economic and educational resources and positions of power sustained through informal relationships.⁵⁴

⁵⁴ Khanal, Krishna, Frits Sollewijn Gelpke, and Ubbhab Prasad Pyakurel. *Dalit Representation in National Politics in Nepal*. Nepal National Dalit Social Welfare Organisation. 2012. http://idsn.org/wp-content/uploads/user_folder/pdf/New_files/Nepal/2013/Dalit_Representation_in_National_Politics_of_Nepal_-_2012.pdf



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