

Caste-Based Discrimination and the Social Status of Dalits in Nepal: A Socio-Legal Analysis

Kanshi Prasad Adhikari^{1*}

DOI: <https://doi.org/10.3126/academia.v5i2.97486>

¹Department of Anthropology, Mahendra Multiple Campus, Nepalgunj, Tribhuvan University, Nepal

*Corresponding Author, Email: vaskaradhikari33@gmail.com

ORCID: <https://orcid.org/0009-0006-8466-6433>

Article History: Received: Jan. 8, 2026 Revised: March 22, 2026 Accepted: July 12, 2026

ABSTRACT

Despite the progressive legal reforms in Nepal, the issue of caste-based discrimination and practice of untouchability continues to affect the constitutional right of equality. This research article deals with the evolution, constitution and legislation of the rights of Dalit communities and their social condition at present. This study is descriptive-analytical socio-legal study, adopting a descriptive-analytical socio-legal methodology, using both primary and secondary legal sources, including the National Dalit Commission reports, the National Civil Code 2017, the Caste Based Discrimination and Untouchability (Offence and Punishment) Act 2011 and The Constitution of Nepal 2015. Results show that formal equality has been well secured in law while substantive equality is yet to be achieved. The 2021 census data showed that the Dalits' population was about 13.4 per cent of the total national population, but the marginalisation of the Dalits in terms of poverty, education, employment and state institutions persisted. Lack of enforcement, low institutional capability of the National Dalit Commission and strong existing social norms uphold discrimination in the public and private sphere. The article concludes that the effective implementation of Dalit rights must involve not only strict enforcement of existing laws, but extensive social awareness campaigns, affirmative actions, and structural changes that take into consideration the intersectionality of caste, class, and gender. It recommends more robust monitoring systems, more legal aid, modernization of traditional occupations, and the integration of the anti-discrimination education into the national curriculum.

Keywords: Affirmative action, Caste-based discrimination, Constitution of Nepal 2015, Dalits, National Dalit Commission, Socio-legal analysis, Untouchability

INTRODUCTION

Nepal is a multi-caste, multi-ethnic, multi-religious society with a long tradition of hierarchical ideas of purity and pollution based on the Hindu varna ideology. Caste discrimination is a social taboo that persists despite the formal elimination of the practice and the government's promise of a federal democratic republic which would be open to all. The high-profile controversies like Saraswati Pradhan and Rupa Sunar incident repeatedly tell the nation that legal restrictions are not adequately converting into behavioural change. The Constitution of Nepal 2015

condition (Constitution of Nepal 2015, art. 24). However, the empirical fact is that Dalit communities, which have been stigmatised as “untouchable”, remain at the bottom of the socio-economic ladder.

The National Population and Housing Census 2021 shows that Dalits make up around 13.4 per cent of Nepal's total population of 29.16 million, which equals about 3.9 million individuals (Central Bureau of Statistics [CBS] 2021). The figure is less than some advocacy estimates of 17–20 percent, which stem

from a variety of definitional changes and under enumeration issues. The community is diverse within itself comprising of Hill Dalits (Kami/Vishwakarma, Damai/Pariyar, Sarki, Badi and Gaine) and Madhesi/Terai Dalits (Chamar, Musahar, Dusadh/Paswan, Tatma, Dhobi, and others). These traditional professions, such as blacksmithing, goldsmithing, tailoring, and leatherwork, music and sanitation, have long been marginalized and perceived as ritually unclean, leading to systematic exclusion from land ownership, education, public office and social relations.

Human beings are born free and equal in dignity and rights; everyone is entitled to the same rights and freedoms regardless of race, color, gender, language, religion, political or other opinion, national or social origin, property, birth, or otherwise. Nepal has signed and ratified major international human rights conventions, including the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). Domestically, various laws have been enacted to redress centuries of structural inequity, starting with the Muluki Ain of 1854, which codified hierarchy; the 1963 Civil Code, which partially abolished hierarchy; and the progressive Constitution of 2015 and the specialised anti-discrimination Act of 2011. However, there is still a significant discrepancy between the legal equality and the real discrimination.

A detailed socio-legal analysis of laws enacted to safeguard and uplift Dalits, and an evaluation of the current status of Dalits' social conditions are conducted here. It seeks to answer three interconnected questions: (1) What has happened to caste based legal regulation in Nepal over time? (2) What are the shift points where the regulation changes from one form to another? (3) How is the new form of caste-based legal regulation linked to the old form? (3) What are the challenges in enforcing existing constitutional and statutory provisions protecting the rights of Dalits? (3) How much have these frameworks changed the social and economic realities on the ground for Dalit communities? The study brings legal analysis together with secondary socio-economic information to enrich the existing legal and policy debates about substance-based equality in post-conflict, federal Nepal.

The caste system in Nepal was established during the reign of King Jayasthiti Malla in the fourteenth century and strengthened by the Muluki Ain of 1854 under Jung Bahadur Rana. Higher caste

groups habitually discriminated against lower caste groups, denying them access to education, temples, water, public areas, etc. Constitutional equality and legal frameworks have been in place to criminalize such practices; however, attitude regarding acceptance/non-acceptance of equality has not followed. Dalits continue to be socially segregated, economically marginalised, politically under-represented and educationally disadvantaged. The implementation of anti-discrimination laws is unequal, especially in rural and remote areas, and there are resource and capacity limitations for institutions like the National Dalit Commission. This research thus aims to address the continued gap between progressive law and codified social norms that continue to bar Dalits from exercising their human rights and gaining equal citizenship status.

The Main objectives of the study is to analyze the legal provisions protecting Dalits and to assess their contemporary social status in light of caste-based discrimination and untouchability. Specific objectives are:

1. To examine the historical evolution of caste hierarchy and legal regulation of Dalits in Nepal.
2. To examine the constitutional and legal provisions that ensure equality, non-discrimination and positive discrimination for Dalits.
3. To investigate the social, economic, educational, and political impacts of residual untouchability and discrimination.
4. To put forward evidence-based policy recommendations to effectively uplift and empower Dalit communities.

This research has implications for legal scholars, policy makers, human rights activists, and development practitioners. It systematically charts the legal structure in relation to social outcomes, which helps to build an evidence base for reinforcing enforcement and creating more effective affirmative-action programs. This study is based on secondary data analysis, as primary field research will increase understanding of localized differences in discrimination, but is impractical due to time and resource restrictions. The findings cannot be applied to all localities but they do provide a national level socio-legal synthesis that can shed light on structural patterns.

HISTORICAL AND THEORETICAL CONTEXT OF CASTE AND UNTOUCHABILITY

Origins of the Varna system and its adaptation in Nepal

The classical Hindu texts, especially the Rigveda and the Manusmriti, explain the varna hierarchy of the four classes: Brahmins (priests and scholars), who came from the mouth of the cosmic being; Kshatriyas (warriors) emerged from the arms, Vaishyas (merchants) from the thighs, and Shudras (servants) from the feet. During the ancient period, this occupational separation did not always involve the extreme concepts of cleanliness and impurity that later defined caste practice. In Nepal, the four varna were found during Lichhavi period without the concept of untouchability. The crucial institutionalization took place when King Jayasthiti Malla classified the people of Kathmandu Valley in the late fourteenth century into sixty-four castes and issued hierarchical restrictions (Höfer, 2004). King Ram Shah and later the succeeding rulers further entrenched the caste differences in judicial practice.

In the eighteenth century the unification movements of Prithvi Narayan Shah depended significantly on the labour and military assistance of the artisan castes which were subsequently labeled as Dalit—blacksmith, cobblers, and Gaine musicians who played patriotic songs. Pluralism was recognized in the famous metaphor of Prithvi Narayan Shah, but successive governments did not take the talk and make it a policy of equality. But instead captives and a few occupational groups were degraded into 'untouchable' status and the ranks of the excluded extended.

The Muluki Ain of 1854: Legal codification of hierarchy

The Muluki Ain (National Code) of 1854 brought by Jungbahadur Rana is the best example of the most elaborate legal institutionalisation of caste hierarchy in Nepalese history. The Code was based on the concept of dharmashastra traditions and the multi-ethnic nature of the extended Gorkha state; It classified the population into five categories: (1) Tagadhari (sacred-thread wearers, primarily high caste Hindus); (2) Namasinia Matawali (non-enslavable alcohol drinkers, primarily from certain ethnic groups); (3) Masinya Matawali (enslavable alcohol drinkers); (4) Pani Nachalne Chhoi Chhito

Halnu Naparne (water-unacceptable but touchable, including Muslims and certain occupational groups); and (5) Pani Nachalne Chhoi Chhito Halnu Parne (water-unacceptable but untouchable). The third included the communities that are now known as Dalits, including Kami, Sarki, Damai and others (Khatiwoda et al., 2021; Höfer, 2004).

The Code was not just a reflection of the prevailing social custom; it actually institutionalized the caste-based differential punishment. A similar crime received lighter punishment for high caste criminals and heavier punishment for low caste criminals. Inter-caste marriage was banned and the rules of commensality, sexual relations and ritual purity were very detailed. Overall, this culminated in the transformation of customary hierarchy to state-imposed inequality, with lasting inequities, hatred, and rigidity being entrenched well into the twentieth century.

A close study of the Muluki Ain shows that around one-third of the provisions explicitly address caste, family, kinship and ritual purity (Khatiwoda et al., 2021). The severity of crimes, from minor social offenses to homicide, was graduated on the basis of the social status of the aggressor and the victim. For instance, the punishment for sexual crimes was drastically different for different castes, and the least punishment was given when the woman was "impure and untouchable." This calibrated inequality not only confirmed but also reinforced the idea that Dalit lives and bodies have less legal value. The Code's depiction of Muslims and some other non-Hindu groups as 'water-unacceptable' is also illustrative of how the state classified entire communities within a hierarchy of moral values through the medium of legal classification. This legal system had a lasting impact on social consciousness that has been difficult to remove by subsequent reforms.

Post-1951 reforms and the gradual legal erosion of untouchability

The collapse of the Rana dictatorship in 1951 and the establishment of democracy, a gradual process of legal liberalization started. With the enactment of the Muluki Ain of 1963 (2020 B.S.), the government finally broke the cycle by stating that there would be no discrimination on the basis of caste and that punishment for every crime will be equal. Section 10A of the Chapter on Decency defined the practice of treating any person as untouchable or denying him access to public places or utilities as a crime,

punishable by up to one year in prison or a fine. The Constitution of the Kingdom of Nepal 1990 also affirmed the principle of non-discrimination, explicitly outlawing caste-based untouchability (Article 11(4)) and ensuring equal access to public places (Constitution of the Kingdom of Nepal, 1990).

Although formal progress, there was lack of implementation. Segregation, the prohibition of temple access and occupational exclusion persisted in rural areas with little change. The Maoist insurgency (1996-2006) and the People's Movement of 2006 boosted the political profile of Dalit problems, leading to the Interim Constitution of 2007 and, eventually, the Progressive Constitution of 2015.

The Interim Constitution of 2007 was a qualitative improvement in terms of explicit mention of the rights against untouchability and caste discrimination, explicit guarantees to representation, and the non-denial of the right to social justice for marginal groups. It also set the legal framework for the subsequent passage of the special anti-discrimination law that passed in 2011. In this interim period, Dalit activists and organizations took up campaigning on a massive scale, documenting the atrocities, advocating for land reform and for reservations in public employment and education. The inclusion of these demands in the 2015 Constitution, which was drafted at the Constituent Assembly, institutionalized them further, and it is notable that the constitutional provision on Dalit rights in the 2015 Constitution is extremely detailed for an international comparison. This is a historical trajectory that is the result of a mix of elite reformism, political turmoil and a longstanding grassroots mobilization by Dalit communities.

METHODOLOGY

This study adopts a descriptive-analytical socio-legal methodology. It is basically a desk study using secondary sources, such as statutes and census data, as well as commission reports and academic monographs, and constitutional texts. The research design is of an exploratory nature both as a mapping of the legal landscape and an analytical nature, as an evaluation of congruence between legal norms and social outcomes. For the reasons of the study, primary data collection was not possible by the use of interview or survey; hence, the findings were based on critical synthesis of published materials. Legal status is analyzed using doctrinal analysis, and social condition is analyzed using secondary statistical and

qualitative evidence from the Central Bureau of Statistics, the National Dalit Commission, the National Human Rights Commission and peer-reviewed scholarship.

CONSTITUTIONAL AND STATUTORY FRAMEWORK FOR DALIT RIGHTS

The Constitution of Nepal 2015: Foundational guarantees

The Nepalese Constitution of 2015 has the most extensive constitutional acknowledgment of Dalit rights in Nepal's history. Article 18 states that everyone has the right to equality and is not to be discriminated against because of their origin, religion, ethnicity, caste, tribe, sex, economic position, language, area, ideology, or other equivalent factors. Special provisions for the protection, empowerment, and development of socially and culturally underprivileged populations.

Dalits, is specifically allowed and not considered as discrimination. Article 24 has special importance, which is called the right against untouchability and discrimination. It bars exclusion or discrimination in any private or public institution based on any ground of origin, caste, tribe, community, profession, occupation or physical conditions. No person shall be denied or deprived of the right to buy or acquire goods, services, or facilities, or the right to have access to goods or services reserved for those of a specific caste solely for the purpose of purchasing or acquiring goods, services, or facilities. The Constitution of Nepal, 2015, in its art. 24, states that all forms of untouchability and discrimination are punishable as severe social offenses, and compensable for those affected.

Article 40 only pertains to Dalits and specifies seven substantive rights such as: (1) right to participate in all bodies of the State on the basis of proportional inclusion; (2) free education along with scholarships from primary to higher education; (3) special provisions for health and social security; (4) the right to use, protect and develop traditional occupations, knowledge, skills and technology, with priority of the State in related modern businesses; (5) provision of land once to landless Dalits in accordance with law; (6) arrangement of settlement for Dalits without housing; and (7) just and proportional distribution among Dalit women, men and all Dalit communities (Constitution of Nepal,

2015, art. 40). The provisions together create negative rights (freedom from discrimination) and positive rights (right to positive action).

The presence of a separate constitutional provision on Dalits' rights is comparatively unusual and reflects the political significance which the issue gained during the process of drafting the Constitution. Article 40 represents a positive obligation on the part of the state, rather than just an equality clause that forbids discrimination, and states that the state must make special laws, allocate resources, and produce proportional results. Particularly, the land and housing clauses focus on the material conditions of historical marginalisation: if people do not have secure access to productive assets and adequate shelter, there could be a significant gap between their formal civil and political rights and the reality of their lives. The need to ensure equal distribution of the benefits to Dalit women and men and to the sub-communities also takes into account the internal differentiation in the Dalit community and attempts to avoid 'elite capture' within the Dalit community. The things which have been done since 2015, however, are uneven in terms of implementing laws with detail, allocating financial resources and establishing administrative mechanisms necessary for the realization of these entitlements.

The Caste-Based Discrimination and Untouchability (Offence and Punishment) Act, 2011

This Act was enacted in 2011 (2068 B.S.) under the Interim Constitution and is Nepal's main specific law to combat caste discrimination. The preamble asserts that all human beings have equal rights and dignity, and that it seeks to eradicate the wounds of untouchability, caste, race, descent, community, and vocation discrimination. The Act broadly defines both untouchability and caste-based discrimination to cover acts of exclusion, restriction, expulsion, contempt of untouchability or other treatment on the basis of "custom, tradition, religion, culture, ritual, caste, race, descent, community, or occupation, whether it occurs in the public or private sphere" (Caste-Based Discrimination and Untouchability Act, 2011).

Denial of access to public or private spaces, refusal to serve, being denied a seat or utensil for meals, exclusion from religious or social gatherings, and verbal and/or physical humiliation are all acts prohibited. The punishment for this is three months to

three years in prison, a fine of one thousand to twenty-five thousand rupees, or both. The amount of restitution is between twenty-five thousand and one hundred thousand rupees, which is awarded to victims. The Act also introduces the concepts of instigation, abetment and knowledge of these offences as criminal offences. It has an extraterritorial application, namely for the Nepalese citizens who offend against other Nepalese citizens abroad.

The National Civil Code 2017 and other supporting legislation

The National Civil (Code) Act of 2017 (2074 B.S.) strengthens the ideals of equality in civil interactions. Sections 17 and 18 state that no citizen shall be denied the right to equality before the law because of his origin, religion, color, caste, race, gender, physical condition, disability, health condition, marital status, pregnancy, economic condition, language, region, or ideological conviction, and that he shall not be subjected to discrimination in the administration of any general law or in any public or private place. The definition of discrimination specifically excludes special provisions for protection and empowerment of Dalits and other marginalized groups (National Civil Code, 2017). Reserved quotas in civil service, education scholarships and development programmes under successive periodic plans are complementary legislation.

The National Dalit Commission: Institutional architecture

Founded in 2002 and made constitutional in 2015 (arts. The National Dalit Commission, established by the National Dalit Commission Act 2015 (Act No. 255-256), is an independent body that safeguards and promotes the rights of Dalits. Its functions include conducting studies on the overall situation of Dalits, formulating national policies and programs for their upliftment, monitoring the implementation of laws and special provisions, recommending legal reforms, preparing materials for international reporting, coordinating with human-rights organizations, and, where necessary, recommending the filing of cases against perpetrators of discrimination (National Dalit Commission Act, 2017; Constitution of Nepal, 2015, art. 256). However, in reality, the Commission has faced challenges such as inadequate budget allocations, politicized appointments, and weak

investigative powers, limiting its ability to effectively monitor and drive change (Nepal News, 2024).

CONTEMPORARY SOCIAL STATUS OF DALITS: PERSISTENT PATTERNS OF EXCLUSION

Demographic profile and internal diversity

The 2021 census shows that the Dalit population is about 3.86-3.90 million (13.4 per cent of the total population). Approximately 8.6% of Dalits are from Hill and 4.8% are Madhesi/Terai (CBS, 2021). The most predominant group is the Vishwakarma/Kami cluster (around 5.0 percent of the population), followed by the Pariyar/Damai (1.9 percent) and Sarki (1.6 percent). In the Terai area, Chamar, Musahar and Dusadh are the largest Dalit communities. This internal heterogeneity suggests that policy interventions should be differentiated by region, language, and occupation and not take "Dalit" as a homogeneous group.

Socio-economic marginalization

Dalits' socio-economic status is still poor, with significant over-representation in the bottom quarter. The jobs associated with traditional livelihoods still have a poor status in society and modest earnings. Constitutional provision to give land once to landless Dalits is yet to be implemented on a large scale and is also incomplete for many households. While formally abolished, forced and bonded labour practices still exist in certain areas of the western districts, particularly in the context of agricultural bonded labour, known as "Haliya". Economic vulnerability is aggravated by wage discrimination between Dalit and non-Dalit labourers and men and women in Dalit communities. Occupational mobility is hampered by poor access to formal credit and markets and lack of skills training.

Educational disparities

While the Constitution ensures free education for Dalit learners from primary to higher education levels, the rates of enrolment, retention and learning outcomes are still below the national average. Even in distant places, the segregation of seats, the inability to access water or food and differential treatment by teachers are still present. Scholarships are occasionally not awarded or paid out. Low

representation of Dalits, even in the teaching staff and school management committees, is resulting in limited role models and culturally responsive pedagogy. The collective impact is that disadvantages in education are inherited, limiting access to higher jobs and public service.

Political representation and voice

Despite constitutional mandates for proportional inclusion, Dalit representation in elected bodies remains below population share. The Dalit population in the House of Representatives has remained between 5-8 percent in the past few parliaments, below the population threshold of 13.4 percent (Darnal, 2024). Internally, the political parties are largely dominated by the higher caste elite. The Dalit population, especially that of women, is underrepresented, as caste and gender discrimination intersect. This means that limited agenda-setting power is put into practice with regard to land reform, anti-discrimination enforcement and targeted development.

Residual discrimination and violence forms

The forms of discrimination that are common today include exclusion from private households and temples, the denial of service in tea shops and hotels, social boycott after inter-caste marriage or when a Dalit is not assigned to perform traditional duties, verbal humiliation and the use of casteist slurs, and, in some cases, physical violence and sexual assault against Dalit women. The National Human Rights Commission has, in several reports, expressed its concern on the lack of realization of an environment conducive to exercise of constitutional rights due to the persistence of caste-based discrimination (NHRC, 2021). The 2011 Act criminalises such practices, but conviction rates are low compared to the numbers of incidents, due to both under-reporting and poor investigation and prosecution.

Inter-caste marriage is a very sensitive issue. Families and communities often engage in social boycott, or expel the high caste person from the village, or attack the Dalit person and the children, mostly if the high caste person marries a Dalit. Women are severely at risk of domestic violence and violence in their communities in such unions. Their continuing use despite official bans on them shows the lack of penetration of formal legal systems into the close world of kinship and community control. In

a similar way, in some Dalit households, the practice of forced labor, debt bondage and unequal remuneration in agriculture or domestic labour continue in certain districts even after abolishing the caste-based practice of Haliya. These trends make clear that a legal ban alone will not suffice unless there are viable economic alternatives and robust social protections in place to help break structural inequality.

Gender is intertwined with caste to create compound disadvantage. The poverty rates, education levels, marriage rates and gender-based violence rates of Dalit women are higher than those of non-Dalit women and Dalit men. Constitutional and statutory rights to proportional representation have not yet been reflected in meaningful representation of Dalit women in political parties, in local government, or in the state service. Therefore, interventions with a multi-dimensional approach targeting caste and gender hierarchies are critical. Similarly, there is a regionally different marginalization of Madhesi Dalits over Dalits, which demands regionally differentiated policy programmes and strategies, and not a blanket national programme.

DISCUSSION: THE LAW-SOCIETY GAP AND PATHWAYS TO SUBSTANTIVE EQUALITY

The above analysis shows a typical implementation gap. Nepal has one of the most advanced formal system of laws to protect the rights of the Dalits in South Asia. The three-part *de jure* architecture (specialized criminal offence with extraterritorial application, positive action requirements, and a constitutional commission) creates a very strong legal framework. However, poverty, exclusion and insecurity dominate the life of a large number of dalits. There are several interwoven reasons for this difference.

In the first place, social norms are very resilient. The notions of purity and pollution have been ingrained within the everydayness of interaction and have been passed down over centuries of hierarchical socialization, especially in rural areas where the state is not as present. While this is true in the legal sense, it is also true in the internalized attitudes themselves; thus, a long-term public education and inter-group contact are needed. Second, there is limited institutional capacity. Police, prosecutors and courts lack adequate knowledge and understanding of caste discrimination, victims are subject to social pressure not to report, and National

Dalit Commission is under-resourced. Third, economic institutions perpetuate inequality. Formal equality is hollow for people in stigmatised, low productivity jobs if they do not receive simultaneous investments in education, skills, access to land, and market linkages. Fourth, intersectionality exacerbates disadvantage: Dalit women suffer from the double burden of caste oppression and gender oppression; Madhesi Dalits suffer from the combined burden of caste, gender, linguistic and regional oppression.

Experience with constitutional eradication of untouchability and extensive reservation policies in India, where there has been a long history of abuse, makes it clear that law is important but not enough. A multi-pronged approach; combining intensive law enforcement with social mobilization, economic empowerment and political inclusion; is needed for effective change. The advantages of Nepal's federal structure are that interventions can be context sensitive at the provincial and local level, but there is a risk that such governments might fall into the same trap as the central government of elite capture if the inclusion processes are poorly executed.

Another analytical aspect is that of formal law and living social norms. Legal pluralism theory serves as a reminder that state law is not the only norm, but one that is in addition to customary norms, religious injunctions and informal community sanctions. Kinship relations and customary laws in rural Nepal have more practical power in interaction than the distant statute. Rules of purity are still enforced by the local elite, either through social ostracism, the refusal to grant access to shared resources, or tacit agreement with local authorities, thus giving formal legal order a runaround. This requires a transformation of normative expectations at the bottom up as well as top down enforcement. Community-based monitoring committees, inter-caste dialogue platforms, and the strategic deployment of resources of community organizations and government bodies to carry out anti-discrimination campaigns can help close the gap between the law and practice.

Last, there are international human rights standards as a yardstick and accountability mechanisms. The inadequacies in implementation have often been highlighted in Nepal's periodic reports under the International Convention on the Elimination of All Forms of Racial Discrimination and the Universal Periodic Review process. Civil-society shadow reports and treaty body concluding observations have called for more robust data

gathering, access to justice and affirmative action. Domestic actors can use these international processes to create political pressure towards reform, and can also draw on best practices from around the world to tailor them to the historical and cultural context of Nepal. This means that Dalit equality struggle is at the same time a national constitutional process and a part of the global human rights agenda.

CONCLUSION AND RECOMMENDATIONS

Conclusion

Dalits in Nepal have suffered from systematic domination, exploitation, and discrimination by various political regimes over the past three and a half centuries. Over the last half-century and particularly in the last decade, formal structures of caste hierarchy have been broken down and a powerful framework of equality, non-discrimination and affirmative action has been established. The Constitution of 2015, the anti-discrimination act of 2011, the National Dalit Commission and the National Civil Code all recognize that caste-based untouchability is a serious social sin, and that Dalits have a right to proportional participation, free education, health security, land, housing, and to the dignity of their traditional knowledge.

However, there is still a gap between the formal and substantive equality. The practice of segregation, occupational stigma, educational exclusion, political under-representation, and sometimes violence, continue to deprive a large population of Dalits of the full enjoyment of human dignity guaranteed by the Constitution and international human rights law. That's not something that can be resolved in a day; it will take concerted effort from the State, political parties, civil society and the Dalit people themselves. Discrimination laws need to be consistently and severely enforced, and the government has to ensure that its economic and educational upliftment policies are funded and effectively implemented, while public awareness is raised through sustained awareness campaigns. If Nepal is to become what it aspired to in the Constitution, an inclusive, egalitarian and just society, it is only in this way that it can achieve its constitutional goals.

The shift in the law, from the hierarchical Muluki Ain of 1854 to the rights-based Constitution of 2015 is a deep normative change in the long historical view. State enforced inequality has turned

into state-denied discrimination. But the law is not the sole instrument of social change. For sustainable progress to take place, all four areas of change – the economic structure that perpetuates poverty, education that passes on disadvantage, politics that excludes the marginalised, and culture that normalises hierarchy – must occur simultaneously. It is clear from the research presented here that Nepal's battle for caste equality has a long way to go, but that there have been some gains. Future research and policy development must include scientific evaluation of the effectiveness of affirmative actions, long-term monitoring of socio-economic development of castes and genders and comparisons of successful local initiatives that have reduced discrimination in certain communities. This will be crucial to further shaping strategies to make constitutional promises into lived equality for all Nepalis.

Recommendations

Based on the above analysis, the following measures are recommended:

1. Strengthen enforcement of the Caste-Based Discrimination and Untouchability Act 2011 through specialized police units, fast-track courts, mandatory training for justice-sector personnel, and regular public reporting of case statistics and outcomes.
2. Improve the institutional capacity and independence of the National Dalit Commission with adequate budgetary provisions, transparent selection of its members free from partisan influence and increased investigation and quasi-judicial powers.
3. Rapid implementation of Article 40 guarantees, including land to landless Dalits, shelter to the homeless, scholarships for technical and higher education, and their monitoring and grievance mechanisms, are made transparent.
4. Run multi-year and nationwide social awareness and inter-caste dialogue campaigns, embedding these in school curricula, community radio and local government programmes, to disrupt the norms of purity and pollution.
5. Ensure the permanent transformation of traditional Dalit jobs into modern jobs through targeted skills training, technology transfer, market linkages and preferential procurement policies, so as to turn the stigma of the past into economic opportunity.

6. Maintain a proportional representation of Dalits, including Dalit women, in all the state organs and party structures by ensuring effective implementation of the constitutional provisions on inclusiveness and reforming party democracy.

7. Expand free legal aid and victim support services to provide Dalits access to justice without fear of retribution or financial burden.

8. Encourage scientific, disaggregated data collection and independent research on socio-economic status of Dalit sub-groups for evidence-based policy making and monitoring of progress towards substantive equality.

Funding: This study received no specific financial support.

Institutional Review Board Statement: Not Applicable.

Transparency: The author states that the manuscript is honest, truthful, and transparent, that no key aspects of the investigation have been omitted, and that any differences from the study as planned have been clarified. This study followed all writing ethics.

Competing Interests: The author declares that he has no competing interests.

REFERENCES

- Bashyal, K. P. (2009). Rights of Dalits as constitutional provision in Nepal. *Nepal Law Review*, 21(1–2), 123–136.
- Bhattachan, K. B. (2005). *Dalits of Nepal: Issues and challenges*. Feminist Dalit Organization.
- Bhattachan, K. B., & Team. (2003). *Existing practices of caste-based untouchability in Nepal and strategy for the campaign for its elimination*.
- Caste-Based Discrimination and Untouchability (Offence and Punishment) Act, 2068. (2011).
- Central Bureau of Statistics. (2021). *National population and housing census 2021: Dalit statistics*. Government of Nepal.
- Darnal, S. (2024). Constitutional provisions and the status of Dalits. *myRepublica*.
- Government of Nepal. (2015). The Constitution of Nepal. Nepal Law commission. <https://lawcommission.gov.np/en>
- Government of Nepal. (2017). *National Dalit Commission Act, 2074* (2017). Nepal Law Commission.
- Government of Nepal. (2017). *The National Civil (Code) Act, 2017* (2074). Ministry of Law, Justice and Parliamentary Affairs.
- His Majesty's government, Ministry of Law, Justice and Parliamentary Affairs. (1992). *The Constitution of Kingdom of Nepal 2047* (1990). Law Books Management Board.
- Höfer, A. (2004). *The caste hierarchy and the state in Nepal: A study of the Muluki Ain of 1854* (2nd ed.). Himal Books.
- Khatiwoda, R., Cubelic, S., & Michaels, A. (Eds.). (2021). *The Muluki Ain of 1854: Nepal's first legal code*. Heidelberg University Publishing.
- National Human Rights Commission of Nepal. (2021). *Annual report*. NHRC.
- Nepal News. (2024). 24 years on, Nepal's Dalit Commission remains a party posting ground. *Nepal News*.
- Regmi, U. (2021, June 25). Rupa Sunar–Saraswati Pradhan controversy: What does the law in Nepal say? *Onlinekhabar*. <https://english.onlinekhabar.com/>
- Sharma, P. R. (1977). Caste, social mobility and Sanskritization: A study of Nepal's old legal code. *Kailash*, 5, 277–299.
- United Nations General Assembly. (1948). *Universal Declaration of Human Rights* (Res.217 A (III)). <https://www.un.org/en/about-us/universal-declaration-of-human-rights>
