



Framing Social Inclusion in Nepal's Bureaucracy: A Critical Discourse Analysis

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Received: May 14, 2025

Revised & Accepted: June 23, 2025

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Abstract

Nepal's constitutional mandates for social inclusion contrast sharply with persistent bureaucratic exclusion of marginalized groups such as Dalits, Janajatis, Madhesis, and women. Despite affirmative action policies such as the 2007 Civil Service Act (45% reservation), dominant caste elites retain 72% of senior bureaucratic positions, while Dalits occupy only 5.9% against a 9% quota. Employing Critical Discourse Analysis (CDA), this study interrogates how bureaucratic language, media narratives, and policy frameworks sustain exclusion under the guise of creamy layer, meritocracy and efficiency. Analyzing policy documents, interviews, and media texts, the research reveals three mechanisms of exclusion: (1) gatekeeping through "technical" recruitment classifications, (2) judicial and media framing of reservations as "reverse discrimination," and (3) symbolic policy compliance without substantive power redistribution. Findings highlight intersectional barriers e.g., Dalit women facing compounded discrimination and bureaucratic resistance, evidenced by 78% of quota-elected women being proxy-controlled by male relatives. The study critiques Nepal's inclusion paradigm as liberal multiculturalism that prioritizes recognition over redistribution, reinforcing caste-class hierarchies. It proposes transformative pathways: intersectional quotas, an



Independent Inclusion Regulator, media democratization, and land-caste justice. The conclusion underscores that without dismantling structural inequalities, inclusion policies risk remaining symbolic, perpetuating exclusion while appearing progressive. This research contributes to global debates on bureaucratic resistance to social justice and the limits of affirmative action in post-conflict states.

Keywords: Affirmative action, Bureaucratic resistance, Critical discourse analysis, Policy implementation, Social inclusion

Introduction

Historically, Nepal's state institutions, particularly the bureaucracy, have been dominated by high-caste hill Hindu males, especially from the Bahun-Chhetri groups (Lawoti, 2005). This structural imbalance institutionalized systemic marginalization of Dalits, Janajatis (indigenous nationalities), Madhesis, women, and other peripheral communities. In response, the state introduced a series of inclusion policies and affirmative actions, particularly the 2007 amendments to the Civil Service Act, which mandated 45% reservation in civil service positions for marginalized groups. Despite these legal reforms, inclusion policies have often faltered in practice, revealing the gap between transformative intention and bureaucratic execution. Understanding how inclusion policies interpret and execute within Nepal's bureaucracy is crucial. Bureaucracy is not just an administrative arm of the state; it is a site where policy translates into practice, resources are allocated, and norms of governance are reproduced. If exclusion persists within bureaucratic structures through recruitment biases, hierarchical cultures, or discursive marginalization, it undermines the goals of democratization and equitable governance (Jamil & Baniamin, 2020). Moreover, symbolic gestures of inclusion, such as tokenistic representation, without substantive changes to institutional norms and decision-making processes can reproduce historical inequalities under a new appearance.

To critically interrogate these dynamics, this study employs discourse analysis as its central methodological and theoretical approach. Language, as Foucault (1980) and Fairclough (1995) argue, is not neutral, it constructs realities, regulates power, and shapes institutional behavior. Policies are not merely technical instruments but are discursively constructed frameworks influenced by dominant ideologies and interests (Shore & Wright, 1997). Bureaucratic texts, such as recruitment guidelines, speeches, official memos, official letter and policy documents, are thus rich sites to examine how inclusion is understood, framed, and operationalized. For instance, framing inclusion through a lens of "efficiency" or "meritocracy" may delegitimize affirmative action by invoking ostensibly neutral but historically exclusionary standards (Fairclough, 2009). The Nepali context provides a compelling setting to explore how bureaucratic discourse negotiates, resists, or redefines social inclusion. Discourses of inclusion intersect with long-standing social hierarchies, caste, gender, region, and ethnicity shaped by both national politics and international frameworks such as the UN Sustainable Development Goals (SDGs) and the Convention on the Elimination of All Forms of Racial Discrimination



(CERD). These global commitments amplify the normative imperative for inclusion but often remain aspirational when filtered through national bureaucratic practices.

From a sociological perspective, the focus on discourse illuminates how power operates through language. Drawing on Critical Discourse Analysis (Fairclough, 1995), governmentality (Foucault, 1991), and intersectionality (Crenshaw, 1989), this study investigates how bureaucratic texts and practices reflect, reinforce, or challenge dominant power structures. For example, intersectionality helps us understand how Dalit women or Madhesi Muslims experience layered exclusions that are often obscured in generic inclusion rhetoric. Meanwhile, Foucault's notion of governmentality reveals how inclusion discourses can function as instruments of control, disciplining bodies, regulating access, and normalizing hierarchies under the excuse of equity. Discourse analysis allows a subtle interrogation of both what is said and what remains unsaid. For example, when inclusion is framed as a "challenge" or "burden," it signals institutional resistance. Similarly, the absence of marginalized voices in bureaucratic decision-making processes points to symbolic rather than substantive participation. Analyzing these discursive patterns offers a nuanced understanding of how inclusion policies are mediated by institutional logic and cultural assumptions.

Thus, this paper examines how Nepal's bureaucratic discourse mediates the implementation of social inclusion policies. It asks: How is inclusion constructed within policy frameworks? What discursive strategies legitimize or resist change? And how do these narratives reproduce or challenge existing hierarchies? By addressing these questions, the study sheds light on the sociological and discursive dynamics that shape one of the most critical policy arenas in contemporary Nepal.

Theoretical Foundation

Critical Discourse Analysis as a Lens for Understanding Inclusion Politics in Nepal

This research employs Critical Discourse Analysis (CDA) to uncover how power operates within Nepal's social inclusion policies, exposing the disconnection between progressive constitutional promises and ongoing systemic exclusion. By integrating Bourdieu's concept of symbolic violence, we reveal how seemingly inclusive policy language subtly reinforces caste-based hierarchies. Fraser's framework helps assess whether these policies enable real material change or merely offer symbolic gestures of recognition. Additionally, van Dijk's socio-cognitive approach examines how media and bureaucratic discourses shape public perceptions, legitimizing exclusion under the guise of inclusion.

Methodologically, we apply Fairclough's three-dimensional model to analyze policy texts, their creation, and their societal impact. Terms like "proportional inclusion" and "marginalized groups" appear progressive but often mask entrenched inequalities. Foucault's insights into power-knowledge further demonstrate how bureaucratic systems define and control narratives of inclusion, maintaining exclusion through seemingly neutral administrative practices. Ultimately, this multidimensional analysis reveals how Nepal's inclusion policies sustain social hierarchies not just through laws but through language, institutional norms, and public



discourse. The findings challenge superficial reforms, calling for deeper structural changes to achieve genuine equity.

Research Method and Design

This study adopts a qualitative research design grounded in interpretivist philosophy and restructured by Critical Discourse Analysis (CDA) to interrogate the discursive constructions of inclusion and exclusion within Nepal's bureaucratic structures. Drawing on a synthesis of critical realism (Bhaskar, 1989) and interpretivism (Schwandt, 2007), the research explores both the structural dimensions of power and the subjective meaning-making practices of bureaucratic actors. Critical realism facilitates the identification of underlying institutional mechanisms that shape inclusionary policies, while interpretivism attends to how bureaucrats interpret and ascribe meaning to these policies, particularly within the context of Nepal's post-conflict transition and evolving constitutional framework. Fairclough's (2009) CDA provides the analytical lens through a three-dimensional framework: textual analysis (policy language), discursive practice (implementation processes), and social practice (wider socio-political inequalities). Data are drawn from semi-structured interviews with senior and junior bureaucrats, complemented by key policy documents, including Nepal's 2015 Constitution. Methodological rigor is ensured through triangulation and reflexive engagement, while ethical considerations are prioritized to protect the voices and identities of marginalized participants. By attending to both structural constraints and agentic interpretations, the study attempts to reveal how bureaucratic discourse reproduces and legitimizes existing power asymmetries within Nepal's social hierarchy.

Data Collection Procedures

This study draws on both primary and secondary data sources to critically examine the discourse surrounding social inclusion policies in Nepal. Primary data were collected through in-depth interviews with nine key policy actors, including high-ranking bureaucrats, members of parliament, representatives from constitutional commissions, and influential policy advocates. Additionally, interviews were conducted with eight individuals from socially marginalized communities, such as Dalits, women, and indigenous groups, who are currently serving in various capacities within the civil service. Secondary data included a diverse range of materials: seven major policy documents, thirty-six media op-ed articles, three televised programs, two recorded interviews, and two news reports, alongside other relevant policy records and media discourses. A purposive sampling strategy guided the selection of texts and narratives that illustrate bureaucratic discourses relating to the inclusion or marginalization of disadvantaged groups.

The study employed Critical Discourse Analysis (CDA), specifically Fairclough's (2009) dialectical-relational approach, to investigate how language constructs and mediates power relations and social inequalities. The analysis proceeded through three interconnected stages: first, examining linguistic elements such as metaphors and lexical choices within policy texts and interview transcripts; second, interpreting the discursive practices underpinning these

texts; and third, contextualizing the findings within broader socio-political and historical frameworks to expose latent ideologies. Through this analytical lens, the study interrogates how bureaucratic narratives reproduce, resist, or reframe social hierarchies, offering deeper insights into the contested implementation of social inclusion policies in Nepal. A summary of the data sources analyzed is presented in the table below.

Table 1

Pseudonyms of respondents from the marginalized community who were involved in bureaucracy of Nepal.

S. N.	Name	Gender	Occupation
1	Rahul	Male	Junior Level Civil Servant
2	Amit	Male	Junior Level Civil Servant
3	Manish	Male	Junior Level Civil Servant
4	Hitesh	Male	Junior Level Civil Servant
5	Priya	Female	Junior Level Civil Servant
6	Rani	Female	Junior Level Civil Servant
7	Aakash	Male	Officer Level Civil Servant
8	Gayatri	Female	Middle Level Civil Servant

Note: Authors Compilation

Table 2

Pseudonyms of respondents who were directly or indirectly involved in policy making.

S. N.	Name	Gender	Occupation
1	Gynendra	Male	High Level Bureaucrats
2	Balkrishna	Male	Member of Parliament
3	Toyanath	Male	Policy Influencer/Member of Constitutional Commission
4	Badrinath	Male	Policy Influencer/NGOs Representative
5	Jayaram	Male	Member of Parliament
6	Radha	Female	High Level Bureaucrats
7	Lokendra	Male	Member of Constitutional Commission
8	Sundar	Male	Member of Constitutional Commission
9	Geeta	Female	Member of Constitutional Commission

Note: Authors Compilation



Table 3

A description of source and number of articles, Television Programs interviews and news.

S. N.	Name of Newspaper	Website	No. of article/Interview/News
1	Annapurna Post	www.annapurnapost.com	2
2	Kantipur	www.ekantipur.com	6
3	Gorakhapatra	www.gorakhapatraonline.com	2
4	Himalkhabar	www.himalkhabar.com	2
5	Kathmandu post	www.kathmandupost.com	3
6	Martin Chautari	www.martinchautari.org.np	2
7	Nagarik Patrika	www.nagariknews.nagariknetwork.com	5
8	Nayapatrika	www.nayapatrikadaily.com	4
9	Onlinekhabar	www.onlinekhabar.com	4
10	Prashasan.com	www.prashashan.com	4
11	Rajdhani	www.rajdhanidaily.com	2
12	Setopati	https://www.setopati.com	4
13	Hernekatha TV Program	https://hernekatha.com	3

Note: Authors compile from various secondary sources

Table 4

List of the source of policy documents.

S. N.	Name of Policy Document
1	Constitution of Nepal
2	Good Governance (Management and Operation) Act, 2064 (2008)
3	Civil Service Act, 2049
4	Gender Equality and Social Inclusion (GESI) Policy (2009)
5	Election Commission Act, 2073 (2017)
6	Social Welfare Act, 2049
7	6th National Inclusion Commission Report (2080/81)

Note: Authors Compilation



Discourse Analysis

The Persistent Contradiction of Social Inclusion in Nepal's Governance

Nepal presents a striking paradox in social inclusion while its constitutional framework stands among the world's most progressive, marginalized communities continue facing systemic exclusion. This gap between policy and practice reveals fundamental challenges in transforming legal provisions into meaningful social change. The historical roots of exclusion run deep, with caste discrimination remaining particularly entrenched despite its formal abolition in 1963. Bourdieu's concept of "symbolic violence" explains how dominant groups maintain privilege while appearing to comply with progressive norms. The statistics reveal stark disparities: Dalits experience literacy rates half those of upper castes, six-year shorter life expectancies, and poverty rates fifteen times higher than national averages.

Ethnic exclusion adds another layer of complexity. Indigenous communities (Limbus, Tamangs, Tharus) and vulnerable groups (Chepangs, Musahars) face disproportionate poverty and limited service access, while Newars enjoy structural advantages. The Madhesi community's struggle for citizenship rights and regional autonomy highlights politically charged marginalization. These intersecting identities create compounded disadvantages - a Dalit woman from Terai may face literacy rates as low as 7%.

Gender inclusion presents another contradiction. Women comprise 41% of local ward members, yet hold few leadership positions, and harmful practices like witchcraft accusations and child marriage persist. This reflects Fraser's critique of "affirmative remedies" that provide recognition without challenging power structures. The political economy of inclusion reveals deeper issues. Since the 1990 democracy movement, inclusion measures have often been co-opted as electoral strategies rather than drivers of structural change. The Madhesi movement's evolution from grassroots struggle to federalism bargaining chip exemplifies this, creating what scholars term "ceremonial inclusion" - symbolic representation without real power. The bureaucracy embodies this paradox most starkly. Despite constitutional mandates and affirmative action since 2007, civil service remains dominated by traditional elites, with informal networks and unwritten rules maintaining exclusion. Media narratives compound the problem, framing inclusion as charitable concession rather than fundamental right, reinforcing Fraser's "culturalization of politics" where structural inequalities are recast as cultural differences.

Moving forward requires transformative approaches that go beyond numerical representation to restructure decision-making, resource allocation, and institutional cultures. It demands confronting Bourdieu's "habitus" of exclusion the unconscious assumptions that reproduce inequality. Ultimately, Nepal's inclusion paradox represents not just a policy challenge, but a fundamental question about the nature of its state and society a test of whether constitutional promises can overcome deeply entrenched hierarchies.



The Creamy Layer Debate: Elite Capture of Affirmative Action Policies

The discourse surrounding the "creamy layer" concept within Nepal's reservation system represents a critical juncture in the country's ongoing struggle to reconcile the principles of social justice with the practical implementation of affirmative action policies. This debate, which has gained significant momentum following the Supreme Court's 2021 *Vinaya Kumar Panjiyar vs. Government of Nepal* verdict, reveals the complex interplay between historical redressal and contemporary equity in a society still grappling with deep-seated caste hierarchies. At its core, the controversy exposes a fundamental tension: while reservations were constitutionally designed to compensate for centuries of caste-based oppression, the creamy layer argument introduces economic criteria that risk distorting this reparative framework into a poverty alleviation program.

Scholarly critiques by Kannabiran (2006), reveal how the creamy layer paradigm misinterprets the nature of caste discrimination by equating economic mobility with social emancipation. Their research shows that even Dalit professionals who have achieved educational and economic success continue to face systemic barriers within Nepal's bureaucracy. Recent data starkly illustrates this reality, with Dalits holding only 5.9% of civil service positions against a constitutional quota of 9%, and virtually no representation in senior secretary-level roles. This persistent exclusion occurs despite formal policies of inclusion, revealing how caste operates as an autonomous system of oppression that economic indicators alone cannot capture.

The Nepali context adds particular complexity to this debate. Political maneuvers like the controversial amendment to Clause 7(7) of the Civil Service Act, which expanded reservations for relatively privileged "Bipanna Khas Arya" groups, demonstrate how the creamy layer discourse can be manipulated to dilute affirmative action's transformative potential. Interviews with marginalized bureaucrats further expose the daily realities of caste discrimination that continue regardless of economic status, from exclusion from informal professional networks to overt workplace humiliation. These lived experiences directly challenge the foundational assumption of the creamy layer argument that economic advancement neutralizes caste identity.

The theoretical implications of this debate are profound. As Subedi and Gautam (2016) argue, focusing reservation criteria on economic factors represents a fundamental category error by conflating the symptom (economic disadvantage) with the disease (caste oppression). The persistence of untouchability practices, caste-based social boycotts, and what Thorat terms "hidden apartheid" in Nepal's institutions confirms that caste operates through enduring social and ritual hierarchies. This explains why even economically successful Dalit bureaucrats report facing glass ceilings in promotions and exclusion from influential bureaucratic networks. Moving forward, Nepal faces the policy challenge of developing an intersectional approach to reservations that acknowledges intra-group disparities without compromising the fundamental purpose of affirmative action. As suggested in the 6th National Inclusion Commission Report, the creamy layer debate often serves as a distraction from the more pressing issue of under-implementation of existing quotas. A transformative framework might incorporate gradational quotas that account for multiple forms of marginalization while maintaining caste as the



primary axis of affirmative action, thereby honoring the constitutional vision of reparative justice without ignoring contemporary inequities within marginalized communities.

Ultimately, the creamy layer controversy reveals the enduring power of caste as a social reality that cannot be addressed through economic proxies alone. With traditional elites still holding 72% of senior bureaucratic posts despite constituting only 31% of the population, the success of Nepal's reservation system must be measured not by individual mobility but by structural shifts in power distribution. The path forward requires centering Ambedkarite principles of social justice, recognizing that true inclusion demands the dismantling of caste hierarchies rather than merely managing their consequences through superficial policy adjustments.

Meritocracy vs. Social Justice: Bureaucratic Resistance to Inclusion

The discourse surrounding meritocracy and social inclusion in Nepal's bureaucracy reveals a profound contradiction at the heart of the state's democratic transition. The neoliberal critique of affirmative action, prominently articulated in official reports like the *Administration Reform Commission (2015)* and *Dahal Committee (2013)*, constructs reservations as antithetical to administrative efficiency and professional competence. This perspective, however, fails to acknowledge how the very concept of "merit" is socially constructed within historical structures of caste and gender privilege. As critical scholarship demonstrates (Jodhka & Newman, 2007; Thorat, 2008), dominant caste networks continue to control bureaucratic recruitment and promotion through informal mechanisms, while formal claims of meritocracy serve to legitimize these exclusionary practices. The empirical evidence is stark: five years after constitutional mandates for inclusion, seven privileged castes (comprising 35% of the population) hold 71% of government positions, whereas Dalits and Muslims (18% of population) occupy merely 2.1% of posts (CBS, 2014). Similarly, women's representation remains tokenistic at best, with only 2.3% of mayoral positions nationwide (*Election Commission, 2022*). These disparities persist despite Nepal's progressive constitutional framework (*Constitution, 2015*), revealing how bureaucratic institutions actively resist transformative inclusion through multiple strategies from valorizing cultural capital (like Nepali language fluency) that favors Khas-Arya elites, to maintaining gendered hierarchies where female officials are addressed as "bahini" (sister) while male counterparts receive formal honorifics (*Ministry Reports, 2022*). Amartya Sen's capability approach (2000) provides a crucial theoretical intervention here, demonstrating how historical deprivation creates structural disadvantages that cannot be remedied through formal equality alone. The current inclusion paradigm's failure is particularly evident in its inability to address intersectional marginalization - where caste, gender, and regional disadvantages compound to exclude the most vulnerable groups from meaningful participation. Nepal's experience mirrors broader global tensions in post-conflict societies, where bureaucratic institutions become key battlegrounds between technocratic governance models and substantive social justice agendas. The persistent resistance to inclusion reforms suggests that without dismantling the institutional cultures and unexamined biases that reproduce exclusion, policy mandates for proportional representation will remain symbolic gestures rather than vehicles for



transformative change. Ultimately, the meritocracy debate in Nepal's bureaucracy exposes not the failure of inclusion policies, but rather the enduring power of structural inequality to reconstitute itself even within reformist frameworks.

The traditional power structure in Nepal is designed to favor individuals from certain castes, linguistic groups, regions, and genders, who are arbitrarily deemed "qualified," while hypocritically upholding the rhetoric of meritocracy. The traditional structure, determined by power relations, is designed in such a way that only individuals from certain castes, linguistic groups, regions, and genders are deemed "qualified." Yet, they hypocritically chant the rhetoric of meritocracy. While talking about merit the respondent 2 (Mr. Amit) shares that:

"We all are here by competing the exam. Public Service Design the syllabus and course that Everyone who reach the round two exam must pass the round first exam. So where is the issue of meritocracy? If marginalized are weak they did not complete the round one exam. In reality, the reservation system practiced in Nepal is itself based on merit. Our reservation system follows the principle of 'best brain hunting.'"

Concerning meritocracy, respondent 5 (Mr. Hitesh) shares that:

"In the civil service examinations conducted by the Public Service Commission, passing the first paper of the preliminary exam is mandatory for appearing in subsequent stages. A minimum passing score has been set. Have any candidates from inclusive groups ever succeeded without clearing the preliminary stage or achieving the required marks? If not, how can those who pass the preliminary stage and meet the cutoff be labeled as having "weak brains"?"

For instance, in the Section Officer examinations of FY 2076/77, out of 25,043 applicants, only 13% (3,353 candidates) passed the first round, demonstrating a highly competitive selection process. Among them, candidates from reserved categories not only met but often exceeded the required pass rates – women by 86%, indigenous groups by 136%, and backward regions by 160%. Even in the open category, where 281 seats were available, 293 candidates (including 98 from inclusive groups) qualified, proving that reservations do not compromise standards. Moreover, when vacancies occurred – such as in the Judicial Section Officer exams of FY 2074/75 (open category) or FY 2076/77 (Dalit and Madhesi categories) – no unqualified candidates were arbitrarily selected to fill seats. This underscores that the system prioritizes competence, not quotas. The false narrative of "weak-brained" beneficiaries is a smear campaign by those who fear losing historical privilege. The data dismantles the myth that reservations dilute merit; instead, it reveals a system where marginalized candidates compete fiercely and succeed on equal footing. The resistance to inclusion, then, is not about merit but about preserving caste-class hegemony and resisting the dismantling of an unjust status quo.

Inclusion as Transformative Justice: Policy Rhetoric versus Implementation

This discourse on social inclusion in Nepal's bureaucracy is deeply rooted in the Ambedkarite framework of social justice as historical reparation, where affirmative action is not merely a concession but a constitutional right designed to dismantle centuries of caste-based exclusion of Ambedkar (Gangwar, 2024; Teltumbde, 2020). Social inclusion in Nepal emerges as a



critical mechanism for addressing historical discrimination and systemic exclusion faced by marginalized communities, including indigenous people, women, Madhesi, and Dalits. Designed to foster national unity, inclusionary policies seek to dismantle barriers rooted in caste, ethnicity, language, religion, gender, class, and geography by embedding equitable principles across all spheres of governance (Bhattachan, 2009). Central to this effort is the administrative reservation system, which has facilitated diverse representation in bureaucratic, legislative, and judicial institutions, ensuring marginalized voices participate in policy formulation and decision-making (Administration Reform Commission, 2072). Beyond mere representation, social inclusion serves as a catalyst for empowerment, enhancing self-worth and redistributing social and economic opportunities to mitigate poverty and structural injustice (Sen, 2000). The evolution of these policies reflects Nepal's attempt to rectify historical inequities, transforming exclusionary legacies into a framework for equal participation in national development (Shrestha, 2019). However, while these measures signify progress, their effectiveness hinges on sustained implementation to translate formal equity into substantive justice, ensuring inclusion transcends symbolic gestures to reshape entrenched power hierarchies.

While Nepal's constitutional provisions for proportional representation and reservations aim to rectify systemic marginalization, critical discourse analysis (CDA) reveals persistent gaps between policy rhetoric and bureaucratic practice. Social inclusion policies, framed as tools of transformative justice, seek to integrate historically excluded groups – Dalits, indigenous communities, Madhesi, and women – into governance structures, yet their implementation remains fraught with contradictions (Administration Reform Commission, 2072; Sen, 2000). Fairclough's (2003) three-dimensional model exposes how institutional language, though apparently inclusive, often reinforces paternalistic power relations, positioning marginalized groups as passive beneficiaries rather than equal participants (Bennett, 2008; Gurung, 2019). Bureaucratic resistance manifests in informal exclusionary practices, such as biased recruitment and stalled vertical mobility evidenced by only 7% of Dalit civil servants advancing beyond junior roles (Acharya & Chandrika, 2021). Foucault's govern mentality further illuminates how dominant caste norms are perpetuated under the guise of neutrality, marginalizing alternative epistemologies in performance evaluations (Bourdieu, 1992). Moreover, the failure to address intersectional disadvantages – where caste, gender, and regional disparities compound exclusion – highlights the limitations of homogenized policy frameworks (Deshpande, 2013; Modi, 2015). Thus, while Nepal's policies symbolically endorse inclusion, their substantive realization demands dismantling entrenched power structures through intersectional and material redistributive justice, challenging both discursive and institutional hierarchies (Petrus & Veltmeyer, 2001; Sharma, 2018).

From interviews with marginalized individuals working in bureaucratic institutions, a troubling paradox emerges: even within systems designed for inclusion, exclusion persists in subtle yet systemic ways. Respondent 1 (Mr. Rahul) shared:



“We face different types of discrimination, such as being bypassed in transfers, receiving fewer opportunities in resource and opportunity distribution, having no participation in decision-making processes, and lacking access to information in policy discussions.”

This reflects how formal inclusion does not necessarily translate into meaningful participation or equal treatment. Despite being part of the system, marginalized bureaucrats remain on the periphery of power, facing structural barriers that reinforce their subordinate status.

Gendered exclusion further complicates this dynamic. Respondent 5 (Ms. Priya) recounted,

“In one office event, we were compelled to wear a sari, even though it was uncomfortable for some women, while men faced no such dress code enforcement. This is nothing but gender discrimination.”

Such practices reveal how bureaucratic culture remains deeply embedded in patriarchal norms, imposing unequal expectations on women while privileging male comfort and autonomy. These micro aggressions, though seemingly minor, accumulate into a broader culture of exclusion that undermines the professed goals of inclusion policies.

Another respondent highlighted the social exclusion faced by marginalized civil servants as:

“The elite and so-called upper-class bureaucrats form their own groups within the organization and criticize or use slang language behind the backs of those from excluded groups.”

This informal segregation reinforces caste and class hierarchies, ensuring that even within inclusive frameworks, marginalized individuals remain outsiders in workplace culture. Compounding this issue is the lack of institutional recourse. As one respondent pointed out,

“There is no specific unit responsible for addressing discrimination in offices and Singha Durbar as well. So if we face bias, where do we even complain?”

Without formal grievance mechanisms, discriminatory practices go unchecked, perpetuating a cycle of exclusion. These experiences demonstrate that inclusion is not merely a policy outcome but a sociocultural process one that requires dismantling deep seated biases and restructuring institutional power. Reservation, while a critical entry point, is a weak tool for social inclusion; it opens doors but does not ensure equity, dignity, or fair treatment. As one respondent intelligently observed, *“Inclusion is about justice for the historically discriminated, but it is just a means, not the end.”* True inclusion demands more than representation it requires institutional accountability, cultural transformation, and continuous resistance against exclusionary norms. Until then, marginalized bureaucrats will remain included in name but excluded in practice.

The Rhetoric-Implementation Gap in Policy Frameworks

Nepal's post-2015 constitutional and policy frameworks articulate ambitious commitments to social inclusion, yet systemic exclusion persists across bureaucratic, political, and social institutions. A critical discourse analysis of key policy documents reveals a stark disjuncture between legal provisions and their enforcement. While these frameworks frame inclusion as a



fundamental right, their implementation remains symbolic, reinforcing existing hierarchies rather than dismantling them.

The Constitution of Nepal (2015) explicitly prohibits discrimination based on caste, gender, and ethnicity, criminalizes untouchability, and mandates affirmative action for marginalized groups. However, empirical evidence indicates a persistent gap between legal rhetoric and practical outcomes. For instance, despite constitutional provisions reserving 9% of civil service positions for Dalits, only 5.9% have been filled, highlighting systemic non-compliance. Similarly, while women's political participation is constitutionally guaranteed through a 33% quota in local governance, proxy politics undermines its effectiveness, with a majority of elected women reporting that male relatives control their decision-making roles. Furthermore, Janajati reservations disproportionately benefit elite subgroups such as Newars and Thakalis, while more marginalized indigenous communities remain underrepresented.

This phenomenon of performative inclusion where policies exist on paper but fail to redistribute power reflects what Fairclough (2009) terms "discourse without change." Legal frameworks serve to legitimize the state's progressive image while preserving entrenched caste and gender hierarchies. The selective implementation of inclusion policies suggests that Nepal's governance structures prioritize symbolic concessions over substantive structural reforms. Academic research consistently highlights the gap between Nepal's progressive inclusion policies and their flawed implementation. Gurung (2019) critically examines how constitutional guarantees for marginalized groups remain largely unimplemented, with Dalits and indigenous communities continuing to face systemic barriers in accessing education and employment. Similarly, Bhul's (2025) study of affirmative action in Nepal's civil service reveals that reservation quotas are frequently circumvented through bureaucratic maneuvers, such as labeling positions as "technical" to exclude marginalized applicants. The National Education Policy's failure to protect indigenous languages, as analyzed by Mouni (2023), demonstrates how policy language can inadvertently reinforce existing power structures. Bista's (2014) ethnographic work further confirms that despite gender and ethnic representation rhetoric, bureaucratic institutions remain dominated by high-caste groups. These scholarly works collectively paint a picture of policy frameworks that serve more as legitimizing tools for the state than as mechanisms for genuine social transformation. The 6th National Inclusion Commission Report (2080/81) provides concrete data supporting these claims, showing significant underrepresentation of marginalized groups across all levels of government despite constitutional mandates.

Power Dynamics in Policy Formulation

The composition of Nepal's policy-drafting bodies reveals deep-rooted elite dominance that significantly shapes the outlines of the inclusion discourse. For example, the 2015 Constituent Assembly was disproportionately composed of Bahun-Chhetri members in key decision-making committees, while marginalized groups were consulted primarily for symbolic inclusion, without meaningful influence on outcomes. A similar pattern was observed in the formulation of the Gender Equality and Social Inclusion (GESI) Policy (2021), which was directed by high-caste bureaucrats, with civil society actors and activists engaged only through



perfunctory consultations. This form of institutional gatekeeping ensures that inclusion policies remain palatable to existing hierarchies, reinforcing what Foucault (1972) described as “the politics of permissible discourse”, where progressive rhetoric is tolerated only to the extent that it does not destabilize prevailing power structures.

Power Dynamics in Media Framing

Nepali media coverage reveals similarly contradictory dynamics in the representation of marginalized communities. Poudel's (2017) content analysis shows that mainstream media tends to sensationalize individual success stories in inclusion, while simultaneously neglecting the deeper structural inequalities that persist. A report by *Republica* (September, 2019) highlights the minimal presence of Dalit and indigenous voices within leadership roles in state-owned media institutions. In contrast, alternative media platforms, such as *Herne Katha* (2024) and community-based radio programs, have emerged as critical spaces for counter-hegemonic narratives. Longitudinal research by Radio Sagarmatha underscores the transformative potential of these platforms. Martin Chautari's (August, 2021) media monitoring reports reveal that 71% of opinion articles on inclusion are authored by high-caste men, many of whom invoke the "creamy layer" argument to oppose affirmative action. However, scholarship from the same institution reframes reservation policies as mechanisms of reparative justice, rather than as charitable concessions. CK Lal's (August, 2021) incisive critique in *The Kathmandu Post*, titled “The Broken Drum of Meritocracy,” further deconstructs how media narratives sustain caste privilege under the guise of merit-based discourse. Collectively, these studies demonstrate that while mainstream media often mirrors and maintains dominant ideologies, alternative outlets serve as important arenas for marginalized perspectives.

Thus, a critical discourse analysis of Nepali media reveals three dominant exclusionary frames that shape public understandings of social inclusion. *First*, developmentalist narratives depict increased Dalit representation in government positions as markers of national progress, while deflecting attention from enduring caste-based hiring discrimination. *Second*, tokenistic framing emphasizes individual milestones, such as the appointment of the first Dalit mayor, while leaving structural barriers unexamined. *Third*, elite-centered discourse prevails in editorial spaces, where high-caste male voices dominate debates on inclusion, lowering Dalit and Janajati contributions to peripheral, often human-interest coverage. These exclusionary framings underscore how discourse is not merely reflective but constitutive of power, shaping the legitimacy of inclusion policies while simultaneously reinforcing elite hegemony and marginalizing subaltern perspectives.

Marginalized Counter-Discourses and the Path Toward Transformative Inclusion

Despite ongoing institutional marginalization, subaltern voices continue to contest dominant exclusionary discourses. Dalit civil servants report facing promotion ceilings, Madhesi activists highlight exclusion from welfare provisions based on restrictive citizenship criteria, and indigenous leaders advocate for linguistic rights in education. These counter-narratives reflect active forms of resistance within constrained contexts, yet they remain largely sidelined in formal policy deliberations, highlighting the urgent need for more inclusive and participatory democratic processes.



Achieving genuine equity requires dismantling, rather than managing, entrenched caste and gender hierarchies through structural transformations that redistribute power, resources, and political representation. A rights-based framework must include robust measures such as intersectional quotas, legal penalties for avoidance of affirmative action, decentralized governance structures, and redistributive policies including land reform and wealth taxation to confront entrenched economic marginalization. Nepal's existing inclusion policies expose the limitations of liberal multiculturalism; transformative inclusion necessitates structural change rather than symbolic gestures.

Ethnographic and empirical research provides rich insight into the lived realities of exclusion. Sharma's (2022) interviews with Dalit bureaucrats reveal institutional barriers to advancement, with many participants reporting stagnation in junior roles despite their qualifications. The National Inclusion Commission (2080/81) finds that 78% of women elected via quota systems are subject to proxy control by male family members, undermining their autonomy. First-person testimonies collected by *Herne Katha* (2024) vividly illustrate everyday indignities, such as being labeled "backward" when seeking public services. Academic analyses, such as Gellner (2024), document how Janajati communities are marginalized through language policies privileging Nepali over indigenous languages. Bishwokarma's (2021) research demonstrates how reservation policies are routinely subverted through bureaucratic inertia and societal pushback. Investigative reporting by *The Kathmandu Post* (2022) further reveals manipulation of quota systems to favor already-advantaged individuals within marginalized categories. Together, these diverse sources from ethnography and academic scholarship to journalism, underscore the persistent gap between inclusion policies and their on-the-ground impacts, while also capturing the resilience and resistance of marginalized groups who continue to push for substantive structural reform.

Findings

Constitutional Inclusion as Symbolic Politics

The inclusion provisions in Nepal's 2015 Constitution exemplify what Oliver and Marion (2008) describe as "symbolic politics", where the rhetoric of progressive reform is deployed without fundamentally disrupting entrenched power structures. A critical analysis of the constitutional framework reveals three major limitations that undermine its transformative potential. First, Article 18 of the 2015 Constitution, which prohibits discrimination, includes a key qualifier that has been narrowly interpreted in legal and policy contexts, thereby constraining the scope and implementation of affirmative action. Second, although Article 40 mandates reservations for Dalits in state institutions, the lack of concrete enforcement mechanisms has led to persistent underrepresentation, especially in higher levels of the bureaucracy. Third, Article 42 refers vaguely to "progressive special provisions," a formulation that has enabled widespread non-compliance, with many local governments failing to operationalize required inclusion budgets. These constitutional deficiencies are symptomatic of the exclusionary nature of the drafting process itself. Despite marginalized groups constituting approximately 33% of the Constituent Assembly, they were systematically



sidelined from influential committees responsible for shaping key provisions. As one Tharu Constituent Assembly member noted in an interview, proposed amendments from marginalized representatives were often formally acknowledged but ultimately disregarded, exposing how procedural representation was used to obscure substantive exclusion.

Findings on the Good Governance Act (2008)

Nepal's *Good Governance Act (2008)* adopts a progressive stance on inclusion through affirmative action (Sections 10-13), yet its bureaucratic discourse reinforces state authority rather than participatory governance. While mandating proportional representation, the Act reduces inclusion to quotas without ensuring meaningful participation, rendering marginalized groups symbolically present but politically sidelined. Public consultation clauses (Section 16) lack enforceability, risking performative rather than substantive engagement. The policy also homogenizes identities, ignoring intersectional exclusions (e.g., Dalit women, disabled Muslims). Without independent oversight (Section 17), accountability remains vested in exclusionary bureaucratic structures. Ultimately, the Act's discourse legitimizes inclusion rhetorically while preserving entrenched power hierarchies, necessitating intersectional frameworks, decentralized participation, and robust monitoring for genuine equity.

Findings on the Public Service Act, 2049 (1993)

Nepal's *Public Service Act, 2049 (1993)* represents an early but flawed attempt to institutionalize social inclusion in the bureaucracy, predating more progressive constitutional reforms. While it introduced reservations for women (15–20%), encouraged ethnic/regional representation, and included provisions for persons with disabilities, its limitations—lack of intersectional frameworks, weak promotion mechanisms, and ambiguous enforcement—have perpetuated systemic exclusion. Despite constitutional mandates expanding quotas (e.g., 33% for women), implementation gaps reveal structural resistance: dominant castes retain 71% of bureaucratic posts against 35% population share, while Dalits (9% quota) achieve only 5.9% representation (*National Inclusion Survey, 2023*). The Act's failure to address *vertical exclusion* is stark: women comprise 30% of civil servants but hold under 10% of secretary-level roles (*PSC, 2023*), and reserved seats often remain unfilled due to claims of "no qualified candidates", a pretext masking institutional bias in recruitment (e.g., Nepali-language exams disadvantaging Madhesi applicants).

Findings on the GESI Policy as Bureaucratic Management

The 2021 Gender Equity and Social Inclusion (GESI) Policy exemplifies what Li and Fang (2014) term the "rendering technical" of structural inequalities, reducing complex exclusions to administrative tasks. This is evident in its (1) use of conditional language enabling bureaucratic evasion, (2) reliance on superficial quantitative indicators that substitute symbolic actions for power redistribution, and (3) neglect of intersectionality, which masks caste-based exclusions within gender-focused provisions. These limitations stem from a tokenistic policy formulation process that sidelined marginalized voices, resulting in budgets favoring awareness campaigns over structural change.

Similarly, the Civil Service Act (1993) articulates a contradictory discourse on inclusion. While it incorporates affirmative action measures (e.g., 15–20% quotas for women and marginalized



groups), it frames them as discretionary benefits rather than enforceable rights. Vague language like “special consideration” facilitated bureaucratic resistance, with meaningful representation only improving after constitutional mandates in 2015. The Act emphasizes entry-level access while ignoring systemic promotion barriers, evident in the underrepresentation of Dalits in leadership (5% in 2020). It also flattens diverse marginalities, ignoring intersecting inequalities (e.g., among Madhesi women), and reinforces elite dominance through weak enforcement and lack of grievance mechanisms. Reports of persistent caste-based discrimination (NHRC, 2021) further underscore the gap between policy rhetoric and lived realities.

Thus, Nepal’s inclusion framework is undermined by elite control, a technocratic focus on metrics over transformation, and the absence of accountability. Despite formal commitments, marginalized communities remain excluded from meaningful participation. Genuine reform requires intersectional quotas with upward mobility provisions, enforceable penalties for non-compliance, and inclusive policymaking rooted in subaltern perspectives. Without disrupting caste-class dominance within the bureaucracy, inclusion will remain a symbolic gesture rather than a path to substantive justice.

Findings on the 6th National Inclusion Commission Report (2080/81)

The 6th National Inclusion Commission Report (2080/81) highlights a persistent gap between Nepal’s constitutional commitments to inclusion and their practical implementation. Despite formal guarantees, systemic exclusions endure: women hold 34% of public service roles but occupy only 7% of decision-making positions, illustrating vertical segregation. Dalits (5.9%) and Janajatis (19%) remain underrepresented relative to their quotas (9% and 27%, respectively), with 23% of reserved seats left vacant under contested claims of candidate unavailability. At the local level, although women comprise 41% of representatives, 78% report proxy control by male relatives.

The report documents structural barriers including caste discrimination (147 cases, only 12% resulting in action), elite dominance (72% of secretaries from high-caste groups), and misallocation of inclusion budgets (38% diverted). Committees remain largely Brahmin/Chhetri-controlled (67%), and key infrastructure remains inaccessible (81% of government buildings). Implementation is further weakened by institutional bias in promotions, failure to address intersectional exclusions (e.g., Dalit women), and minimal accountability (only 11% of violations penalized).

While the report proposes intersectional quotas, budget-linked penalties, promotion audits, and specialized courts, its cautious tone, avoiding terms like “caste apartheid”, reflects institutional hesitancy to confront entrenched hierarchies. Ultimately, the findings underscore Nepal’s “inclusion paradox”: progressive legal frameworks persistently undermined by elite capture, bureaucratic inertia, and weak enforcement. Without deep structural reforms in recruitment, promotion, and decision-making, inclusion efforts risk remaining symbolic rather than transformative.

Findings on Judicial Backlash Through the Creamy Layer Doctrine

The Supreme Court’s 2021 Vinaya Kumar Panjiyar verdict represents a significant judicial backlash against substantive inclusion through its problematic adoption of the “creamy layer”



doctrine. Our analysis identifies three flawed assumptions underpinning this ruling. First, the judgment incorrectly assumes that economic mobility eliminates caste stigma, despite overwhelming evidence to the contrary. Second, it prioritizes individual mobility over collective justice, fundamentally misunderstanding reservations as addressing individual disadvantage rather than historical group oppression. Third, the ruling falsely equates caste with class, ignoring caste's unique role as both economic and ritual exclusion. These judicial assumptions reflect the caste composition of the judiciary itself, where Brahmin judges overwhelmingly supported the creamy layer argument while Janajati judges opposed it. The media's amplification of this judicial discourse through neoliberal framing of reservations as "reverse discrimination" further reinforced these exclusionary narratives.

Findings on Media Framing and Depoliticization of Exclusion

Nepali media plays a dual role in shaping social inclusion discourse serving as both a platform for advocacy and a mechanism for reinforcing elite dominance. Through Critical Discourse Analysis (CDA), dominant narratives reveal three key frames: developmentalist (portraying inclusion as economic modernization), tokenistic (celebrating individual milestones), and controversial (casting affirmative action as "quota politics"). These framings obscure structural inequalities and legitimize elite perspectives.

Media representation further marginalizes disadvantaged groups by amplifying high-caste voices while portraying Dalits, Madhesi, and indigenous peoples as passive beneficiaries. Deficit narratives blame marginalized communities for their conditions, ignoring systemic injustices such as land dispossession or caste-based violence. Underreporting of these issues perpetuates their invisibility. However, digital platforms have emerged as sites of resistance, with movements like *Dalit Lives Matter* challenging mainstream silences. Debates on reservations expose competing discourses: while proponents frame them as reparative justice, critics invoke meritocratic ideals to undermine them. The "creamy layer" controversy reflects tensions between caste- and class-based criteria, with media often privileging elite anxieties over marginalized demands for structural reform. Overall, media discourse in Nepal remains shaped by power asymmetries, frequently masking exclusion under the guise of neutrality or progress.

Findings on Subaltern Counter-Discourses and Resistance

Despite structural barriers, marginalized communities have developed sophisticated strategies of resistance and alternative knowledge production. Dalit bureaucrats have created informal networks to navigate institutional exclusion, while Janajati activists are reclaiming historical memory through cultural institutions like the Tharu Museum. Madhesi youth have pioneered innovative forms of digital activism to document and challenge systemic exclusion. These practices constitute what Scott (1990) identifies as "infrapolitics" - the daily, often invisible resistance that sustains oppositional consciousness. Our research documents how these counter-discourses not only challenge dominant narratives but also create alternative frameworks for understanding and achieving substantive inclusion, demonstrating remarkable resilience and creativity in the face of systemic marginalization.



Discussion

The disconnect between Nepal's progressive inclusion policies and their limited implementation stems from four interrelated structural barriers that reinforce existing power hierarchies. First, institutional ethnography reveals bureaucratic gatekeeping through covert exclusionary tactics: reclassifying posts as "technical" to bypass quotas (43% of cases), designing culturally biased application processes, and privileging upper-caste candidates in subjective interview evaluations, all under the guise of meritocracy.

Second, the party system instrumentalizes inclusion for electoral gains while resisting genuine power redistribution. Marginalized groups are confined to symbolic roles (e.g., Dalit or Janajati wings), with only 8% representation in central leadership, reflecting how political inclusion is managed without threatening elite control.

Third, the development sector depoliticizes structural inequality by translating demands for justice into technical interventions. With 76% of donor-funded inclusion programs emphasizing individual capacity over systemic reform, "NGO-ized" inclusion promotes professional activism over transformative change, aligning with neoliberal logics that preserve the status quo.

Fourth, epistemic exclusion remains a critical but neglected barrier. Despite linguistic diversity, 98% of policy documents are in Nepali, marginalizing non-Nepali speakers and dismissing indigenous knowledge as unscientific. This linguistic and epistemological hegemony constitutes a form of epistemic violence, systematically erasing subaltern perspectives from governance and policy discourse.

Conclusion

This study reveals a persistent gap between Nepal's constitutional commitments to social inclusion and the lived realities of systemic exclusion. Despite comprehensive affirmative action frameworks, entrenched caste privilege continues to dominate public institutions, with dominant groups occupying 72% of senior bureaucratic roles and Dalits remaining significantly underrepresented.

Our analysis identifies multiple structural barriers: meritocratic discourse masks exclusionary practices, media frames reservations as undeserved, and policy loopholes enable institutional non-compliance. Even when marginalized individuals gain formal entry, they are often denied substantive power, evidenced by 78% of quota-elected women serving under male proxy control.

Achieving meaningful inclusion requires structural transformation, not symbolic compliance. We propose four key interventions: (1) adopt intersectional frameworks; (2) establish enforceable accountability mechanisms; (3) democratize media representation; and (4) link inclusion policies with broader redistributive justice, particularly regarding land and resources. Nepal's democratic project remains incomplete while large segments of its population remain excluded from decision-making. The constitutional vision of inclusion demands bold action to dismantle power hierarchies and ensure dignity, representation, and shared authority for all



citizens. Without this, inclusion will remain rhetorical. With it, a just and equitable Nepal becomes possible.

Conflict of Interest

Authors declare there is no conflict of interest while preparing this article

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