

Women in Politics

National Conference
on Women 1996

10-12 April



Report

Women in Politics

National Conference
on Women 1996

10-12 April



For Human Rights & Social Justice

Informal Sector Service Centre (INSEC)

P O Box 2726, Kathmandu, Nepal

Tel: 270770 / 278770

Fax: +977-1-270551

e-mail: info@insec.wlink.com.np

Report

Women in Politics — National Conference on Women 1996 — Report

Published by Informal Sector Service Centre (INSEC)
June 1997

© INSEC

Printed at : Alpha Offset

Digitized By: Bimal Chandra Sharma

Contents

Preface	i
Our Aim and National Women's Conference	iii
National Women Conference 1996	1
Paper Presentation and Comments	17
Reaction of the Participants	37
Appendix 1 Direction of Nepalese Women's Struggle	49
Appendix 2 Political Parties and Nepalese Women	64
Appendix 3 Human Rights and Constitution of Nepal	73
Appendix 4 List of the Participants	91
Appendix 5 Pasang Lhamu Pledge	97
Appendix 6 INSEC Family involved in the programme	101
Appendix 7 Secretariat to facilitate the Conference	102

Preface

Women in Nepal make up more than a half of the total population. It is but unnoticed and unaccounted for.

We frequently come across a varieties of problems women are facing. Truly speaking, their life is always under threat. Natural, physical, social and family afflictions on them is on the rise. This is in totality a part of the life of women in our present social structure in Nepal.

Problems also ask for solutions. The compulsion to struggle for life provides an impetus to drive the whole society along the path of fortune. Women who are compelled to live under hardships due to varieties of reasons have also been the means and sources of social change. They have stood the test of various fronts of struggles. More than half a dozen of women have offered their lives in the contemporary political movement. Those who could not physically participate in the struggle released other members in the family to support it. Women have protected the democratic warriors from their rivals. Though the number of such diamond-ladies is a few, they have always been on the lead to brighten the path and to supply the power to the successors.

Women have preserved an important place in the establishment of the multiparty system in Nepal. Against the backdrop of a prolonged sacrificial struggle multiparty democracy was achieved in 1990. For the protection and development of this achievement women's participation in politics and their prudent social activities are a must.

We are stepping into a new century right after four years. But, it is painful to say, our social structure and the level of awareness are older than that of the 18th century. We may still lag behind if we could not follow the pace of time. In the past 50 years those, we have experienced, progressed a lot who could well understand the 'time'. Therefore it has been indispensable to draw lesson from the past experience in order to take a strong step for the future.

Considering this reality the first National Women's Conference was launched in Kathmandu in April 1996. INSEC feels proud to be able to grasp this opportunity to organise such a programme as it has been working for last seven years for social justice and human rights. And the moment has brought a success, though a little, in our commitment. This is not an end in itself, but a beginning. We have just collected the concerned to enable them to exchange their views in a single forum. This is of course the result of the desire that calls for a strong advancement of the struggle of women in future.

Prior to this, we organised a Forum of Victimised Women in Nepalgunj in 1993 and Politically Victimised Women's Forum in Dhankuta in February 1995. Reports of them have been published.

We had hoped for publishing an Introductory Book of women involved in political activities from 1940 to 1990 within April 1996. Various reasons beyond our control could not allow us to bring it out as scheduled. We would like to inform you that it will be released on the Prakash Memorial Day on July 31. In addition to this, we have planned to launch regional level programmes in different places this year.

We have been unintentionally delayed to publish the report of the National Women's Conference. Many points might still have gone unnoticed. We do hope your constructive suggestions here.

We hope that this report will, as a campaign and awareness material, help, at the minimum, the long-neglected and oppressed women to develop a democratic political culture and strategy, social security and dignified livelihood.

Thanks to all at the Women Section and Human Rights and Publication Section for preparing the report.

Sushil Pyakurel
Chairman

Our Aim and National Women's Conference

INSEC has been working for last seven years for social justice and human rights, raising voices for the exploited community which include bonded labours, the so-called low-cast peoples, women and others who are culturally, religiously and politically marginalised. With this object the Forum of Victim Women was concluded in 1993 in Nepalgunj. The conference collected women who were neglected because of the reasons of their religion, culture, profession and casts. It encouraged all to be in solidarity on the issues of common concern.

The Second Conference on women was launched in Dhankuta from January 31 to February 2, 1995 encouraged by the positive impact of the conference in Nepalgunj. This was on the Politically Victimized Women. By political victim, we mean those women who took part in democratic struggles to free the nation from the claws of despots; widows, mothers and daughters of the martyrs of the democratic struggle; and other women oppressed economically, socially, mentally, physically because of their support to the political movement.

All the participants viewed the importance of such a conference in national level to bring together all women associated with the movement for political change. Also it was suggested to compile their statistics and to publish their biography.

We endeavored to put these suggestions into an action. We collected the biography of women from the country producing a self-explanatory format. INSEC Women Section paid a door-to-door visit to meet the victim women and to collect their profile.

National Women's Conference was organized on April 10-12, 1996 with a view to highly evaluating the courage, ability and dedication of women contributing to bringing about political changes in the country.

A 13-member Organizing Committee was set-up under the Chairmanship of Goma Devkota to facilitate the conference. INSEC provided with secretariat and other facilities. Women from different political ideology and INSEC Women

Section were the make up of the committee. Representatives from various political parties, independent personalities, NGO representatives and journalists participated in the programme. The conference adopted a “Pasang Lhamu Pledge” avowing unity amidst women on common issues. The pledge has reaffirmed that women rights are human rights and has demanded that they should not be devoid of any.

We appeal all political parties, Non Governmental Organizations, social organizations, intellectuals, social workers litterateurs, journalists and all concerned to bring into action the Pasang Lhamu Pledge and the theme of the conference “The Essence of Democracy: Women’s Participation in Politics.”

National Conference Organizing Committee
Women Section
INSEC

National Women's Conference 1996



The national women's conference was held in Kathmandu on 10-12 April 1996 with the main slogan, "the Essence of Democracy: Women's Participation in Politics." The conference was inaugurated by lighting three candles as the symbol of reverence to the martyrs, memory of disappeared persons and the honour of revolutionary women. Laxmi Thami, wife of martyr Ile Thami- killed in Piskar, Sindhupalchowk district; Indira Dahal, wife of martyr Peshal Dahal- killed in Okhaldhunga during the armed struggle called by Nepali Congress; and Chapala Devi Mishra, mother of Saket Mishra who disappeared from police custody in 1985, inaugurated the conference. The chief guest of the program was Laxima Dahal, the mother of martyr Ram Nath Dahal; and Goma Devkota, the chairman of the conference organising Committee, chaired the programme.

To commence, all the participants observed a one minute silence to pay homage to the martyrs. Over 220 politically victimised women from over 62 districts participated in the program. Also present were the representatives from various organisations, the family members of disappeared persons and active political cadres. The Conference, which ran for three days, was organised in the Nepal Administrative Staff College, Jawalakhel, Lalitpur.

The Inaugural Program was addressed by Indra Kumari Adhikari- Chitwan, Indra Maya Sharma- Kapilbastu, Literatureur Bhuvan Dhungana, and Laxmi Singh- Rautahat. Shanta Shrestha, Shashi Shrestha, Bidya Bhandari, Sahana Pradhan, Astha Laxmi Shakya and INSEC Chairman Sushil Pyakurel. A greeting letter sent by Dwarika Devi Thakurani, the senior woman politician, was read out on that occasion. Through the greetings letter she has grieved her absence from the conference due to unavoidable cause, and wished for the success of the program. It is worthy to note that Mrs. Thakurani is the first woman minister in Nepal as well as in South Asia.

Various speakers highlighted on the propriety and necessity of the conference on the very first meeting at the outset of the program. On behalf of the organisers, Santosh Pyakurel, Women Programmes Co-ordinator of INSEC, welcomed the participants. Similarly, a note of thanks was offered by Bishweshwara Dahal, member of the organising committee. Kabita Aryal from Women's Department, INSEC informed to publish an introductory book on the Conference of Women and on women participation in politics. The conference was moderated by Kamala Parajuli.

**Laxima Dahal,
Mother of Martyr Ram Nath Dahal.**

The Inauguration Program was addressed by the mother of martyr Ram Nath Dahal as the chief guest. Greeting the programme she said:

I am happy to be present at the gathering. Actually we have assembled here for us as well as for all those who accepted martyrdom. Martyrs have become example for all of us. We shall have to always protect their feelings. We must always wish for their reverence. We brought them up despite many hurdles. The government killed them mercilessly. But, on the contrary, they are living in everybody's heart. Their names have become so extensively popular that no one should think them dead. The martyrs will remain immortal in this universe till the existence of the sun and moon.

They sacrificed themselves for our betterment. We must not feel sorrow for them and this is the way to elevate their sacrifice. We have many children. Let us hope their number to grow. Let us also wish for them. All of us are related to each other. No one is stranger or aliened. Everything in this world belongs to us. Even though everything in this world belongs to the Almighty, it is said that this world is ours. After all we all belong to the Almighty. I wish everybody all the best.

Indra Kumari Adhikari, Chitwan

Nepali women have been accomplishing active and important role in every political movement launched for transformation in Nepal. Women are needed and mobilised as soon as crisis has been invented in political movement. Nepali women have been involving themselves in that glorious role since anti-Rana movement.

Addressing the inaugural session of the Conference, women leader Indra Kumari Adhikari added "What role of women is described in the modern history of Nepal is known to all. The gods, described in our myth as accepted by our culture, religion and value since ancient time, had also mobilised women or Bhagwati, the mighty goddess to retaliate the adversities when their attempt proved to be of no avail. Stating some examples mentioned in the ancient myth, she further added "Ram had posed Sita to win over Ravana. Similarly goddess Bhagwati had killed the demons like Shumbha, Nishumbha and Mahishasur. She also cited the instance of Geeta, the important religious epic, each of total 18 parts of which mentions the names of women and states that salvation is possible simply by uttering their names."

Stating that the state itself is practicing discrimination and inequality legally against more than half of the population, the women, Mrs Adhikari said “women had also participated equally as men during the mass movement in 1991. But when the constitution was brought out, it appeared that the political parties felt their responsibility fulfilled simply by setting a provision of 5% share to women in the national politics.

What type of justice and democratic constitution is this to provide 5% share to more than half of the population as against 95% share to the rest? The girls were not allowed to get education and the condition of women was worse but still they had contributed much even during their domestic involvement to throw a hundred and four years Rana regime out. Even though education, consciousness and opportunity were extended among women after the downfall of Rana regime, the values and practices as the remnants of that regime still exist. If not it so, why then discrimination and inequality? Has anybody got any evidence to prove women’s inefficiency to fulfil responsibility?”

“Where do we find the notion ‘the two sexes are the two wheels of a chariot’ applied in the practice? Simply 5% share could not support our society’s progress. It is not only the political field but also in the distributin of parental property where inequality is existing. Parents always think to get rid of their responsibility by performing marriage of their daughter even before her schooling. The flesh trading of girls is advancing due to existing poverty and illiteracy. The parents themselves have sold their daughters. All these are the unequal treatment and discrimination on women caused by social distortion. Thus a program to augment women benefit and consciousness should be launched at home, in the society and also in the country.” she expressed.

Saying the males alone are not to blame for the discrimination, Mrs Adhikari added “traditional culture continuing since long ago should be abolished.” Extracting examples of discrimination made by women against women, she urged to improve the behaviour of the mother-in-law to her daughter-in-law; sister-in-law (husband’s sister) to sister-in-law (wife of the brother), etc. “Women themselves should pay respect and show courtesy to women. Women are depressed due to child marriage, mismatched marriage, polygamy, alcohol addiction and other bad customs prevailing in society. So they have two fold responsibility which could be accomplished only when they are more respected and given opportunities. The women have not only taken part in politics despite taking care of children and domestic affairs but they have also sacrificed their lives. They have endured tortures. Widowhood and womb defecation have become the fate of some of them. The society itself has slandered them. If we

have the will to drive the society toward progress, to materialise the martyr's dream and to provide equal opportunity to the females, they should be entrusted practically with all the rights necessary to elevate their dignity. We all pray for golden age/model government in the country though we don't have idea about it. Still it is clear that the society can not progress by mere speech. The primary things to transform society are solidarity between two genders and unselfish devotion to work" she expressed.

She further added, "I myself was slandered as I travelled alone and uttered speeches. Politics is easy for none, still I started politics from the remote place of Lamjung. So far I think, every revolutionary woman should take initiation to move forward. Everybody knows what is the condition of the house where there is no existence of females. A house resided by women and children is comfortably run as compared to the one resided only by men. Therefore women know the importance of motherhood; men have mere vanity of being father. The child bears the name of the father even though the mother begates enduring every difficulty for ten months and brings up thereafter too. The citizenship certificate also mentions father's name only. These are all due to the convention of male domination. To tell the truth, men and women are like ice and water. Let us wish our involvement solely in social awareness with all courtesy and trust among us." She also wished the success of the conference and hoped it to be positive and generous for women.

Sahana Pradhan
Member of Parliament, Kathmandu

Sahana Pradhan always performed important role in the democratic movement of Nepal including the movement launched against Rana regime. By leading the United Left Front during mass movement in 1990, she proved that the women could get through every difficulty provided that opportunity and responsibility are given to them.

Mrs Pradhan is the Standing Committee Member of CPN (UML) and also a member of parliament representing constituency no. 6, Kathmandu. She had produced a separate working paper on "Direction of Nepalese Women's Movement" for the conference.

Speaking at the Inaugural session, she said, "INSEC is thankful for availing this opportunity to discuss each others problems collecting politically active women from all over the country in one place. Three different work papers produced here, comments on them and group discussions and suggestions will clarify miscellaneous issues of Nepali women. But mere acquaintance of women

problems would not suffice; attention must be paid for the solution of the problems. Thus I do wish that this conference would ensure its commitment to solve women's problems. I do hope that each of us assembled here has well knowledge and experience of the problems that we as women are facing. That is why this conference shall be undoubtedly successful and effective. The problems of women, irrespective of their class character, are all alike. They have been discriminated legally and socially; they have been discriminated from the civil rights of equal opportunity. Thus the primary objective of women is to fight for overall equality thereby to march ahead for our common interests. We should not be divided for individual interests until the recognition of our status as the citizen by the state."

She also said, "despite the history of five decades, the Nepali women movement has not yet been able to determine its shape, size and mode simply because of our division. No change has been observed in the dignity of women and impartiality toward them. For centuries, their condition is even worse in Nepal.

The constitution of the Kingdom of Nepal 1991 has awarded equal status to both the males and females. It has manifested its commitment not to disseminate on the basis of sex. It vows to make special law, as necessary, for debilitated women, children, elderly and disabled persons. But it is irony that instead of making new laws, the old ones are still in practice. The children do not get citizenship because of thier mother's existence; the record of schools similarly bears the name of the father. Where is the place of mother then?

Commenting upon the system of keeping women under the control of the father, husband and son according to their age due to the male dominated composition of the society, she added "the thinking borne by the society, is also existing within political party." She, at the end of her speech, wished all the success of the conference to make a concrete decision to denounce all the discriminatory provisions forcefully practised against women by traditional thinking, values, culture and religio.

Vidya Bhandari
Member of Parliament, Kathmandu

Vidya Bhandari, Member of Parliament representing the Constituency No.2 of Kathmandu district, and an active youth woman leader of CPN (UML) said, "many social restraints existing in the society have obstructed the women liberation movement." She urged "the women liberation movement should go together with social liberation movement of the country.

She also said “All Nepali women have a common problem. But we remain divided as soon as we move for execution and formulation of the plan and policy. Political differences then start.” She, thus, appealed to remain united for women liberation ignoring political fondness by admitting one’s weakness of considering simply personal interest and male dominated political zeal.

MP Vidya Bhandari explained the perpetual stand of CPN (UML) to encourage the women liberation movement. She said, “the outlook of the political parties regarding women and their participation is not clear. The policy makers with male domination have always been neglecting women. So attention must be paid by the political parties to involve women in politics as well as in policy making level.” Blaming the convention, social bondage, legal discrimination, patriarchy, and male dominated mentality as the obstruction to accede to the policy making level, she added “the constitution of the Kingdom of Nepal 1991 has created itself imbalance in our society. The commitment for sex impartiality looks ridiculous since the constitution itself has made their division by recognising women’s role to be 5% as against men’s 95% in national politics. This clearly shows that the constitution has permitted the political parties to disseminate women.

She urged to frame law for equal rights to property as the existing Pawa (private property) and dowry, simply mercy of the seniors, have been deceiving females. She remarked “the condition of Nepali women is like mirage as regard economic rights. Let us struggle to end such our condition. Some women also have confusion that the society would be imbalance by retaining women rights to paternal property. But the conference like this should be able to keep women aware to possess rights forsaking such confusion.

She further added “handful of persons has been enjoying nation’s abundant treasury, resource and means. The citizens should have right to share all these possessed by them.” Warning them she said “if the sharing would not be done naturally, the oppressed people would certainly come forward to seize. At the end, she hoped that the conference would forward guideline to all sectors regarding equal participation of women in politics and encourage to execute it accordingly.

Sushil Pyakurel
Chairman, INSEC

Addressing the inaugural session, Sushil Pyakurel, Chairman, INSEC, said, “No initiation has been taken by any sector on the necessity to improve the condition of women in Nepal. Every time we witness the dominance and large gathering of

males either during discussion or during policy formation regarding the protection of women interests and solution to their problems. We frequently utter that the women are lagged behind, and that they can not be pulled forward despite our attempts. These are the general comments of males. We must examine the authenticity of such comment. The mothers and the sisters, who devoted their valuable time in the democratic movement of Nepal, are with us at this moment. They have also availed valuable contribution to make democracy stable. Why they are discriminated to involve during country's policy making stage concerned with every aspect of society? Why no change is enforced against anti-women social values and discriminatory laws! I think we are here today to discuss on all this.

Commenting on primary slogan, "Essence of democracy, women participation in politics", he further said, "we consider democracy as original only when there is an equal participation of women in political and democratic activities. If women participation is not equal, we do not consider it democracy whatever it is called "multi party democracy" or "absolute democracy". The women outnumber the men in Nepal. But the original form and nature of democracy could not exist unless there would be participation of people from all sectors. The rulers of the past autocratic Panchayat regime also used to talk of democracy as we do now. Had or have the people really enjoyed the fruit of democracy during these two different environments? We have to review whether this is the real democracy we are naming for. As a human rights activist I do not find women's participation in the policy making level. We could hardly feel democratic atmosphere in the country unless women's participation is entertained in the grassroots level." Chairman Pyakurel added, "The fruit of human rights and democracy could not be tasted in the country until the extension of women participation in politics and clear cut policy regarding women rights are enjoyed. The important points of democracy and human rights are also success of women movement and attainment of their rights. That is why INSEC has activated itself toward this sector since 1993.

Appealing the institutions involved in women rights sectors to realise their responsibility for equality by rising beyond their political zeal, he said, "the political movement should accommodate movement launched against discrimination." He again said, "INSEC launched this program to aid political movement of women and also to secure their rights. Apart from this, it sought to see its written history for which they must avail leadership themselves. This conference would pass a pledge to activate in women's favour. The pledge, if extended to all regions and encouraged simultaneously to execute, would naturally help foster women movement."

He hoped the conference possibly as the first one in Nepal. "The significance of this conference", he said, "is great as it has accommodated women from all regions with all political beliefs. Human beings should have political ideology. But the only thing what is needed is to go beyond ideology to solve women problem and to stir women movement. The preparation for this conference has been since one year which began forming National Women Conference Ad-hoc Committee with the hope of attaining achievement in this regard.

Explaining importance and justification of the conference, he informed that the family members of martyrs and disappeared persons during democratic movement, and the politically active women themselves have participated in the program. Hoping expected "Pasang Lhamu Pledge" to be historically important, he wished the conference a success and constructive in women's favour.

Laxmi Singh
Rautahat, CPN (United)

"Whose courage established those popular personalities on that level? The demeanour of males toward females in Nepal is very unnatural" the women leader Laxmi Singh stated during her speech. She also mentioned the fact that despite the advent of multi-party system and new constitution, the condition of women has not been virtually changed. The thinking of men has not changed, but the coverings. She added, "No progress or change can be expected simply by changes in the coverings of men. There must come changes in their thinking."

Peep at hear
not at face
Truth lays at heart
not at the face

Elucidating poverty, illiteracy and superstition as among various causes for stagnant condition of women, she said that the attitude of women to back-bite against each other is also another problem.

In addition to the bad customs and ill practices, discrimination by law and judicature have distressed and tormented women, she said, "I have been enthused and felt younger due to this assembly availed by INSEC to exchange or share each other's vicissitudes. I do feel regret for ignoring the fact that no family, society and the nation could develop till they are laid feeble. They are in a state of distress. Let us hope that they must never curse themselves in future for being Nepali." Exemplifying her state of mismatched marriage (she was married at the age of ten to a male of forty), she added that the social condition of women is still similar. She further added "I passed the cream of my age in politics. The social

outlook toward me during my government service was also not positive. The character of a leader must be similar to a hermit. But they have gone selfish.” She urged not to draw one’s step back to tell a truth and to establish exploitation-free society even though no co-operation could be gained by family members and the society.

Bhuvan Dhungana
Poetess/Story writer

Bhuvan Dhungana, known literatur, recited a poem portraying women’s condition during the inaugural session. Addressing the conference, she said “the condition of women is what it was in the past, no improvement at all has made”.

“Politics is the custom as well as value. The outcome of it can not be grabbed at once. Everybody should not necessarily be involved in politics”, she said. She further appealed women to move ahead with full vigour stating that they can accept responsibility of all sectors of the society and the nation. Alluding the Nepali politics as immature, poetess Dhungana said, “issues of equal responsibility and equal existence are the most important things for women liberation”.

Shanta Shrestha, Kathmandu

Shanta Shrestha, active in the democratic movement of Nepal since long and an ex-employee of Radio Nepal (a government media), also addressed the conference. “This opportunity availed by INSEC to find out solution is of utmost importance” describing INSEC’s role she again said, “women should seek the way of solution to their problems disclosing all what they are suffering from. This is the right forum.”

“It is my first participation in such a conference though several similar conferences were held in the past. The conference should seek to heed the solution of women’s problem on the basis of priority. The religious temptation among women is responsible for superstition and bad customs. Overcoming all these, they must extend their participation in the social activities”, she said.

“Contrary to the past, women of today have been undoubtedly initiating to involve themselves in political, social, economical and cultural sectors. They must be availed by special opportunity and open policy to extend much of their participation in these sectors. The fruit of democracy should be proportionally consumed. The progress of the country is not simply difficult but impossible unless their backwardness be overcome.”

Shashi Shrestha, an active left women leader, said, "The assembly of women in this conference organised to raise voice for their equal participation in politics has scored a positive gesture." She further said, "the women have also contributed to politics. This is thus a program of those mothers who have already participated their long time in politics, we have to learn from them. Where has our road to equality and liberty been obstructed despite the history of our organised movement for 5 decades? This conference should be able to investigate that obstruction. We must have our unhindered participation in politics. Women representation should be inevitable in the field of social and national importance. Everybody has agreed upon this issue theoretically but why is the practice quite adverse?" She added, "the irony lies when the women members of those persons, advocating for women independence and liberation, have been kept in a status amounting to slavery in their houses". She extracted a play written by George Bernard Shaw and reminded the domestic life of an artist working for women liberation. Stating the similar situation existing in Nepal, she opined "women liberation and equality should be welcomed on national level by each person in the society.

The participation of women in Nepali politics has played eminent role for the restoration of democracy. But no continuation has been seen during post democratic movement, the root cause behind it is the excessive concern over the male's benefit. As for example, we can extract here some women leaders who, being active since 1946 movement launched against autocratic Rana regime, were almost passive within a short period in or before 1954". Talking about almost similar situation of women in the past and at present regarding equal representation of women in politics, she said "INSEC is thankful for this endeavour to gather politically involved women in one room for finding out its direction and future plan. She stressed that the conference should help women to move concrete steps for their liberation, equality and freedom.

Santosh Pyakurel, INSEC

Delivering welcome speech to the participants during inaugural session, Santosh Pyakurel, Coordinator of Women's Programmes, INSEC, said "we have gathered here today to discuss on the issue "women participation in politics" after 6 years of the restoration of multi-party democracy resulted from sacrificial and troublesome struggle of the Nepalese people. The involvement of women in policy making and implementation level is meagre in a country like Nepal whose history is full of sacrifice of women and where excellent examples of women

struggle exists. Although women participation in every political activity is substantial for social change, the continuity is somewhat baffling. Therefore the conference should stress on inventing valuable solution to get rid of such ironical situation.” Informing the participants that the National Women Conference was held followed by the suggestions from the family of martyrs, family of disappeared persons and women cadres who were present on the Forum of Politically Victimised Women in Dhankuta, she said “I believe this conference will be able to bring forth programs with concrete conclusions for perpetual participation of women in politics. I also believe our full devotion will be there to implement the programs accordingly.”

Mrs Pyakurel expressed “the conference which will run for three days will help the participants to exchange each other’s experiences. Let us move ahead to establish justifiable system of availing us active participation and contribution in formulating policies for women liberation. Besides taking on or for us, no one can do anything for our betterment. We must do something ourselves. So let us move forward. I do wish this feeling should dwell in our heart.” Paying homage to the martyrs in the context of sixth anniversary of the joint mass movement, she wished the year 2053 BS to be volition year of women which will involve them in a struggle for the attainment of their rights and authority”. She added, “Unless equal existence of women is recognised, the overall development of the country could not be attained.” To end her speech she appealed all the participants and guests to make the conference successful.

Indra Maya Sharma, Kapilvastu

Indra Maya Sharma said, “Many speeches, conferences and seminars were held in Nepal and abroad regarding women’s problems and conditions. Following the tradition the Fourth World Conference on Women was observed in China few months back. Still the condition of Nepali women is as usual. Equal participation of women in all sectors of the state has not been observed due to poverty, illiteracy, backwardness, difficult geo-environment, traditional value etc. So first of all initiation must be accorded through political field for women” Indra Maya Sharma said. Stating the tendency to utilise women as a means to satisfy personal interest or as a means of entertainment within the composition of our patriarchal society, she appealed all to understand equal existence and responsibility of both genders in the progress of human life and society.

All of us know the problems of daughters, daughter in laws, or mothers. However, we are less concerned with the achievement of such status. Women’s should be proud of their being mothers, she emphasised.

Political parties in our country are quite less concerned about the condition of women, instead they use them in elections to fulfil their lust for power. Stating that even the constitution made after 1990. has tried to deceive women in the name of 5 % participation, she said, "in order to achieve success to obtain freedom for women and to get human rights, although the men associated with human rights, social justice, law, administration and politics should necessarily accompany women, the unity among women is the first requirement". Besides, she opined that women should be given responsibilities for which women ought to be organised.

Mrs Sharma said that unless the young generation takes responsibilities unitedly against old and traditional beliefs, the utilitarian thought and beliefs will always take women captive and women will be physically and mentally exploited using for them for nude advertisements. "Women will remain merely as trade commodities", she said adding that the situation has remained static without any improvement due to the lack of confidence in young generation regarding their capabilities. Stressing that something can be gained only at the cost of the other thing, she wished that the conference might be inspiring to all women on their path to advancement.

Astalaxmi Shakya

Addressing the programme, women leader and General secretary of the All Nepal Women's Association Mrs Astalaxmi Shakya said, the problems faced by women are the same now as they were in the past. According to her, political, economic, social, cultural and religious reasons have been the influential factors for retaining women in the backward condition. Stating that women should be inspired and given equal opportunities to participate in all the fields as respected citizens, she said that much attention should also be paid in order to persuade or compel the political parties and the policy makers to implement the conclusions drawn from these types of gatherings. She exclaimed that Nepal has shown her commitment on eliminating all sorts of women discrimination and confirmed all these things in the constitution, what has refrained women from utilising such rights.

Illustrating some of her experiences as a member of the National Assembly, she said that the disagreement between the political parties on the action to be taken against the anti-women activities is a matter of great sorrow. She emphasised that this clarifies how women are cheated and avoided.

She observed that women are also the citizens of this country so they should equally participate in the entire social spheres. As all the citizens have the rights

to live with equality and respect, women must have the rights of a citizen, whether they are called human rights or women rights.

Bisheswara Dahal, Jhapa

Thanking all the participants, Bisheswara Dahal, a member of the Conference Organising Committee, discussed the role and importance of the participation of women in the democratic movements in the past, be it the anti Rana movement or anti panchayat. She said that, unfortunately, no interest and readiness have been shown to uplift the condition of women until today. Observing that as many women lost their lives in anti tyranny movement, she said we are utilising this situation. However, she remarked, even after achieving political freedom, the problems and rights of women are being neglected. She further said that unless we think seriously about the duties and responsibilities towards our mothers and sisters, there will not be any change in the overall structure of society, no matter how boastfully we claim our progress. She thanked all the participants on behalf of the organising committee to end her remarks.

Kabita Aryal, INSEC

In the inauguration session, Kabita Aryal, a member of INSEC Women Section, informed the different aspects of the conference stating INSEC's initiation to organise this program in course of promoting people's awareness through participation oriented program since 2046. She said that in 2049, it organised different program concerning the problems women have to face, namely the traditional sufferings like, Jari, Badini, Devki, Kumari; the sufferings of Kamaiya women, prostitution, AIDS, the problems faced by carpet labourers, the problems of urbanisation and the problems faced by the women affected by the lead mines and cement factories.

In order to bring the sufferings of politically victim women into light, it adopted Dhankuta Declaration on January 29, 1990. It also decided to study about the families of the martyrs and also about the women active in politics, she said. This announcement was made in an assembly constituted of the politically victimised women. She further said that a Woman Section was established in 1977-1990 in order to systematise and regularise the tasks of women sector. Discussing the woman movement from 1977-1990, she said that during this period, the movement was inclined more to the political activities rather than to the gender related questions. In 1980, All Nepal Women's Association was established and women assisted in the students movement; in the agitation for the party freedom and in the demand for the exemption of the lopsided treaties, she said.

She further remarked, "According to the decision of the Dhankuta Declaration, in course of our study about the families of the martyrs and the women involved in politics, we continued the task of data collection in all the districts of the country. On May 21, we constituted an organising committee chaired by Goma Devkota to accomplish the National Conference of Women. This National Conference is taking place in order to solve the social, economic, cultural and political problems faced by Nepalese women's movement. Feeling it necessary to publish an introductory book on the women involved directly or indirectly in the political life, an important part of social life and change, Women Section started to collect information. We got 291, 300, 202 and 133 forms from Eastern Development Region, Central Development Region, Western Development Region and Mid Western Development Region plus Far Western Region respectively. In the first phase we could only receive information from from Rasuwa and Ramechhap of central region; Manang, Mustang, Arghakhanchi and Gorkha of western region; Jumla, Dolpa and Humla of mid western region; and Kailali of far western region. We therefore had to postpone the task of publication even after the completion of editing the available information because the description of the women participants in the important events were still left out. We have decided to publish the introductory book on *Shrawan 16* (August 1) on the occasion of Prakash Memorial Day". She requested all to send information to INSEC central office about the women politicians related with the incidents taken place in Okhaldhunga, Chitwan, Khotang, Doti, Bajhang, Dhading, Lumbini etc. during the agitation against Panchayat system. She said, the present study of ours is only the starting of this task. She further said that the cause of delay in publication of that book was owing to the intention to add more objective information. Apologising for delay in the publication of that book, she assured that the women section will engage in editing the book to bring it out as per the plan determined.

Goma Devkota

Concluding the inauguration session, the president of the Conference Organising Committee and the Chairman of the Programme, Goma Devkota said, "The state has failed to recognise the contribution of our mothers and sisters in the struggle for democracy and failed to protect them. Whatever our political faith may be or whichever organisation we may be attached to or wherever we may be, the problems of Nepalese women are one and the same". She emphasised on joint initiative for the solution of these problems. She wished the conference to be able to prepare a guideline on the way to the emancipation of women and insisted all to endeavour from one's place for its application. She requested all the participants to accomplish the conference successfully and fruitfully.

***Paper presentation
and comments***



The second programme of the first day of the conference started at 1.15 p.m. Shanta Shrestha chaired this program. M.P. Sahana Pradhan presented a paper on, "Direction of Nepalese Women's Movement" (see Appendix 1) where Sashi Shrestha commented on her paper.

Commenting on Sahana Pradhan's paper, Sashi Shrestha said, "This paper is prepared with an inclination towards own organisation instead of viewing the common questions and problems of women untiedly." She said that women equality and women emancipation differ and it must be determined by knowing what the women's movement is for and what are its problems and directions. She continued that, although the historical events are mentioned in the paper, its sphere as well as course is not clear. She also discussed about "All Nepal Women's Association" organised under the leadership of Punya Prabha Devi Dhungana 1949. and "Nepal women Association" established in 1951. Discussing the differences in opinion among the women leader including Kamashya Devi and Shree Maya, she stated the activities of "The women association" under the leadership of Yogmaya Koirala in 1937. and the women's associations until 1950 as reformist one. Rejecting the view that women can be merely the leaders of women, she illustrated with examples that women can lead and are capable of fighting actively in any nationalist, democratic or any political movement.

Speaking on the different turnings of the women's movements in different times, she said that the positive and negative achievements of those movement's ought to be evaluated. Leader Sashi Shrestha added that no political movement till date has been successful without the participation of women. She talked about the differences between reformists and revolutionaries there was a separation between women's associations and organisations, and about the important roles of women in the cultural revolution during the period between 1950 and 1960. She further said there occurred a laxity in the women emancipation movement after that. She also commented that nothing was mentioned about the All Nepal Women's Association, established in 1977 under the leadership of late Parijat at Gorakhpur. Women leader Shrestha insisted to accept the existence of historical truth and the events related to them. Discussing the women movement from 1977-1990 she said that during the period the movement was inclined more to the political activities than to the gender related questions. In 1980, All Nepal women's organisation was established and women assisted in the student's

movement agitation for the party freedom with the demand for the exemption of the lopsided treaties, she said. She stated about the mode of women's movement after 2046 B.S. and she also highlighted on the obstacles and weaknesses during this period. She also commented on the constitution, legal obstacles, discrimination, incessant struggle of women, the decision of the supreme court to grant right to the women on paternal property and on women's security pressure group.

Mentioning the national and international condition of women's movement she stated that women's emancipation means the transformation of the society, and that unless we achieve success in this aspect, we will always remain backward. To change the society, merely amendments in constitution and laws are not enough, but there should be change in mentality. She further remarked that the women involved in political movement should be illustrated first as the participants of the movement for equality.

Dr. Meena Acharya presented a paper on "Political parties and women"(Appendix 2). In her paper she discussed the participation of women in the political parties in Nepal and their problem.

Commenting on Dr. Acharya's paper Durga Ghimire said that the paper has portrayed the form of women's movement. She said that to insist women's participation in politics, political parties should have positive outlook towards women. "There have been movements in different times in Nepal and they have been successful too. However, there is no democracy for women themselves", she said adding that for women's emancipation social revolution is needed. In democratic constitution too, women are confined within the limitation of 5 percent so political parties should also inspire women, she opined.

Referring to Sahana Pradhan's paper she said that the data of women's participation in politics is frustrating, women should be given opportunity from the grassroots level.

Owing to the the tendency of violence and slander in politics women participation is very less, she said. According to her, the competition in terms of money, Mafia, muscle and manifestation have also influenced the politics. In Southern Asia, only the women's of higher family background are leading in politics, therefore, in order to end dirty game in politics and purify it, social workers should enter into the politics, she said. Expressing sorrow over not presenting even a single bill in favour of women even after 5 years of democracy in Nepal she added that education, conscience and independence of women, and their participation is

necessary to stop unhealthy tendency in politics. According to her, women's participation in politics will automatically control unfair competition, violence and other distortions in politics. Remarking on the philosophy of patriarchal societies and the influence of traditional rites and rituals, she demanded strict law against women's trading.

The problems of all Nepalese women are same despite their differences in categories and political ideologies and thoughts, she said. Some are taking undue advantage because women are not united, she opined and called all women to be united despite their weakness and differences. She observed that Sahana Pradhan's paper has included the direction of movement and women's participation in politics.

Advocate Sandhya Bhatta

Advocate Geeta Sangraula presented a paper on Human Rights and Constitution of Nepal. In her paper she discussed different arrangements and discriminations made in the constitution of Nepal in different times (See Appendix No 3).

Advocate Sandhya Bhatta commented on advocate Sangraula's paper. She said that a paper should be commented critically. She said, "this paper includes all arrangements made in the constitution of Nepal." She added as there is a provision for making laws for women and children, if the government desires, equal laws can be made against discriminations. Opposing the discrimination against marriage, she said that the word 'prostitute' debases the women's status. She also commented on *Jari* (money payable to the first husband by the present husband) and sodomy. She emphasised that the discrimination against the air hostesses should come to an end.

THE SECOND DAY

On the second day of the conference, the participants suggested and commented on the paper presented the previous day. The participants were divided into 3 groups to discuss on the papers. The second day's program was chaired by Mrs. Maya Neupane. Sushil Pyakurel, Devika Timilsina and Krishna Upadhyaya moderated the group discussion. Suggestions were collected from 6 groups, each group further dividing into two sub groups in order to systematise the quantitative representation.

In order to make it easier for the participants to put forward their views, motions for discussion were set as below.

Group 1 Women's participation in politics

- Women's presence in party committee
- Women in the policy making
- women's role in decision making

Group 1 (b) Suggestion on the promotion of women's participation in politics.

- Suggestions on what changes are to be made in constitution and party ordinance
- What types of programs launched to promote women's participation in politics?
- What types of social awareness campaigns should be conducted to promote women's participation and among whom?

Group 2 The direction of women's movement :

1. Weaknesses.
2. Relevance or irrelevance of merging women's movement with political movement? How to transform women's problems into political issues?
3. How to involve women divided into different groups in the unified movement on common issues

Group 3 The constitution of Nepal and women's rights :

1. What are the arrangements there?
2. Are the present arrangements utilised?
3. What are the constitutional obstacles?
4. What are the laws still necessary to frame?
5. What efforts should women make to get these laws made?
6. What administrative provisions should be there?

The above mentioned groups, were led by Indra Maya Sharma, and Sanjita Rawal, Laxmi Singh and Sita Poudel, and Luxmi Karki and Uma Bastola respectively. In order to make suggestions and comments of the group discussion, Sita Khadka, Mukta Shrestha, Bindiya Pradhan, Sulochana Manandhar, Yamuna Bhattarai, Neelam Poudel, Sujita Shakya, Yashodha Adhikari and Kalpana Rijal were appointed.

The conclusions of the group discussion were presented by the group leaders in the afternoon program. This program was also chaired by Maya Neupane. In the discussion it was emphasised that women should be given more opportunities and inspiration, the 5 % reservation for the women in the constitution should be made 50 % as they are discriminated. In the policy and decision making level,

especially on the issues and arrangements for women, the presence of women should be compulsory and in majority.

The participants raised voiced that as the constitution of Nepal has guaranteed equality between men and women, and as it has eliminated sexual discrimination, the political parties, associations and organisations and also the other sectors related to women should initiate collectively to end the discriminatory laws and legislation. In the discussion it was also stressed that the law against discrimination regarding violence on women at home and against the incidents of crime should be made in equal terms. They also stressed on the equal rights of sons and daughters on paternal property.

It was also discussed that in the history of Nepal, women's movement has been controlled by religious, cultural and the male dominated society. The women themselves because of the indoctrination of traditional beliefs and practices have worked according to the interest of the men even in the question of their emancipation. Apart from the group discussion, all the participants raised their voice to fight unitedly for the common interest of women irrespective of the insistence of political parties.

Women's participation in political parties

Group leader : Indra Maya Sharma

Reporter : Neelam Poudel

On the above mentioned subject, the members of group 1 (a) participated by the following members drew out the following conclusions.

- | | |
|------------------------|-------------------------|
| 1. Pratibha Gautam | 2. Maya Giri |
| 3. Parbati B.K. | 4. Sita Bidari |
| 5. Rama G.C. | 6. Ganga Subedi |
| 7. Sakuntala Bastola | 8. Shobha Khatriwada |
| 9. Saraswati Chaudhary | 10. Devki Poudel |
| 11. Jayanti Rai | 12. Tulsa Aryal |
| 13. Luxmi Devi Sharma | 14. Puspawati Bhattarai |
| 15. Bimala K.C. | 16. Devkala Rai |

Women's presence in party committees

Women's presence in each party is negligible.

Women's participation in policy making.

Women's participation is very low in policy making level. In each and every party, there is a tendency of using women during the time of need and neglecting them later. Women have been helping in the application of male made laws. Women should be given participation in policy making and women themselves should be worthy for that, they should try for that.

Women's role in settling policies related to women

Instead of hurrying to reach the upper level, women from the grassroots should make other women conscious. They should put pressure on political parties to adopt policies that favour women. Women should work together with men only on the negotiable issues. In making policies and rules, there should be women's participation.

Suggestions on promoting women's participation :

- 5 % reservation in the constitution should be retained at present, but after a certain time the reservation should be removed and the participation should be in the equal terms. This task be the obligation of the party.
- 25 % compulsory women's participation should be there in every committee from the lower level to the upper level.
- During the party related work if women party workers are wrongly commented or slandeed, the discipline committee should take severe action against that person if he is the member of the same party.
- political parties should initiate to create the appropriate environment to inspire women to take part in politics.
- The humiliating words like 'whore' which go against women should be removed from the law.

What programs should be followed to promote women's participation and involvement in politics :

- The main causes that stop women from taking part in politics are social, financial and educational. The programs that emphasise women's education should be taken to each and every village.
- Due to diverse social reasons women can not involve themselves in politics independently. Apart from the programs related with common people, the programs promoting women's consciousness should be given priority.
- Since women are dependent financially, they are unable to make decisions on

their own. Due to financial dependence, not only in politics but also in all spheres, their participation is negligible. So, every political party should give stress on equal right on property and they should also include in their policies and programs as to *what sorts of social awareness campaigns should be launched to promote women's participation and among whom should this programs be organised?*

- In many respects women are the cause of discrimination against women so the programs inspiring the elimination of discrimination between sons and daughters should be organised among women.
- Within the awareness raising programs, legal education program, health and sanitation programs should be applied among common people.
- Women participants should start social awareness campaign at their homes as examples.

Group 1 (b) The number of women participants in politics

Group leader : Sanjeeta Rawal

Assistant : Shanta Shrestha

Reports : Yamuna Bhattarai

- | | |
|-----------------------------|---------------------------|
| 1. Luxmi Aryal | 2. Belkot Shahi, Charikot |
| 2. Lok Kumari Basyal | 4. Mrs. Preeti Chand |
| 5. Krishna Maya Adhikari | 6. Krishna Ghimire |
| 7. Buddha Kumari Rana Magar | 8. Krishna Subedi |
| 9. Sita Adhikari | 10. Sharda Sapkota |
| 11. Indira Chapagain | 12. Raj Kumari Shrestha |
| 13. Ambu Karki | 14. Dharor Byanjankar |
| 15. Menuka Lamsal | 16. Sharda Niraula |
| 17. Bhagirathi Thakur | 18. Kamala Adhikari |
| 19. Jamuna Subedi | 20. Jaya Ghimire |
| 21. Padma Aryal | 22. Tulasha Dahal |
| 23. Sabita Adhikari | 24. Nain Kala Ojha |
| 25. Bisheswara Dahal | 26. Kamala Rai |

After observing the paper presented in the conference and comments on them, discrimination against middle class women was observed. The ways to eliminate such discriminations have not been mentioned clearly in any working paper. In the paper and in the comments on them too, the lack of direct solution-oriented suggestion is realised in the paper as well as in the comments too. So after an extensive discussion this group has presented the following problems and suggestions :

Problems relating to women participation in Politics

Economic Problem

The women, living totally on male's earning, can not involve themselves in politics

- Omittance of women's compulsory involvement in party constitution.

Illiteracy

Majority of illiterate women, unknown of their importance and the role of political parties, caused minimal involvement of them.

- Ignoring them to award responsible post and minimising chances in party hierarchy
- enquiring political background of women interested in political involvement
- inclusion of educated women in the party, ignoring those who contributed in the activities launched against Panchayat system.
- the women leader being thought responsive only toward women and assigning them responsibility accordingly. The practice of accepting their candidature only in weak constituency or in the constituency where suitable males are not found.
- women organisations accepting themselves only under party umbrella. Inefficiency of the party to bring forth consciousness and achievement oriented programs.

Suggestions to extend participation

- Economic problems should be solved. Income generating programs must be launched for women. They must be given priority to involve in income generating activities. Market must be invented for their production.
- The seats of females in party hierarchy must be mentioned in party constitution which must be accompanied by 25% share.
- Adult education for women must be extended.
- Women leaders in upper level of the party should voice within party to extend women participation.
- They must be assigned responsibility as the leader of the people rather than the leader of women.
- They must be encouraged to organise in the party.
- They must be elevated by giving due responsibility.
- The party concerned should be quite aware as to why they must be involved

in the party.

- The political parties should play considerable role to frame laws concerning equal rights of women on paternal property.
- Initiation must be taken to make **Social Behaviour Improvement Act (?)** active.
- Finding out women who assisted in achieving democracy since Panchayat regime, their problems should be considered and should be made active giving them responsibility.
- Women organisations should be established as common forum to struggle for women rights.

Suggestions for the promotion of participation

- Improvement in constitution and party ordinance.
- The reservation of seats for women should go upto 30% extending from 5%.
- The provision of inequality must be omitted from the constitution. Unequal treatment for achieving citizenship must be exempted.
- All the provisions for equality must be included in the constitution along with the status of equality.
- The reservation must be granted by the constitution in local bodies in the election.
- The party ordinance should invent the policies to encourage them to involve in the social activities too.
- The party ordinance should have volition to protect women rights.

Social Awareness Campaign

- Use of alcohol must be controlled, the problems could not be solved by simply imposing restriction on imported alcohol. The import as well as production of alcoholic products should be restricted ignoring mere revenue.
- Women should not lag behind to protest their party, if necessary. The women organisations, working jointly, should put pressus on the parties for their welfare and benefit.
- Practical solution should be invented to solve their problems nationally with massive discussion and talk. Extensive thinking and preparation thereof is necessary to make property right equal and practical.

Suggestions

The general programs, influencing daily life of women could have been fruitful, if they could have been launched in villages for their awareness. Our main

problem is basically the problem of lower class women and the women in the poverty line. The suggestions forwarded by this group to ease them are as following:

- Finding out number of women under poverty line.
- To make them aware and conscious for their rights.
- To organise them in small groups to achieve their rights felt and known by them.
- To cooperate them to get information regarding various kinds of aid.
- To frame plans regarding constructive and income oriented programs felt by them, execute them and help them to know about the institutions supporting them. No one should impose them to accept any 'income oriented' and 'constructive programs' unwanted by them.
- There must be constitutional provision to invite them in policy making and decision making bodies.

GROUP 2

Direction of Women Movement

Weaknesses (Points not included in work paper)

Team Leaders: Sita Poudel
Laxmi Singh
Reporters Sujita Shakya
Sita Khadka

Participants

- | | |
|----------------------|-----------------------|
| 1. Chhali Kunwar | 2. Indu Gautam |
| 3. Bimala Neupane | 4. Naryani Dhungana |
| 5. Bishnu Ojha | 6. Gaura Prasain |
| 7. Dan Kumari Pandey | 8. Yashoda Wagle |
| 9. Sunita Kafley | 10. Chandrakala Dahal |
| 11. Shanti Khanal | 12. Padma Pyakurel |
| 13. Madhuri Dixit | 14. Lata Pyakurel |
| 15. Kabita Poudyal | 16. Dilshobha Puna |
| 17. Malati Subbba | 18. Ambika Shrestha |
| 19. Palak Maya Thami | 20. Goma Timilsina |
| 21. Juneli Shrestha | 22. Harka Maya Thing |
| 23. Bindu Gyanwali | 24. Shanta Neupane |

- | | |
|-----------------------|---------------------|
| 25. Uma Devkota | 26. Basanti Ghimire |
| 27. Ratna Bhattachan | 28. Ranjana Bajgain |
| 29. Chapala Mishra | 30. Sangeeta Thakur |
| 31. Gayanu Poudel | 32. Sumitra G.C. |
| 33. Jahra Devi Mahato | 34. Renuka Bajgain |
| 35. Sita Poudyal | 36. Radha Gyawali |
| 37. Maiya Bhattarai | 38. Kamala Sharma |
| 39. Sabita Bhattarai | 40. Smriti Kharel |

Weaknesses

- Obscurity of the political parties and even the women organisations regarding the executive aspects of the feminist movement.
- Obscurity in the issue related to the nature of the women's emancipation movement.
- Lack of balance and understanding between women's organisation and sister concerns.
- Lack of balance between party work and the work of women's organisation.
- Underestimation of women's role in the movement due to feudalism and capitalist thought.
- The division of women's organisations in different groups.
- The lack of continuity in the leadership.
- The centralisation of different established organisations in towns.
- Aversion from the economic rights.
- Lack of education.
- Lack of opportunity to be well informed about the activities of the feminist movement in the international level.
- The division of the mode of women's movement in different dimensions.
- Inability to develop the working pattern according to the changing situation.

Whether the unification of women's movement and the political movement is relevant or not? How to change women's problems into national political issues?

- While discussing about the relevance or irrelevance of making the women's movement political, there has been unanimous view that unifying women's movement with political movement is not only relevant but also indispensable.
- First of all the political slogans should be determined including women's problems.
- Inclusion of women's problems in the political, economic and social programs of the parties after organising them in political parties.

- There should be planned program in the development of the capability in relation to women's participation upto policy making level.
- Concrete plans should be made to implement the above mentioned points.
- The responsive elements of the women's movement should be determined and friends and foes should be recognised.
- The tendency of confining women's movement only to reformist movement should be discouraged. The leadership, the workers and people must know that women's movement is an inseparable part of social and national liberation movement.

How to involve women divided into different groups in the unified movement (on common minimum issues)?

- Despite differences in beliefs among reformist, social and political movements, women can be united in common issues. For instance, they can move forward, in the form of women pressure group
- To place pressure on their respective political parties to include the recognised common issues in the programs.

The shortcomings and comments in the papers

- Not making the background of women's movement distinct.
- Women's movement should be defined .
- The supporters of women's movement should find out the period of time from which women have become powerless in the course of development.
- In which period of time the issue of recognising women as human beings was made public.
- What sorts of views and opinions have evolved in the world.

Following suggestions were put forward to included in the sphere of women's movement:

- About women liberation movement.
- The root of women's movement has not been mentioned and no lucidity regarding social, economic, philosophical and cultural problems.
- No minute analyses and organisation of thought.
- No clear vision regarding women liberation movement.
- Revolutionary wave started since 1951.
- No mention about the movement from 1960-1979
- Underground or semi-underground movement not discussed.
- An unit was established in 1968 by the name of revolutionary women organisation. Their underground activities is not mentioned.

- A period of 4 years imprisonment of women who involved especially in Jhapa movement was ignored.
- ANWA was reorganised in 1979 in Gorakhpur (India) with the initiation of Parijat.
- ANWA - February 28, 1981.
- National Women's Conference was organised in May 1980 in Hetauda.
- A seven member National Convention Organising Committee comprising of Shanta Manabi, Jaya Ghimire, Sanjita Rawal organised a national conference in Puranchaur, Kaski in 1980
- A number of 45 women in Butwal and 27 in Seti Zone took part actively during movement in 1990
- Left front presided by Sahana Pradhan during National Movement in 1990 has been ignored in the discussion.
- The propaganda for women movement is limited. Self criticism is necessary for the shortcomings in executive aspect despite the presence of programmes and work plans.

Goma Timilsina

Necessary to mention their role and other related matters throughout the districts during people's movement. Women's history should be dug out and researched.

Kabita Poudyal

- Lack of co-ordination between new and old generation regarding problems and shortcoming. Evaluation must be made without a bias.
- Pay reverence to old and dependants.
- Create an environment to produce capable persons by organising them.
- This work-paper has created a situation to feel the necessity of record of the history of Nepali women's movement.

Gaura Prasain

Elucidate the role and responsibility of Nepali women contributing through foreign land

Chhali Kunwar

- Necessary to elucidate the positive influence of international women movement.
- Necessary to mention social and political movement and its achievement serially.

- To trace out enemies. The contribution of the women of Patan should be highly appreciated especially because of their role to have qualitative move to make the movement successful.
- Controversial matters
- The condition of women in socialist and capitalist countries.
- The condition of ruling women in capitalist as well as in socialist regimes.
- No clarity regarding conceiving rights.
- In the light of the Fourth World Conference on Women, women's role must be defined on the basis of Nepalese need and experience and to decide tactics and strategy accordingly.
- The movement launched in 1947 about civil rights must be mentioned in detail.
- Women education.
- Break obstacles.
- Breach the laws made against women rights.
- To promote the role of women pressure group.

Sabita Bhattarai

Unanimity in the relevant aspects. Whether unifying women's movement with political movement relevant or irrelevant? How to change women's problem into national political issue?

Ratna Bhattachan

- Division of women's movement due to political movement.
- On the movement for women's liberation, women's participation in politics and their access to policy making level is indispensable.
- The view point of the women's movement should be clear. The experience of suppression at the period of women primiership in 5 South Asian countries be gathered.

Bishnu Ojha, Menaka Pokhrel

- Women, affiliated with parties of their faith, should reach the policy making level from their own place and the thought of women's organisation should be to impose pressure to centralise on women's problems.
- Women's programs should be compulsorily included in political programs.
- Initially our own organisation should be made skilled.
- There should be interaction on common issues and the points of agreement should be put in policies and working plan with concrete thoughts and programs.

- The main slogan of women should be taken as the main slogan of the political parties.
- The difference between men and women should be known and the women should maintain their value of their involvement in the national freedom movement of women.
- Women should assemble in the national movement organising them in social liberation movement.

UNIT NO.3—GROUP A

Group Leader : Uma Bastola

The unanimous decisions made through the discussion of 26 women are as follows. Padma Bhattarai had presented the report on behalf of this group

What are the systems?

Primarily 3

1. System of equality [13 fundamental rights as individual rights on religion]
2. Unequal system [a provision to obtain citizenship on the basis of father's name only]
3. Special system [a provision to make special law for the protection and development of women(example: Rights to citizenship to be kept within the clause of fundamental rights but not considered likely)]

Could the existing provisions be utilised?

Not at all.

Constitutional Constraints

The constitution itself has hindered in the case of citizenship. Thus all fundamental rights could not have been utilised.

What are the laws to be made?

Article 9 of the present constitution should be amended eliminating the sexual discrimination in relation to the provisions made for the citizenship.

The laws on the following headings must be framed to maintain sexual equality by exempting all unequal provisions in the civil code and other laws guaranteed by the constitution. For instance:

- A. Paternal property (relating to the rights in shares of married and widow).
- B. Of *Aputali* (windfall gain)
- C. Dealings
- D. Tenancy rights of daughters and also of widow daughter-in-law should be recognised.

Marriages

1. Equality in the age of marriage.
2. Sexual equality in the clause 9 which interprets marriage.
3. Sexual inequality between foster son or daughter should be dismissed from "fostered son", clause no.2.
4. The possession of sexual character should be equally accepted by both the sexes.
5. Unequal system in the clause of Jari should be dismissed.
6. An equal law for recruitment must be adopted (example: the army)
7. For the attainment of the rights of women against exploitation, Amendment must be made on the existing issues of punishment to those involved in women trafficking: For instance:
 - both parties involved in flesh trade must be equally punished.
 - The word "Prostitute" should be erased from the law.
 - Prostitutes should be treated by any other law rather than the law of rape.
 - A special law must be framed for the legal protection of the backward classes like bonded labour, farm worker and Tharu.
 - Education upto secondary level should be guaranteed.

What will be the efforts of women to frame laws in favour of above mentioned points?

1. All working with their own beliefs should be united for their benefit and right.
2. A pressure must be imposed on the government to enforce all the provisions passed through international treaty and agreement.
3. Public awareness should be extended down in all level (villages, hills, towns etc.)
4. Sexually unequal mentality among the law makers should be changed.
5. Capable men and women must be equally included in the making of laws.
6. Production of maximum number of skilled manpower.
7. Despite the existence of law and constitution, everybody is not aware of them. They must be enlightened on.
8. Even though women have won sometimes the case of property rights by law, they have not been getting to use practically. So the execution aspect must be strengthened.

9. While forming new law there must be concrete provision to control drugs and gambling.
10. The media must prevent the activities of unnecessarily exposing women in a vulgar way.
11. The Law Reform Commission should be efficient, strong and appropriate.
12. Women representation must be recognised equally in policy making and related institutions.

What administrative provision is necessary?

1. Improvement and control must be made in the concerned bodies against red tapism and negligence on women's problems arising despite constitutional and legal recognition of their rights.
2. The whole administration is responsible for the tardiness in the execution of rights recognised by the constitution and law.

UNIT 3—GROUP B

Group Leader

Shanta Manavi

25 participants took part in the discussion.

Discussing on *whether the arrangements made in the constitution are utilised or not* the group concluded the following.

The arrangements made in constitution has not been utilised because of social discrimination. Other comments the group has made are:- inequality in paternal property, no decision making right in production and the use of fixed and mobile properties; discrimination in the cultural level; only 5% reservation in the candidature for house of representatives; discrimination in tenancy right and the right to inheritance of property.

What are the arrangements in constitution and laws?

- Unequal laws regarding property rights must be exempted. **(the law of windfall gain tenancy rights and fostered son must include women also)**
- The report must include the clause of dealings; and the rights of women be clarified.
- Obortion be legal accepted on special circumstances and provision of severe punishment must be made for those who make the women pregnant.
- Rights to divorce and equal rights on property.

- Law for re-marriage.
- Provision must be made to provide citizenship by the approval of both the father and mother. Similarly law must be made to provide citizenship easily to the orphans.
- Severe punishment should be imposed by law for those involving in polygamy, child marriage and rape.
- The provision to collect proofs of rape within 24 hours must be abolished.
- The word "Prostitute" used in the dictionary of law must be erased.
- The state should make appropriate law in favour of the women who, with considerable reason, happen to become mother before marriage.
- Law must be made for compulsory family planning after two delivery.
- Provision of law to get recruitment in army by women.
- The marriage certificate has to be given on the basis of public opinion in case the certificate is unwanted by the husband or in case no citizenship certificate has been received.
- Either of the father or mother; or husband or wife must be considered the guardian.
- Women should also get compationate leave on the death of father in law and mother in law or on the death of father and mother. Similarly provision must be made to grant delivery leave to the males.
- The provision of unequal treatment in bureaucracy must be omitted.
- Law must be made to prevent the use of women in vulgar advertisement.
- Strict law must be made against gambling and using alcohol.

Women's efforts to make these laws

- Compulsory women representation in policy making level.
- The women leaders should reveal themselves as example.
- Legal pressure groups upto local level should be organised. Similarly legal literacy campaign must be launched.
- Legal education must be included in the curriculum of school.
- Education must be made compulsory by law. Severe punishment must be imposed on the parents for ignoring daughter for education.
- A concrete program should be launched against using alcohol.

What administrative provisions must be there?

Provision of in-camera hearing for women; and an independent Women Commission in the government level.

Reaction of the participants



The participants from various sectors expressed their suggestions and reactions on the importance of the conference as well as on women movement. They stressed to make such conference effective by encouraging maximum participation of all political groups and the representatives from government. They also urged to initiate the suggestions for implementation.

Radha Gyawali

In the context of suggestions and reactions, women leader Radha Gyawali, raising question as to whether women liberation movement should be considered only a part of women or a part of national movement, urged to link it up with people's movement. Stating the absence of law despite constitutional guarantee for equality, she urged to raise voice to end inequality similar to the voice raised for inequality in property rights.

Stressing on powerful women movement, she said that the leader of the movement should have self judgement about one's weaknesses and shortcomings. She also urged the educated and conscious women to launch awareness program among women.

In the publication of INSEC, with reference specifically to "Matritwa" written by Bishnu Prabhat, which has been distributed to the participants, some important historical facts of women movement are missing.

Padma Aryal, Syangja

Padma Aryal putting her suggestions said that polygamy and mismatched marriage should be prohibited legally and the legal provision of divorce should be simplified. She emphasised that rapists and the persons involved in it should be inflicted severe legal punishment and that even women should get the tenancy right.

Although there is a legal provision of adopting foster sons and daughters, the adoption of foster son must be ended if there is a daughter in the family; and the law should recognise daughters equivalent to sons. She added that the tendency of adopting sons when the daughter is existing disturbs the psychology of a daughter and she feels herself as a second grade citizen, so the related legal provisions should be amended.

Discussing the absence of the recognition of abortion in the nation's present law, she emphasised on the clarification of definition of the term "Upakarna" (means) mentioned in the law. The women who conceive owing to rape or other unfavourable situations should have the legal provision of abortion by will, she said. She demanded women's court for legal problems of women and the provision of women's service in administration and law.

Women should have the right to testify in the public petition because women never tell lies. This provision is not kept in the law as a result of which women have to lose cases. The discriminating laws should be automatically dissolved.

Thali Kunwar

The state has not recognised the women active in the political movement as the male political workers, Thali Kunwar said. She said that women's associations should put pressure on the state for the equal recognition.

Padma Bhattarai

Women are occupying important posts in major countries of South Asia. She wanted to know what the governments of these countries doing when even in these countries the violence and suppression on women is very high. She asked whether the cause is that women are against women. She urged that women should be unified to oppose anti women activities.

Maya Giri, Nawalparasi

Stating nothing can be done if women fear or feel embarrassment, Maya Giri said that women are setting back because of fear and embarrassment. Expressing the necessity of designing the tactics against violence on women and flesh trade, she said that women have a longer experience of human history than men. So, she added, women have important place in society.

Tara Dhakal

As the beginning our society was matriarchal, the women of diverse political beliefs should be unified on the issue of women's power movement, Tara Dhakal said. She also said that there is not much change in the condition of women because of women's inability to move forward unifiedly giving up all the differences.

Mukta Shrestha

From among the participants, Mukta Shrestha raised question on the paper presented by Dr. Mina Acharya. She said that the paper is deviated from the motion and the important issues are not included. She asked whether women's participation in politics can be increased if we have sexual freedom. In Dr. Acharya's paper it is mentioned that because of strict sexual discipline, women's participation in politics is low. Her suggestions were to give emphasis to involve women in technical profession, to impose prevention in exposing women as a consumable stuff in the vulgar advertisement and to create unanimity of women in their common problems. She interrogated as to how the demand be considered to have acceptance by law to be spinster mother and as to whether it is justified or not.

Sonam Chhejam Lama, Mugu

As a participant from Mugu district, she exposed very pitiable condition of Nepali women. Representing remotest mountainous region of Nepal, Ms Lama stated that the Nepali women are left behind due to the lack of education and awareness and due to the problems of poverty and superstition. She said that despite the abolition of Rana anarchism, the family anarchism is still not abolished. She again said that the tendencies to prevent women from participating in social and educational activities and disgracing of them are still in existence. She mocked at the government as well as at the political parties for their passivity to provide indispensable rights such as democracy, human rights and women rights. Discussing on the main problems related to women like polygamy, child marriage and mismatched marriage she added that the laws are imposed only on common people. She further added that the law itself is bullying women more than men due to the lack of its effectiveness.

Protest against illegal activities

Various activities launched in the name of women were also discussed with due attention among the women participating in the conference. Tara Gaon Development Committee was among the various organisations being mainly considered by the women to discuss on.

In the leadership of Shanta Shrestha they staged protest signing on a joint protest letter in relation to Tara Gaon Development Committee. Here follows the protest letter : Possessing 347.5 ropanics of land in Mahankal, Boudha, the then Panchayat system had transferred it to Nepal women organisation, Kathmandu

district to conduct long-term multi purpose program to improve economic condition of women. The sole agency of National Trading Limited, obtained by it for gathering financial aid to accomplish its purpose, is still continuing. Possessing land in 1990, Mrs Angur Baba Joshi, Chairman of the then Nepal women organisation, was herself appointed as the Chief of Tara Gaon Development Committee established in 1971/72. Being Chief of that organisation since then, she has captured the land and property of that committee. It is to be noted that she is chief in that organisation continuously for 24 years.

The land was transferred to the committee with total area of 347 ropanies and 9 anas through Book 3 Section 19 number 17 of the Royal publication in August 4, 1963. No notice has been issued since then to let public know about the position of the area of land. Our attention has been drawn on the ever unpublished balance sheet of the transaction of all the movable and unmovable properties of Tara Gaon including hotels and Rama Griha running under it. We place our demand on the concerned body to utilise the huge property for the welfare of women as it has been misutilised till date.

The aim for possessing the land has not been materialised. Who has entrusted a particular person the right to use the property, especially to the chairman of a particular village development committee. We feel it illegal in itself, thus demand to stop the function of it which is against Royal Publication, existing laws and rules.

The third and the last programme of the National Women's Conference was held in 2 sessions on April 12, 1996. The first session began at 8:30 am under the Chairmanship of Laxmi Singh in which future plan of action was discussed and opinions were expressed by the participants. Inrdra Maya Sharma of Kapilvastu opined that even after the period of 6 years of the restoration of democracy no attempt was made from any quarter to set up a common forum for women. "But Insec has broken the ice now. This has inspired all of us to be united for our liberation," she said adding, "In our country women, who make up more than 50% of the total population, are oppressed and neglected in all quarters. Political parties are to be knocked alert to increase the involvement of women."

Gangi Tharuni of Bardiya said she came to the conference in view that her grievances would be heard of and justice could be made. Ratna Kumari Shaha of Lamjung shed light on the fact that even the rights as enshrined in the constitution have not been attained. She urged that the words of equality be translated into action. Til Maya Bhattarai, the mother of martyr Tarapati, centered her opinion around the situation how and when her son received martyrdom. Sonam

Chhejung Lama from Mugu highlighted on the necessity to make village women aware. She demanded that the conference of its kind be launched even at the remote places like Karnali. Ganga Devi Subedi, the mother of Pravakar Subedi, who has been disappeared since 1991 (?) expressed that her son was disappeared by the then government for committing no wrong. Similar sharing was of Samjhana Dahal's mother Indira Dahal. Samjhana Dahal was shot dead in a demonstration in reference to the Tanakpur issue on 25 February 1993. Uma Banskota from Sunsari shed light that women should be united for ever for their rights despite the difference in conscience and political affiliation. Sita Poudel from Chitwan demanded a common mechanism for women through which to raise their voices of common concern, let them function and attain freedom. Similarly, Radha Gyawali representing the conference from Dhanusha demanded that traditional laws obstructing women in the enjoyment of equal rights be repealed and replaced by supportive laws. Tulasa Dahal of Sarlahi said the achievement of the conference be communicated down to the grassroots women. Shushila Shaha from Achham portrayed the picture of women in Achham Community singing a song in the Achhame dialect of the Nepali language. She called upon all women to remain united to eradicate the existing illiteracy, poverty and discrimination against women. Sangita Thakur expressed her happiness in that a pathetic woman like hers was enabled to participate in the forum.

Pasang Lhamu Pledge

The three day conference adopted a "Pasang Lhamu Pledge" in honour and commemoration of Late Pasang Lhamu Sherpa, the first Nepalese lady to climb Mt Everest. She died in the Himalayas on her way back after stepping the highest summit in the world. Analyzing the gender discrepancies in the Nepalese constitution and laws on the questions of social justice and equal rights, the pledge focuses on the struggle of women as inseparable from social struggle.

A Draft Committee with Goma Devkota, Indra Maya Sharma, Maya Giri, Laxmi Singh, and Sangeeta Rawal as members was formed in order to prepare the draft Pledge. In the Declaration Assembly, the senior women leader Shadhana Adhikari, as the Chief Guest, announced the Pledge and the formation of the Task Force. Indra Maya Sharma, Goma Devkota, Sangeeta Rawal, Sita Adhikari, Sushila Shrestha, Padma Aryal, Shanta Manabi, Belkosha Shahi, Bal Kumari Thapa and INSEC Chairman Sushil Pyakurel shed light on the presence and importance of the assembly. (Please refer to Appendix 5 for the full text of the Pledge.)

Participants discussed on various points with respect to the Pledge. Putting her points, Indra Maya Sharma said that the pledge should call for an independent mechanism to enable women to obtain citizenship. Maya Giri suggested that the Pledge demand a compatible provision for divorce and equal property rights. Shanta Shrestha opined that the confiscated property allocated for the welfare of women at Tara Gaon Development Committee be used for the same purpose, and the corrupt persons be brought to justice. Radha Gyawali suggested that the pledge provide demands of pension for the widow of the martyrs and a 15% reservation for women in the local elections and in the elections of the National Assembly. She added that an introductory profile of women involving in democracy and national movement be compiled and published, and also urged all to honour the martyrs and politically victimized women. Mukta Sharma suggested to add a point demanding the involvement of women from local level to decision making bodies. She further opined that domestic obstacles be kept loose for women to increase their involvement in politics. Yasoda Adhikari expressed the views that the struggle for the liberation of women advanced along with the struggle for social liberation, a broader cause. She also hold women to be responsible to make the pledge come into function. Kalpana Chapagain from Parbat commented that the pledge was silent on how the women trafficked to alien brothels could be returned with due respect. She demanded that the pledge should raise that women employees in government offices be entitled to the compassionate leave. Belkoshi Shahi from Kalikot opined that Jary System, still practicing in rural districts be terminated. After the discussion, the final version of Pasang Lhamu Pledge was proposed for ratification by INSEC Chairman Sushil Pyakurel and was adopted with a clamour of clapping.

Various six points on the Pledge speak of the importance of it. Our Working Direction, Our Work Plan, and Our Concern highlight in detail a variety of questions that closely relate to the concern of women. The pledge has also envisaged the importance of a task force to put the issues identified into function. Accordingly, a 12 member task force has been set up under the coordination of Mrs. Goma Devkota. Members include INSEC Chairman Sushil Pyakurel, Indra Maya Sharma- Kapilvastu, Bishweshwara Dahal- Jhapa, Maya Gyawali- Kathmandu, Laxmi Singh- Rautahat, Uma Bastola- Sunsari, Maya Giri- Nawalparasi, Laxmi Karki- Kaski and Santosh Pyakurel, Kamala Parajuli, Kabita Aryal and Prekshya Ojha from INSEC Women's Section. Advisers to the task force are Laxmi Shrestha, Indira Dahal, Dwarika Devi Thakurani, Asta Laxmi Shakya and Sangeeta Rawal.

The last part of the assembly was the Concluding Ceremony. It began at 2 pm in the second session with the senior women leader Sadhana Adhikari as the Chief

Guest and women leader Indra Maya Sharma as the president. Women Workers' representative Sita Adhikari discussed the grievances women workers are suffering. All Nepal National Free Students' Union (ANNFSU) leader Sirjana Kafle said that women movement in Nepal is disturbed to advance unitedly and steadily. Now women should interfere in the functioning for which ANNFSU is ready to play a due role. Purna Kala Chitrakar speaking on behalf of social organizations offered any help required.

Padma Aryal speaking on behalf of Western Region opined that the government and political parties attempt to increase women involvement in politics. Nina Shahi from the Far Western Region expressed the sorrow that in her region women in menstruation period are not allowed to go to school. Similarly, she said, rape, forced marriage etc have degraded the dignity of women. Bal Kumari Thapa wished a successful functioning of the Task Force. She was speaking on behalf of the Mid Region. Women leader Shanta Shrestha expressed that those deformed in the mass movement be cooperated. Advisers to the Task Force Sangeeta Rawal said that Nepalese women are still deprived of civil life. Goma Devkota Chairman of the Task Force expected cooperation from all quarters and pledged that the Task Force is ready to take up any steps to make it function well. Indra Maya Shrestha then declared the session over.

Chief Guest of the Programme Mrs Sadhana Adhikari said that though women are fighting for their rights from 1947, they have not achieved until now because of their division. She remarked that women struggle is not against male. Expressing sorrow over the holding of separate programmes on 8 March, she said it is not compatible with the slogan, "Let's All Women Unite". She also remarked that treachery over women is on the rise recalling the large number of women who are forced to take on prostitution. She labeled NGOs as a 'begging bowl' but hailed INSEC as it has begun a commendable step to collect women in a platform. Another guest of the programme National Assembly Member Shanta Manabi said no women problem will be resolved until the nation recognizes their problems as National Problems and seek due solutions to them. Formation of the Ministry of Women alone does not put these problems to an end.

Appendices



Direction of Nepalese Women's Struggle

— Sahana Pradhan

Even though the world is at the thresh hold of the 21st century, no nation has treated men and women equally. Whatever they be, democratic, socialist, well off or powerful, women's dignity in the society is low. Women of Norway, Sweden, and Iceland have progressed well on social, economical and political aspects as compared to the women of the rest of the world, yet they regret that the social attitude towards women is still unsatisfactory. Let us talk about Sweden. On political participation - 33% Swedish women are in the Swedish Parliament. 81% women labour power occupies the labour market. Only 6.6% women are unemployed. A lot of laws have been framed to maintain equity between men and women. 38 % women are in the council of ministers. 8 women, of 13 ministries, have commanded Law, Justices and Finance Ministries. A law, providing each father to take a month leave to spend time for home affairs and with children, has been brought to practice beginning January 1995. Despite these all, Swedish women regretfully say, "We have had equity in legal rights, but are yet to entertain practical equity."

The picture of Chinese women as manifested in the Beijing Conference is as follows. In the National People's Congress, the highest political forum, only 21.03% women occupy the position. Similarly in the Standing Committee of the National People's Congress only 12.3% women occupy their position. Special act have been enacted for women welfare. Just four years back a Women Preservation Act was framed. However, the Chinese men have yet to come out of prejudices mentality. The Chinese women therefore assert, "We have a long way to march for equity." In Japan, the status of women is not so sound. Though financially strong, ideally, politically and in economic functions women's involvement is quite low. They are to shoulder the burden of culture and tradition as the conservative thinking still makes a say in the Japanese community. Women's place has been confined within the walls of the houses. It is only after the 2nd world War that Japanese women have come out in the labour market. Japan thus has embraced an imbalance development where women are not involved in the process. Japanese women are therefore voicing that development and equity are inseparable.

Let us turn to the USA which claims itself the richest and most powerful in the world. Women in parliament are less than 5% in almost all countries including the USA. Their participation in decision making is quite minimal. They are not

paid equal wage for equal work. They do not have proper legal protection. More than half of the poverty stricken Americans are dependent on the earning of women even though it is less than the earning of those who are below poverty line. Thus it is clear that even the women of the richest countries are oppressed and unequally treated.

In the countries mentioned above, the struggle of women began almost 2 centuries ago, however it picked up a pace only in the midst of the 20th century, that is, at the end of the 2nd World War.

The UNO established a Commission on Women in 1945 and directed all the member states to furnish it with the reports on the status of women in the respective countries. After a perenial effort of 3 decades, the first world conference on women was held in Mexico city of Latin America in 1975. Around 3000 women participated in the conference representing from various countries. It was the first event of its kind where women expressed their concerted solidarity chanting the slogans of equality, development and peace. The UN Decade on Women (1975-1985) brought up a significant stream of awareness on women both in the developed and developing countries which prepared them to take on their struggle. It was from 1975 that women's status on social economical, and political sectors was developed in the countries aforementioned. In 1979 the UNO adopted a Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). To translate it into action Strategy for the Advancement of Women (Mahila Uthan kalagi Agradarshi Rananity) was adopted. This fuelled the women over the world with an extra enthusiasm and energy. The second and the third women's conference completed in Copenhagen, Denmark and in Nairobi, Africa respectively in 1980 and 1985 contributed to keep the women in the world alert and aware. Similarly Vienna Summit on Human Rights in 1993 reaffirmed women's rights as human rights. Cairo Summit on Population similarly asserted that women's rights are a must in democracy. It also ratified the reproductive rights of women. These also levered the women's struggle over the world. Social Summit in Copenhagen also prioritized the issue of women. Today every conference in the world has prioritized the issue of women. Women Conference begun in 1975 is held every five years. But the third Women's Conference had to wait for 10 years to bring women together in Beijing in September 1995. The presence of 40,000 women discussed on the problems of women, prepared a declaration, identified the direction for their struggle in future and prioritized the problems of intense concern. This all has proved the maturity of the movement of women. The Beijing conference has identified as many as 12 points of concern to be focused to launch the future movement of women.

Struggle of the Nepalese Women

While the women in the west were fighting for the right to equal wage for equal work and the right to vote, the world of Nepalese women was complacent with their fate. The pages of history record that the western women had to court an arrest and bear prison sentences for their voice to equal treatment. They had to wage nearly a half a century struggle to achieve the supreme political rights, the right to vote. Though the destination was the same, the direction of women's struggle in the west and in the developing countries like us began from different angle. Western women prioritized on economical and political demands to advance their struggle where as in Nepal, given the semi-feudal and semi-colonial structure, women's struggle had to aim at the transformation of social structure and on the emancipation from social ills, such as child marriage, mismatched marriage, polygamy and illiteracy. Strategies of struggles take on forms specific to the need and situation of the country to attain equality, development and peace. In some places the struggle may thus begin from one angle and in others from the other. However, women's struggle is not indifferent, it is relative to and associated with other elements, namely, social, economic, and political. Women's problems therefore form an inseparable part from the nation's problems.

Sometimes, arguments are raised not to deal with women's issues as a separate matter claiming that policies and plans identified for the development of the nation as a whole address both the male and female. If taken this way, it will be injustice to the women who make up a half of the country's population and have been suffering from time immemoria. Women's struggle is firmly associated with the entire people's movement in each situation and in each country. In Nepal, women have courageously joined hands with their male counterpart to fight every historical battle: to do away the despotic Rana Regime, for example. For the sake of the nation, they had also fought against the imperialist element in the war of Nalapani.

Nepalese women's struggle has definitely drawn a shape today. But it is still in the state of liquidity. Despite their participation in every democratic struggle existed hitherto, it is yet to fully direct against injustice, inequality and exploitation.

Beginning of the Struggle of Nepalese Women

Significant differences have been observed now in the structure of the struggle of women from it was 5/6 decades ago. Until the period of Rana Regime, our

mothers and grand mothers had not felt that they were oppressed and exploited. They had accepted the then situation without any questioning by way of practicing religion, culture, feudal tradition and illiteracy. For them husband was considered to be the god, their lord supplier of food and guarantor of shelter. Religious teachers (Bashistha, Manu, Yagyabalkya, etc) had taught them to behave that way. In light of their teaching, a daughter is made to bear out a strict code of conduct right from her childhood. It is expected that a daughter be obedient, a wife servile to her husband and a mother merciful and affectionate. Due to financial dependency on others, they had to adopt and endure the tradition.

In 1897 Durga Devi Acharya Dixit wrote an article on Education for women and laid a foundation stone to make them aware though her focus was on traditional education. It was a valour deed to write such an article challenging the then *Muluki Ain* (National Code) 1853 which provided to marry a girl at the age of 5. In 1917 a committee of women was formed under the chairmanship of Yog Maya Koirala. Others in the committee were the wives of the then political leaders Dibya Koirala, Mohan Kumari Koirala, Purna Kumari and Deva Kumari Adhikari. It aimed to make women aware of their decreasing social status and seek ways to upgrade women. As majority of the Nepalese women were peasants, which is so until today, it aimed to bring changes in their pathetic livelihoods. The committee also appealed the then Rana Prime Minister Chandra Shamsheer's wife to provide leadership. It was quite a fabricated idea and was very ideal expectation to have freedom on the leadership of ruling elite out of the feudal Rana family. The committee as a result became subservient to the Rana rulers. However, the initiation of its kind under the crutch of anarchism was a praiseworthy act of our forerunners. It was the founding of the base of women's struggle today.

The later political activities taught the women a lesson that as long as the Rana Regime was alive, no improvement could be made on the desperate state of women. The then anti Rana groups such as Prachanda Gorkha, Raktapat Committee and Praja Parishad involved women into the main anti-Rana democratic struggle in view that without their participation success could not be achieved. In each such struggle women had contributed though the number was small. In 1947, Nepali peoples took to street for the first time against the Ranas and chanted slogans for civil rights. Women also participated in the struggle. This resulted in the establishment of Padma Kanya School in 1947 for girls. Moreover Nepal women's Association was formed in 1947 under the chair of Mangala Devi Singh. Around 65 local but alert women of Kathmandu gathered at Mhepi Temple in Balaju to establish the Association deploring the exploitation, injustice and inequality against women. It aimed to get women rid of social ills, such as

child marriage, polygamy, mismatched marriage, and illiteracy. Until then there was not a question of conscience, no women movement was divided on the ground of opinion. There was only one women's association in the first democratic struggle, the struggle against the Ranas. The situation did not remain so after 1950. Political parties began to operate as soon as the communist party of Nepal was launched in 1949. With the development of various political parties, women too divided to join one of their conscience. As a result, the only women's association was broken into others. In 1950 Communist women united under Nepal Women's Association under the chairmanship of Kamaksha Devi. Meanwhile All Nepal Women's Association was formed under the chairmanship of Purna Prava Dhungana. In 1951 Women Volunteers Services was formed under the leadership of Kamal Rana. Similarly Birangana Dal was formed under the chairmanship of Rohini Shah. So after 1950, women's associations began to operate in series. It was the context when women members participating the first General Assembly of the UNO at Sanfranscisco demanded that women's Commission be set up to eliminate all forms of inequality against women. Their demand resulted in such a commission under the Economic Social and Cultural Committee. UNO then ordered its member states to repeal discriminatory laws against women. Nepal too was affected by this development in the world though it was not UNO member then.

Women's movement was speeding up from 1947-1950. We should be clear at a point that all literary or academic attempts launched to make women aware of their conditions are also the part of women's struggle. A lot of women have contributed to the movement of women from these sectors. Despite surviving inequality in various fronts, women, thus, have not failed to walk hand in hand with their male counterparts in each social and political bend.

Women could not remain silent when democracy was plundered by a royal coup banning all political parties and people's organizations in 1961. Nepal Women's Association and Nepal Women's Organization had openly deplored the Panchayat System. As a result they had to survive prison and punishment. Only one women's association was allowed to operate which merely followed the directives of the Panchayat. There was nothing to expect from this rubber-stamp association in the questions of women's liberation, equality and movement against oppression. 4000 women were organized through village, zonal, district and country level units. However, it was not recognized as an association which would work for women's welfare. It was however a tool to subdue other women's associations as a back-up to the Panchayat system. Panchayat claimed that Muluki Ain (National Code) was amended for the welfare of women. But the fact is otherwise. It was done so to follow the directives of the UNO, thus was a

compulsion to the despotic Panchayat system. If it were not so, amendment would be hardly possible.

For nearly 2 decades from 1961-1980, women's movement was delayed. After the ban on political activities women had to dispersed due to a merciless treatment; some gave up political activities. It was however not a stop of women's movement, but was a delay due to the circumstances beyond control. People's movement against Panchayat System, particularly the movement summoning the referendum period in 1980, reactivated the women's movement. Women's associations were reorganized. Nepal Women's Organization was reorganized with an eye to achieving social cultural economical and political rights and dignity of women by forming a rich and cultured society based on democracy, justice, equity, independence and friendliness. In addition, its aim was to organize all progressive, democratic and patriotic women against feudalism, imperialism and all forms of discrimination and oppression and to take up their movement in solidarity with others attached to various sectors and occupations.

Women's movement picked up pace in 1981-1990. All Nepal Women's Organization and other communist women's associations played a vital role to bring to the light exploitation, injustice, unequal and discriminatory treatment.

Women should not remain as the decorated dolls. Necklaces and bangles are a sort of bondage worn in the names of male. A movement to boycott such decorative means made women alert even in the society endowed with feudal culture, where woman have a meager respect. But it was not easy imparting the lesson of equality this way in the society that drinks the water after washing the husband's legs. In some cases the movement even forgot the biological inequalities and limitations thus left some negative effect.

In general, however, all these struggles contributed well to make women aware of the fact that they should try to be independent and stand against inequalities and injustices. These left a good impact to encourage women to be organized. Nearly 400000 women have been organized under All Nepal Women's Association now. Similarly other associations have also organized women with a laborious effort. Today's need is to invite all so organized women down to the road of movement for women's welfare and rights.

Pressure Group for the Security of Nepalese Women and their Movement

Half of the nation's population, the Nepalese women have been fighting against oppression and exploitation imposed upon them since long past. Various women's organizations are working for the achievement of women's rights and for the protection of their dignity. Many NGOs have also emerged after 1990 focusing on a particular women's problem. They have identified illiteracy as one of the major issues hindering the progress of women and, thus, have focused on literacy activities in support with INGOs, UNICEF, and the like. NGOs have also focused on other issues like unequal laws, women trafficking, rape family violence, etc. Established women's associations have also these elements in their aims.

These women's associations were, however, operating their own way for the rights and honour of women; they had not obtained any coordination mechanism with similar associations. In the beginning when women's associations were established, concern was drawn towards the disintegrated state of women's movement. Discussions were held at various occasions between Nepal Women's Association, Nepal Women's Organizations and All Nepal Women's Association in order to develop a flexible coordinating mechanism, but to no avail. If we had reached an understanding then, Nepalese women's movement might have had an established recognition.

Attempts and endeavors whatsoever never go in vain. The flow of time makes everyone feel it at some point. After 4 decades women have again felt the necessity of an organized effort in solidarity for resolving that problems women are facing. All Nepal Women's Association (ANWA) had appealed all associations organizations and NGOs concerned to discuss on women's issues, their rights and welfare to unitedly fight the events of intensely increasing rape in July 3, 1992 (7 year Laxmi Gurung was raped then). A total of 19 associations welcomed the appeal and took part in. The same day, considering the gravity of the matter and the fact that women be united for their rights and honour, Women's Security Pressure Group was formed. Though the Pressure Group could not be extended beyond Kathmandu, it was yet a positive step. After 2 months of the formation it had 54 members, today this is 95. In addition to organizations, women in their individual capacity are the members of it. the message of Women's Security Pressure Group was, "Let us be united despite differences in our conscience on the issue of women's rights and welfare, let us raise a united voice. Let us stay in solidarity." With the initiation of the pressure group, memoranda were submitted at different occasions to all the governments

on the issues of women, specifically highlighting on the formation of National Women's Commission, equal property rights, Introduction of a bill on rape etc. Central to these demands, symposiums, meetings and demonstrations were also launched. It was first of its kind that all women were united for their common concern. And this unity, the formation of the Pressure Group, has challenged the male notion that unity of women is impossible; even 2 can not remain together: if they meet, a seed of quarrel is sown.

But the group did not pick up speed as expected and required. The alertness as displayed at the time of its formation has now come slow. commitment looks to have diminished. Maybe this has been so due to the poor commitment of their respective associations. There is no debate on the need of organization. But seriousness has not come that much in maintaining solidarity and in widening the movement to keep it alive. Each existing women's association has an appreciable history, no doubt, each is aiming to elevate the social status of Nepalese women and to protect their rights and guarantee their welfare.

However Nepalese women are suffering from narrow concept at the time when the world is chanting the slogan of unity "Let us all women unite. Long Live Women's Unity." This is disturbing us to walk hand in hand even in the common issues of concern, this is an injury. Unity amidst women is a must for the common concerns. Women of all conscience should come to the main stream of women's movement, it is the only need of time.

Purview of Women's Movement

No particular thinking has developed with respect to the purview of the movement of women. It is yet to be clear whether the movement be confined within the feudal traditions connected to the social dignity of women, such as underage marriage, polygamy, mismatched marriage, women trafficking, equal participation in social, economic, and political walks, women empowerment etc. Women's movement until to date has been confined within these. Economic issues have also come the way, but it is yet to reach to the common mass of women, movement has yet to widen. ANWA brought women to street on the issues of price hike on water and milk, it is also a positive aspect. Except these, women have remained neutral on issues of economic management, trade and industry, privatization, open market, adjustment programmes and their effects on women-world. The concept is that these areas are not the concerns of women but are of men. Firstly, due to illiteracy this has become so. Secondly, the traditional division of labour has taught women to be indifferent in these issues. Women of other part of the world today are voicing against the social adjustment

programmes of the World Bank and IMF designed for the developing countries. They are seriously concerned that that such programmes keep such country's economy into doldrums. According to this adjustment programmes, developing countries have to devalue their currency, reduce government subsidy in food supply etc. Therefore this policy has been proved to be malignant. It has been urgent for us too to make Nepali women aware on these facts and prepare them for fighting against if necessary. We are also suffering from male-prejudices that tend to confine women. Everywhere there is limitation, for example, in each political party, apart from a few exceptions, and mass organization women leader are given responsibility only of women section. We therefore should rise to challenge the prejudices that women be only the leader of women. Women's empowerment falls right here; women are not just the vote banks. They should make their own vision and recognition. Women who occupy half of the sky and the earth can do a lot if they are organized. We have a successful history of the women movement in Greece. When they appealed women not to cast their votes until political parties were bias on the notion of equal participation, it was a success. "We do not vote until we get equal participation," they chanted. In Norway and Sweden such prejudices have been depressed because in these countries women lead the political parties and they have been actively participating in each aspect.

In view of these issues from the first women's Conference in 1975 to the Beijing Conference in 1995, the slogan of the Conference has been "Equity, development and Peace." In 1976 the UNO adopted the convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Beijing Conference has similarly identified the direction for the women's movement in future. Nepalese women's movement should also follow it. Beijing Women's Conference have directed the following points to be considered to advance women's struggle in future.

1. Increasing burden of poverty on women

International statistics shows that the number of poverty stricken women in the world is quite high as compared to that of men. Women are the majority of the poor in the world. It is expected that women make up 60% of the total 10000000000 poor. Because of divorce and their widow status, single women are falling down into poverty as a result women-led families are increasing in the world.

Women have cooperated to the world economy by producing US\$ 1100000000000 each year. In Nepal too more women are involved in farming

than men. They have a good contribution to family production, but it has not got significant accountability. Having no control over the resources of production, namely water, land, and forest, in other words, because of economic dependency women are poor. Beijing Conference concluded that sustainable development is only possible when the social and economic status of women is improved and they are made capable. It was asserted that, "Women in power have displayed the ability that they possess good knowledge, abilities and management skills. Women and their families can win over poverty only when they are enabled to cooperate."

2. Inequality in the Access to Education

At least 60,000,000 children in the world are deprived of education, and of 960,000,000 illiterate youths in the world, women make up more than 2/3 in proportion. Traditional concept, investment on opportunity, early marriage and early conception, inadequate teaching and teaching materials, and in lack of adequate education facilities girls are still deprived of the educational opportunities. Girls do not get a good educational achievement and make a frequent dropout either because of pro-male curriculum and teaching materials or they have no time for education due to domestic chores. This makes a long-term negative effect on their productive and reproductive roles and on their capacity to influence on decision making. According to 1991 census, the rate of women literacy is 25% where as it is 55% of men. The percentage of school going children is as follows- Primary 37%, Lower Secondary 31% and Secondary 29%. The number of drops-out is ever increasing.

All the four world women's conferences, specifically the Beijing Conference, have asserted that education is a fundamental human rights therefore prerequisite to equality, development and peace. The Plan of Action has therefore recommended to increase the investment in quality and unbiased education for girls and women. The investment in girl and women's education produces a high social and economic return. Thus education is the prerequisite tool for sustainable development.

3. Discrimination in Health and Adequate Health Facility

Due to biological differences and social obstacles, women throughout their lives have to survive a special type of problem. Lack of health facility adds insult to this injury. High death rate and health hazard do still suffer the women in lack of health facility though primary health care has progressed a lot. Each year 500000 women lose their lives because of complication in pregnancy. Half of the youths surviving AIDS are women.

Each year 900000 women become pregnant in Nepal. 850 pregnant women in every 100000 die in delivery. Only 10% women get adequate modern health facility. The average life expectancy of women is only 54 years, this is a quite low rate in the SAARC, and there is a long way to walk to reach the level of developed countries. Right to health is a fundamental human rights and it is important to private as well as public life. This proposes to provide prolonged and easy health care to prevent health hazards of women, promote research on women's health and on information flow. Care should also be taken to launch multi-dimentional activities to support women to remain aware of their status and on the impact of HIV. They should also be encouraged to adopt the preventive mechanism to be secure from the widespread of AIDS. Also it has been accepted that reproductive right is the inherent right of women.

4. Violence Against Women

The third world conference on women in Nairobi identified the areas of and the reasons for violence against women. Now violence against women has been recognized as the world wide phenomenon which has excelled all the boundaries. But this has not stopped due to the lack of legal literacy on women, in lack of adequate laws, and due to not complying with the existing laws. The declaration on the elimination of all forms of violence against women has deplored gender based violences that women and girls suffer, be it in the family or the community. Under this falls family violence, rape, sexual harassment in offices and educational institutions. Malignant tradition and customs and state sponsored violence against women also fall under this category. All these have violated fundamental human rights.

It has been urgent to seek an integrated ways to eliminate and prevent violence through legal and educational system, eliminate women trafficking, study the reasons of violence and to adopt ways to help the victims.

5. Discrimination in Economic Structures, Policies and Women's Access over Productive Processes

As many as women are actively participating in economic life over the world. 80% African women, 60% Asian and 40% Latin American women produce food grain. Nepalese women have an important contribution in domestic production. They constitute the highest position in the SAARC countries. Position of Nepalese women for example is 73, Maldives women 75, Sri Lankan women 79, Bangladesh 80, India 101 and Pakistan 114. Despite such a high rate of contribution of women, they are given a low representation in activities of

National importance and in decisive economic functions of international standard. Only in the 6th National Plan women's participation in economic management was assessed in Nepal. The world commercialization of economy has discouraged women to be independent on saving, production and on trade. Women can increase the production market and income for sustainable livelihood if they are given access over money, resources, technology and training. Women's associations should also concentrate on facilitating the access of women over employment, trade and resources to enable them achieve their economic rights. Strategies be worked out for the elimination of wage-disparity and professional indifference thereby to create a flexible working environment.

6. Discrimination Between Men and Women in Decision Making Functions and in Power Sharing

Women have yet to occupy positions in legislative bodies. Similarly they are deprived of entertaining 30% of their share in decision making bodies as proposed by Economic and Social Council. Though women have constituted at least half of the total voting population in almost each country, only a few of them have entertained the right to be elected. Beijing Declaration has stated that discriminatory attitude is widespread in education, training, political parties and in government structure. This blocks women's political participation and refrain them from leadership.

Let us have a glance towards the status of women in Nepal. Nepalese Constitution is clear. Article 11 has provided equality between men and women. Sub article (5) of the same has guaranteed equal wage for equal work. Sub Article (3) of Article 11, provides special directives to formulate compatible policy to elevate the standard of women. Article 26 provides similar directives to increase the involvement of women in national development. Article 114 provides that each political party should make at least 5% women candidates in elections. Likewise 3% women should compulsory be nominated in the National Assembly.

Women have not occupied positions on high levels of decision making. For example, National Planning Commission, Elections Commission, Public Services Commission, Commission of General Auditor, Supreme Court, Commission on the Investigation of Abuse of Authority, etc. Hardly 7.5% women are employed in government services. For example, in total 5385 Section Officer Posts, women are employed in 217 (just 5%). Similarly there is only one woman in 'Secretary' level.

Women involvement is lower in grassroots and district level as well. Women hold the post of Chairperson only in 9 Village Development Committees (VDCs)

and 16 posts of Vice Chairperson of the total of 3996. There is no one occupying any of 75 posts of District Development Committee (DDC) Presidents. One woman has been elected as the Vice Chairperson of a DDC. Same is with the Municipality. No women has been elected as Mayor or Vice Mayor in any of 35 Municipalities. Only 4.5 % women have represented in the parliament. This is the condition everywhere. Focus should be placed on clearing up obstacles that block women from participating in decision making level, economic and political decision, both in national and international level. Structural and psychological obstacles be cleared up devising positive means. Beijing Conference has envisaged to enable women to acquire equal access and full participation in power balance and decision making processes. Women should demand for due constitutional provision thereby to increase their participation at the grassroots.

7. Inadequate Working Procedure in All Level to Advance Women's Progress

National working procedure has been set up in each member state of the UNO to back up the policies adopted to advance women's progress. But they vary in structure, differ in commitment and, thus, in efficiency. Equally weak and inadequate are the work plans even in the international level. Programmes set for the progress of women should be integrated into the main stream of political development and human rights movement.

Only the formation of national work plans and offices do contribute a little. The need is to empower these bodies, and to integrate women issues in public policies. Similarly necessary is an information mechanism for gender statistics, planning and evaluation. For this, an able National Women's Commission, like the National Planning Commission, be established which should frame in true sense and spirit concrete policies for the development of women. In addition, Ministry of Women and Women Section in different ministries are necessary to set up.

8. Recognition of the Cooperation of Women in the Management of Natural Resources and the Prevention of Environment

Deforestation, famine, desertification, natural calamity and pollution have suffered the world in the recent decades. Women have often been active in basic environmental management, protection and prevention, but absent in public decision making on relevant matters. Earth Summit in Riode Jenario has specifically raised this. A multidimensional and mechanism should be developed for a true environmental management maintaining relationship between poverty

and degrading natural environment. Similarly women's participation be increased in each decisive activity pertaining to environmental issues. Necessities of women, their concern and vision be integrated into the plans and policies of sustainable development.

9. Inadequate Use of the Media to Present Positive Contribution of Women in Society.

The advancement of information technology has developed International Communication Organizations. It has crossed beyond the national boundaries, and has constituted power to influence public decision making and individual attitudes. It has generated a top public interaction, quick exchange of knowledge and easy access to all sorts of information, but is unable to display the correct picture of women's roles and values in the changing world. Still there are YV and other programmes in media which cast women as a prey trapped in violence. Women should use as much as electronic information devices to maintain contact with each other and to gain sources of alternative information. This enables women erase a negative picture and challenge the power out of public control. This also enables women to develop power and access to decisive functions of mass media and to present a postulate of women.

10. Lack of Awareness on Nationally and Internationally Recognized Women's Human Rights

World Conference on Human Rights, 1994, has approved that women's human rights are universal, indivisible and inseparable. All the attempts towards the progress of women are based on the dignity of these rights. In many countries, however, lack of awareness of women on their rights and how to utilize them have been obstacles to progress.

Women should therefore work towards the practical application of the promises envisaged in human rights documents. They (the documents), in other words, should guarantee the legal equity, promote legal literacy through the dissemination of relevant human rights laws, include human rights education in school curriculums and, finally, to eliminate all forms of discrimination against women.

11. Effect of Armed and other Struggles on Women

Armed struggles have not diminished though the cold war has ended. Racial or religious riots have been a fresh reality in almost all places. Women and children

are the principal victims of the consequences of these struggles due to the physical and social reason associated with them. Similarly militarisation is another calamity for them. Women of all ages have to survive the results of violence. They are made prey to oppression, rape, eviction, disappearance, and the many others. 80% women and children make up the total of 25000000 refugees in the world. These refugees have almost lost their recognition and existence. Bhutanese refugees are the examples before our eyes.

New techniques of peace, security and decision making have been urgent to search for. It is quite clear that because of their poor (non) participation in the highest levels of decision making, women are dishonoured. They should therefore be represented in such bodies to adopt more constructive strategy in the use of power and for crisis management. Women command the capacity of dispute resolution in national and international level if opportunity is given. Therefore the movement of women should focus such areas too.

Women should be economically capable to achieve their dignity in society. They have so far been unable to play a significant role as they have been behaved merely as commodity since long past. They remained back in their social, cultural, economical and political role suppressed with the concept that they are less as human being, more as commodity for use. With a lot ups and downs, women's movement of 5 decades, brought them feel that until they become the master of property, they do not acquire social dignity. Therefore, equity in property rights is social justice and equity in real sense.

To end, I view that Nepalese women too should endorse the proposition. "Women are the base of energy, equity is the right to property". They have to take up their future movement central to the issues identified by the Beijing Conference as a whole.

Political Parties and Nepalese Women

– Dr. Meena Acharya

1. Background

As in the other countries, political parties in Nepal have widely manipulated women at the time of elections and movements. But they are discarded as soon as the events are over. No parties have accounted for women in power sharing. Women took to street in a larger number in each historical movement, say in 1950-1990, but were gradually pushed back on completion of them.

In the initiations of peoples, some schools were opened after the completion of the movement of 1950. Skill generating training for women were also operated in a small scale. However, the responses of the government (parties) was remarkably slow, in framing laws to address the social demands of women (child marriage, etc.) raised before the movement, and in other services. Women were left desperate.

Similarly, women and children were made to lead the movement of 1990. They led it at the cost of their lives. Such women-led procession indeed played a decisive role in the success of the movement in Patan (refer to Asmita Issue 3 No 24 July 1991). No woman was included in the committee set to frame the New Constitution. Only one woman was included in the interim government after the movement.

In the house of representatives of 205 members, the percentage of women decreased to 3.4% from what it was in Panchayat (5.7%). Political parties did not see it necessary to include more women in the national assembly of 60 members than just to set up a compulsory provision of 5% presence. Please note that in the then National Panchayat only 4 women were elected. But His Majesty the king nominated 3 more women to make up the quota. (refer to table 1 and 2). The only women minister in the first democratic council of ministers in 1992, had to resign from the council of ministers because of rising against the corrupt counterparts, the corrupts were not brought to justice. The UML, which is guided by the socialist concept and raising the slogans of the liberation of women, omitted its earlier commitment to the equal right of the girl on parental property from its election manifesto for the mid-term polls in 1994. In the history of Nepal the

UML did not see any women 'capable' to handle a ministry. Time and again these all things are being written, but no political parties have been concerned. Political parties have not taken the demands of women with due concern either. In addition, women affiliated to a political party have not formed their own opinion. On the one hand, they complained that women are not paid due attention inside the party, on the other hand, they go for elections before analyzing the party's stand on the problems of women. Women's association attached to every political parties had to play a decisive role in the selection of each candidate out of their parties, but it looks that it may take a long time to happen it all. Women have been found to be more concerned with class struggle than with their own welfare. Even the rightist parties have not paid due attention to trace a way to abolish the exploitation against women. Matters with respect to 'gender exploitation' are very rarely analyzed in any training conducted by the party.

2. Women's Participation in Political Parties

The following points should be considered to think upon women's participation in political parties.

- a. Proportion of women in general members.
- b. Proportion of women in active members.
- c. Women's participation in various levels including that of executive body or the decision making process.
- d. Whether or not commitment to the protection of women's rights and welfare are expressed in the party's manifestos.
- e. Concept and understanding to resolve women's problems in the level of leadership.
- f. Initiation towards the protection of women, their rights and welfare when it was in power.

In brief, the following facts can be cited in reference to the Nepalese women's participation in political parties.

- a. Each party should update and prepare statistical reports on the proportion of general and active women members. At present, we do not have such statistics. From the crowd of women as they take to the street time and again, it can only be imagined that a lot of women might have taken party membership at the grassroots.
- b. All political parties in Nepal have taken the problem of women as only a social problem. Each of them have presented more or less same programmes

to address women (refer to Asmita- October/ November 1994). Only the manifesto of the United People's Front states that sons and daughters shall get equal property share. Those party that have taken the problems of women as social problems and have declared social solution to them have forgotten their election manifestos when they have been in power. No law pertaining to women has been improved by the government of Nepali Congress and the communist Party of Nepal United Marxist and Leninist, CPN (UML). Their programmes on women are not different from that of the Panchayat programmes. No political parties have paid attention towards the negative effect the economic liberalization has imposed on women. Women Labour Associations have been manipulated only for the party interest. Even within the party, women have been divided and have given a little attention towards their welfare. The programmes of 8 March this year provides an immediate example.

- c. Women's role in the process of political decision is low. In Executive Committees of 5 National Parties, only 12 (7.8%) women are represented. Recently the NC and UML have made a compulsory provision of women participation in party units from the grassroots to the upper level. UML has made a compulsory presence of at least one woman in each committee from Wada to the Central Committee. Similarly NC has provided at least 10% women representation from booth committees to the center. Women in these parties are demanding at least 20%.
- d. Majority of the women in politics have inherited the legacy of the political culture of the family and are bound to the responsibility arising from it. This applies to all women leader from the national level to the grassroots leaders. (see Acharya 1995)
- e. Political base of the active women in parties does not necessarily entail the protection of women's welfare and rights in general, but the agenda identified by their male counterparts. Candidates does not have to fight elections on the basis of whether or not women should get property rights. They get women votes on the basis of their sentiments towards the party regardless the slogans and programmes. Therefore no possibility/necessity has been seen to make women's rights and welfare political agenda.
- f. Problems attached to the daily lives of women- child care, education, water, electricity, etc. have been excluded from the political discourse. It is not likely that daily-livfs procedures of women gets any change whoever comes in power. Given this, majority of women seem to be indifferent to politics.

Observing the activities or orientation of all parties the following propositions can be made.

- i. Women should be given rights, but it should not adversely affect the social order. It should not rush on the question of equal property rights between son and daughter. A varieties of logic's have been given to support this explanation, such as further disintegration of land, negative effect on production, disorder in society, etc. Ownership of land and operational form are different matters. Brothers may use and cultivate the land even if their sisters own it. Another logic is that women get support from this property to fight for other rights. Others also put - rural women at the base do not concern with the property right, this is only a demand of well-off women. We have answers to such brothers, 'in the country where land is the fundamental basis of production, any logic of its kind is an apex of male domination.'

Women's work is not accounted for as they work in the men's land. Women without sons are forced to leave houses with various charges. These facts are associated with the ownership of the land. In each society, educated and shrewd hold the demands of poor. Panchayat had this characteristics. A class of people taking advantage, by way of exploitation, over the class of people who demand that exploitation be eliminated put such shrewd logics.

We need democracy for both the rural and urban peoples, both for men and women. Truly speaking, however, unless women get full property rights equal to men, they can not enter the expensive politics.

- ii. Women should actively involve into politics. They should undertake income generating activities for the family and also have to bear the total burden of children rearing. But women can not advance in politics until the males, especially, political leaders are prepared to wash their clothes, cook food, care the daughters and send their wives to attend the meetings.
- iii. Informal education and skill development training be launched for women so that they work better to generate more family income. It gives one a surprise to see the male and youths plying cards and caroms in the ways and interjections in Nepalese villages. Women even today work 10 to 12 hours, but are charged for doing nothing and plans are made to press them even harder.

- iv. Special endeavors be made to lessen the educational backwardness of women

3. Political Sciences and Women

Questions arise why a majority of women are deprived of politics over the world. Our first answer is that women's scope of activities are kept out of the spectrum of politics. Social concept passes women mere domestic responsibility and outside responsibility on to men. This attempt to seize power outside the source is politics.

Women active in politics should come out of houses to maintain contact with other male and females. But they are obstructed in doing these activities. Firstly, they are questioned in their character. Secondly, threat is created to spoil their dignity. Sexual purity of women body is presented as the majoring rod for all her work and for the meaning of life. Women are given the burden of family dignity of both the father and husband. Women and children are made the first prey to attack on political disputes. Above all, women seeking to involve into politics should bet their dignity, prestige and family. Males are out of these obstructions. A wife looks after the family; he can freely give time to politics and has no risk of corporal purity. This is the reason why only a few women leaders have been able to stand on their own.

Political parties can be termed as a group of men intending to seize state-power. Why should women involve into such groups, if the society does not accept their roles in state power. In addition, people at the base, women in particular, do not concern the way the state power operates when the problems they face daily are not addressed.

Similarly women do not have enough time, they are always enmeshed in daily domestic chores. Women have to work 10-12 hours a day. They have to bear the family violence, such as torture. Why then to take part in politics if she has no choice of her own except that of her husband and the family! For what benefit she goes into politics against the will of the family and society! No political parties have adopted the issue of women as a fundamental issue. Maybe women's problems are secondary to the party politics as they do not own a "self-vote".

Following conclusions can be drawn on why women are not being able to participate in Nepalese politics. They are based on the discussion held with women leaders of UML and NC and on their interviews as appeared in various papers. (refer to Asmita November/ December 1994)

- i. Meetings are held at nights which women can not participate in, especially this applies to the IML.
- ii. Meetings are held quite afar. A whole day may be used up to attend it for which women can not leave houses.
- iii. No voices of a few women make a good sense in the meetings as voices of a few do not influence on decision.
- iv. As many leaders of the political parties have come from older generations, they mock at the voices of liberation of women. They take women as the means of decoration and also create obstruction if they happen to hold position in decision making.
- v. Both male and female regardless of whatever the party they belong to, survive a depressed social attitude that women can not make up a complete citizen alone, they are taken as the servant of male and the respective family.
- vi. Society feels a pity or dishonored when women rise up in politics and men have to look after their houses.

Based on these all capable women do not want to hold responsibility, those who appear in the front are incapable.

Two major natures of Nepalese Culture, limited right to property and harsh social control over their sexual behaviors, make it quite impossible for women to involve into politics. In addition, women do not impinge upon the intense struggle for power which the men fight for because they do not get congenial opportunity to prepare them for that. Gender awareness of women as shown in Table 3/4 is rising.

Democracy and class struggle only scratch the problems of women, they do not resolve them. For such a struggle, unity amidst women is a must. Women are being aware that women problem are not resolved until women in every party are united in terms of gender platform. Given this, it can be hoped for that women's activities will increase in political parties too.

Table 1
Women Among Various Levels of Political Institutions

Post	1991 a/		1986/87 Panchayats	
	Women	Total	Women	Total
Village Development Committee Chairpersons	11 (0.28)	3993	12 (0.30)	4012
Village Development Committee Vice-Chairpersons	18 (0.45)	3993	7 (0.17)	4005
Village Development Members	210 (0.58)	35883	1060 (0.59)	179480
Municipality Mayors	0	36	0	31
Municipality Deputy Mayors	0	36	1 (3.22)	439
Municipality Members	2 (0.38)	521	4 (0.91)	75
District Development Committee Chairpersons	0	75	0	75
District Development Committee Vice-Chairpersons	1 (1.33)	75	0	75
District Development Committee Members	6 (0.65)	924	5 (0.74)	675
Members of the House of Representative b/	7 (3.41)	205	8 (5.7)	140
Total	225	45741	1097	188963

Source : Compiled from Election Reports published by the Election Commission for respective elections.

- Several posts were vacant as Elections to 77 position at the village level and 3 positions at the districts level were either disturbed or postponed due to various reasons.
- The number of women in the House of Representatives remains 7 even after the mid-term election.

Note : Figures Within parentheses indicate percentage to the total number of persons in each category.

Table 2.

1987	National Panchayat	District Panchayat	Village Panchayat
(I) Total number of candidates	1345	3673	274200
(II) Women candidates			
Number	67	15	1423
Percent	4.98	0.41	0.25
1991	House of Representatives	DDC	VDC
(I) Total number of candidates	1345	2119	102502
(II) Women candidates			
Number	81	7	956
Percent	6.02	0.33	0.93
1993 (Mid-term Election)			
To House of Representative			
(I) Total number of candidates	1446	-	-
(II) Women candidates			
Number	86	-	-
Percent	5.95	-	-

Source : Acharya. 1994 and Asmita B.S. 2051 Magnsir

Table 3. Selected Indicators Feminist Awareness

(In percent)

S.N.		Rule		Urban
		1978	1992	1992
1	Knows a Women's Organization	4.7	14.9	32.4
2	Participates in a Women's Organization	-	0.7	6.8
3	Awareness about constitutional discrimination against women	-	6.2	13.2
4	Awareness about divorce rights1/	-	58.6	68.0
5	Awareness of fundamental rights	-	8.9	23.2

Source : Women, Development and Democracy. PP 149,164

1/ Knows at least one cause for which she can have divorce.

Women Candidates in Elections to Government Institutions at Various Levels

Table 4. Awareness about political structures

S.N.		Rural		Urban
		1978	1992	1992
	Local Level			
1.	Awareness of VDC or Municipality	56.6	67.6	52.4
2	Knows the name of VDC Chairman or Municipality Mayor	82.7	56.2	36.0
3	Votes in Local Elections			
	Regularly	21.5	84.6	88.0
	Sometimes	30.8	0.9	
4	Will Participate as Representative	15.0	17.6	29.2
	National Level			
1	Knows about the new constitution	-	20.4	41.2
2	Knows the prime Minister's name	7.7	15.2	51.2
3	Voted in National Election (1993)	-		66.1*

(Percent)

Source : Stri Shakti, 1994. PP. 146, 147, 148, 139, 141

*/ Urban / Rural combined (Source Asmita, Magnsir B.S. 2051).

References

Acharya, Meena

1994 a. "Statistical Profile of Nepalese Women : An Update in the Policy Context" Institute for Integrated Development Studies.

1994 b, Political Participation of Women in Nepal in Women and Politics Worldwide (EDT) by Barbara Nelson and Nazma Chowdhery, Yale University Press, New Haven and London.

1995, The Process of Decentralization and Women's Participation.

Asmita, Year 7. No.30, 1995 November / December

Nelson, Barrbara and Nazma Chodhary

1994. Redefining Politics : Patterns of Women's Political Engagement from a Global perspective in Nelson & Choedhary (Edt) Women and Politics Worldwide. Yale University Press New Haven and London..

Human Rights and Constitution of Nepal

– Geeta Sangraula

Background

The nation should duly protect the rights of both men and women as derived by the term “human”. The Rule of Law is indispensable to entertain such rights. As a state party to the Universal Declaration of Human Rights adopted in 1948 for the protection of equality, personality and dignity of human persons. Nepal holds a responsibility to obey its obligations. The essence of the declaration is that no one shall be socially, politically and otherwise devoid of inherent liberty and equality on the grounds of race, color, gender, language and religion.

The essence which was not yet proved to be compatible with respect to the rights of women called for a continued movement over the world. In 1975, as a result, International Women’s Year was observed. The step also influenced to some extent on the Nepalese law to make some improvements. Though amended many times in 1975/76, there still remains a crystal gender dimension in the existing legal system.

After the International Women’s Year, the UN General Assembly adopted the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) on September 3, 1981 (proposed in 1978) to eliminate gender discrimination. Articles 1 to 16 of the convention provide to eliminate all forms of discrimination, such as social, economic, political, cultural etc. The convention has also made it compulsory that the state party should adopt programmes and policies of equality and act accordingly. Nepal too has expressed its theoretical commitment to the convention by ratifying it without reservations on March 1, 1989. Nepal Treaty Act 1990 provides to accept such International conventions and follow them practically.

The main aim of this paper is to make a comparative studies between the principles of women’s rights and practices as guaranteed by the legal and constitutional management in Nepal. The paper therefore seeks to analyze the reality in what way and spirit are the provisions of the Convention honoured in the Nepalese legal System.

Introduction

It is said that a strong rule of law is reflected in the constitution of the respective nation. As the supreme law, the constitution is also a mechanism of a varieties of areas of the development of a nation. Constitution is developed by virtue of the demand of time, interest of the nation and social practice.

The process of the development of the Constitution of Nepal traces back to *Nepal Sarkar Baidhanik Kanoon* (Legitimate Law of the Government of Nepal) 1947. Interim Rule of Law 1950, Constitution of the Kingdom of Nepal 1958, Constitution of Nepal 1962 (issued by royal decree on 15 December 1960) have led to the promulgation of the Constitution of the Kingdom of Nepal 1991, achieved as an aftermath of the popular mass-movement, which is in effect now.

Rights of Women in the Past Constitution

Following aims to analyse whether or not the rights of gender equity were guaranteed in the history of the constitutional development in Nepal. It also analyses some terminoloies thereof.

Legitimate Law of the Government of Nepal 1947

Promulgated in the Rana Regime, the law places primacy on the Rana Prime Ministers in general. However, it guarantees, though fewer, fundamental rights, such as- compulsory primary education in the country, and the like. Clauses like “full legal equity” have been used. In addition, freedom of speech, freedom of press, freedom of association, voting rights, right to the protection of personal property, have been mentioned. But the functional aspects of these rights have rested upon the discretion of the Rana Prime Minister.

By “full equity in law,” it can be derived that it seeks to eliminate gender discrimination as well.

Nepal Interim Rule of Law 1950

This legislation came to an effect after the royal announcement of democracy in 1950. It underwent 5 amendments respectively in 1951, ‘52 and ‘53 and 2 times in 1959.

As the guiding principles of politics, Part 2 of the democratic legislation Article (a) provides the principle of equality between men and women. The article asserts

“equal rights of all (men and women) to the resources necessary for livelihood.” Part (d) of the same article provides, “equal pay for male and female for the equal work.” Part (v) provides to protect the health and energy of citizens including that of the children. It also provides to prevent them from any economic pressure compelling an employment to the detriment of age and energy. Article 13 guarantees equity and equal protection before the law in the kingdom of Nepal. Article 14 (1) guarantees no discrimination on account of religion, cast, creed, gender place of birth or similar subjects. Rather it provides for ‘special privileges’ for women and children. Similarly, Article 15, has adopted the policy of equality with reference to the appointment in any government positions. Article 19 (1) prohibits human trafficking and forced profession. Article 19 (2) states that no discrimination shall be made for that purpose on the grounds of religion, cast, creed, etc. Article 20 provides that no one under the age of 14 shall be allowed to work in factory or mines. Above all, the legislation has attempted to eliminate gender discrimination and to provide protection to women in principle.

Constitution of the Kingdom of Nepal 1959

Fundamental rights of women guaranteed by this constitution are as follows:

- a) equality in all freedoms including personal freedom
- b) prohibition from human trafficking, servitude and forced profession
- c) Equality: Article 4 (1)- provides equal protection from the law. 4 (2) provides the right not to be discriminated against in the application of general law on account of religion, gender, cast, creed, etc. Article 4 (3) provides that no gender discrimination shall be made in the appointment in government services. This is how the constitution, has in principle, waived gender discrimination.

Constitution of Nepal 1959

With respect to the citizenship- Article 72 (b) states that if either of father or mother of any child has borne in Nepal at the time of the enforcement of the constitution, s/he shall be considered as the citizen of Nepal. But the citizenship Act framed thereafter practices discrimination.

Fundamental Rights: Article 10: Provides the right to equality. Similarly provisions of Articles 11 to 16 stand against discrimination in the application of the general law and in the appointment in government or public services. However, gender discrimination still exists in laws and in Muluki Ain (the National code) enacted under this constitution. It has not guaranteed any protective mechanism for women.

Constitution of the Kingdom of Nepal 1991

Following extraction of the preamble allows one to well imagine the scope and spirit of the present constitution “Recognizing that protecting the fundamental human rights of every individual, maintaining friendliness and unity amidst the citizen of Nepal on the basis of freedom and equity, consolidating adult franchise, parliamentary ruling system, constitutional monarchy and multiparty democracy to make meaningful the concept of the rule of law,

Considering the necessity to proclaim and enforce the constitution promulgated out of people’s participation.....”.

Concerned articles guaranteeing women’s rights in the constitution define “freedom and equality” as the essence. Analysis has been made below of issues starkly related to “women’s rights”.

Right to Citizenship

Part 2 of the present constitution has made special arrangements from article 8 to 10 defining the legitimate citizens of Nepal.

The essence of the Preamble of the constitution decorated with the terms “freedom and equality” has, however, not been practically successful with respect to citizenship.

Article 9 of the constitution has a double standard. It provides that anyone can get the citizenship by lineage if at the time of birth his/her father was the citizen of Nepal. Our constitution does not encourage to claim citizenship on the basis of mother’s citizenship. In this connection a case has been extracted from Nepal Law Journal page 443, application No. 4533 as an example. Applicant Chabby Peters’ writ petition against District Administrative Office was repealed by the bench of Honb’l justices Surendra Prasad Singh and Trilok Pratap Rana propounding the following principle. “It is compulsory that the applicants borne after the enforcement of Nepal Citizenship Act 1964 should have their fathers Nepalese citizens at the time of their birth to acquire the citizenship of Nepal as per the provision of the constitution of Nepal 1991, Article 8 and Nepal Citizenship Act 1974, Article (3) (1).” The principle made the children of Terens Peters, the husband of Chabbi Peters, a Nepalese citizen, deprived of Nepalese citizenship though they are born in Nepal and are permanently residing. Their mother’s citizenship could not provide base for their acquiring citizenship. There are a lot such instances. In addition women are considered to be the citizens of

the second class. It can be proved from the fact that the lineage of the record only contains names of grand/fathers. This is a gender discrimination against the right to citizenship.

Similarly Article 9(5) of the Constitution and Nepal Citizenship Act 1964 provide that a foreign lady can get Nepalese citizenship provided she is married to a Nepalese man. But this is not applicable to a Nepali woman. To put it other way, a foreign male married to a Nepali women can not claim and get Nepalese citizenship. Following this constitutional provision, at many instances, foreign men married to Nepalese female were denied visa by the Department of Immigration.

Meera Gurung challenged this through a writ petition. The full bench of the Supreme Court on February 10, 1994 ordered for her plead. "In light with the privileges in reference to a visa, it has become clear that Nepalese women are treated unequally where as the concern of men is overemphasized. Therefore the provisions pertaining to foreigners contravene the Article 10 of the then Constitution and Article 11 of the present Constitution."

Issues related to visa has been associated with the article of equality of fundamental rights but the rights related to citizenship has not been placed within the scope of fundamental rights. The boundary has been illustrated by the Supreme Court on a debate over writ No 1379 of the contender Mina Kumari Tiliza Mitar against the Department of Immigration. The ruling of the Supreme Court states, "Provisions regarding citizenship as in the Article 2 of the Constitution, special provisions and the provision referring to the right to equality under part 3, Article 11 are general ones. General provisions can not overrule special provisos."

Speaking in totality, unequal provisions with reference to the citizenship as above have challenged and violated the Article 7,9,19 (1), (3), 23 of the Universal Declaration of Human Rights and the spirit of preamble to the CEDAW as well as other relevant articles, especially, Article 1,9, (1), 13 (a) 15 (4), 16 (1) (c).

Fundamental rights

Any fundamental rights that the state is obliged to provide to its citizens are known as Fundamental Rights in general sense. Constitution is the protector of the fundamental rights, it also provides mechanisms of their enforcement.

Fundamental Rights and Women's Rights

While entering into this chapter of constitution, it is seen that attempts have been made to eliminate gender discrimination and to provide human rights. This should be taken as the strong and positive aspect of the constitution. Under the constitutional provisions to entertain fundamental rights included are equality, freedom, right to the press and print media, right to criminal justice, property rights, right to privacy, right to reside in the country, and other as provided by the constitution from articles 11 to 23 and the provision of the constitutional remedy as enshrined in the Articles 88.

In addition to the above, the paper does not cite examples of those fundamental rights which men and women are equally entitled to entertain as per the law.

Right to equality

Following are included in the right to equality under Article 11 of the Constitution.

- a. All citizens are treated equally before the law, no one shall be deprived of the equal protection from the law.
- b. No discrimination because of religion, gender, color, etc. shall be made in the application of general law.
- c. State shall make no discrimination against citizens on account of cast, color, gender, etc.
- d. No discrimination shall be made between men and women and female in the provision of wage for the same work.

Special provisions

Article 11 (3) of the constitution rather makes special provision for the protection of women, children, elderly and mentally and physically disabled persons. But this additional constitutional facility has yet to come into practice.

Right to equality

Functional aspect

Centering around the following questions: whether or not women are respected as citizens before the law, whether or not gender discrimination has been ended legally and professionally, whether or not women are deprived of the equal protection from the law, etc, it can be concluded that the functional aspect is quite inactive and inadequate.

Application of the General Law and the State Sponsored Gender Discrimination

Constitution is the supreme law of the state, any law contrary to it are void. However, there are still in existence gender discriminatory general laws which violate the provision as enshrined in the Article 1 of the Constitution. Though there are procedural equality in the application of general law there are a lot inequalities over fundamental rights. Similarly the right to equality has been guaranteed mentioning that the state shall not discriminate on account of religion, creed, gender, caste or conscience. But this concept of constitution has been limited within the words due to the existence of discriminatory legal provisions.

Right to Equal Wage for Equal Work

Despite the fact that there are not any gender discriminatory laws with respect to the right to equal wage for equal work, women are not equally paid. Even in the Labour Act 1992, though not inconsistent legal provisions, the functional aspect of the law is ineffective to protect this right of women working either in the farm or in industries.

Right to Parental Property

women are considered to be the second citizen as far as the question of property right is concerned. This is manifested in the use and possession of property as provided by the Articles 11 and 17.

Equality in the Parental Property

Women have been divided into 3 categories for the attainment of parental property. This division is not applicable to male this being that for male right to parental property is inherent. Whereas for women this comes as an acquired right. The following provisions more illustrate this disparity.

Right to Parental Property and Spinster

An unmarried daughter beyond 35 is entitled to parental property, but she should withhold it back if she conducts marriage reducing the cost incurred upon the act (*Ansabanda* -subdivision of property- 16)

In the definition of claimant of the parental property daughter is not included (*Ansabanda* 1/2). No legal provision has been made as provided by No. 10 of

Ansabanda to provide a daughter with housing and food. But in this regard, the Supreme Court has propounded a principle thereby enabling a daughter to claim expenses for the sustenance of life, though she can not claim for the share over parental property until she is 35. It was the court rule for the petitioner Jagat Maya against Sundarlal.

Property Right of Married Women

A married woman can depart her husband and claim for her property after 15 years of marriage and after the age of 35 provided that her husband refuses to maintain her, harrasses her, has turned her out of house or has married to a step wife (*Ansabanda* 10 (a) as amended by the 6th amendment, and the fourth part of Conjugal Relations).

Widow and Property Right

A widow without a son and below the age of 30 shall receive what is given to her by the heir on the basis of his economic condition (Part 12, *Ansabanda*).

The woman residing separate with her share can dispose only half of the immovable property on her own. She has to take consent of her father, if spinster, of a son, if widow, and of her husband if married to dispose the rest. (No 2, Inheritance Rights of Women)

This condition imposed upon women proves gender discrimination over the property.

Daughter's Right over Property and the Ruling of the Supreme Court

Following are the bases of the ruling the full bench of the Supreme Court has given on August 2, 1996 in reply to duo petitioners, claiming equal right over parental property, and asking the repellent of No. 2 and 16 of *Ansabanda* of the *Muluki Ain* as these have challenged the Article 11 of the Constitution.

- a. According to our legal provision a son gets inherent share over the parental property, but the daughter can claim only after 35 if she is unmarried.
- b. Taking into account of other provisions of *Ansabanda*, it can not be claimed that it is discriminatory and that a daughter is deprived of her share.
- c. As provided by the rule (No 1, *Ansabanda*), a married daughter is eligible to get share from her husband and from her father after the age of 35. This way, the Nepalese law has just adopted a slightly different process of property

attainment for men and women in view of their social position.

- d. It is not that a daughter is deprived of/ discriminated from the right to parental property, but just the adoption of a separate provision of property acquirement in view of her social capacity.
- e. It should be taken into account the negative effects the society is likely to throw up prior to declaring No 16 of *Ansabanda* void, and before the enactment of provision whereby a daughter gets an inherent share.
- f. This may leave a negative consequence on the long-practiced patriarchal society.
- g. It may create such state whereby a son may be discriminated as the daughter may get double property, both from the father and the husband, the sons get only from the father.
- h. It affects the whole laws of the state pertaining to the property rights.
- I. Just to declare No 16 of *Ansabanda* void is not the solution to the problems.
- j. Holding consultations and discussions with legal experts, sociologists, and recognized women associations, studying legal provisions practiced in other countries and considering constitutional provision regarding equality
- k. His Majesty's government has been ordered to propose an appropriate bill in the House of Representatives within a year.

In this way, putting aside the demands of the applicant a different ruling has been made. It is not solution-oriented. Analytical study of the basis of ruling reveals that the meaning is 'a daughter can not get equal share over parental property'. Ruling of the Supreme Court is not necessary to forward any bills. Any individual or institution can propose an amendment or repellent, or register a bill to enact a new law.

Some Contradictory Laws

Aputali (inheritance): A daughter shall have no title to claim for *aputali* (inheritance) as long as the male (son) successor of the deceased is extant. Her place is fifth or sixth in the row. (No 2, *Aputali*)

Similarly there is not gender parity over the property left behind a woman which she could dispose. The daughter's position, if she is to claim, is fifth/sixth. In Indian law daughter's get share over such property as a matter of right. Similarly in west countries, properties can be entitled to either a son or a daughter as per the will.

Disparity Between Adopted Son and Daughter

A women should seek pre-consent of her husband to adopt a son or daughter, but the husband can do so without asking his wife (No 2, Adopted son). But a mother can consent her offspring to adoption by other person if the father is not recognized or unknown. (No 4, Adopted son)

Marriage

Gender discrimination is prevalent from the age of marriage to the state of polygamy. Of 6 conditions as defined under No 9 of Marriage, none is in support of a woman. There is no legal reply on the question of poligyny.

Similarly, the condition pertaining to the characteristics as in No 2 of Conjugal Relations does not apply against man. To put it other way, characteristic purity has been defined only for women.

In addition to the above examples of gender discrimination there are some discriminatory laws. For example, foreign Employment Act 1986, Article 12 provides that a woman should take her protector's consent to go for foreign employment, Article 26 of the Act pertaining to the land does not include daughter and a widow daughter-in-law as the title of the tenancy right. Article 10 of the Military Act 1960 prevents women from military services. The existence of these contrary constitutional provisions have made the Article 131 of the Constitution inactive. Article 131 provides that all the laws in conflict with the constitution shall be deemed void within a year of the effect of the constitution. But it is so only in principle.

Right to Education

Article 18 of the constitution guarantees the right to education. There is no legal provision to limit it, in other words, no legal gender discrimination. The constitution has also adopted some measures to eliminate practical discrimination in the entertainment of this right, for example Article 11 (3), 26 (7),(9). Despite such provisions, the following table shows gender discrimination in education.

S.No.	Country	Women Literacy Rate	Men Literacy Rate
1.	Nepal	255	555
2.	Pakistan	225	415
3.	Maldives	995	985
4.	India	395	645
5.	Bangladesh	225	435
6.	Bhutan	105	385
7.	Sri Lanka	825	875

Source: VOICES; The Family of Women in South Asia, 1st Edition 1993 © Nepal Association of Women's Studies

The statistics shows that until 1996, total literacy rate is (of men and women) 27% In Nepal, 40.9% in Bhutan, 36.61% in Bangladesh, 36.1% in Pakistan, 89.3% in Sri Lanka and 92.6% in the Maldives. (Source Asia Week, April 1)

It has been indispensable to make education free for woman until, at least, a certain level to support Article 26 (7) of the constitution as women's participation is low in education.

Right against Exploitation

Constitution or any laws under it have not made any gender discrimination, but in practical sense women are surviving exploitation in each quarter. Therefore this right be seen through quite sensible eyes.

According to the Article 20 of the Constitution, the following elements are included in the definition of exploitation.

- i. Trafficking of human being
- ii. Practice of servitude
- iii. Forced profession
- iv. Use of child labour

Human Persons can not be Trafficked

Trafficking of women and prostitution are the main issues to be dealt with as provided by the Article 6 of CEDAW and Article 20 (1) of the Constitution of Nepal.

General law of *Muluki Ain* (the National Code) under the part of Trafficking to person was not enough to control the increasing problems of women trafficking. Therefore a separate Act was enacted in 1986 to control it.

Human Trafficking Control Act 1986

This Act has defined trafficking as an act of threat, enticement, and sale of women for the purpose of prostitution. There is 5-20 years imprisonment for the culprit involved. The buyer will get his/her money confiscated.

Trafficking has been treated as different crime from other crimes in society. According to the provision the culprit outside the country shall be punished under the same act as it is treated in the country and the person charged should provide evidences as in other criminal cases to prove his innocence. In addition this act has a wider arena of application.

Functional aspect

Even after the enactment and enforcement of this act, exploitation against women has not been controlled. The table below proves the gloomy reality.

Registered cases against trafficking

S.No.	Fiscal Year	Case Registration No.
1.	034-35	35
2.	035-36	44
3.	036-37	60
4.	037-38	70
5.	038-39	63
6.	039-40	96
7.	040-41	87
8.	041-42	92
9.	042-43	89
10.	043-44	96
11.	044-45	62
12.	045-46	103
13.	046-47	104
14.	047-48	137
15.	048-49	117
16.	049-50	126
17.	050-51	102
18.	051-52	149

Source: Police Headquarter, Naxal

Above statistics does not, however, provide a true picture of women trafficked. The reason is that many of the cases do not register. Similarly some forgery cases get registered to entrap others. Whatever the case be, only the statistics of the Nepalese women in the brothels of Bombay provide a substantial proof.

Prostitution

The Human Trafficking Control Act 1986 Article (c), (d) states prostitution as keeping up any woman into prostitution because of threat, pressure of any kind, deceit or enticement. Anyone responsible for such may be imprisoned for the prison term of up to 10-15 year.

The Act however, provides no way of justice to a woman who takes on prostitution willingly. This may eventually keep even those scot-free who forcefully keep women into brothels by manipulating the clause. Therefore police, legal practitioners, and justices have felt that provision for punishment should be adopted even to those women who willingly, as a profession, practice prostitution.

In various provisions of Muluki Ain such degrading words as “*beshyako aputali*” (property left in the name of prostitute), *beshyalai jabardasti karani garda 500 samma jariwana hune* “fine of up to 500 for raping a prostitute” challenge the right to equality of respected citizen as guaranteed by the constitution.

Repealing such degrading terms from the law, the right to dignity of women can be activated to a wider extent.

Some Major Communities Exploited by Prostitution

Badi: Begun from Salyan in the history, it has spread in different places in the western part of Nepal. Badi women in course of providing recreation to the Thakuries have now been compelled to adopt prostitution for their livelihood. Women of this community, it is expected that, were brought in from India in the 14th century, have now been sex-salves. There is no legal protection for Badi women who take the prostitution from the age of 10 Human Trafficking Control Act isn't attracted to the case of Badi women. Badi children have not so far been able to receive a citizenship despite the constitutional provision. Article 9(2) provides that children whose father is not recognized will be considered the citizen of Nepal. Badis are deprived of citizenship since long generation.

Efforts to Control Prostitution in Gaganjung

Some social activists are working out a policy to control the practices of prostitution in the red light area in Nepalgunj. According to the policy, anyone (male) entering into this area will be suggested not to indulge into prostitution in the first instance, he will be issued verbal warning if it is the second time. In the third instance, if he keeps going, the male will be forced to marry the Badi woman. Such steps are really appreciable, but this types of force marriage, if the male is already married, will exploit the first wife. Therefore, campaigns of its kind should follow the legal limitations.

Fundamental Problems of Badi Women

- a. Obstruction in acquiring citizenship of their own and of the offspring
- b. Insecurity of existence, forcible environment to adopt prostitution as a profession.
- c. Gender discrimination, unequal social status
- d. Temporary residence, insecure future
- e. Low economic alternative
- f. Negative social perception
- g. Poor legal protection

Deuki Women

Deukis are girls between 6-10 years of age offered in the names of god/goddesses. As a common property, they are forced into prostitution when they are mature. This remains in the west- Baitadi, Dadheldhura and Darchula-known as Deuki System.

Child Act 048, Article 14 prevents any child from offering to the god as a religious intention. This means the Deuki system needs immediately stopped.

Systems like Deuki, Jhuma are the extremes of women exploitation. Such systems therefore be prevented adopting special protective legal measures as per the Articles 26 (10) of the constitution.

Enslave or Keep in Forced servitude

According to Article 4 of Human Rights Declaration, no one shall be kept in conditions amounting to servitude. Nepal too has honored in principle the universal norm. Legally, slave system was abolished in 1867 by the Rana Prime Minister Chandra Shamsher. He freed 59, 873 slaves.

However, the slave system still remains in practice. Home servants as well as the practice of bondage or servitude has not ended. Women in bondage or servitude have to endure multiple exploitation, of dignity and of labour. To put it other way, women in servitude have been found raped, harrassed and later left desperately. They have no legal protection in such case.

Kamaiya system, a form of bonded labour, is still rooted in the west of Nepal. According to this, everyone, including his family members, should work for the master without any wage. Specially people from the Tharu Community are debt-bonded. These Kamaiyas are recognized as bonded labore by the Ministry of Labour and Social Welfare by way of the first survey in 1986. Later INSEC and other human rights organizations made an intensive survey and have been raising this issue ever since. They have been demanding the abolition of this system. The survey shows that only in Kailali, Kanchanpur and Bardiya 17, 728 kamaiyas have resided. The same survey shows women bonded laborers in a large numbers. INSEC has reported after surveying in Kailali, Bardiya and Kanchanpur 42.96% of women in bondage, though their accurate number is difficult to point out.

Main Exploitation over Bonded Women

- a. No wage for work
- b. Traditional gender discrimination
- c. Livelihood under extreme poverty
- d. No access to education, including the children
- e. Physical and sexual exploitation, offer of life as a means of recreation

Other Exploitation Against Women

Underage Children at Work

Article 20 Sub-article 2 defines this as unconstitutional. Similarly Child Act 1992, Article 17/18 prevents any child below 14 from labour and hazardous work. But these provisions seem to have effortless since under-age girl children have been working in carpet industries, and the like.

Rape

This has been a grave and serious physical exploitation against women. Children from the age of 3 years to the elderly of 60 have been suffered by this. The following table shows an increasing scale of the crime.

Cases registered in police office

(Table page 89)

S.No.	Year	No. of Rape
1.	045-46	75
2.	046-47	67
3.	047-48	111
4.	048-49	138
5.	050-51	160

Source: Police Headquarter, Naxal

However the number does not represent a true picture, it is a small part of the big reality. Many of such cases do not get registered due to varieties of reasons, social, personal and family. Therefore it has been indispensable to provide for in-camera hearing for women to control this physical exploitation.

To present the indecent roles of women in films, advertisement and other means of communication is also an exploitation over the dignity of women.

Political and policy making rights of women

In principle women are not discriminated against the following rights according to the international legal instruments with respect to women. Article 12 of the Nepalese Constitution also provides so.

- a. Voting right and the right to be elected in all elections and referenda
- b. Right to be elected in all public elected institutions
- c. Right to be involved in government policy making and its execution, hold public posts and execute public activities in all government levels
- d. Freedom of expression and opinion

While considered the practical aspect, however, no gender parity has been practiced. Women's participation in policy making and in politics, all levels, is quite dismal. Only 521 women have occupied officer posts in government services ranging from the third class gazette to high ranks. It was the same in 1991/92.

Women and Political Reservation

Women's participation in politics is almost zero due to gender discriminatory social attitudes. With the provisions of reservations as per the Article 11 of the Constitution to increase their participation in politics, a Special Provision is to be made.

Position of women in House of Representatives

It is compulsory for each political party to keep at least 5% women contestants in the elections for parliament (article 114 of the constitution). This however does not mean that only 5 out of 100 should be women candidates. But in addition to the right to equality, political parties have so far done nothing more in practice than to address it as formality. Even the 5% women are offered seats which are insecure, for women- the number of elected women. Accordingly, 7 women out of 205 in the HOR (3.41%) have been elected as parliamentarians. The rest 198 (96.59%) male dominate their presence.

Women in National Assembly

National Assembly, the Upper House, contains 60 members. Of them 10 are nominated by the HM King, the remaining 50 are elected, 35 from the House of Representatives (HOR) on the principle of proportional representation. Of these 35, the constitution has provided the election of at least 3 women. (Article 46 (1) (b))

Even in national Assembly this right to women's equality has been limited in reservation. There are 3 women members, as against 57 men. No woman makes up the '10' the king has nominated.

The term 'at least' used with respect to defining constitutional provision for women's participation in both of these sessions encourages one to claim that the reality of the political rights given to women is per se a product of gender discriminatory mentality.

Conclusion

Above all, from the constitutional history of Nepal to the present Constitution, from the Women's Decade (1975-1985) to the Beijing Conference on Women domestic as well as international provisions on women have mainly been respected in principle. A matching action to them should promptly begin.

Women have been impeded to obtaining citizenship because of constitutional gender discrimination and due to the prevalence of discriminatory laws which narrow the constitutionally guaranteed provisions of fundamental rights. As a result, women have been economically, socially and in other aspects limited.

Both men and women are dignified citizens of a nation. Hence equality between them in each rights is a matter of natural rights. This notion of equality be protected legally. Nepalese society has evolved through history with males often in dominant position. This male domination has been reflected even in the prevalent laws, they are unequal, discriminatory and are of negative mentality. Women's rights can only be restored with the enactment of laws that do not practice gender discrimination, and with their execution in mentally balanced (impartial) state. Any law is non-functional if its executive part is weak, for example, social Behavior Improvement Act 1982.

Therefore, in a word, what can be claimed is the equal law, equal execution, balanced mentality and impartial commitment are a must for the attainment of women's personality and their right to property.

*List of the Participants***Easter Region**

S.No.	District	Participants
1.	Taplejung	Ambika shrestha
2.	Jhapa	Lakshima Dahal
3.	"	Indira Chapagain
4.	"	Maya Devi Khadka
5.	"	Tara Devi Kafle
6.	"	Sharada Sapkota
7.	"	Menaka Kafle (Pokhrel)
8.	"	Bishweshwara Dahal
9.	"	Dhan Kumari Yongjang
10.	"	Tara Dhakal
11.	Morang	Kamala Rai
12.	"	Bhagiratha Sitaula
13.	"	Malati Subba
14.	"	Nainakala Ojha
15.	"	Ganga Dangi
16.	Dhankuta	Shakuntala Basnet
17.	"	Tirtha Kumari Rai
18.	Tehrathum	Meena Kumai Khatiwada
19.	"	Shova Khatiwada
20.	"	Yashoda Adhikari
21.	Sunsari	Indu Gautam
22.	"	Uma Bastola
23.	Sankhuwasabha	Sujita Shakya
24.	"	Sunita Ral (Kafle)
25.	Khotang	Parbati Rai
26.	Udayapur	Janaki Kumari Chaudhari
27.	Bhojpur	Saraswati Rai
28.	"	Jayanti Rai
29.	Panchthar	Kamala Subba
30.	Ilam	Deukala Rai
31.	"	Chandakala Dahal
32.	"	Shova Parajuli
33.	Okhaldhunga	Indira Dahal
34.	"	Guna Kumari Koirala

S.No.	District	Participants
35.	"	Yashoda Wagle
36.	Saptari	Saraswati chaudhari
37.	"	Chapala Mishra
38.	Siraha	Jaya Ghimire

Mid Region

1.	Sindhupalchok	Saraswati Bhandari
2.	"	Palkamaya Thami
3.	"	Purnama Thami
4.	"	Rama Jisi
5.	"	Buddhimaya Thami
6.	"	Lakshima Thami
7.	Nuwakot	Parbati Pyakurel
8.	Kavre	Sila Kanila
9.	"	Amubhawani Karki
10.	Bhaktapur	Saraswati Bati
11.	"	Sharada Jha
12.	Chitwan	Indra Kumari Adhikari
13.	"	Sita Poudel
14.	"	Bimala Neopane
15.	"	Mayadevi Khanal
16.	"	Sita Adhikari
17.	Makawanpur	Shanta Neopane
18.	"	Goma Timilsina
19.	"	Sita Bidari
20.	"	Bal Kumari thapa
21.	"	Juneli Shrestha
22.	"	Harka Maya Rumba
23.	"	Bishnu Ojha
24.	"	Kamala Badan
25.	Bara	Netra Kumari Poudel
26.	"	Uma Hamal
27.	Parsa	Bhagirathi Thakur
28.	Rautahat	Renu Basnet
29.	"	Laxmi Devi Singh
30.	"	Kalyani Khadka
31.	Sarlahi	Sumitra Devi Karki
32.	"	Krishna ghimire
33.	"	Narayani Dhungana
34.	Sindhuli	Indira Dahal

S.No.	District	Participants
35.	"	Dhana Purna Shakya
36.	Mahottarai	Manu Kumari Pulami
37.	"	Keshar Kumari Khapangi
38.	"	Ranjana Rayamajhi
39.	Dhanusha	Basnti Ghimire
40.	"	Gyanu Devi Poudel
41.	"	Jahiri Devi Kuirini
42.	"	Tulasa Dahal
43.	Ramechhap	Dewaki Poudel
44.	"	Kamala Subedi
45.	Lalitpur	Sharada Koirala
46.	"	Chatur Byanjankar
47.	"	Sulochana Joshi
48.	"	Dewaki Shrestha
49.	"	Radha Timilsina
50.	"	Chanchala Shrestha
51.	"	Renuka Bajgai
52.	"	Rupa Rai
53.	Kathmandu	Sita Ojha
54.	"	Sabita Bhattarai
55.	"	Ram Kumari Maharjan
56.	"	Neelam Poudel
57.	"	Sushil Shrestha
58.	"	Shanta Manawi
59.	"	Shita Khadka
60.	"	Swastiprabha Bajracharya
61.	"	Astha Laxmi shakya
62.	"	Shashi Shrestha (commentator)
63.	"	Shanta Shrestha
64.	"	Sita Adhikari
65.	"	Maya Gyawali
66.	"	Bidya Bhandari
67.	"	Laxmi Aryal
68.	"	Meera Dwaju
69.	"	Gayatri Nepal
70.	"	Meera Dhungana
71.	"	Mukta Shrestha (Mulyankan)
72.	"	Shabita Adhikari
73.	"	Sandhya shrestha - CWIN
74.	"	Radha Gyawali

S.No.	District	Participants
75.	"	Jamuna Maharjan - CVICT
76.	"	Shanti Ale- CVICT
77.	"	Usha Tiwari - Photographer
78.	"	Bindiya Pradhan- Dristi
79.	"	Geeta Sangraula
80.	"	Renu Sharma - FOPHUR
81.	"	Sharmila Karki- cwish
82.	"	Shanti Adhikari - cwish
83.	"	Bhima Luitel- Women Era
84.	"	Chhaatra Kumari Gurung- Lyak
85.	"	Kumari Niroula- Bahuayamik Sanstha
86.	"	Sabina Pradhananga
87.	"	Hom Kumari Khapung- Mahila Utthan Samuha
88.	"	Kamala Sharma- Mahila Adharshila
89.	"	Smriti Kharel- mahila Adharshila
90.	"	Uttra Koirala
91.	"	Jamuna Bhattarai
92.	"	Indira Koirala-IIDM
93.	"	Lila Adhikari
94.	"	Prabha Mainali
95.	"	Geeta Rai- Volunteer
96.	"	Mira Khanal-Volunteer
97.	"	Neena Gurung- Volunteer
98.	"	Dr. Mina Acharya- Paper Presenter
99.	"	Durga Ghimire- Commentator
100.	"	Sandhya Bhatta- Commentator
101.	"	Madhuri Dikshit
102.	"	Goma Devkota
103.	"	Kalpana Rijal
104.	"	Sushila Nepal
105.	"	Tulashi Thapa
106.	"	Menaka shrestha
107.	"	Sadhana Adhikari
108.	"	Sushila Thapaliya

Western Region

1.	Lamjung	Ratna Kumari Shah
2.	"	Kamala Adhikari
3.	Gorkha	Laxmi Sharma Thapa
4.	"	Hanipha Bibi Miya

S.No.	District	Participants
5.	Syangja	Kamala Thapa
6.	"	Jamuna Subedi
7.	"	Padma Aryal
8.	Tanahu	Chandra Kala Baral
9.	"	Parbati Rana
10.	"	Shanti Devi Khanal
11.	Kaski	Ratna Bhattachan
12.	"	Parbati B.K.
13.	"	Laxmi karki
14.	"	Chhali Kumari Kunwar
15.	Parbat	Kalpana Chapagain
16.	Baglung	Shova Rana
17.	"	Krishna Adhikari
18.	Arghakhanchi	Devi Basyal
19.	"	Kabita Poudel
20.	Gulmi	Maina Bhandari
21.	"	Dil Shova Puna
22.	Palpa	Sumitra Khadgi
23.	"	Bimala KC
24.	"	Lok Kumari (Pande) Basyal
25.	"	Srijana Kafle
26.	Rupandehi	Padma Pyakurel
27.	"	Indu Loth
28.	"	Tilmaya Bhattarai
29.	"	Ganga Devi subedi
30.	"	Maiya Bhattarai
31.	Nawalparasi	Dana Kumari Pande
32.	"	Chandra Puna
33.	"	Maya Giri
34.	"	Tulasa Aryal
35.	Kapilvastu	Rukmini Kuwar
36.	"	Indra Maya Sharma
37.	Myagdi	Narade Puna

Mid-Western Region

1.	Humla	Sarita Bohara
2.	Mugu	Sonam Chhejung Lama
3.	Kalikot	Belkosha Shahi
4.	Jajarkot	Sita Shrestha
5.	Surkhet	Anita Koirala

S.No.	District	Participants
6.	"	Sumitra Bisi
7.	Bardiya	Bridha Kumari Rana
8.	"	Gongi Tharuni
9.	Banke	Padma Bhattra
10.	"	Pushpawati Bhattarai
11.	"	Gaura Prasai
12.	"	Shawara Sidhiki
13.	"	Shovana Mishra
14.	Salyan	Priti Kumari Chand
15.	"	Mina Chanda
16.	Rolpa	Rimali
17.	Pyuthan	Raj Kumari Shrestha
18.	Dang	Tulasa Dhakal
19.	"	Indu Gyawali
20.	"	Menaka Pokhrel
21.	"	Bishnu Poudel
22.	"	Sudhari Chadhari
23.	"	Krishna Subedi
24.	"	Krishna Subedi

Far Western Region

1.	Kanchanpur	Menaka Lamsal
2.	Kailali	Sharada Bhatta
3.	"	Urmila Rai
4.	"	Sharada Niroula
5.	Achham	Sushila Shah
6.	Bajura	Pratibha Gautam
7.	"	Naina Shaha
8.	Bajhang	Rekha Kumari Singh
9.	"	Susshila Singh
10.	Darchula	Shraddha Singh

Pasang Lhamu Pledge

Analyzing gender bias in the laws and Constitution of Nepal in the question of social justice and practice of equal rights between men and women,

Accepting that the struggle of women is an integral part of the social and national liberation; and that the involvement of women, who number more than half of the total population, is indispensable for the protection and promotion of democracy and for the effective realisation of human rights,

Considering the importance of domestic implementation of UN conventions and international laws relating to women at national level, particularly the Convention on the Elimination of All Forms of Discrimination Against Women and Convention on the Political Participation of Women,

Mindful of the fact that Informal Sector Service Centre (INSEC) brought the political afflictions of women to the political forum holding a conference on Politically Victimized Women in 1994 in Dhankuta,

Observing a bitter reality that the political parties in Nepal have yet to come open on the question of women candidature for the House of Representatives that they do so only for the response of the constitutional provision of 5% women candidacy,

Observant of the fact that the low level of participation of women in politics in all parties have hindered in the process of the nomination of women candidates and enactment of appropriate laws for the women,

We, more than 200 participants from over 62 districts in Nepal, from various social, political and professional institutions contributing to the struggle of women, representing the family of the martyrs of the democratic struggle and those who were disappeared in course of such struggles having participated in a 3-day conference on 'Women Involvement in Politics', and having discussed on (a) **Women's Position in Nepalese Parties** (b) **Direction on the Struggle of Women in Nepal**, and (c) **Constitution of Nepal and Women Rights** adopt this *Pasang Lhamu Pledge* to enhance the equal participation of women in the governance up to the decision making level.

Our Working Direction

- i. The struggle of women is a part of national struggle hence it appears in different political streams. Although political conscience, faith, principle and organizational diversities are considered to be natural in a democratic polity, it is imperative to launch a unified struggle on the questions of women welfare, security and common issues of public concern.
- ii. Achievement of women rights does not mean curtailing the rights of men. While fighting for equal rights, women should also fight against all forms of oppression against men in the societies.
- iii. Equal treatment between men and women maintains a balance in the society. If it fails, it would invite a fragmentation in the society.

Our Working Procedure

- i. Commence a 'National Campaign on Social Awareness' to do away with social trends, superstition, and illiteracy that inhibit the women for their participation in politics.
- ii. Such social struggles will be driven down to all fabrics of society. The state machinery, parliament, political parties and the public will be mobilized to collectively combat the problems.
- iii. Opportunities for the employment and education for the families of the martyrs and disappeared will be explored. They will be encouraged into active politics.
- iv. Other parallel programmes will be launched to encourage all the women to raise their concern towards politics or to involve them in politics.
- v. Formulation of pressure to eradicate the inequality between the rights of men and women thereby to enact appropriate laws.
- vi. Pressurize political parties to increase involvement of women.

Our Concern

1. Men and women who were killed in course of the struggle for the establishment of democracy and for its consolidation be honored as Martyrs. Their spouses be provided with life-long special allowances. The state should arrange appropriate means of livelihood for the martyrs' family. All

the properties confiscated during the Panchayat regime be returned to them with due honor.

2. Unequal provisions, constitutional or legal, in connection with women rights be repealed.
3. For the increased involvement of women in politics and for the consolidation of democracy such legal provisions be adopted whereby at least 25 % women are mandatorily involved in politics from the grassroots level. Only women candidates should contest in the women seats reserved as per the constitutional provision for the House of Representatives. And, for other constituencies women contests be allowed in accordance with their capacities.
4. Provision must be made for at least 15% women representation in the Upper House, inclusive of elected and nominated.
5. 25% women involvement be made mandatory in each tier as well as unit committee of all political parties.
6. Legal terminologies that look upon women be changed. Those who oppress women be brought to justice with no impunity.
7. A separate women court be introduced for the in- camera hearing of women cases.
8. Constitutional arrangement be made for the formation of an independent and powerful Women Commission to resolve all types of problems that women are facing.
9. An easy and practicable policy be adopted to make women independent and self-sustained enabling them to enjoy the equal property right on all conditions whatsoever. Women compelled to divorce should have access over the use of properties, which their offspring are entitled to succeed as the heir, as the caretaker of the children until they are adult.
10. In the case of citizenship, unequal practices in laws be repealed to enable women to acquire it easily and fairly.
11. Public or national properties, registered in the names of associations pertaining to women, such as 'Taragaun', be used for the welfare of women.

12. The government should initiate social rehabilitation programmes and manage an alternative employment in the country for those women who have been trafficked and/ or compelled to indulge into prostitution in Nepal or outside.
13. Women employees, be it in governmental or non-governmental establishments, should be entitled to enjoy compassionate leaves as equal to the men.
14. Jary system which still prevails in various parts in the country be legally abolished.

Our Friends

We the women should take a leading role for the successful execution of our plans as envisaged earlier. However, the government, social movements and human rights movements will be the important allies in our struggle. We would resolve the problems in cooperation with these forces. For this purpose, we form a "Women Task Force" out of this august conference.

Task force formed by the conference

Advisers

Laxmi Shrestha
Indira Dahal
Dwarika Devi Thakurani
Asta Laxmi Shakya
Sanjeeta Rawal

Task Force

Coordinator	Goma Devkota	- Sindhuli
Member	Indra Maya Sharma	- Kapilvastu
Member	Bishweshwara Dahal	- Jhapa
Member	Maya Gyawali	- Kathmandu
Member	Laxmi Singh	- Rautahat
Member	Maya Giri	- Nawalparasi
Member	Laxmi Karki	- Kaski
Member	Santosh Pyakurel	- INSEC
Member	Kamala Parajuli	- INSEC
Member	Kavita Aryal	- INSEC
Member	Preksha Ojha	- INSEC
Member	Sushil Pyakurel	- Chairman, INSEC

The secretariat of the Task Force will be the INSEC, Central Office.

Appendix 6

INSEC Family involved in the programme

1.	Sushil Pyakurel	Central Office	Chairman
2.	Dr Rajesh Gautam	"	General Secretary
3.	Subodh Raj Pyakurel	"	Executive Member
4.	Deepak Raj Kafle	"	Treasurer
5.	Krishna Upadhyaya	"	INSEC Human Rights Activist
6.	Devika Timilsina	"	
7.	Santosh Pyakurel	"	
8.	Kamala parajuli	"	
9.	Kabita Aryal	"	
10.	Nara Nath Luitel	"	
11.	Prem Parajuli	"	
12.	Narayan Dahal	"	
13.	Samir Nepal	"	
14.	Raj Narayan Nepali	"	
15.	Kiran Mali	"	
16.	Govinda Tripathi	"	
17.	Madhav Panthi	"	
18.	Dip Silwal	"	
19.	Ramesh Baniya	"	
20.	Jagadish Dahal	"	
21.	Mukunda Kattel	"	
22.	Prekshya Ojha	"	
23.	Bijaya Pandey	"	
24.	Sita Ram Lamsal	"	
25.	Shyam Maharjan	"	
26.	Krishna Gautam	"	
27.	Lekh Nath Bhandari	"	
28.	Dasharath Budhathoki		Eastern Regional Office, Biratnagar
29.	Tanka Niroula		"
30.	Devi baskota		Western
31.	Surya Prakash Bhattarai		Mid-west
32.	Bhoj Raj Bhusal		"
33.	Kul Raj Ghimire		Far-west
34.	Bhola Mahat		"
35.	Dipen Neopane		Year Book District Representative
36.	Chandra narayan Chaudhari		"

Appendix 7

Secretariat formed to facilitate the National Women's Conference

Goma Devkota
Sanjita Rawal
antosh Pyakurel
Kamala Parajuli
Kabita Aryal

Reporting

Madhav Panthi
Krishna Gautam
Lekhnath Bhandari

Photography

Usha Tiwari/ Lekh Nath Bhandari

Movie picture

Sushil Neopane

Health Services

Sarala KC (Shantabhawan Narsing Campus)

Ambulance Services

All Nepal Women's Association

Appendix

Paper Presenter
Sahana Pradhan
Dr. Mina Acharya
Gita Sangraula

Commentator

Sashi Shrestha
Durga Ghimire
Sandhya Bhatta

प्रजातन्त्रका मौलिक...

ESSENCE OF DEMOCRACY: WOMEN'S PARTICIPATION

राष्ट्रिय महिला भेल

NATIONAL WOMEN'S ASSEMBLY

२८-३० चैत्र २०५२

10-12 APRIL 1996

काठमाण्डौ, KATHMANDU



For Human Rights & Social Justice



Informal Sector Service Centre (INSEC)

P O Box 2726, Kathmandu, Nepal

Tel: 270770 / 278770

Fax: +977-1-270551

e-mail: info@insec.wlink.com.np