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## Traditions, Rituals and Policy on Gender Discrimination in Nepal

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### Abstract

This research investigates the impact of cultural traditions on gender discrimination in Nepal, particularly through the lens of sex-selective abortion. Despite some progress, deeply rooted cultural practices continue to influence policy-making and implementation, especially regarding gender issues. These traditional customs persistently shape childbirth practices, educational opportunities, and basic rights, perpetuating gender discrimination. This study examines how entrenched cultural norms both support and hinder the advancement of gender equality in Nepal. Focusing on the interaction between cultural traditions and gender-related policies, the research explores how these customs affect birthing practices and healthcare policies. It also analyzes the cultural norms that dictate educational expectations for women and girls and evaluates the broader implications for gender rights. The study highlights how ritualistic childbirth practices and gender-specific educational expectations create disparities and challenge the effectiveness of gender equality initiatives. Recent reforms and cultural shifts in Nepal reflect efforts to address these gender imbalances. This study emphasizes the need for policy frameworks that respect cultural traditions while promoting gender equality. By integrating primary qualitative data with secondary sources and using descriptive and analytical methods, the research provides a comprehensive view of the challenges and opportunities in aligning tradition with modern gender equality goals. Ultimately, the study advocates for ongoing reform and cultural adaptation to effectively combat gender discrimination and ensure equal rights for all individuals in Nepal. It underscores the importance of developing policies that acknowledge and integrate cultural contexts while striving for genuine gender equality.

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### 1. Introduction

Nepal is a country rich in cultural traditions and historical practices, many of which significantly influence societal norms and policy-making. These cultural traditions, deeply embedded in the daily lives of many Nepalese, often shape attitudes towards gender and impact the implementation of gender-related policies. Despite some strides towards gender equality, persistent cultural norms continue to foster gender discrimination, particularly through practices such as sex-selective abortion. This research aims to investigate the impact of these cultural traditions on gender discrimination in Nepal, focusing on how entrenched customs affect various aspects of gender equality. The persistence of traditional practices in Nepal has profound implications for gender equality. Cultural norms influence many areas of life, from childbirth to education, and these influences can both support and obstruct progress towards gender equality. Traditional customs have a considerable impact on birth practices and healthcare policies, shaping not only how childbirth is approached but also how women's health and rights are perceived and addressed.

The prevalence of sex-selective abortion, driven by cultural preferences for male offspring, exemplifies the deep-seated gender biases that continue to influence healthcare decisions and policies. Education, another critical area affected by cultural norms, demonstrates the complex interplay between tradition and gender equality. Cultural expectations often dictate educational opportunities for women and girls, with gender-specific roles and responsibilities influencing their access to and engagement in educational settings. These norms can lead to disparities in educational attainment and reinforce traditional gender roles, further perpetuating inequality. This study explores how ritualistic practices related to childbirth and gender-specific educational expectations contribute to gender disparities. By examining these cultural norms, the research aims to shed light on the ways in which they challenge the effectiveness of gender equality initiatives. For instance, practices that favor male children can undermine policies designed to promote equal opportunities for all genders, while traditional educational expectations may limit the potential and participation of women and girls in various spheres of society. Recent reforms in Nepal reflect ongoing efforts to address these gender imbalances and adapt to changing social dynamics. These reforms indicate a growing recognition of the need to balance respect for cultural traditions with the promotion of gender equality. However, achieving this balance is complex, as it requires navigating the tension between preserving cultural heritage and advancing modern gender equality goals. This research employs a comprehensive approach, integrating primary qualitative data with secondary sources and utilizing descriptive and analytical methods. By doing so, it aims to provide a detailed understanding of the challenges and opportunities involved in aligning traditional practices with contemporary gender equality objectives. The study advocates for the development of policy frameworks that both acknowledge and respect cultural contexts while striving to ensure genuine gender equality.

Ultimately, the research highlights the need for ongoing reform and cultural adaptation to effectively combat gender discrimination in Nepal. It underscores the importance of creating policies that are not only culturally sensitive but also actively promote equitable rights for all individuals, thereby advancing the broader goal of gender equality.

## 2. Research Problem

In Nepal, deeply ingrained cultural traditions profoundly affect gender dynamics, leading to persistent gender disparities, particularly evident in the practice of gender-based abortion. Traditional customs surrounding childbirth, education, and social roles perpetuate unequal treatment of women and girls. These practices influence various aspects of gender equality: childbirth rituals can impact the quality of maternal and neonatal healthcare, while entrenched gender-specific educational norms restrict girls' access to schooling and limit their future opportunities. The ongoing influence of these traditional practices exacerbates gender inequalities and presents significant challenges to achieving gender equality. Despite efforts by the Nepali government and various organizations to implement policies aimed at reducing gender discrimination and promoting gender equality, the effectiveness of these initiatives is frequently compromised by the persistence of cultural norms. The core research problem is to determine the extent to which entrenched cultural traditions continue to impact gender-based abortion

and broader gender disparities in Nepal. Specifically, this research seeks to understand how these traditions influence the effectiveness of existing policies designed to combat gender discrimination. The problem is compounded by the need to evaluate whether current policies are sufficiently addressing the root causes of gender inequality or if they are being undermined by deeply embedded cultural practices. Addressing this problem involves examining how traditional practices related to childbirth and educational expectations contribute to gender-based abortion and other forms of gender discrimination. It also requires assessing the strengths and weaknesses of existing policies in tackling these issues and identifying gaps where cultural norms continue to obstruct progress. The goal is to develop more effective policy recommendations that reconcile cultural traditions with the objectives of gender equality, thereby improving the overall effectiveness of interventions aimed at reducing gender-based disparities.

## 3. Research Objectives

This research aims to address the critical issue of gender-based abortion in Nepal, where deeply rooted cultural traditions significantly impact gender dynamics and contribute to persistent gender disparities. Traditional practices related to childbirth, education, and social roles often reinforce unequal treatment of women and girls. Specifically, customs and rituals surrounding childbirth can influence the quality of maternal and neonatal healthcare, while gender-specific educational norms can limit girls' access to schooling and future opportunities. These entrenched practices exacerbate gender inequalities and pose significant challenges to achieving gender equality. In response to these issues, the Nepali government and various organizations have implemented policies aimed at reducing gender discrimination and promoting equality. However, the effectiveness of these policies is often undermined by the persistence of traditional cultural norms. To address this, it is essential to evaluate how well these policies tackle gender disparities within the context of these entrenched traditions. The objectives of this research are to:

Investigate the Impact of Cultural Traditions: Examine how deeply rooted cultural practices, particularly those related to childbirth and gender-based preferences, contribute to gender-based abortion and other gender disparities in Nepal.

- **Assess Policy Effectiveness:** Evaluate the effectiveness of current government and organizational policies in addressing gender discrimination and promoting gender equality, considering the influence of persistent cultural norms.
- **Identify Gaps and Opportunities:** Identify gaps in the existing policies and practices and explore opportunities for improvement in reconciling cultural traditions with the objectives of gender equality.
- **Develop Recommendations:** Formulate strategies and recommendations for policy development that balance respect for cultural traditions with the promotion of gender equality, aiming to enhance the effectiveness of interventions and address gender-based abortion.
- **Analyze Broader Implications:** Assess the broader implications of cultural norms on gender rights and equality and propose solutions for overcoming barriers to achieving equitable treatment for women and girls in Nepal.

By focusing on these objectives, the research aims to provide a comprehensive understanding of how cultural traditions impact gender-based abortion and other gender disparities, and to contribute to the development of more effective policies and strategies for promoting gender equality in Nepal.

#### 4. Methodology

This study will employ a mixed-methods approach, integrating primary qualitative data through interviews and focus groups with key stakeholders, alongside secondary sources from existing literature and policy documents. Descriptive and analytical methods will be used to assess the relationship between traditional practices and policy outcomes. By combining these approaches, the research aims to provide a comprehensive understanding of the impact of tradition on gender discrimination and the effectiveness of current policy measures.

#### 5. Discussion and Finding

##### 5.1. Nepali Society

In analyzing Nepali society's evolving traditions and their impact on gender discrimination, it's crucial to recognize the dynamic nature of societal norms and values. As societies change, so do the collective ideas and philosophies that shape them. In Nepal, despite the passage of time and modernization, gender discrimination remains a significant issue, influenced by historical traditions and contemporary societal attitudes.

The complexity of societal views can be understood through the concept of "social construction," a term discussed by Peter L. Berger and Thomas Luckman in their seminal work. They argue that society is not a fixed entity but is continuously constructed through social interactions and shared meanings (Berger & Luckman, 1966) [2]. This perspective is particularly relevant in Nepal, where traditional practices have been challenged by evolving ideas and new philosophies.

Despite advancements, traditional views on gender roles continue to influence Nepali society. For instance, leading women in Nepali leadership roles often highlight that gender discrimination persists due to entrenched cultural practices and patriarchal thinking. These perspectives reveal that while formal changes may occur, deeply held societal norms can resist transformation.

Another relevant perspective comes from sociologist Erving Goffman, who discusses how social roles and identities are performed according to societal expectations (Goffman, 1959) [6]. Goffman's concept of "role performance" highlights how individuals internalize and enact roles based on societal norms and expectations. In Nepali society, traditional gender roles are perpetuated through social performances that reinforce gender discrimination, despite legal and formal advancements towards equality. The persistence of gender discrimination in Nepali society, despite modernization, reflects the enduring impact of traditional norms and patriarchal interpretations. Both Berger and Luckman's theory of social construction and Goffman's insights into role performance offer valuable frameworks for understanding how societal definitions and roles evolve and how they continue to influence gender dynamics. Addressing these issues requires a nuanced understanding of how historical and cultural contexts shape contemporary practices and ongoing efforts towards gender equality. In this section,

we present the perspectives of prominent women leaders in Nepali society on the issue of gender discrimination.

Goma Timilsina, a Member of Parliament in Nepal's National Assembly, emphasizes the importance of both sons and daughters at birth for the survival of humanity. He underscores that the presence of both sexes is essential for human continuity. Despite this fundamental truth, societal attitudes towards daughters often differ from those towards sons. While the state has enacted legal provisions aimed at preventing discrimination against daughters, there are still significant challenges. In Nepal, the constitution guarantees equality for all citizens, including women and girls. This legal framework is intended to ensure that daughters are valued and treated equally. One stark example of this disparity is the practice of sex-selective abortion. Despite the country's laws prohibiting such practices, there are reports that some pregnancies are terminated based on the sex of the fetus, particularly if the fetus is identified as female (Timilsina, Interview 2024/08/21).

Sex-selective abortion is illegal in Nepal and contravenes the country's legal provisions designed to promote gender equality. The law allows abortion only under specific circumstances, such as when the health of the mother is at risk or in cases of rape or incest. Nonetheless, the illegal practice of selecting the sex of a fetus remains a serious issue, reflecting deeper societal biases and discrimination against daughters. Timilsina's statement highlights the persistent challenge of enforcing gender equality in practice, despite the existence of legal safeguards. While the state has made efforts to address these issues through legislation and policy, there is a clear need for more effective implementation and societal change. The law alone cannot rectify deeply ingrained cultural attitudes that lead to practices like sex-selective abortion. The challenge, therefore, is not just in having laws on the books but in ensuring that these laws are respected and enforced. It also involves changing societal attitudes and promoting a culture of gender equality where both sons and daughters are equally valued. Timilsina's comments bring attention to the gap between legal provisions and societal practice, underscoring the need for continued efforts to achieve true gender parity in Nepal (Timilsina, Interview 2024/08/21).

Former Federal Parliamentarian Dr. Binda Pandey explains that the gender disparity between sons and daughters in Nepali society cannot be attributed to a single cause. Instead, it stems from a combination of deeply ingrained cultural practices, systemic issues, and social insecurities. Dr. Pandey identifies three primary factors contributing to this imbalance:

**5.1.1. Traditional Preferences:** One of the foremost reasons for the disparity is Nepal's traditional cultural belief that favors sons over daughters. Historically, Nepali society has placed a higher value on male children due to their perceived role in continuing the family lineage, inheriting property, and performing ancestral rituals. This deep-rooted preference for sons is perpetuated through generations, influencing societal attitudes and practices.

**5.1.2. Dowry System and Perceptions:** The dowry system further exacerbates gender inequality. In many parts of Nepal, there is a belief that daughters are a financial burden because they require a dowry to be married off. This perception fuels the notion that daughters are "for others,"

which leads to discriminatory practices and a lack of value placed on female children.

**5.1.3. Social Insecurity:** Social insecurity and fear of the financial and social implications associated with raising a daughter contribute significantly to the problem. In some communities, the practice of aborting female fetuses, rather than allowing them to be born and face societal discrimination, is alarmingly prevalent. This issue is particularly pronounced in the Terai region of Nepal, where such practices are more common. Dr. Pandey's observations underscore the complex interplay of traditional beliefs, economic pressures, and social insecurities that perpetuate gender inequality in Nepal. Addressing these issues requires a multifaceted approach, including legal reforms, cultural shifts, and targeted interventions to challenge and change entrenched attitudes toward gender. (Pande, Interview 2024/08/21).

Mina Gyawali, a former member of the Bagmati Province Parliament, has highlighted the ongoing issue of gender discrimination in Nepali society, emphasizing the troubling practice of aborting female fetuses. She pointed out that, despite the legal framework in Nepal which explicitly prohibits abortions based on the gender of the embryo, this practice continues to be a significant concern. Gyawali revealed that many private hospitals and clinics are involved in these illegal activities, often charging exorbitant fees to carry out abortions when the fetus is identified as female. This situation underscores a deep-seated cultural bias against female children, reflecting broader societal attitudes that favor sons over daughters. The persistence of such practices, even in the face of legal restrictions, raises serious questions about the enforcement of laws and the need for stronger regulatory measures. Gyawali's observations highlight the gap between legislation and actual practice, urging a need for both stricter oversight and a broader cultural shift towards gender equality. Her statements call for increased awareness and action to address the ongoing issue of gender-based discrimination and the illegal termination of female fetuses in Nepal. (Gyawali, Interview 2024/08/21).

Sharada Debi Lamichhane, an Assistant Professor of Nepali subject at Tribhuvan University, asserts that the root cause of gender discrimination in Nepali society is not inherent to religion or policy but is deeply embedded in patriarchal thinking that interprets these elements in a discriminatory manner. According to Lamichhane, no religion fundamentally advocates for the discrimination of individuals. Rather, religious texts like the Vedas discuss various aspects of caste and gender, but the interpretation and implementation of these texts have historically favored men. In examining the issue, Lamichhane argues that early religious and philosophical texts did not explicitly promote gender bias. However, subsequent interpretations and adaptations of these texts were shaped by a patriarchal lens that prioritized male perspectives. Over time, these interpretations became entrenched as societal norms and traditions. This shift has perpetuated a cultural environment where gender discrimination is widespread, affecting various aspects of life, including the treatment of women, (Lamichhane, Interview 2024/08/21).

One manifestation of this discrimination is the situation faced by pregnant women in Nepal. According to Lamichhane, a pregnant woman, particularly one expecting a daughter, often experiences societal discrimination and prejudice. This stems

from long-standing gender biases that have been normalized through traditional practices and patriarchal values. The preference for sons over daughters is a clear example of how deeply ingrained these discriminatory attitudes are. Lamichhane's perspective emphasizes that the problem lies not in the foundational religious texts themselves but in the way these texts have been historically interpreted and applied. The patriarchal framework that has emerged from these interpretations has shaped societal attitudes and practices, leading to gender inequities that are perpetuated across generations. To address these issues, Lamichhane suggests that a critical re-examination of traditional interpretations and a shift towards more egalitarian perspectives are necessary.

By challenging patriarchal norms and promoting a more equitable understanding of gender roles, it is possible to create a more just society where both men and women are treated with equal respect and opportunity. In essence, the challenge is to reform the entrenched cultural norms and interpretations that continue to perpetuate gender discrimination, rather than blaming religious or policy frameworks that, in their original forms, did not inherently support such biases, (Lamichhane, Interview 2024/08/21).

## 5.2. State Policy and Laws

In Nepal, state policies and laws play a crucial role in shaping the impact of tradition and rituals on gender discrimination. The Nepali legal framework includes various provisions aimed at addressing gender inequality, though the effectiveness of these measures is often challenged by entrenched cultural practices and social norms.

The Constitution of Nepal (2015) enshrines principles of gender equality and nondiscrimination, mandating equal rights for all citizens regardless of gender. Articles 38 and 42 specifically address women's rights, guaranteeing their right to participate in political, economic, and social spheres, and aiming to eliminate discrimination based on gender (Constitution of Nepal, 2015). Despite these constitutional guarantees, the practical implementation of these rights is frequently undermined by traditional customs and rituals that perpetuate gender-based disparities. For instance, practices like 'Chhaupadi' a tradition where menstruating women are isolated from their families continue to affect women's health and social standing, despite legal prohibitions (Tamang, 2016) <sup>[23]</sup>.

Nepal's legal framework includes various acts aimed at combating gender discrimination, such as the Gender Equality Act (2021) and the Domestic Violence (Offense and Punishment) Act (2009). These laws are designed to protect women's rights and provide legal recourse against gender-based violence and discrimination. However, the enforcement of these laws is often inconsistent, hindered by social attitudes and the deep-rooted cultural practices that marginalize women (Malla, 2018) <sup>[10]</sup>. For example, the persistence of dowry systems and child marriage, despite legal restrictions, highlights the gap between policy and practice (Sharma & Yadav, 2017) <sup>[22]</sup>. Efforts to reform traditional practices through state policies have met with varying degrees of success. Recent initiatives, such as the National Action Plan on Gender-Based Violence (2018-2028), aim to strengthen the legal framework and improve enforcement mechanisms (National Women Commission, 2018).

Nonetheless, the influence of traditional norms on gender

discrimination remains significant, revealing the complex interplay between state policy and cultural practices in Nepal. Significant political changes in Nepal have led to the dismantling of certain traditional beliefs and the implementation of legal measures aimed at promoting equality. These reforms have, to some extent, empowered individuals, including those with disabilities. The Constitution of Nepal and subsequent laws and policies reflect substantial progress in advocating for equal rights. However, societal adherence to entrenched cultural norms continues to perpetuate gender disparities, revealing a gap between legal provisions and their real-world impact.

Despite the introduction of progressive laws, the persistence of traditional beliefs undermines their effectiveness, particularly regarding gender discrimination. Although, Nepal's legal framework has evolved to address gender inequality, the effectiveness of these laws is often compromised by prevailing societal attitudes. Traditional beliefs continue to skew perceptions of gender roles, with women facing more biases compared to men. Ensuring the safety and confidence of women remains a critical issue, as legal measures alone cannot fully eradicate deeply rooted cultural biases. The challenge lies in bridging the divide between legislative progress and societal change, emphasizing the need for ongoing efforts to transform attitudes and reinforce the implementation of gender equality laws.

### 5.3. Transition from Traditional to Modern

Discrimination against women in Nepal has a long history rooted in traditional practices and cultural norms. Historically, Nepali society has been patriarchal, with women often relegated to subordinate roles within both the family and the broader community. Traditional practices, such as the dowry system and gender-based restrictions on property rights, have perpetuated gender inequality. According to Sharma (2000)<sup>[21]</sup>, these practices were deeply entrenched in cultural and social norms, reinforcing women's economic and social dependence on men (Sharma, 2000)<sup>[21]</sup>.

In recent decades, Nepal has made efforts to address gender discrimination through legal reforms and policy initiatives. The promulgation of the new Constitution in 2015 was a significant step, as it enshrined the principles of gender equality and non-discrimination. The Constitution mandates equal rights for women in areas such as education, employment, and property ownership (Constitution of Nepal, 2015). Additionally, laws such as the Domestic Violence (Crime and Punishment) Act, 2009, aim to combat violence against women and provide legal recourse for victims (Nepal Law Commission, 2009). Despite these advancements, challenges persist in the implementation and enforcement of these laws, often due to entrenched societal attitudes and inadequate resources.

Modern Nepalese society continues to grapple with the legacy of traditional gender biases, even as legal frameworks evolve. Although women have increasingly accessed education and employment opportunities, disparities remain in terms of income and representation in leadership roles. For instance, the Gender Inequality Index (GII) reflects ongoing disparities in health, empowerment, and economic activity (UNDP, "Human Development Report 2023"). The persistence of gender discrimination in modern Nepal underscores the need for continued advocacy, policy refinement, and societal change to ensure that legal

advancements translate into real improvements in women's lives.

Former Federal Parliamentarian Dr. Bind Pandey explains that gender disparity between sons and daughters in Nepali society has been significantly addressed through political and legal reforms. The 2015 Constitution and subsequent legislation have made substantial strides towards gender equality, eliminating distinctions between sons and daughters. Under the new legal framework, daughters now have the same rights as sons, including the ability to marry and bring their spouses into their natal homes. These legal changes mark a departure from outdated beliefs, and although traditional attitudes may persist, gradual improvements in societal norms are expected (Pande, Interview 2024/08/21).

### 5.4. Impact of Transformation on Nepali Society

As Nepali society evolves, the interplay between religion and law continues to shape its legal framework and social norms. Hindu philosophy, particularly as outlined in the Vedas, initially promoted concepts of equality and non-discrimination. The Vedas, revered as ancient scriptures of Hinduism, emphasize the fundamental unity of all human beings and provide a vision of a society where roles are not dictated by gender or caste but by one's duties and virtues (Rao, 2003)<sup>[19]</sup>. Early Hindu texts do not explicitly advocate for gender or caste discrimination; rather, they reflect a more egalitarian perspective, which later interpretations and societal changes began to overshadow (Miller, 1992)<sup>[11]</sup>.

The transition from these ancient philosophical ideals to the entrenched practices of a male-dominated society marked a significant shift. Historically, social structures gradually reinforced gender roles and caste hierarchies, exacerbating disparities. The perception of women's physical weakness and sensitivity was one of the reasons cited for justifying their subordinate status, though such views were more reflective of societal attitudes than of the Vedic teachings themselves (Sarkar, 2006)<sup>[20]</sup>. Over time, societal norms and legal frameworks diverged from the egalitarian ideals originally present in Vedic philosophy, leading to institutionalized gender inequality.

However, contemporary Nepali society has made significant strides toward aligning legal practices with the principles of equality enshrined in its modern laws. The Nepali Constitution of 2015 embodies these changes by guaranteeing equal rights for all citizens, irrespective of gender (Constitution of Nepal, 2015). Legislation such as the Gender Equality Act and various amendments have sought to address historical injustices and promote gender parity (Nepal Law Commission, 2022). Despite these advancements, the full realization of gender equality remains a work in progress. The transition from legal equality to practical equality involves cultural shifts and ongoing efforts to challenge and change deep-seated societal norms (UNDP, 2023).

### 5.5. The Reality of Societal Conditions

The political changes in Nepal have not only transformed the government and state structure but have also led to the creation of laws and constitutions aimed at eliminating discrimination based on gender, caste, or other factors. While these laws and policies are firmly established within Nepali society, the challenge lies in overcoming traditional beliefs and societal attitudes that hinder their effective implementation.

Guruprasad Mainali, a distinguished writer in Nepali literature, addresses societal norms and traditions in his story "Duty" from his collection "Naso." In this narrative, Mainali explores the traditional belief that without a daughter, it is fitting for a brother's son to carry out the cremation rites after one's death. Through this depiction, he highlights the deeply ingrained customs surrounding family roles and the transmission of duties. Mainali's portrayal reflects how societal expectations shape personal decisions and the intricate ways in which cultural practices influence individual lives. The story underscores the tension between traditional values and evolving perspectives, illustrating how cultural norms persist even as society progresses (Mainali, 2006) <sup>[18]</sup>. In Nepal, despite the illegality of sex-selective abortion, gender reveal celebrations are rising in popularity. Nepali actresses and social media influencers have embraced and widely shared these events, highlighting a contemporary trend towards celebrating pregnancy through gender reveals. This shift reflects a growing enthusiasm for gender reveal parties, as seen with popular bloggers also participating by announcing their baby's gender. However, this trend occurs against a backdrop of persistent traditional gender biases, revealing a complex interplay between modern celebratory practices and longstanding cultural norms. These incidents highlight that despite significant political and legal reforms in Nepal, gender discrimination has intensified. According to a recent BBC report, Nepal is facing a worsening situation like that of China, where prospects for brides may become increasingly challenging due to gender imbalances and related issues (BBC, 2024). This trend underscores the growing gap between legal advancements and the persistent societal attitudes that continue to undermine gender equality. The 2021 Census in Nepal highlights a significant decrease in the number of girls being born, illustrating broader demographic and social changes. The data shows a shift in the sex ratio at birth, with a notable decline in female births compared to previous years.

**Table 1:** Birth Rate of Girls in Nepal

Census Year	Total Births	Female Births	Male Births	Female Birth Rate (%)
2021	470,000	224,000	246,000	47.7%

Central Bureau of statistics: 2021

The legal landscape in Nepal has evolved significantly since the 2002 Muluki Ain amendment, which legalized abortion under various conditions. However, awareness of abortion rights and access to safe abortion services remain limited. The 2016 Nepal Demographic Health Survey highlighted that only 41% of women were aware of the legality of abortion, and many who sought abortions did not access authorized facilities (Nepal Demographic Health Survey, 2016). This lack of awareness, coupled with ongoing cultural preferences for sons, continues to drive the practice of sex-selective abortion, underscoring the need for improved education and regulation to address this issue.

Despite being legally prohibited, sex-selective abortions remain a severe problem in Nepal, fueled by a deep-seated cultural preference for sons. Women often invest in prenatal sex determination tests to make informed decisions about their pregnancies, but these tests can lead to sex-selective abortions. This practice not only skews the sex ratio but also entrenches gender discrimination. The issue persists even though the Nepalese constitution guarantees the right to safe

abortion, with some private clinics continuing to conduct these procedures under the pretense of legality. This ongoing problem underscores a critical societal issue, highlighting the urgent need for effective enforcement of laws and cultural change to address gender bias.

The constitution of Nepal permits abortion under specific conditions, such as when the pregnancy poses a risk to the woman's health or is deemed unsafe. However, this legal framework does not universally cover all types of abortions. Despite these regulations, there is a growing misuse of abortion rights, particularly for gender-selective reasons. Increasingly, pregnancies are being terminated based on the fetus's sex, reflecting a troubling trend where cultural preferences for sons drive decisions that contradict the intent of the law. This misuse undermines the constitutional protections designed to safeguard women's health and highlights a significant gap between legal provisions and societal practices. The challenge lies in addressing these abuses and ensuring that the legal right to abortion is not exploited for discriminatory purposes.

Former Federal Parliamentarian Dr. Binda Pandey highlights that, despite political shifts and legal reforms in Nepal, violence against women remains prevalent, particularly in the Terai region. She attributes this ongoing issue to the deeply entrenched patriarchal norms, extreme rituals, and dowry practices that persist in society. Pandey points out that the disturbing statistic of only 100 girls being born for every 133 boys in the Terai is largely due to gender-based fetal killings, a consequence of gender testing. This imbalance underscores the severe impact of gender discrimination and the need for more effective measures to protect women (Pandey, Interview, 2024/08/21). Professor Prabha Khanal from the Population Department at Tribhuvan University reports that in Nepal, both rural and urban educated individuals still favor sons over daughters. Many women have chosen to abort pregnancies due to a preference for sons, while others have been pressured by their families to abort a female fetus despite their own wishes. Current data reveals a troubling disparity: only 100 girls are born for every 112 boys (Khanal, Interview, 2024/08/21). This stark imbalance highlights the pervasive issue of gender discrimination and sexual violence in Nepali society today.

The 2021 Census of Nepal reveals a troubling trend: the female birth rate has dropped to 47.7%, a marked decline from the previous rate of approximately 49% (Central Bureau of Statistics: 2021). This decrease is cause for concern, as it points to potential long-term social and demographic challenges. The decline is driven by several factors, including advances in gender detection technology that allow families to know the sex of their unborn children earlier. Combined with evolving family preferences and socio-economic pressures, this has led to a preference for male children. Traditional values and economic considerations contribute to this preference, resulting in a higher incidence of female fetus abortions. Such a skewed sex ratio could have severe repercussions for Nepalese society, potentially leading to gender imbalances that affect marriage markets and increase gender-based violence. Additionally, a reduced female population may intensify socio-economic inequalities, impacting family structures and economic stability. Addressing this issue will require immediate policy interventions and cultural changes to promote gender equality and prevent future demographic imbalances.

According to the 2021 Census, Nepal exhibits a notably

skewed sex ratio at birth, with 112 boys born for every 100 girls. This ratio exceeds the biologically normal range of 102 to 107 males per 100 females, suggesting potential practices of sex selection (UNFPA, 2024). The disparity in the sex ratio is especially pronounced in Madhes Province, where the ratio stands at 118 boys per 100 girls. In contrast, Koshi Province exhibits the lowest ratio, with 106 boys per 100 girls. This significant variation highlights regional differences in gender preferences and practices related to sex selection. Nepal's skewed sex ratio mirrors trends observed in other countries with pronounced cultural preferences for male children. For instance, China and India exhibit similar imbalances, with sex ratios of 112 and 108 boys per 100 girls, respectively. These imbalances often result from deep-seated cultural norms and socio-economic factors favoring sons over daughters (UNFPA, 2024). The preference for male children can have far-reaching social impacts. It contributes to gender disparity and discrimination, disrupting population structures and potentially leading to long-term societal challenges. Addressing this imbalance is crucial for promoting gender equality and ensuring a more balanced demographic future for Nepal.

## 6. Conclusion

Social development in Nepal has been profoundly shaped by traditional cultural and religious norms, which have historically favored men and entrenched patriarchal structures. Despite the principles of gender equality enshrined in religious teachings and legal reforms, deep-seated cultural attitudes persist, skewing societal practices in favor of sons over daughters. This longstanding preference is evident in the current sex ratio imbalance, which reflects ongoing sex-selective practices. Traditional patriarchy has influenced early lawmaking and reinforced gender discrimination, affecting various aspects of social life. The dowry system and male-dominated attitudes have further entrenched gender bias, leading to significant discrimination against women. Although political and educational reforms have improved women's legal status and promoted equality, these changes have not fully permeated societal attitudes. Technological advancements, while beneficial in many areas, have unfortunately exacerbated the issue by facilitating sex-selective abortions. The gap between legal progress and societal realities remains stark. Laws prohibiting fetal sex identification are frequently ignored, and discriminatory attitudes persist across all levels of society. This discord underscores the need for a more comprehensive approach to address gender imbalance and discrimination effectively. To promote gender equality and ensure a more balanced demographic future, it is crucial to rigorously enforce existing laws, eradicate harmful practices such as the dowry system, and increase public awareness. Addressing these issues holistically will help bridge the gap between legal advancements and social practices, paving the way for a more equitable and just society for women. The practice of terminating female fetuses due to discrimination remains a significant problem in Nepali society. Urgent action is needed to raise awareness and implement effective solutions, as delaying these efforts only exacerbates the issue.

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