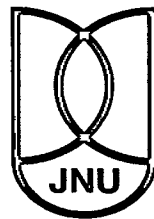


**JANAJATI IDENTITY AS A FACTOR IN NEPALI
POLITICS**

*Dissertation submitted to Jawaharlal Nehru University in partial
fulfillment of the requirement for the award of the Degree of*

MASTER OF PHILOSOPHY

DEEPMALA



**SOUTH ASIAN STUDIES DIVISION
CENTER FOR SOUTH, CENTRAL, SOUTH EAST ASIAN AND
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DECLARATION

I declare that the dissertation entitled “**Janajati Identity as a Factor in Nepali Politics**” submitted by me for the award of the degree of Master of Philosophy of Jawaharlal Nehru University is my own work. The dissertation has not been submitted for any other degree of this or any other university.


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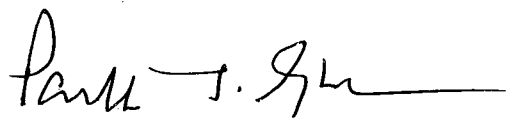
CERTIFICATE

We recommend that this dissertation be placed before the examiners for evaluation.


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*Dedicated to
Mummy and Babu ji*

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Deepmala
Deepmala

Preface

In the last decade, Nepal has witnessed three major developments, first, the decline of monarchy, second, the successful process of bringing the Maoists into the political mainstream; and third, the assertion of identity based movements of various sections of the deprived communities towards making Nepal an inclusive society. *Janajati* movement is a part of this broad identity movement, which developed in the context of a long historical process of discrimination by the state. But it manifested in the horizon of Nepali politics only in the post *jan andolan I* period. The people's movement of 1990 has contributed a lot to mobilize the common mass of Nepal for their rights. Therefore, the *janajati* groups also started to raise their demands along with other marginalized groups. This study analyses the emergence of the *janajati* identity movement in Nepal and its implications for nepali politics. It also analyzes the contribution of this movement in the upliftment of *janajati* groups.

It often becomes difficult to understand the domestic politics of a foreign country as one can not feel the vibration of that particular society as its native scholars can easily do. Another difficulty in this case is the paucity of research materials. Despite all this problem, this subject was found fascinating leaves considerable scope for further research. It is particularly so because, the Nepali state is fast shifting from an autocratic monarchical rule to an inclusive, federal and democratic nation. Therefore the question of identity based movements and minority rights would be relevant.

This study is broadly divided into five chapters. The first chapter deals with the evolution of Nepali politics from the unification of Nepal in 1769 to its recent developments. The central theme of this chapter is to analyze the nature of domestic politics and society of Nepal. It begins with the historical setting of unification of Nepal as a Hindu state and explores various dimensions of Nepali politics. It explores the main tendencies of Nepali politics which were rooted in the feudal ethos of Nepal. This section of the study tries to identify different interest groups of Nepali politics and the important developments that played a significant role in the transformation of Nepal from an autocratic state to a democratic state.

The second chapter deals with the conceptual and theoretical understanding of the subject. It analyzes the definitions and various theories of 'Ethnicity' in the context of *Janajati* movement. This section discusses the different assumptions of the origin and the evolution of ethnic identity and its implications for the nation building process. It further deals with different instruments and measures to control the ethnic conflict. This section of study is helpful to understand the pattern of exclusion in Nepali society and the fundamental factors responsible for the emergence of ethnic identities.

The third chapter is divided into two parts. The first part broadly examines the social, political, cultural and economic condition of the *janajati* groups in the Nepali society. The second part tries to find out the causes behind the emergence of 'collective identity' in the *janajati* community. It brings out the fact about the long historical discrimination and the exclusion of *janajati* groups in all spheres of life. The lack of representation in decision making bodies has contributed to the emergence of 'identity' assertion among the *janajatis* and it inspires them to enter into mass based politics so as to secure their interests. In the changed political context of post *Jan Andolan II*, the *janajati* groups have been fighting for their genuine rights. Recently, the *janajati* groups participated in the Constituent Assembly election of 2008 and secured a large number of seats as never before. There is a ray of hope that *janajati* movement will achieve success in their mission of achieving an inclusive society. This section also deals with the relationship between the *janajati* movement and the Dalit movement, the Madhesi movement and Maoist movement.

The fourth chapter analyzes the state and international responses to the demands of the *Janajati* community. In the post 1990 period, different *janajati* organizations emerged in Nepal and these organizations have started to raise the demands of political participation and equal rights. The 'Nepal Federation of Indigenous Nationality' played an important role to raise the demands of *janajatis* to the government. It was difficult for the government to ignore the demands of various organizations therefore the government implemented different programmes for the upliftment of the *janajati* community. It included the issue of *janajatis* in the five year plans. The International donors too participated in these programmes. But the

measures of the government and the international donor agencies proved lacking in dealing with the aspirations of this group. There were many factors contributing to this limited scream. This section tries to highlight these factors also. In future it will be interesting to find out how the newly elected constituent assembly deals with the aspirations of the *janajati* community.

This study was completed during the days when the political parties and the Maoists were busy in forming the government after the constituent assembly election. It is an important stage for the political parties to decide their positive role in the formation of an inclusive society. On the other hand it is also important time for the common masses of Nepal not allow political parties to perform irresponsibly and show an unresponsive behavior. It is a great opportunity for the elected *janajati* candidates to raise their voice in favour of an inclusive society across the party lines.

Chapter One

CHAPTER ONE

NEPALI POLITICS AND DIFFERENT INTEREST GROUPS

Introduction

Nepal is a beautiful land-locked country surrounded by China and India. Nepal, the birth place of *Gautam Buddha*, is a multi cultural, multi linguistic^{al} and multi-religious country. But the centralized Nepali political system and hierarchical caste oriented social set up have come in the way of building a harmonious Nepali society. The dominance of hill caste Hindu groups in every field of life has put limitation on other marginalized group of society. In the name of 'Hinduism', a large section of the society has lost their identity, language, culture and their basic legal rights. The centralized, autocratic and feudal form of government has not taken consideration on the genuine demands of the deprived sections. The exclusive and centralized political system^{ad} and the resultant social and economic conditions have not permitted these groups for any kind of agitation against the feudalistic social and economic structures. It However after 1990, Nepali politics has become more vibrant. The introduction of multi-party democracy in Nepal has provided opportunity to marginalized community to raise their voice against the discriminatory state system. The feeling of ^{deprivedness} deprivedness has given birth to a distinct kind of politics. It can be identified as the beginning of identity politics. Post-1990 period is remarkable for the emergence of social movement in Nepal, due to widespread consciousness in society regarding democracy, human rights, social justice and peace. In fact, identity-based mass movement is not new in ^{the} south asian region. There are so many caste and ethnic group^s in regions, which are deprived from their basic rights. *Janajati* identity movement in Nepal is a part of this identity politics of the region. In changing political scenario, identity movement is an important phenomenon to examine the sustainability and capacity of the democratic process of Nepal. *Janajati* movement is not only a movement which a stand for political participation but it also stands for self respect and equitable social order. It is an urgent need to understand the central force of Nepali politics which is framing and motivating the identity movement in Nepal.

The History

The civilization of Nepal came in existence around the 6th century B.C. According to Neolithic tools, found in the Katmandu valley indicates that people have been living in the Himalayan region for at least 9000 years. The people belonging to Tibeto-Burman ethnicity were settled in around 2500 years ago. This ethnic group came to be known as the *Indigenous Nationality* of Nepal. The fore most dynasties that ruled Nepal, such as the Gopals, the Kiratis, and the Licchavis expanded their rule .During 1200-1769 A.D, Nepal was ruled by Malla kings.

Modern Nepal as a state emerged in 1769 with the victory and unification of three principality of *Kathmandu Valley* by Gorkha king *Prithvi Narayan Shah*. He laid the foundation of absolute monarchy. He declared himself as 'Hindupati' and declared Nepal as 'Asli Hindustan'. The king was the supreme authority in all affairs of the state. Administrative system was also centralized in nature and all the higher administrative posts were filled with high caste Hindu. The king employed ministers and *Bhardars* from higher caste noble families. These ministers and 'Bhardars' were rewarded by '*Jagirs*' and '*Birtas*'. Basically all these rewards were fixed for hereditary noble family. This system had given space for feudal oligarchy. During Shah Regime, institutionalization of hereditary form of monarchy and the emergence of feudal oligarchy was the main feature of the political system. In social life, *Prithavi Narayan Shah* acknowledged the supreme position of the Brahman. He declared Nepal to be the 'true Hindustan with four caste and thirty six *varnas*'. He distributed tax-free lands called *Birat* and the *Guthi* lands for exclusive religious purposes among the Brahmans and granted them total immunity from capital punishment. In a way, therefore the victory of Gorkhas encouraged the ascendancy of *Brahmanic* orthodoxy. (Anirudha Gupta, 1993: 7). Hindu culture and values were imposed on whole society including *dalit* (low caste Hindu) and the *Janajati* community. In a way the Shah rulers made significant efforts to claim and consolidate their orthodox faith in Hinduism, by moulding Nepal into a homogenous country in terms of language, religion and ethnic/ caste structure.

After the death of *Prithavi Narayan Shah*, a political struggle started among the noble family for power. In fact the heir of *Prithavi Narayan* proved incapable to hold the political power effectively.

The Rana Oligarchy

Important event take place in 1843 when *Matabar Singh Thapa*, was made *Mukhtiyar* (Prime minister) and commander-in-chief by the king. On 17 May 1845, he was murdered by his nephew, *Jang Bahadur*. A new chapter of despotic rule begins in Nepal with the emergence of Jang Bahadur. In 1846, the incident of *Kot Massacre* was managed by *Jang Bahadur*. In this massacre all the leading actor of politics were slaughtered in the courtyard of the palace. *Jang Bahadur* declared himself the Prime Minister of Nepal. Until 1951, members of the Rana family held complete control over the government. He made the post of prime minister hereditary. All the policy issue, fiscal and judicial matter was under control of prime minister. In fact a kind of *Ranarchy* emerged in Nepal. *Ranarchy* was the downfall of old aristocracy and the establishment of new dictatorship. *Sriman Narayan*, former Indian Ambassador to Nepal records..... 'However the advent of *Ranarchy* did not usher in any change in the social and political life of Nepal. The Maharaja centralized in himself all civil and military powers. The next senior most member of the Rana family was made the commander-in-chief. All other offices and position were distributed among the Rana family members on the basis of their seniority by birth.' (Deepa Jain, 2008: 46:47). In the social arena Jang Bahdur restored all the ancient rights of Brahmins and granted them lands and Birtas.

According Michael Hutt, the Rana pursued a programme of Hinduisation which systematized the incorporation of Nepal's many disparate ethno-linguistic groups in to a national hierarchy of caste and ethnic groups headed by the khas and Bahuns of the Gorkhali elite. (Michael Hutt, 2007: 13). Jang Bahadur introduced first legal code (*Muluki Ain*) in 1854. By this code he implemented caste based hierarchical system in Nepal. *Ain* divided society in to different section based on caste. In fact it was the manifestation of Hindu ideology in legal form. According Prof. Partha S. Ghosh, this code was drafted by two Brahmins, who were rewarded

with 500 bighas of land (about 300 hectares) for their jobs. (Partha S. Ghosh, 2007: 191)

First Encounter with Democratic Movement

Against the despotic and authoritarian rule of Ranas, an anti-Rana movement emerged in throughout Nepal during the 1930's and 1940's. The old nobility (Thapas and Basniats), the Chautariast and the king himself played an important role in shaping anti Rana movement. According to Anirudha Gupta, the movement was not essentially for good governance and democratic social and political order. It was a movement of those groups who had lost their power due to autocratic Rana rule. They wanted to restore their power from Rana rulers. But after a course of time this movement converts in popular movement. There were so many factor shaping this movement. The court Intrigues of non-Rana families, the beginning of social and religious reform movement (Arya Samaj, Nepali Nagarik Adikar Samiti), organization of secret clubs (Praja Parishad, Prachanda Gorkha) and anti Rana movement in India had widened the Anti Rana movement. In October 1946, some enlightened and enthusiastic young man of Nepal laid the foundation of Akhil Bharatiya Nepali Rashtriya Congress in Banaras. In 1947 two, organization merged in ABNRC and it converted in Nepali Rashtriya congress in 9 April 1950, with the merger of NPC it convert in Nepali Congress. (Parmanand, 1978).

The main objective of the Nepali congress was the opposition of despotic Rana rule and the restoration of constitutional monarchy. On 13 April, 1947, a civil disobedience movement was launched against Rana rule by the Nepali Congress. Anti-Rana forces has complied Rana for settlement. On 16 May 1947, Padma Shamsher announced constitutional and political reform. He announced that the election of the local panchyats, municipalities and district boards would be held within year. This election has a great importance in Nepal's democratic movement. Another important event happened in January 1948, when Padma Shamsher announced the Government of Nepal Act, 2004 (1948 A.D). It was the first written constitution of Nepal. In fact this constitution put constitutional check over Rana rule. But this constitution did not come in force. After the death of Padam Shansher,

to

Mohan Shamsher came in power. He dismissed all the reform proposed by the Padam Shamsher. He banned the Nepali congress all over the country and took the decision not to implement the constitution of 1948. Similarly, another important incident happened in November 1950, when king Tribhuwan escaped India for political asylum. This event captured the attention of international community over political instability. The constant pressure of international community and active interference of India has forced king Mohan Shamsher for Delhi settlement 1951. By this settlement, government of Nepal recognized King Tribhuwan as the king of Nepal. The formation of interim constitution and constituent assembly election (1952) were another important agreement. After tripartite talk (held in Delhi), Rana, King and Nepali Congress formed an understanding. On the basis of Nepal Act 1951, New government has announced the end of Ranaracy. King Tribhuwan has formed a government based on democratic norms. He formulated the Advisory Committee by nominating 35 persons in 1951. The said committee was to perform like a parliament though formed by selection not election. The advisory committee was inaugurated by King Tribhuwan in 1952 A.D. (Dr. Jagadish Chandra Regmi, 1974). King Tribhuwan died in 1955 and he was succeeded by his son Mahendra.

The Panchayat System 1962-1990

King Mahendra was a power conscious person. He was not in favour of democratic rule as suggested by his father. He criticized the effort of king Mahendra. The period between 1951 and 1959, although formative because of an experiment with constitutional democracy, was also accompanied by political instability, which culminated eventually in a royal announcement that a general election would be held to introduce a parliamentary form of government. (Narayan Khadka, 1986: 430). The first general election was held in 18 February 1959. Nine political parties had contested for 109 seats. Nepali congress won the mandate of two-third. B.P Koirala became the first elected prime minister of Nepal. He took the oath of his office on 27 May, 1959. The Gorkha Parishad, the United democratic party and the communist party won 19, 5, 4 seat respectively. Koirala government has announced so many reforms specially the abolition of Birta in 1951. Koirala government served the nation

till 1960, until it was dismissed by the king in 1960. This incidence came to be known as royal take over.

After royal take over, a new constitution was drafted by a committee headed by Shri Rishikesh Shah. (U.N. Sinha, 1970: 121). This constitution came in force in 1962. It was the merger of different political culture and system. The sovereignty of the nation was inherent in king. Fundamental rights were granted by the constitution. Political parties were banned. According to monarch, political parties were creating hurdle in the smooth function of welfare work. In this way King Mahendra laid the foundation of an autocratic rule by announcing a unique system of governance, the panchayat system. The administration was divided in four tier hierarchal system- the village panchayat, the district panchayat, the zonal panchayat and the Rashtri Panchayat. The activity of the political parties was banned. The sympathizers of the absolute monarchy consider it as the revival of old village panchayat system. They represent it as the foundation of decentralize democracy. But politics behind this system was different. King Mahendra was opposed to democracy. He said that country needed a form of government that would suit the country's traditions.

The panchayat system was an effort to sustain the concept of Hindu ideology which provides special status to king and specific group of the society. New system failed to address the social and economical grievances of the society. King Mahendra proclaimed that the democratic system imposed from above had proved unsuitable and as political parties may prove obstacles to the task of creating a favorable climate for this new movement of national reconstruction. (Narayan Khadka, 1983: 435). The First election of National Panchayat was held in 1963. One third legislative seats were occupied by the candidate who belonged to Nepali Congress. In fact Nepali Congress had refused to participate in election. Nepali Congress was not clear on the issue of monarchy. A sense of illusion was prevailing in leadership on Nepali Congress. One segment was in support of multi-party democracy and other want to work under monarchy rule. After Panchayat election Tulsi Giri got appointed as prime minister of Nepal. He resigned from his office on 1965 and Surya Bahadur Thapa became the new Prime minister of Nepal. The constitution of 1962 was amended first time in 1967. King Mahendra had decided to release political prisoner in 1968, including Mr. Koirala. It was a political move to spread the political influence of king. But the

despotic and autocratic rule has raised the sense of dissatisfaction among the common mass. The policy of one state - one language has raised the aspiration of other marginalized group.

After the death of King Mahendra in 1972, King Birendra Bir Bikram Shah succeeded the thrown of Nepal. He realized that immediate constitution^{al} reform is necessary for political stability. Therefore the second constitutional reform merged in 1975. The Gaun Pharka Rastriya Abhiyan (Back to village campaign) was launched by the government, which was suspended by King Mahendra Rastriya Panchayat have the right to bring no confidence vote against the prime minister and his council. The strength of National Panchayat was increased by the second amendment of the constitution. Despite all this improvement, the dissatisfaction of the common mass became more aggressive. They were very disappointed due to the dissolved graduate constituency. In fact till 1963 graduate constituency was the most open and vocal point of anti-panchayat politics. The constitution was not able to address the aspiration of ethnic groups. Meanwhile the dissatisfaction was also growing on the issues of political instability, economic collapse and unaccountable bureaucracy.

King Birendra has formed 15-members election commission in order to conduct the National referendum on 1979. National Referendum was an attempt to resolve the growing dissatisfaction of common mass against the system. Referendum was conducted on 2 May 1980, basis of universal adult franchise. There were two choices- one was in support of reformed panchayat system and second was in favour of multi-party parliamentary system. The people of Nepal supported the option of reformed panchayat system with 54.7 per cent vote and 45.21 per cent people express their support for multi party democratic system. (Rishikesh Shaha, 1982: 159). The highest percentage of pro-panchayat votes was recorded in Dolpo (96.4%), the lowest in Bhaktpur (34.4%). The highest cores for the multi-party system option were recorded in Bhaktpur (65.6%), Udaipur (65.1%), Siraha (64%) and Bardiya (62.1%). In general, the multi party system option received higher scored in areas with high literacy rate. (Rishikesh Shaha, 1990: 71). Social voting pattern was diversified. Hindu voters were divided between both options, while Muslim was in support of Panchayat system. Ethnic groups like Tamang, Sherpa, Magar, Gurung and Kirali supported

Panchayat system. Another ethnic community, Tharu was in support of multi-party system (Rishikesh Shaha, 1990: 69-70). This referendum was the first direct participation of common mass in political platform. It was also the sign of growing consciousness among people. After referendum political parties became more active against the system.

The third amendment of 1962's constitution was proclaimed by the king on 16 December 1980. The member strength of the national panchayat was increased up to 140. Twenty eight members were nominated by the king. The power of the king improved in the field of administration and law making. In this way state council became powerful than national panachayat. The amended constitution was a compromise struck within the Panchayat camp between its two major groups-the so called liberals led by the Prime Minister Thapa and the purists who rejected the referendum as unnecessary. (Devendra Raj Panday, 1982;155). This amendment was not people friendly. It was an attempt to maintain and strengthen the power of monarchy. Political Parties were not satisfied with the constitution. B.P Koirala led Nepal Congress again in a state of illusion. Other political leaders- K.P Bhattarai, Ganesh Man Singh, G.P Koirala and M.M Adikari clearly asserted against the constitution. They alleged that this constitution is undemocratic and unacceptable because it ignores the aspiration of forty five percent of population which supports the multi-party system.

The first direct election to the Rashtriya Panchayat was held in May 1981. Political Parties including B.P. Koirala-led Nepali Congress who had decided that they would not participate in election. In this election 1,096 candidates were contested for 112 seats. Interestingly there was no nation wide agenda announced by the candidate. Despite long lasting effort of Prime Minister, the election result was not satisfactory for government because seventy per cent of the official candidates were defeated in election. In fact government was in wrong illusion of referendum that they will win with massive support. Fifty seven new candidates were selected for Rashtriya Panchayat. This trend shows that common mass of Nepal rejected the old actors of politics. It was the second chance for Nepali mass when they actively participated in national politics. The sociological analysis of 1981 election was quite interesting.

A comparison of the social makeup of 1979 and 1981 legislatures reveals some distinct changes in the percentages of different ethnic\caste groups. The largest gain, 4.9%, was among terai tribals, followed by hill tribals with 4% Muslim representation increased by 1.4%, and marginal increase occurred among Chhetri and Newar representatives. Hill Brahmin representation decreased by 7.9% while terai landed caste and trader decline slightly. (Harka Gurung, 1982: 312). S.B. Thapa had appointed as the head of twenty eight members' of Council of Ministers. The Government of Nepal had taken the decision to revive the programme of 'Back to village'. Prime Minister Thapa invited the political parties to join National mainstream for political stability. Interestingly B.P. Koiral's friend revealed that Mr. Koiral is willing to join national mainstream. The Nepali Congress got divided on this issue. Another important development was the decline in the position of Prime Minister Thapa. The growing inefficiency and the problem of corruption in administration gave birth to dissatisfaction in common mass.

In May 1985, Nepali Congress staged a *satyagrah* movement in Nepal. It was spread in all over the country. Five leftist parties came in support of this movement. Three pro- communist student groups had joined the movement- The Nepal Revolutionary Student Federation, The Nepal National Students Federation, and The Nepal Democratic Student Union. They were supported by All Nepal Teachers Organization. King Birender made every positive effort to crush the movement. On 10 August 1985, the government of Nepal formed the 'Destructive Crimes Act,'¹ which was a mechanism to defeat the movement.

In this way ^{KK} panchayat system faced lot of opposition from all over the country. The period of [^] the hegemony of [^] monarchy continued till 1990. The organized and fomented movement of political parties against the monarchy could not deliver any significant effect till 1990.

¹ The government passed *Destructive Crime Act* on 10 August 1985. It was applied all over the country. According to a provision, the government can take legal action to any crime which occurred before the establishment of this act.

People's Movement of 1990

The democratic movement of 1990 was jointly launched by the Nepali Congress and United Left Front. In 19-20th January, Nepali Congress organized a conference in Kathmandu. The conference was attended by all major opposition parties, delegates from India and human right activist. In this conference Nepali Congress declared to launch a non-violent movement from 18th February if the government ~~does~~ ^{did} not takes positive steps. In an attempt to stem the movement, the government arrested national and district-level leaders of both the NC and UML on February 17 and imposed ban on all revolutionary newspaper. (Niranjan Koirala, 1991: 134). This movement crossed over the country by the end of April. It received massive support from ~~common mass~~ ^{the} common mass. The opposition's triumph was partly due to its unity, but also to the unexpected and overwhelming support it received from the majority of urban population. This support cut across all caste, classes and ethnic grouping and included the very youngest to the very oldest. (Hoftum, Raeper and Whelpton, 1999: 115).

The royal system faced massive civil disorder in the kingdom. The demonstrators faced brutal operation of the state in all over the country but all measures were failed to setter the enthusiasm of the protesters. On 19 February, the opposition called a general strike and it was quite successful. The problem of government became more complicated when professional organization started to express their solidarity with democratic movement. On 20th, February, the lawyers association called a nation wide strike in favour of democratic government. On 13 March workers at the Agricultural Development Bank organized a one hour sit-down strike in favour of democracy. In a way whole nation were fighting for the democracy in place of panchayat system. On April 5 the army had to be called out to control a communist demonstration in Patan, which resulted in some death. (Niranjan Koirala, 1991: 135). In the response of this incident the mob of 2000 thousand people marched to the palace, which again resulted in death of several people. Next day the king dismissed the prime minister and appointed new Prime Minister Lokendra Bahadur Chand. He arranged a negotiation table for palace and opposition political parties.

Due to the ongoing agitation, the king was compelled to surrender against the will of ^{the} common mass and he announced the end of thirty years long ban on political party. After the announcement, the Nepali Congress and United Left Front had declared to call off the movement. Many political sections expressed their discontent over this issue. In a joint meeting Nepali Congress and ULF had raised the demand of the dissolution of the National Panchayat. On 14 April, the king had announced the formation of the Constitution Reform Commission including the member of all political parties. On 16th April, the king had dissolved the National Panachayat. He also suspended some clause of the constitution. Bhattarai formed the interim government after the dismissal of Chand government on 18th April 1990. All the village and town panchayat were dissolved by the interim government on 27 April. The King handed over all the legislative and executive power to the council of minister on 22 May.

The 1990 Constitution

The era of 1990 came with a new hope of democracy and peace in Nepal. The banned political parties staged a People's Movement against the autocratic rule of kind. They raised the demand of multi party democracy in place of undemocratic panchayat system. People's movement has raised a ray of hope for those common mass which was frustrated due to corruption, poverty and centralize policies. 1990's political change has poured the strong feeling among the common man that the new multi party democracy will effectively address their aspiration. It firmly rooted the expectations of a better life and equal opportunities in the minds and hearts of the common citizen. After 1990 movement the concept of absolute sovereign monarchy was converted in constitutional monarchy. The sovereignty of nation was transferred to the people of Nepal. Three general elections were held on the basis of adult suffrage. But the expectation of the people came to an end with the frequent change in leadership and the centralized attitude of government.

It is a matter of debate that 1990's people movement was successful to deal with popular expectation or not. In fact some analyst have the opinion that 1990' political movement failed to deal with the social, cultural and economical aspiration

of thousand of the people who was fighting for the cause of accountable and inclusive system. According to Mahendra Lawoti, Democracy was restored in 1990, but the country failed to achieve stability, despite three parliamentary and two local elections. But 1990's political movement has raised a great amount of political consciousness. The people started to raise their voice for fundament right and democratic system. The emergence of Identity politics is also an important phenomenon of this phase. Different ethnic and caste groups started to assert against the homogenizing the nation on the basis of "Hinduism". In a way Nepal, entered in a new phase of political activism.

Another important event of this phase was the formation of 1990's constitution and the first free elections in Nepal. Constitution of 1990 was promulgated by ~~the~~ king Birendra Bir Bikram on 9, November. It was a great achievement of democratic movement. It was the fifth constitution of Nepal. The constitution was drafted by the constitutional commission. On 11 May, ^{the} king formulated a constitutional reforms recommendation commission without consulting the interim government. All the major political parties came in opposition of this act. The UML described the formulation of the commission as "undemocratic and disgraceful". (Michael Hutt, 1991: 1026). Due to constant pressure of Prime Minister Bhattarai, the king agreed to dissolve the commission. New nine members Constitutional Recommendation Commission was formed by the government. It was headed by the Justice Bishwanath Upadhyaya. He submitted a draft of the constitution to the king on 10 September. The king asked the government to include the aspiration and demand of all political parties and constitutional organs which were not included in the draft. The Palace was accused by all opposition political party as unnecessary delay. The king made the last attempt to resume his power. He made certain changes in the proposed constitutional draft. The original draft was slightly amended to empower the king to declare an emergency without cabinet approval. (Niranjan Koirala, 1991: 136). The interim government expressed their strong protest against the palace draft which was similar to 1962 constitution. Finally on 9 November the king accepted his constitutional position and promulgated the new constitution.

Constitution of 1990 declared Nepal a multiethnic, multilingual, democratic, indivisible, sovereign, Hindu and constitutional monarchial kingdom. (Constitution of

Nepal, part one section four). It established the multi party form of government. According the constitution, the sovereignty of Nepal is vested in the Nepalese people and shall exercise in accordance with the provision of the constitution. (Part one, sub article four). The new constitution has its fundamental features as fundamental rights, a parliamentary system, adult franchise, multi party democracy and an independent democracy. It also raised some fruitful debate regarding religious and cultural hegemony. All political parties have accepted this constitution but ethnic groups and Maoist express their concern over the constitution. The constitution has declared Nepal as a Hindu state. It was against the secular sprite and so many section of the society came up against it. Secondly, the constitution provided Nepali a constitutional status of national language. It did not consider the right to change the religion. It was consider as attack on the cultural and social identity of ethnic groups and they refused to accept the constitution. In one way we can call it a very democratic constitution in terms of fundamental rights and multi party democratic system but there was so many provision which maintained the centralize and one group domination system. According to Mahendra Lawoti, the 1990 constitution retained the unitary state, which does not share power among different level of government. It was perhaps the most important factor that continued centralization (Mahendra Lawoti, 2007:6).

Elections of 1991 and 1994

The first free general election was held in 12 May after the restoration of democracy in Nepal. The Nepali Congress won the simple majority to form the government. NC won 110 seats out of 205 seats. The moderate United Marxist-Leninists emerged as the second largest political party with 69 seats. The parties and independent candidate which were associated with the former autocratic regime captured less than seven seats. The NC lead among voters was also decisive. NC won 38% of the overall vote, almost the same percentage it did in 1959. The UML has gained 28% vote. (Gauge and Scholz, 1991: 1043). The total voter turn out was 62%. It was much better in comparison to previous voter turnout. Election result was a clear cut verdict in support of democracy. Krishana Prasad Bhattarai resigned from his post after the declaration of election result and Girija Prasad Koirala became the Prime Minister of elected government. The UML gained the position of main opposition

political party. UPF and UML were registered as a national party for future election. The elected government challenged to maintain peace and stability and the inclusion of the demands to different groups of society.

G.P Koirala faced strong agitation from bureaucracy soon after holding his office. The Prime Minister Koirala took strong measure to counter the growing opposition in civil services. He dismissed a number of employees who were associated with UML. Nepal government also lowered the compulsory retirement age from sixty to fifty eight and empowered the cabinet to retire any civil servant with twenty years of service. (Girish Chandra Regmi, 1993: 146). Interestingly government enforced all these measure in the name of bureaucracy reform. In post election period, Nepali Congress faced inner party dispute among the senior party leader. During the Jhapa convention, dispute came on surface among the G.P Koirala, K.P Bhattarai and Ganeshman Singh. K.P Bhattarai appointed as the president of Nepali Congress in this convention. Another important fact was that the political parties had accommodated ethnic representative in their candidate list. Ethnic issues played an important role in this election. Six members were elected from Nepali Congress.

In 1992, Local election was held in Nepal. Nepali Congress won twenty two mayoral seats, twenty deputy mayoral position, and 288 municipal seats in the 36 municipalities. UML won six, five and 108 position and the Rastriya Prajatantra Party secured 2, 2 and 51 of the municipalities seats. Election for 1,074 seats in district development committees were held at the respective district head quarters, with the NC winning almost two- thirds of the seats. (Girish Chandra Regmi, 1993: 146). The Nepali Congress misused the administrative system in her support but it was not the single reason for the victory of NC. Despite continuing discontent over economic difficulties, the bulk of the electorate appears to have felt that Congress administration at local level would be the best position to obtain development finance from the centre. (Hoftum, Raeper and Whelpton, 1999: 191). The communist had lost its credibility due to wide spread violence in the country.

After huge victory in local election Nepali Congress was surrounded with lot of controversy and the attack of opposition. In July, the niece of prime minister, Shailaja Acharya made a statement in the parliament without taking consent of the

cabinet. She admitted that there was widespread corruption in the government. It was a big shock for Koirala. Another important issue was the India- Nepal water sharing project. Opposition called this project ~~unequal~~ which ignores the interest of the nation. In 1993, the general secretary of UML Madan Bhandari died in a car accident. UML considered this incident as a assassination plot and launched an agitation against the government. UML called Kathmandu band and it was joined by six other leftist groups. On 17 August 1993, an agreement was signed between the UML and the government. According to this agreement, the government assured the renewed investigation in Madan Bhandari case and it also agreed to set up a meeting of working party to examine the decision of dismissal of civil servant. Due to strong agitation of opposition parties and inner party dissension in Nepali Congress Party, the parliament got dissolved in mid 1994. Therefore a mid term election was scheduled in November 1994.

In 1994 election, the Communist Party of Nepal- United Marxist Leninist won the election against the Nepali Congress. UML formed the first communist led government in Asia under the leadership of Man Mohan Adikari. Nepali Congress won eighty three seats with loss of twenty seven seats. UML won eighty eight seats with the surplus of nineteen seats. (http://en.wikipedia.org/wiki/Elections_in_Nepal). Under the article of 42(2), the first communist cabinet came in power and Man Mohan Adikari became the prime minister of new cabinet. This communist government faced lot of opposition from Nepali Congress. Adikari government was also accused for using state machinery for the interest of party. The first direct conflict emerged on the issue of Arun III Hydro Project. The Government had rejected this project in the name of national interest. In January 1995, some clashes relating to party organization occurred between NC and UML party workers at Saptari, Raj Biraj, Dang and Ropal. The NC charged the government with unleashing a political vendetta against its workers and demanded action be taken against the guilty person. (Ananta Raj Poudyal, 1996: 210). UML government had started to appoint their candidate in important post of administration. Communist led government made every possible step to use state system to strengthen the party base. Due to this UML government faced criticism not only from Nepali Congress but from fellow left parties.

Sher Bahadur Deuba submitted a petition for special session of parliament on 9th, June. The Nepali Congress wanted a debate over the no confidence vote against the UML government. The king accepted this petition and assured NC for special session on 15 June. But on 9th June, the king announced fresh election on the recommendation of council of ministers. Man Mohan Adhikari submitted his resignation. Nepali Congress along with other left parties filed a writ petition in Supreme Court and on 28, August the Supreme Court declared the recommendation of the government unconstitutional. After this decision the Nepali Congress tabled the no confidence motion which was carried out with good majority. Nepali Congress formed a coalition government after the defeat of UML government which was headed by Sher Bahadur Deuba. UML started their effort to regain its power. The CPN- UML tried to split the RPP by exploiting differences between the Surya Bahadur Thapa and Lokendra Bahadur Chand faction. (Krishna Hachhethu, 1997: 149). Nepali Congress took certain initiative to maintain the unity of Coalition government. Nepal Congress followed the policy of accommodation and non-confrontation. Nepali led coalition government hold the office till March 1999, when G.P Koirala announced to hold fresh election on 11 December.

Maoist Insurgency in Nepal in 1996

Maoist insurgency in Nepal was the result of growing political instability and grass root corruption in administration and social unrest. The Maoist movement has emerged in the background of the communist movement. The communist party of Nepal was formed on 1949 in India. The basic objective of CPN was to oppose the policies of Nepali Congress of compromise with monarchy. In 1990s Jana Andolan, they participated openly to oppose 'Partyless Panchayat System'. They considered it as a first step towards the *New Democracy*. In 1991 they formed the two tier organization, of a revolutionary (Communist Party of Nepal- Unity Centre) and a political front (UPF). UPF had participated in 1991 election and won nine seats. After the 1992 local bodies election UPF got divided in to two factions. One was led by Nirmal Lama and Niranjana Govind Vaidya, the other was under the command of Baburam Bhattarai and Pushpa Kamal Dahal. Second group came to be known as

CPN (M). In 1994 election group led by Lama and Niranjana succeeded in securing the recognition of the election commission. Baburam and Dahal group failed in this attempt and they announced to boycott the election.

The fundamental demand of the Maoist was to establish *New Democracy* or *Naulo Janbad*. The new democratic revolution marks the transition from the classical Marxist stages of bourgeois hegemony to proletarian hegemony. (Crisis Management Report, 2005: 3). The parameters for new democracy emphasizes justice and equality for the backward, indigenous and suffering people of Nepal and it did not want to provide any room for the dominance of feudal forces and capitalist democratic parties. (P.G Raja Mohan, [www.ipcs.org/agdb14-nepal_maoist .pdf](http://www.ipcs.org/agdb14-nepal_maoist.pdf)). In February 1992 UPF submitted eight point demands. In March 1992 it enhanced to fourteen point of demand. On 4, February, 1996 CPN- M submitted a 40 point demand to the government regarding nationality, democracy, and livelihood. Maoist demanded the formation of constituent assembly to draft the constitution. Maoist figured in three main areas- republic in Nepal, abolition of monarchy and establishment of interim government. Maoist broadly included the demand of ethnic groups, corruption and nation building. But government did not take seriously all these demands. In response to the government attitude, the Maoist launched the armed movement (people's movement) from February 1996, in four remote districts- Rolpa, Rukum, Gorkha and Sindhuli. The People's War was focused to establish a New Democracy and an historical revolt against feudalism, imperialism and so called reformist.

In 1999, during general election the Nepali Congress came in power and UML lost several seats. During this phase political parties were not explicit over the strategy towards Maoist movement. In 2001, the state of emergency was declared in Nepal and the Nepalese army was deployed to suppress the Maoist andolan. In 2002 Pranchand, the president of CPN-M demanded a roundtable conference of all political parties. In 2003, January, they entered in second ceasefire which collapsed after seven month. During the peace talks in both 2001 and 2003, the Maoist signalled that they would likely accept a continuing role of monarchy if it were purely ceremonial (Crisis Management Report, 2005: 5). In 2006, they signed 12 point agreement with seven party alliances for peace building. On September 2007, the Maoist left the government on the demand of proportional representation in constituent assembly

election and declaration of republic immediately. The Maoist rejoined the government on 31st December 2007, after the agreement that monarchy will be abolished in the first meeting of CA and the government agreed on partial proportional representation.

Interestingly, the government of Nepal had never considered the demand of Maoist as a problem of social, economic and political exclusion. They always treated it as a problem of law and order. The government sought to contain Maoist by means of police operations code namely, Operation Romeo, Kilo Shera Two, Jungle Search Operation and Search and Destroy. (Chitra k Tiwari, www.southasiaanalysis.org). The Maoist insurgency, first, is a political problem. Unless the causes of insurgency are addressed, possibilities of insurgencies, Maoist or other variations, will remain. The solution is to address the structural inequalities in economics, political, cultural and social arenas. (Mahendra Lawoti, 2001: 4623). Maoists were enjoying broad mass support and it was not simply the problem of law and order. Some of the critics of Maoist movement represent this movement as a threat to integrity and sovereignty of Nepal. It is true that Maoist has been accused for destroying the infrastructure but on the other side it was also true that they were raising the aspiration of thousands of marginalized community. Maoist insurgency survived in the nation for more than ten years which was not possible without massive support. The government was also alleged for the killing of innocent people in the name of Maoist.

The Maoist insurgency in Nepal raised serious questions before the main stream political parties. The growing political uncertainties and competition for official power among political parties has provided the chance for Maoist politics. The people's war in Nepal was against feudalism, imperialism and so called reformist. Maoist has followed the policy of inclusion. They incorporated women candidates and *Janajati* groups like Rai, Limbu, Gurung, Tamang. Ram Bahadur Thapa and Dev Gurung was the member of seven-member Maoist standing committee. In fact Maoist has raised a hope in common mass that they must get chance in decision making and power sharing. Recently, the CA election gave a huge mandate to communist party of Nepal. It gave an impression that main stream political parties have lost their credibility.

The Royal Massacre : The Political Fallout

The unprecedented event of 1st June 2001, ~~have~~ pushed the country into a new political and legal crises. The incidence of royal massacre had demised the one pillar of Nepali nationalism. According to the official sources, the prince Dipendra had killed king Birendra including several other members of the royal family. The murder of king Birendra brought up a turning point in the history of Nepalese politics. The constitutional maturity of king Birendra had brought him widespread admiration. Ultimately it was king Birendra's political reforms that saw Nepal finally emerge as a constitutional monarchy. (Mollica Dastider, 2001: 2242). On 4th June king Gyanendra was declared as the king of Nepal after the death of king Birendra. The royal massacre had injected new confusion and suspense in common mass. The motive behind the murder is not clear till now. Official sources claimed that the refusal of the marriage proposal by the queen Aiswarya was the main reason. On other side, ^a few analysts suspected ^{that} king Gyanendra as ~~an engineer~~ of this massacre. This incidence had brought the importance of the institution in to lime light. It was a difficult period for the political parties as well as for the palace. The opposition political parties have started demanding the resignation of Koirala government. Mr. Koirala resigned on 19th July, 2001 and Sher Bahadur Deuba became the prime minister of Nepal. Maoist has begun their violent activity through all over the country. Due to the ongoing public protest, the Nepali political parties demanded a faire inquiry of this incidence.

It was a decisive event for the political parties as to how they would maintain and nourish the multi-party democracy. It was a first time when a judicial inquiry commission was investigating in the matter of palace. The Royal massacre had brought Nepal in to limelight of international community. Kofi Annon, secretary general of the U.N, issued a statement that he was profoundly shocked by the killing of king Birendra and other members of his family. (<http://news.bbc.co.uk.onthisday>) Another important issue was the arrival of king Gyanendra, who was just opposite to king Birendra's temperament. He was not interested in multi-party democracy. He declared the state of emergency in 2001 and dismissed the elected government on 22 May, 2002. He was trying to restore the panchayat system.

After holding his post, the first initiative of king Gyanendra was the declaration of emergency in November 2001. On the other hand, Maoists again followed the way of violence. In 2001, the Royal Nepali Army was deployed against the Maoists. Nine month long emergency had caused the problem of law and order. The state of emergency had originally been imposed according to Article 115 of the constitution by corresponding declaration by the king. It was approved by the House of Representatives on February 21, with the overwhelming majority of 194 versus 7 votes and become valid for a period of six months from the date of issuance until May 26. (Karl-Heinz Kramer, 2003: 208-209). During emergency period, the condition of human right was very poor. So many innocent civilians were killed in the suspicion of Maoists. Special courts were set up for the hearing of the Maoist matter. Human rights organization claimed that thousand of the people were arrested under the provision of special court. The Emergency period was the state of terror, insecurity and violence. It was also pouring frustration in common mass who wanted peace.

After the completion of six month of emergency, the government failed to gain necessary two-third majority for the extension of emergency. No political party had the courage to support the emergency due to public pressure. The prime minister Deuba asked king Gyanendra to dissolve the House of Representatives. He suggested for new elections in November, 13th. On the advice of the Prime Minister, the king Gyanendra had dissolved the House. In fact the dissolution of the house was the pre sign of the royal coup of 2005.

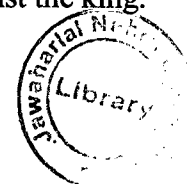
The parliamentary election was not possible due to poor law and order situation. The election of the local body was also rescheduled. Government had dissolved the local body and replaced it with official. Due to outstanding protect by the civil society member, government announced the new date for the election of local body. On 4 October 2002, king Gyanendra had dismissed the Deuba government and centralize all the executive power in his hand. He charged Deuba government of incompetency to conduct elections and nominated Lokendra Bahadur Chand, the prime minister of Nepal. All the political parties had opposed this act of king. This event is not only the symbol of the growing power of monarchy. It also represents the growing distrust of the common mass. After some time the supreme court of Nepal issued a

verdict that the election of the House of Representatives were held in six phases from November 10 to January 2003.

Another important development in 2003 was the beginning of peace talk between the government and the Maoist. Chand government had failed in joining all the political parties on one stage. But he got successful in holding peace talk with Maoist. On January 29, 2003, he declared ceasefire between the government and the Maoist and they agreed to sign 22 point code of conduct for ceasefire duration. The first meeting of the peace talk was held in Kathmandu on April 27. The Maoists presented 24-point demand of charter.² The second round of talk took place in Kathmandu on 8 May. The government did not show any serious concern to the demand of the Maoists. Ultimately, the Maoist announced that they may withdraw from peace talk because government was not serious for their demand. On 30 May, the prime minister Chand resigned from his office and Surya Bahadur Thapa became the new appointed prime minister of Nepal by the Monarch. The king had not taken the consideration of the political parties. The political party had shown their dissatisfaction against the king. They declared it unconstitutional. The Thapa government had organized the third round of peace talk with Maoist at Nepalgang. The government presented it's own agenda, promising extensive socio-economic as well as constitutional changes, but it did not address the Maoist demand. Thus, Baburam Bhattarai rejected the government agenda. On August 27, the Maoist stated that the peace dialogue had failed and returned to their politics of violence and destruction in urban areas like the Kathmandu valley. Nepal entered in another phase of constant struggle. (Karl-Heinz Kramer, 2004: 46)

Undoubtedly, the feudal actions of the king Gyanendra for the destruction of democracy and the unaccountable role of political parties had provided space for uncertainty and unfortunate to the common mass of the Nepal. On May 2003, five main political parties came together to launch an agitation against the king.

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² The main demands were- the election of constituent assembly, call for a round table conference, interim constitution expressing the sovereignty of the people, integration of Maoist liberation army in Royal Nepal Army, security of fundamental rights and the declaration of secular state.

On 1 February 2005, the eleventh king Gyanendra assumed all the power in his hand after dismissing the Sher Bahadur Deuba government. He dismissed the government under the article of 27(3) of the constitution. He charged that government is incompatible to control the Maoists insurgency. He formed 10- member cabinet of his old friends and faithful monarchists. All the fundamental rights were suspended. The people have no right of freedom of expression and the media was also banned. All the main political leaders were detained and all the party offices were sealed. Telephone lines were cut off. Several opposition leaders escaped to India. According to Crisis Group Report, the situation of human rights was very miserable. The record of disappearance and extra-judicial killing was high. The protect March had been violently suppressed by the police and army. All the measures to control the mass agitation were purely feudal in character. The second royal coup had brought serious economic and political damage in the nation. It also suspended the spirit of the constitution of 1990.

The King attempted every possible step to counter the mass uprising against him. He imposed very serious restriction over civil society and political parties. The Human right organizations raised their voice against the violation of basic fundamental rights. All the section of society was charged against the king. Student played an important role in agitation. They organized protect march in university and college campus. The media also expressed their anguish against the monarch. Several newspapers had left their editorial column blank as a sign of protest. International media and radio broadcast was also banned. The suspension of democracy was also criticized all over the world. India, Britain and USA recalled their ambassadors. Senior U.N. official- Secretary General Kofi Annan and Louise, U.N high commission for human rights- also publicly criticized the action of the king, with Arbor reminding the king that he had reaffirmed his commitment to human rights, democracy and multiparty rule the previous week when she had met him in Kathmandu. (Rita Manchanda, 2005).

The main seven political parties came together. They were focused to end the autocratic rule of the king in the country. These political parties make up 194 of the 205 seats allocated in Nepalese legislative elections in 1999.

(http://en.wikipedia.org/wiki/Seven_Party_Alliance).³ The seven-party alliances had launched a massive agitation all over the country and boycotted the municipal election. The Maoist and the seven political parties have signed a 12 point agreement in India. The main achievement of this meeting was the firm decision over the end of monarchy. The Maoists expressed their commitment of multi party democracy. They again raised the demand of federal state and proportional representation system. This accord finally gave Nepal an interim constitution, interim parliament and an all party government. The second *jan andolan* was also remarkable due to massive participation of the common mass. After 1990, political development it was a very positive sign for democracy that common mass entered as the forth political force.

On 21 April 2006, king Gyanendra made an announcement that he will return the political power to the common mass and he also promised for the election as soon as possible. It was the victory of thousands of those people who was fighting for the cause of democracy. It was a big set back for the institution of monarchy. Next, the seven party alliances conducted the meeting of main leaders and put forward three basic demands- the reinstatement of old parliament, all party government and the formation of constituent assembly to draft new constitution. Due to constant pressure of political parties, civil society and international community king announced the restoration of old parliament. All the main political party formed a coalition government to restore peace and stability in the nation. Girija Prasad Koirala became the prime minister of Nepal. The new government was conscious regarding the issue of monarchy. Maoist was constantly demanding the abolition of Monarchy. On 18 th May, New parliament passed a bill with full consent. It was triggered to cut off the power of the king. The main feature of this bill was :(Hari Ghimire, 2006: 38)

1. The government of Nepal has dissolved the military secretariat of the royal palace and decided to create a security coordination office under the Ministry of Defense in place of military secretariat.

³ The seven political parties were- the Nepali Congress, Nepali Congress(Democratic), Communist Party of Nepal (Unified Marxist- Leninist), Nepal Workers and Peasants Party, Nepal Goodwill Party(Anandi Devi), United Left Front, People's Front.

2. The entire king's property has been made taxable. The cabinet also decided to cut to five, the number of royal family members entitled to perks and allowances.
3. The speaker of the house has been made responsible for attesting laws passed by the house. Earlier, bills needed the royal seal to mature into law.
4. The government amended 24 other laws that provide the special status to the monarch.

In March 2007, Maoist^{the} joined the interim government. It was a milestone in the history of South Asian politics when a violent group joins^{ed} the main stream politics. The government and Maoists have given their consent that constituent assembly will be held on the basis of mixed election system. Nepali politics faced another crisis when Maoist demanded the immediate abolition of the monarchy and propositional system of election. On September 18, 2007 Maoist supreme Prachand has raised this demand and asked government to declare Nepal a republic state. It was a difficult situation because Maoist had already signed a peace agreement which clearly stated that the fate of the monarchy will be decided by the first setting of constituent assembly. On 5 October, Maoists declare that the election of constituent assembly is not possible unless their demands would not address. Some expert claim it a political drama of Maoist and few claims that Maoist was not ready for the constituent assembly election because they were not experienced in parliamentary politics. It was a difficult task for the government because the prime minister G.B Koirala himself believed in the concept of ceremonial monarchy. The Rastriya Prajatantra Party has ruled out any possibility of the end of monarchy. In fact there was a lack of consensus among the political parties on the issue of monarchy.

On 22 December, a 23 point agreement was signed between the Maoists and the government. The seven party alliance and Maoist has shown their real will to hold the constituent assembly election on fix date and Maoist got agreed to come back in government. Both sides were agreed on the following points :(UNDP Report)

1. Nepal shall be a federal democratic republic.
2. The republic will be implemented at the first meeting of the constituent assembly.
3. If the king poses a threat to holding the constituent assembly election, a two thirds majority of the interim legislature parliament can be implemented the republic by voting for the proposal.
4. The King will not hold the responsibility of head of the state. The executive power will be handled by the prime minister.
5. Seven party leaders requested Maoist to join the government immediately.

The Historic Constituent Assembly elections were held on 10th April for 601 constitutional seats. The Constituent Assembly election was based on mixed election system. The 240 member of the assembly were directly elected by the first past the post system and 335 seats were filled by the proportional representation. According to an estimate around 10.5 million people participated in the election. The voter turn out was 60 per cent. Interestingly, around 51 per cent of the voters were below the age of 35 years. Nepali youth played an important role in this election. After election Nepali Congress, UML and Communist party of Nepal (Maoist) expressed their thanks to the Nepali people for their massive participation in the election without the fear of violence. Maoist head Prachand said ‘ his party feels special joy and pride over the success of the election as the Maoist had made great sacrifices and exercised restraint from the time of people’s war to the peace process and the election campaign. (the Himalayan Times, 11 April, <http://www.thehimalayantimes.com>). All the main political parties were assured about their victory. In fact G.P Koiral announced that he will leave politics after the constituent assembly election. All the estimate of the political analyst failed about the result of this election. This happened due to changed political condition of Nepal.

The Communist party of Nepal (Maoist) has received massive mandate from the Nepali citizen. The Nepali Congress and the UML has lost their support from the people. Many front line political leader of Nepali Congress has lost their election. The spokesperson of Nepali Congress Dr. Prakash Sharma Mahat, said that the fear was the major factor allowing big gains for the Maoist. He said, a lot of people feared that

if they did not vote for the Maoists, they would resume violence. (The Himalayan timesonline, 14\5\08, [www.http://www.thehimalayantimes.com](http://www.thehimalayantimes.com)). On 11 April, CPN-UML leader Madhav Kumar Nepal resigned from the post of party's general secretary after loosing the election from Kathmandu. According to international observer, election was peaceful and fair. The massive victory of Maoist shows that the people of Nepal wanted change and peace in the nation and they have no hope from the political parties.

After winning the seat of Kathmandu, Maoist head Prachanda made it clear that they are committed to establish a federal democratic republic. He also expresses his commitment in political coalition, "We want to assure that the unity of the seven party alliances will remain intact and we will also work together with other parties elected to the constituent assembly while writing the new constitution." (The Himalayan times, 13-4-08, HNS, <http://www.thehimalayantimes.com>).

The Constitutional assembly has the responsibility to draft a new constitution. Maoist secured simple majority that is not enough for any important amendment in the constitution. That's way Maoist can not ignore other political parties in the constituent assembly. The formation of new constitution will not be easy because there are various ethnic groups and marginalized community want their due share in decision making process. It will be interesting to see how the political parties will response to the mandate of people to the constituent assembly. Maoists have a clear stand that monarchy should be abolished in the first meeting of constituent assembly. They asked the king to leave the palace before the first setting of C A. Nepali political system will work without the traditional institution of monarchy. The responsibility of nation- building is now transferred to the main stream political parties.

The fundamental characteristic of Nepali politics is the centralization of power in feudal class of society and the conflict within the ruling class. Nepali politics can be critically examined from three angles: first, the role of the monarchy and the political parties in the process of participatory democracy, second, the participation of common masses in the political process and; thirdly, the role of the Maoists in shaping the democratic movement in Nepal. The process of homogenization and autocratic rule hindered the way of nation-building. The main achievements of the

1990's movement were the active participation of common masses of Nepal and the emergence of identity politics. Different social groups stood up for their equal rights. *Janajati* community has also started to raise their voice and demands. The main demands of this community are proportional representation, republic state, and federal structure of state. The government of Nepal has neglected the aspirations of the *Janajati* community, which can make them more assertive regarding their rights. The election of constituent assembly has given new hope to *Janajati* community.

Chapter Two

CHAPTER TWO

CONCEPTUAL UNDERSTANDING OF ETHNICITY AND NATION BUILDING

Ethnicity, a worldwide phenomenon, shows the complexity of a society. Most of the nations of the world are ethnically diverse. All available evidence, however, demonstrates that while ethnicity and ethnic conflict may be as old as human societies, their intensity, which has recently touched monstrous proportions, is something new, something modern..... All ethnic and national struggles are centred around the state. (Adeel Khan, 2005:28-29) In case of South Asia, most of the countries are ethnically diverse and are facing the problem of ethnic conflict. The entire south Asia is convicted with the problem of 'ethnic conflict'. Pakistan has been facing the problem of ethnic movements since long. Sri Lanka is engaged in Tamil- Singhala conflict. India is facing the demand of separate Gorkha land and violent naxilite movement. Being part of South Asia, Nepal is also engaged in the problem of ethnic turmoil in form of *Janajati* Movement, Dalit and Madhesis movement. The central theme of this chapter is to examine the concept of ethnicity in the context of South Asia and in particular reference of Nepal. It will also examine that how Nation Building process is affecting the ethnicity and in return ethnicity affects the smooth formation of nation building.

Definition of Ethnicity

Ethnicity is a complex concept but most popular in recent sociological and political studies. The term 'Ethnicity' was first used by David Riesman in 1953; but, as Glazer and Moynihan (1975) has pointed out, it makes its appearance in the Oxford English Dictionary only in 1972. The 1980 version of the Shorter Oxford English Dictionary bypasses the term altogether, merely defining the word, 'ethnic' as pertaining to nations not Jewish, 'ethnicism' as heathenism or paganism, and 'ethnography' as the scientific description of nations or race of men, their customs, habits and differences. (Hutnik Nimmi, 1991: 17). The term ethnicity has been derived from the Greek word *ethnos*, which subsequently came

to be used in the sense of a tribe, group, nation, or people. Over a period of time, people started understanding it as a shared culture, language, religion, ancestry, national or political identification, territory, etc. It was only when the concept per se saw the emergence in social sciences in the 1960s and 1970s that finer debates on definitions started evolving. (Savita Pande, 2005: 9). The concept of ethnicity has been defined by different authors in different ways. Many definitions emphasize on the cultural dimension of ethnicity. Narroll used the term 'ethnic group' to define the concept of ethnicity, "*shares fundamental cultural values realized in overt unity in cultural forms; make up a field of communication and interaction; a largely biologically self-perpetuating; and has a membership which defines itself and is identified by others as constituting a category distinguishable from other categories of the same order.*" Milton Gordon defines ethnicity as a sense of 'peoplehood' created by common race, religion, nation origin, history, or some combination of these. (Nimmi Hutnik, 1991: 18). International Encyclopedia of the Social Sciences defines ethnic groups on the basis of their cultural pattern. Accordingly, '*an ethnic group is a distinct category of the population in a larger society whose culture is usually different from its own. The members of such groups are, or feel themselves, or are thought to be, bound together by common ties or nationality or culture*'. According to Richard Davies, *as with other forms of identity, ethnicity provides a sense of belonging and a way of knowing 'who we are'. This enables identification with other individuals of a similar background, something which it can be argued is essential to the security of the individuals. This sense of community may be increasing importance in an age of bureaucratization and impersonal mass societies, and a world of political alienation and isolation.*" (savita pande, 10) Urmila Phadnis and Rajat Ganguly (2001; 18:19) aptly defines ethnic groups as, '*either a large or small group of people, in either backward or advanced societies, who are united by a common inherited culture (including language, music, food, dress, and customs and practices), racial similarity, common religion, and belief in common history and ancestry and who exhibit a strong psychological sentiment of belonging to the group.*'

Paul R. Brass, defines ethnic groups as, '*any group of people dissimilar from other peoples in terms of objective cultural criteria and that contains within*

its membership either in principle or in practice the elements for a complete division of labor and for reproduction.’ He further states, ‘*an ethnic community is an ethnic category that has adopted one or more of its marks of cultural distinctness and used them as symbols both to create internal cohesion and to differentiate itself from other ethnic groups*’. (Paul Brass: 17) John Milton Yinger (1994: 4) defines two aspect of ethnicity, the ‘hard ethnicity’ and ‘soft ethnicity’. The former connects directly with many aspects of life; the latter is marginal. A hard ethnic order is thoroughly institutionalization, and an ambivalent ideology. He suggested three ingredients for the definition of ethnicity: the group is perceived by others in the society to be different in some combination of the following traits: language, religion, race and ancestral homeland with its related culture; they participated in shared activicities built around their (real or mythical) common origin and culture. Each of these is a variable, of course; hence we need to devise a scale of ethnicity. Measured by these three criteria one can be fully ethnic or broadly ethnic.

All the above mentioned definitions emphasis on the cultural dimension and define ethnicity as a sense of ‘peoplehood’ and common identity. However Barth had pointed out the limitations on the emphasis on one aspect of culture. The central argument of it is, *the cultural features of the ethnic groups may change over time, due to contact and exchange of information with other groups, yet the sense of separateness, of distinctive ethnicity, often continues to persist*. Barth radically shifts his attention from cultural feature to ethnic boundaries, which points out the need of redefinition of the theory of ‘*melting-pot*’. (Nimmi Huntnik, 2001: 18-19)

After analyzing above mentioned definition of ethnicity or ethnic group, one can assume that ethnicity is a physiological affiliation of an individual to a particular group on the basis of shared cultural parameters. Ethnicity is a concept which differentiates the people of on group to another but at the same time it unites the sentiments of a group. In context of anthropology, ethnicity is a concept which relates to the origin and evolution of a race but as a social and political concept ethnicity defines the structure of society, group relation and mobilization of ethnic group in state structure. When the concept of ethnicity enters in political

and social life, it not generally emphasis on the evolution of a social group or identity. It broadly deals with the social status, political and economic capability of a social group in a particular society. It also analyses that how one ethnic group affects the relation of state with other social groups and how state regulates the behavior several ethnic groups.

Emergence of Ethnic Identity

Ethnic identity is a part of wider identity framework. In general sense, it is attached with the identification of an individual as a member of an ethnic group. The concept of identity is very complex in itself. It will be more suitable to analyze the concept of *identity* before discussing the concept of ethnic identity. The term identity is originally taken from Latin word '*Idem*'. It means sameness and continuity. In psychology it reflects in ~~Sagmand~~ Freud's '*theory of identification*'. In political science, the concept of identity emerged with the liberal and individualist paradigm of David Hume and John Lock. It is also reflected in the Marxist ideology of *haves* and *have not*. The discourse on identity politics became more important in the post 1960s period and it is manifest in the form of different social and political movements. In the recent times the concept of identity politics has still been found to be relevant for both the developed and the developing countries.

Identity is a multi dimensional phenomenon and I it is reflected in various forms. Ethnic identity is also a part of broad identity, which is shaped by its contact with the environmental settings. Identities often appear to be 'natural'-something man is born with. But the fact is that identities are socially constructed through cultural practices and socialization. (Avijit Pathak,2006: 116) Unnithan Kumar points out that, "Identities are analytically complex to study because they are constructed and shifting, not fixed, entities, which can be negotiated, contested and reformulated as categories of representation. (1997: 5) Amartya Sen (2006: 271) explains, "*We do belongs to many different groups, in one way or another, and each of these collectives can give a person a potentially important identity.*" Identity is a process of realization of '*Who I am*'? Being a social animal individual belongs to different groups therefore it assimilates different

identities in one whole. He points out an interesting finding that, 'reason' plays an important role to judge that which identity should give priority among them. In his words, "*You have a reason about what relative priority to give different identities.*" He further explains that every identity is important but an individual should know which identity is important at a particular time. He quotes, "*A vegetarian identity is very important if you are going to a dinner but it is not so important if you are going to a economic lecture.*"

This explanation explores the field for the discussion on the concept of ethnic identity and ethno- nationalism. An individual can possess two different identities, one of his state and another of his group. It can be manifested in the form of '*national identity*' and '*ethnic identity*'. Both identities are important but when a group identity starts to dominate over national identity then the debate of ethno nationalism versus nationalism emerges. The fundamental question is why ethnic identity starts to dominate over national identity? The concept of ethnic identity is equally important in both the developed and the developing countries. Different scholars have defined this concept in different ways. There are four viewpoints to define ethnic identity; the *objective*, the *subjective*, the *syncretist* and the *constructive*. The objectivist defines ethnic identity as a given and natural phenomenon. (Geertz and Isaacs) while the subjectivists (Glazer and Moynihan), without dismissing the importance of cultural markers in the manifestation of ethnic identity, stress the psychological aspect of self- and group-related 'feeling of identity distinctiveness and its recognition by others'. The syncretists stress the complementarity of the two approaches. They defined ethnicity as a 'subjective held sense of shared identity based on objective cultural or regional criteria. The constructivists, rejects both the approaches and defined ethnic identity as 'the product of specific historical and geographical forces rather than biologically given ideas whose meaning is dictated by nature'. (Rajat Ganguly, 1995; 50:51)

Taylor and Simard (1979), defines ethnic identity as '*that component of a person's self- definition which is derived from affiliation with specific group.*' Wallman (1983) points out, "*ethnic identity is not fixed, inflexible commitment, steadfast, and once- for-all. Neither is it necessarily singular: multiple ethnic identities may coexist, most importantly, ethnic identity is only one of many*

identity options.” The first definition emphasizes on cultural affiliation while the second definition emphasis on multiple affiliation. It examines the concept of ethnic identity in context of modernization and technological advancement and increased mobility. The individual have multiple choices which they can use according to situation. (Nimmi Hutnik, 1991: 20). In the context of South Asia both the definition are valuable because most of the South Asian nations are developing societies and therefore culture is an important component for the formation of ethnic identity. But in changed political context we can not ignore the importance of the other elements of ethnic determination.

Different Theories of Ethnic Mobilization

The debate of ethnic identity and ethnic clash is equally important in all kinds of societies. Especially in developing countries it is more important because this phenomenon directly affects the economic and political stability which further distracts the smooth process of nation building. Different theorists have tried to understand the cause of ethnic mobilization or ethno nationalism. Paul R Brass has tried to theorize the concept of ethnicity in context of state’s role in ethnic diverse society. Urmila Phadnis has tried to understand the dynamism of ethnicity in context of South Asia. Rajat Ganguly (1995: 56-69) has analyzed different theories of ethnic mobilization very appropriately. He classified these theories in two categories, first, which influences indirectly and the second directly. The main theories of ethnic mobilization are discuss below:

The Plural Society Approach

This approach has been developed by J.S Furnivall and further modified by M.G Smith. The main argument of the approach discussed by Furnivall, “where different ethnic groups live in close proximity to but separately from each other – intercommunal relations are characterized by unchecked economic competition. Since relations between the various groups remain confined to the market place, these societies fail to develop a sense of common loyalty that would overcome the cultural and ethnic differences between the various groups. Unrestrained competition and competing nationalisms that follow between different cultural groups cause society to fragment. Furnivall argued that the only

way such societies could be held together was through the application of external forces. For him, this external force was provided by colonialism.”(Rajat Ganguly,1995: 58) The view of Furnivall is not applicable in case of Nepal because a developing society is not solely derived by unchecked economic competition. Another spokesman of the theory M.G Smith presents an interesting viewpoint to integrate plural society. He argues that plural society can be integrated in three ways. The first type of incorporation is termed as *uniform*, where individuals are incorporated as equal citizens with equal civic and political status irrespective of their differing ethnic or cultural affiliations. The second one is called *equivalent* where different collectivities are incorporated into a single society with equal or complementary public rights and status. The third type of incorporation is labelled *differential*, where dominant group exercises power and maintain its superior position by excluding other groups from power. (Rajat Ganguly, 1995: 58)

Smith’s three models of cohesion in plural society are helpful to understand the evolution of ethnic conflict in South Asian countries. Nepal has followed the third model for the group relation. There was a long history of domination of one specific group over the political and economical structure of the state. They maintained their superior position by excluding the other social groups from the mainstream. Different social group in Nepal are facing the dominance of the higher caste Hindu group in the society. The first model of unification is doubtful incase of Nepal because it undermines the reality of widespread existing inequality among the various ethnic groups. Therefore the concept of equal rights without the provision of positive discrimination can not lead to the foundation of an stable society.

The Theory of Relative Deprivation

This theory has been evolved by Gurr. It is an important theory to understand the root cause of ethnic mobilization among the deprived sections of the society. He points out four stages in the process through which the relative deprivation leads to revolt. First, people must recognize that deprivation exists. Second, they must also become aware that the wretched conditions they experience are not universal and that others enjoy what they lack. Third, people

must develop the feeling that a situation of deprivation is unfair. The final step is the recognition that political action maybe able to change the situation. This is the stage of mass political activity and revolution. (Rajat Ganguly, 1995: 62-63) The main attraction of this theory is that it discusses the evolution of ethnic conflict as a process. It combines the psychological, economical, social and political factors to define the ethnic clash in society. In the context of Nepal, this theory is well applicable to examine the out come of different social movements especially in *Janajati* community. They accepted that the main cause of their misery is rooted in deprivation within the system itself. Therefore they started to search for the option to come out from this deprivation. While some ethnic groups in Nepal have followed the way of militarization, there are other groups which are fighting for their interests non- violently.

Another possibility in this theory is that if the state takes some positive steps to deal with the aspirations of the deprived communities in the third stage then it can minimize the chances of militant actions. The process of inclusive democracy can be a solution for the last stage of violent ethnic conflict and In fact the realization of deprivation can significantly contribute in it.

The Theory of Primordial or Development Approach

The primordial approach has been discussed by Walker Connor, Nathan Glazer and Daniel Moynihan, Cynthia Enloe, Donald Horowitz, Anthony Smith and John Armstrong. The primary focus of the primordialist approach is on ethnic identity and consciousness, which it treats as ‘the essential independent variable that leads to political assertiveness and militant separatism, regardless of the existence of inequality or dominance. (Rajat Ganguly, 1995: 64) The primordialists believe more on cultural marker as a source of ethnic identity. Although they do not discard the importance of social and economical variables. They accept the important role of modernization in ethnic identity formation but they reject the finding that the process of modernization will end the concept of ethnicity. Primordial approach acknowledges cultural markers as sources of discontent which can lead to separatism. The modernization theory gives emphases that increasing interaction and mobilization in society due to technological advancement will lead to assimilation of different ethnic identities

in one whole. In this way the concept of ethnic identity will wither away. But primordialists refuse to accept this approach and they argue that modernization will enhance the process of disintegration or ethnic conflict

Anthony Smith argues that ethnic conflict is the out come of incongruence between economic modernization and processes of political development associated with the birth of the modern state. He explains that the modern bureaucratic state seeks legitimacy in scientific rationality. When coupled with the economic and educational modernization of society, the rationality imperative produces an expanding stratum of secular intelligentsia. However, the inability of the state bureaucracy to absorb the entire body of the secular intellectuals causes them to identify with their ethnic groups, which help legitimate their perceptions of injustice. (Rajat Ganguly, 1995: 65) Connor an earlier exponent of the primordialists approach contended that modernization, by increasing interaction and competition among ethnic groups for the same economic and political rewards, actually sharpened the ethnic divisions in the society in four ways. *First*, rapid social communication and mobilization increased cultural awareness and exacerbated inter-ethnic conflict. *Second*, improvement in 'communications and transportation' increased 'the cultural awareness of the minorities by making their members more aware of the distinctions between themselves and others. *Third*, the rise of militant ethnic consciousness in many parts of both developed and developing worlds could be explained not in terms of the 'nature or density of the communications media, but the *message*'. *Four*, changes in the global political environment also contributed to the upsurge in the ethnic consciousness by making it 'much more unlikely that a militarily weak polity will be annexed by larger power. (Rajat Ganguly, 1995: 64-65) This approach provides ground for the explanations of ethnic mobilization in newly modernized countries. If we consider modernization as a process then the countries of the world can be classified in different stages of modernization. Connor's view point is more accurate in case of those countries which are in the beginning stage of modernization. For example Nepali society is in the first stage of modernization and therefore the first ray of technological advancement and communication skill has generated a vibration in marginalized community and they are more sensitive towards their rights. But at the advanced condition of modernization, a different

kind of response can be generated from the side of the state and it can lead to a cohesive and an inclusive society. The modern state can not underestimate the aspirations of the aware and sensitive common mass.

Internal Colonialism or the Reactive Ethnicity Approach

This approach is based on the relations of the dominant and peripheral ethnic groups of the society. It is based on the thought of Marxist ideology which was expressed by Lenin and Gramsci. The main proponent of this approach is Michael Hechter and he based his idea on the concept of exploitation. Hechter contended that such an exploitation results in 'a particularistic allocation of valued roles and resources to the dominant ethnic group', thereby causing political mobilization of the peripheral ethnic groups. He pointed out that the selective co-optation of potentially destructive or divisive leaders from such peripheral ethnic groups by the core ethnic group can often weaken ethno-political movements, thereby ensuring the continuity of the cultural division of labour. (Rajat Ganguly, 1995: 66). This approach is quite helpful to understand the economic dimension of *Janajati* movement in Nepal. Hechter very aptly pointed out the importance of the economic factors in the social movement. He explains that how an economically deprived group of societies can come together and launches a movement against the dominant group. In case of Nepal, *Janajati* population is deprived from their basic economic right of equal distribution of resources. Around seventy percent securities are under the control of the thirty percent of the population. Recent ethnic movement in Nepal can be interpreted on the basis of this theory but Hechter's view is limited to the economic dimension only. This model fails to accommodate political, social and other angle of ethnic conflict.

The Ethnic Competition or Communalist Approach

This approach is based on three assumptions: modernization, scarcity of resources and elite competition. It is an interesting finding to analyze the effect of ethnic mobilization on the both core and the periphery social groups. It promulgates the idea that the process of modernization affects both the groups in two ways. *First*, it reduces ethnic diversity within both dominant and subordinate ethnic groups by eroding local identities. *Second*, as a result of this erosion of

local identities large-scale ethnic identity- formation is promoted because of the altered conditions of political competition between groups and elites. Although the communalists posit that large-scale identity-formation occurs when groups are forced to compete with each other for the same rewards and resources, the roots of ethnic political mobilization leading to ethnic violence and even ethnic separatism lie in the 'elite disputes over the direction of change and grievances linked with the scarcity of recourses' and also 'when previously acquired privileges are threatened or alternatively when underprivileged groups realize that the moment has come to redress inequality. (Rajat Ganguly, 1995: 67).

The ethnic competition theory is important to understand the attitude of the dominant groups in relation to the ethnic conflict. Most of the theories discuss the role of the periphery ethnic groups but this theory includes both the aspects. In fact the root cause of conflict is not one sided, it includes both the advantaged and the disadvantaged groups. The rise of demands from the marginalized group is not problematic. It becomes difficult when dominant group refuse to accept the demands of the deprived community. All the groups want the maximum benefit from the available resources in the country. The demand of separation is basically related to the sense of dissatisfaction among the periphery ethnic groups which claim to get their genuine right within the nation. Moreover, the dominant classes also do not want to minimize their share in the available resources. But this approach is more focused towards the competition among the elite class and it does not count the aspirations of the small groups directly. But it is important to understand the formation of the large scale identity.

Other Theories of Ethnic Mobilization

There are some other theories which deal with the interpretation of ethnic conflict. The *Strain theorist*, Clifford, explains the rise of ethnic nationalism by referring to the disorienting process or 'strain' of modernization and the failure of the state to draw ethnic groups into the national mainstream which increased the economic, cultural and political divergence of the ethnic group from the rest of the state; however, this view was qualified by the underlying assumption that ethnic identity was anachronistic and ethno- national mobilization an aberration which would disappear as the process of structural differentiation created a

reintegrated society. (Phadnis and Ganguly, 2001: 40) The theory of consociationalism is pronounced by Arend Lijaphart and Donald Rothchild. Lijaphart has presented the '*patterns of majoritarian and consensus government*'. He suggests some conditions for the stability and the democracy in the multi-ethnic society. He rejects the Westminster model for the ethnically diverse society. He considered four factors as 'pillars' upon which a stable, consociational democratic society could rest. Of primary importance was the formation of a grand coalition of the leaders representing all the communities. The other three important characteristics included the provision of a veto power to all communities on legislation, affecting their vital interests, a system of proportional representation in parliament, and a high degree of autonomy for each community to run its own affairs. (Rajat Ganguly, 1995: 60) According to this theory the absence of the suggested conditions could lead to ethnic conflict. Another interesting theory is the 'theory of hegemonic exchange', which was drafted by Donald Rothchild. He argues that soft states are able to impose a little amount of hegemony over the ethnic groups due to the lack of capacity to manage all the issues therefore these states had to engage in a process of exchange with them. The result was a hegemonic exchange system of state-group relation in which 'a somewhat autonomous exchange center-state actor and a number of considerably less autonomous ethno-regional actor and a number of considerably less autonomous ethno-regional interests engage, on the basis of commonly accepted procedural norms, rules, or understandings, in a process of mutual accommodation. (Rajat Ganguly, 1995: 61)

After analyzing different theory of ethnic identity formation and ethnic conflict, we can mention that none of them can properly explain all the dimensions of the ethnic conflict. The problem of ethnic conflict is deeply rooted in various factors like social, economical, cultural, and political and most importantly in the environmental settings of a country. We can not interpret properly the problem of ethnic conflict in developing countries on the parameter of western societies. In context of South Asia, the main factors which contributing to ethnic conflicts are: (Savita Pande, 2005: 27)

- A. A strong disinclination to replace the colonial patriarchal state structures with new models of governance to accommodate the diversities.
- B. Making constitutions that envisage centralized state structures and effectively exclude minority groups.
- C. Reliance on theoretical safeguards for minorities without adequate guarantees of their enforcement.
- D. Failure to realize that poverty and shortage of economic opportunities make it impossible for minority groups to grow out of their primary social affiliation and accentuate their feelings of hurt of real or perceived discrimination.
- E. Lack of affirmative action to integrate majorities and minorities into single nations while hoping for assimilation without overt state intervention.
- F. Re-interpretation of self-determination in the interest of majorities.
- G. Politicization of religion.

Major Instrument to Control Ethnic Conflict

There are three major means and two sub means to control the ethnic conflict. *First*, Decentralization or devolution of power, *Second*, inclusive social and political structure and *third*, is secessionism. The two sub means is administrative reforms and dynamic leadership. Partha S. Ghosh (2003: 24-25), discuss about two models of ethnic reconciliation. First, Integrative Model, which presuppose an overriding centre. Second, *Consociational Model*, which prescribes for fully autonomous federating units. He discuss the broad points of these paradigms which are: The integrative model conceives of a mixed or non-ethnic, federal structure; and /or an inclusive and centralized unitary structure; or a majoritarian, but ethnically neutral decision-making structure; and/or a semi-majoritarian or semi-proportional electoral device that could encourage the formation of pre-election party coalitions across either divides; and/or formulation and implementation of ethnicity-blind policies. In contrast, the consociational model conceives of confederal arrangements by granting territorial autonomy; and/or poly-ethnic or poly-communal federations; and/or proportional representation in public services including all executive decisions through

consensus; and/or a proportional parliamentary electoral system; and/or acknowledging group rights or corporate (non-territorial) federalism.

The discourse of decentralization or devolution is most relevant in the context of Nepali society. Devolution is an act of giving power from a central authority or government to authority or a government in a local region. Nepal as a country is highly centralized and where Monarchy was the center of power until the declaration of republic. This centralization of power has played an important role in the emergence of the *Janajati* movement in Nepal. Therefore the debate of federal democracy is very prominent and the different marginalized groups have demanded federalized state which is a form of decentralization or devolution of power. Lijphart has given a border definition of decentralization of power in his models of democracy. He suggests, executive power-sharing and grand coalitions, formal and informal separation of powers, balanced bicameralism and special minority representation in the upper chamber, a multi-party party system, a multi-dimensional party system reflecting the various line of cleavage in the society, proper representation, territorial as well as non-territorial federalism and political representation, territorial as well as non-territorial federalism and political decentralization, and a written constitution protecting certain rights of minority groups by laying down extremely difficult procedures for amendment. (Rajat Ganguly, 1995: 59). Lijphart model of decentralized democracy is quite interesting but practically it is very difficult to achieve. His emphasis on the multi-level decentralization like political, legal and economical can be helpful for the newly formed constituent assembly.

Another interesting debate is on the concept of federalism. Some critic supports the concept of federalism as a tool of reconciliation of ethnic aspiration and some oppose this concept because they consider it as a means of disintegration or crisis to sovereignty. There are two kinds of federation—either by integration or by segregation. The first concept of integration is related to the integration of independent countries, while the other is concerned with those unified countries which decided to split itself into several units. Now we come back on the central debate that federalism is useful solution for ethnic diverse country or not? The first thought is based on current literature on constitutional

law, human rights, minority rights and international conventions dealing with questions of self-determination, group rights, etc. (Partha Ghosh, 2003: 29-30) The schools of thought draw their argument from the comparative federal experience around the world. K.M. de Silva who made a comparative study of federal experiments across the world with particular reference to Belgium, Canada, India, Nigeria and Spain, although his list includes 17 countries. He is not too excited by the federal scheme proposed for Sri Lanka. (Partha S. Ghosh, 2003: 31) In context of Nepal federalism can be an important tool to counter ethnic conflict with special reference to the *Janajati* community. Nepal is now converted in to a federal republic but its base is not yet decided. Till the time no other parallel instrument is available as a form of solution, we can keep our faith on federalism.

Inclusive nation building process is also an important instrument for ethnic harmony in a violent society. Post-colonial national building approach focused almost exclusively on creating a unified 'national identity' based around either common political values and citizenship or putative majoritarian 'ethnic' identity. The overall aim of both approaches has been to produce a pulverized and uniform sense of national identity to coincide with state boundaries that seldom reflect ethnic division on the ground This type of outlook towards nation-building, as promoted vigorously by the modernization school of thought, refused to accept that the notion that state incorporating more than one ethnic nation could be both stable and harmonious. (Urmila and Ganguly, 2001: 13) It is a very comprehensive finding of nation building process in the context of South Asia. This kind of nation building process does not leave space for other minority groups and for their identity. Therefore they do not feel themselves incorporated in the process of nation building. It not only affects the sentiments of the minority groups, but it also affects the smooth process of national building. Nation building process can not be completed without the inclusive political, social and economic structure.

Secessionism is a conflict management theory for a violent society. According to Gurr, "some ethnic conflicts have been managed (with varying degrees of success) by allowing one group involved to secede. It is a method

which seldom uses to maintain the peace in the society. As Gurr has noted, this sort of conflict management becomes a viable option “when the costs of secessionist civil war, outweigh the benefits of maintaining the current state boundaries. (Savita Pande, 2005: 20)

Another two important measures can be implemented for the resolution of ethnic conflict. It is not directly linked with conflict management theory but it can be helpful in developing countries and especially in Nepal. *First*, Administrative reform and capability building, most of the South Asian countries are facing the problem of weak and unaccountable bureaucracy. In fact policy formation and policy implementation both are important components. If the administrative structure is not advanced and accountable then it can not be helpful in the making the society more inclusive. The administrative structure is unaccountable, unprofessional and corrupt like the other South Asian countries. Therefore they can not effectively implement the welfare policies due to which the oppressed communities of the nation keep themselves more attached with the feeling that the government is less inclined towards their problems. *Secondly*, without improving the quality of dynamic and honest leadership we can not succeed in the conflict resolution. As leadership always plays an important role in the conflict resolution, if it only shows concern for the vote bank then the resolution of the ethnic conflict will remain a far reaching dream only. Thus political leadership should be sensitive to the aspirations of the common mass.

To conclude, we can say that every society is exclusive in its nature due to its different environmental settings. Therefore one single theory can not be helpful to understand the dynamism of that particular society. But there are some broader similarities between societies which enable us to define and determine some aspects of dynamism from every theoretical framework. For example, Nepali society is exclusive in her nature (traditional society, monarchy, autocratic rule, different cultural groups etc) but being the part of Indian sub continent it poses some similarities with the other developing countries of South Asia. There is no universal theory to discuss the problem of *Janajati* movement but collectively different theories can draw the canvas of conflict with different shades. This picture will be more useful for us to understand the problem of *Janajati*

movement. As for as the case of ethnic management theory is concerned, it is an urgent need to evolve an inclusive political, social, economical and cultural system which can effectively shape the aspirations of the *Janajati* community.

Chapter Three

CHAPTER 3

CONDITION OF *JANAJATI* IN NEPAL AND INTERRELATION WITH OTHER SOCIAL MOVEMENT

The society of Nepal is diversified in terms of caste, class, culture and ethnicity. There are broadly three major ethnic groups resides in Nepal, Indo-Nepalese, Tibeto-Nepalese and Indigenous Nepalese. Third group also known as *Janajati* community, which constitutes 36.31 percent of the total population. The high-caste hill Hindus comprise 30.89 percent, Dalit 14.99 percent and Madhesis, including Dalit and Indigenous nationalities from Tarai region hold 32.29 percent of the total population. (Susan Hangen, 2007: 4) According to the National census of 2001, there is no social group holding majority population. But despite this fact the high caste Bahun-Chhetri have a complete control over all the resource of nation. They comprised the 30 percent only of the total population. They had played the role of ruler class from the unification of modern Nepal state by the king Prithvi Narayan Shah. The rest 70 percent of the population which includes Ethnic community, Dalit, Madhese and Women, feel themselves deprived from the basic rights. The inherent caste system has also played an important role in the exclusion of different social groups. Therefore the marginalized social group raised their voice against the feudal and centralized state structure. Post 1990 era of the Nepali politics is marked as the era of identity politics which is generally based on the demand of inclusive institutional structure and cultural security. *Janajati* community of Nepal has faced a long historical discrimination by the feudal class of the society. They are asserting for their basic rights of cultural, social, economical and political liberty. They are fighting against the state led discrimination on the basis of one language, one religion and one nation. The identity base politics has explored the space for the concept of inclusive and participatory democracy in Nepal. Doubtlessly all these aspiration and ideologies will make the job of constituent assembly very complicated.

Janajati Community in Nepal

The *Janajati* population in Nepal is not homogenous category. It is divided into a number of different groups which possess different culture, customs and language. According to the report of the 'Task Force' set up by His Majesty's Government (1996), *Janajati* is that community who has its own mother tongue and traditional culture yet does not fall under the conventional fourfold Varna system or the Hindu hierarchical caste structure. (<http://nfdin.gov.np>). The act enacted by the His Majesty's Government of Nepal in 2002, defines *Janajati* as a tribe or community in the schedule having its own mother language and traditional rites and customs, distinct cultural identity, distinct social structure and written or unwritten history. (<http://nfdin.gov.np>). Each *Janajati* community has some distinct characteristics. The main are following:

1. A distinct collective identity;
2. Own language, tradition, culture and civilization;
3. Own traditional egalitarian social structure;
4. Traditional homeland or geographical area;
5. Written or oral history;
6. Having "We" feeling.
7. Who declares itself as "*Janajati*."
8. Has had no decisive role in the politics and government of modern Nepal.
9. Who are the indigenous or native peoples of Nepal

The government of Nepal has identified fifty nine indigenous nationalities in 2002. Nepali *Janajati* communities are distributed in all over the region of the nation. Among the indigenous nationalities, the Magar, Tharu, Tamang, Newar, Rai, Gurung and Limbu constitute the larger groups. The region wise distribution of *Janajati* community is given below:

Region	Ethnic Groups
A. Himalayan Region	Bahra, Gaunel, Bhutia\Bhote, Byasi, Dolpo, Lhomi (Shingsaba), Marphali, Thakali, Mugali, Sherpa, Siyar (Chumba), Tangbe, Thakali, Tin Gaunle Thakali (Yhulkosompaimhi), Tokpegola (Dhokpya), Walung.
B. Hill Region	Baramu, Bhujel, Chepang, Chhantyal, Dura, Free (Phree), Gurung, Hayu, Jirel, Kushbadia (Kuhbadia), Kusunda, Larke (Nupriba), Lepcha, Limbu, Magar, Newar, Pahari, Rai, Sunuwar, Surel, Tamang, Thami, Yakkha, Yolma.
C. Inner Terai Region	Bote, Danuwar, Darai, Kumal, Majhi, Raji, Raute
D. Terai Region	Dhanuk, Dhimal, Gangi, Jhangad, Kisan, Meche (Bodo), Rajbanshi (Koch), Satar (Santhal), Tajpuria, Tharu.

Source: National Federation of Indigenous Nationality

The ethnic groups known as *Janajati* or *Adivasi* are also extremely diverse in term of socio- economic condition. Few groups are advanced and privileged in comparison to other groups. Tharu community is the fourth largest ethnic group in term of population. It is both culturally and politically diverse with other ethnic group. One group, the Newars- known as the indigenous people of the Kathmandu valley- has the highest per capita income of any caste or ethnic group in Nepal, while overall, *Janajatis* rank lowest on the human development index (0.2999). Two dominant Hindu castes, Brahmin and Chhetri, rate 0.441 and 0.348 on the index, according to NFDIN figures. The National Federation of Indigenous Nationality has classified ethnic groups in five categories on the basis of their social and economic condition in 2003. The table given below clearly shows the disparity among the *Janajati* groups. But it is also explicit that most of the groups are marginalized and deprived in term of social, cultural, political and economical condition. They are living in unfavorable condition and completely isolated from development.

The Category wise division of Janajati Community on the Basis of Socio-Economic Condition

A. Endangered	1.Kusunda 2.Bankariya 3.Raute 4.Surel 5.Hayu 6.Raji 7.Kisan 8.Lepcha 9. Meche 10.Kuswadiya.
B. Highly Marginalized	1.Majhi 2.Siyar 3.Shingsha.4.Thudam 5.Dhanuk 6.Chepang 7.Santhal 8.Jhagad 9.Thami 10.Bote 11.Danuwar 12.Baramu
C. Marginalized Groups	1.Sunuwar 2.Tharu 3.Tamang 4.Bhujel 5.Kumal 6.Rajbangshi 7.Gangai 8.Dhimal 9.Bhote 10.Darai 11.Tajpuriya 12.Pahari 13.Topkegola 14.Dolpo 15.Fri 16.Mugal 17.Larke 18.Lohpa 19.Dura 20.Walung
D. Disadvantaged Groups	1. Chhairotan 2.Tanbe 3.Tingaunle Thakali 4.Bargaunle Thakali 5.Marphali Thakali 6.Gurung 7.Magar 8.Rai 9.Limbu 10.Sherpa 11.Yakkha 12.Chhantyal 13.Jirel 14.Byansi 15.Yolmo.
E. Advanced Groups	1.Newar 2.Thakali

Source: The National Federation of Indigenous Nationalities.

Historical Process of Discrimination

The identity-based *Janajati* movement is a new phenomenon in Nepal. Post-1990 era is marked for the mass-based social, political and cultural movement against the disparity based system. But the seeds of this phenomenon can be traced in long historical process. Monarchy and high caste Hindu has played a central role in decision making process from the unification of modern Nepali state in 1769. They used state machinery to secure their hegemony over resource and political institution and overrule the basic right of other social groups. Nepal was divided in different independent principalities before the unification by the king Prithvi Narayan Shah. These principalities were enjoying their distinct cultural norms, religious and lingual practice. But the unification of the Nepal has forced these principalities to lose their separate cultural and religious faith. Newly unified Nepal state followed a statecraft

which can be helpful to bring the entire social system under the influence of Hindu culture. For example, the imposition of Hindu values, way of life and cultures as well as Nepali language on all people who had been incorporated with in this state structure. (UNESCO Report, 2006: 33). The concept of 'Asli Hindustan' clearly manifests the intention of Shah rulers.

The indigenous community was also economically excluded from their due share in resource of the nation. The Gurkha kingdom assured them regarding their traditional rights over land. But after a course of time they changed their policy of 'traditional right of indigenous community'. State has imposed tax on the traditional land of the *Janajati*. Such a transfer of right to the state deprived many of the indigenous communities from their traditional rights over these resources. Together, it also allowed the state to transfer the land of their habitat to non-ethnic castes of the country. This process encouraged the systematic decomposition and dissolution of ethnic areas by the settlement of Hindu high-caste population. (UNESCO Report, 2006: 34). The decomposition process was not only economically harmful for the *Janajati* but culturally too. They faced challenge for their distinct cultural identity which separates them from the other social in term of life style and cultural faith.

High caste Hindu tried to exclude *Janajati* community on legal grounds. It was also an attempt to include the *Janajati* in to Hindu fourfold caste system. The '*Muluki Ain*' (civil code) of 1854, introduced by Jang Bahadur Rana, was the first step to codify social relations between the different communities irrespective of their social –cultural background and to a Hindu hierarchical order. (Gilles Boquerat, 2008). It was the national code of 1854 that has introduced a National Caste system by allocating a certain rank to each ethnic and religions groups as per the ruler's political requirement. The code was drafted by two Brahmins, who were rewarded with 500 bighas of land for their jobs. Based on the tenets of the '*Manusmriti*' the code did away with many of the egalitarian practices of the indigenous communities. (Partha S. Ghosh, 2007: 191).¹ Ethnic communities were brought under the category of enslavable and non-slavable *matwalis* or alcohol drinking communities. It was a

¹ *Muluki Ain* introduced fivefold classification of society- 'Tagadharis' at the top, followed by *Matwalis*, the non- enslavable alcohol drinkers, Enslavable alcohol drinker, water unaccepted caste and Untouchables.

kind of cultural imperialism. The 1854 code was replaced with the code of 1963 by the king Mahendra. It also promoted the Hindu identity. According to part 4 and section 7 of this code, the killing of cow was prohibited because it was Hindu deity. The government announced 12 years imprisonment for those who violate this rule. Many indigenous People have been imprisoned on the charge of killing cows. (Mahendire Lawoti, 2001). The code abolished the caste discrimination legally but hardly translated into practice because of self contradiction of value system. King Birendra said that, 'In Nepal, the monarchy and his subjects have been governed by Dharma a system drawn from Hindu religion. The king can not change the value system.' (Hachhethu Krishna, 2003, <http://www.thefreelibrary.com>).

The process of Hinduism was carried out during the Panchayat era. The base of nation –building was “One language, One form of dress and One country”. There was no space for other values except the Hindu values. In 1962 Nepal was proclaimed as a Hindu Kingdom. The Hindu identity of the Nation was performed through daily broadcasts of ritual music and sermons on the Radio Nepal, and by government funding Sanskrit schools. Hindu holidays become National holidays. National symbols promoted during the Panchayat era, including the color red, the cow and the flag, are drawn from Hinduism, and the other national symbols relate to the active Hindu monarchy. (Susan Hangen, 2007: 12).

Another instrument to marginalize the *Janajati* community was the status of language. High caste groups promoted Nepali as a National language and ignored the status of other native language. Ran Bahadur Shan was (1774-1805), objected to receive a communication written in Maithili, possibly in Bengali script. Chandra Shamsheer (1901-1929) is generally reckoned to have been the first Rana formally to have declared Nepali the language of his administration. This declaration is said to have been made in 1950. (Michael Hutt, 1988: 43). In 1959, king Mahendra provided the status of National language of Nepal. In 1954, the National Education Planning Commission recommended that Nepali will be the single language of medium in schools. Language policy played an important role to marginalize the interests of *Janajati* in civil services and other employment opportunities.

In a way we can argue that Nepali *Janajati* community is historically deprived and oppressed in term of social status, political participation, land rights, language and equal opportunity. Historical setting of discrimination has encouraged the *Janajati* groups to join hand on the basis of identity and to stage a mass movement. The restoration of democracy in 1990 was not able to deal effectively with the demand of *Janajati* community.

Social, Cultural, Economical and Political Discrimination

The restoration of multi-party democracy in 1990 has raised a ray of hope in the indigenous community. The marginalized groups were expecting much inclusive political system with the guarantee of basic rights. But unfortunately their wishes came to end with the declaration of 1990 constitution. Many critics observed this constitution as a progressive constitution because it declared that the sovereignty of the nation will be shifted to the common people of Nepal. On the other side, some expert argued that 1990 constitution has failed to accommodate the basic demand of the *Janajati* community. Mahendra Lawoti claims that the process of exclusion became faster after 1990.

The people of *Janajati* community were facing discrimination on various lines- legal discrimination, political discrimination, socio-cultural discrimination and less opportunity of representation in civil services, NGO's and Human Right Organization. The women of Indigenous community are facing double oppression in hierarchical system. They are not well represented in the process of state craft. This section of the study will focus on the social, cultural, political and economic discrimination against the *Janajati* community after 1990, which shaped identity movement more formally.

The 1990 Constitution and Exclusionary Practices

After the restoration of multi-party democracy in 1990, another important development was the creation of fifth constitution of Nepal. This constitution was not drafted by any constituent assembly. It was drafted by the Constitution Recommendation Committee, which composed the representative of three political forces- Nepali Congress, the United Left Front and Palace. The 1990 constitution laid the foundation of constitutional monarchy and put restriction on the power of monarchy. The preamble clearly manifests the objective of securing the social,

political and economic justice of the Nepalese people long into future. The guarantee of fundamental rights and the directive principles to the state was the attractive side of the constitution. But the fundamental question of inclusiveness remains the same. According to Mahendra Lawoti (<http://homepage.which.edu/mlawoti/documents/PDF%20Docs>), 'the 1990 democratic constitution is favourable to the high caste Hindu because their domination of the engineering process enabled them to influence it's outcome. It ignored the demand of the marginalized groups.'

The 1990 constitution declared Nepal a multi- ethnic, mutli- lingual state but this positive step was freezed by the same article, which stated that Nepal will remain a Hindu State.² This democratic constitution classified the status of language by declaring 'Nepali' as language of the nation and other native languages as 'national languages'.³ The recognition of a particular language in a civil and political society is an important aspect or the legitimization of a particular culture, values, norms, belief, history and a lot of socio-economic and political factors. (Ram Kumar Dahal, 2000: 156). The constitution of 1990 imposed ban over the religious conversion to protect Hindu religion from other religion. Interestingly it ignored the question, why the religion of majority (Hindu religion) has any kind of threat from the religion of minority. Secondly why the Hindu population wants religious conversion. In fact this constitution was drafted by the people of Hindu mindset therefore the *Janajati* community was unsatisfied with the constitution of 1990. The exclusionary provision of this constitution has raised the demand of secularism, linguistic equality, federalism, reservation for deprived groups. The *Janajati* community has raised the demand to erase the concept of Hindu state from the constitution. But state did not considered their demand under the constant pressure of Hindu fundamentalist, like 'Sanatan Dharma Seva Samiti' and Nepal branch of 'Vishwa Hindu Parishad.' One of the ministers in interim government threatens a hunger strike if the Nepal becomes secular state. There is no doubt that the lack of political will of political parties was responsible for the declaration of Nepal as a Hindu state.

² Article 4(1), Nepal is a multiethnic, multilingual, democratic, independent, indivisible, sovereign, Hindu and Constitutional Monarchical Kingdom.

³ Article 6(1), The Nepali language in the Devanagari script is the language of the nation of Nepal. The Nepali language shall be the official language.

Article 6(2), All language spoken as the mother tongue in the various parts of Nepal are the national languages of Nepal.

The manifestation Hindu identity was quite explicit in Nepal. The government allocated budget every year for the promotion of Hindu religion but does not allocate any resources for other religions. Books on Hindu religion is published and distributed by the Royal Nepal Academy whereas books on other religions are not. (Mahendra Lawoti, 2001). The whole state craft was devoted for the enlistment of Hindu identity.

Another area of dissatisfaction was the dominance of Nepali language. Nepal is highly diversified in term of language According to 2001 census, there are more than 92 languages exist in Nepal. But the constitution does not consider this diversity and impose Nepali language on the people of Nepal. Nepali is the mother tongue of only 46.7% of the population. The mother tongues of the remaining 51.3% of the population are language other than Nepali. (UNESCO Report, 2006: 37). It was highly discriminatory for *Janajati* community of Nepal so they raised their voice against it. Numerous requests were made to the constitution commission on the language issues. The interim government and commission did not made any attempt to accommodate these demands. They considered it as 'peripheral issues'. Therefore the constitution of 1990 adopted an ambiguous position on these demands. *Janajati* groups asserted strongly their demand of new language policy based on multilingual norms. It is quite clear that *Janajatis* are not demanding the erosion of Nepali, In fact they were asserting for equal status to their language. The language prejudice has blocked in the way of employment generation. The use of Nepali language in competitive examination was a harmful factor for *Janajati* community. Further, the Nepali was the medium of instruction in all educational institutions. The languages of ethnic groups are allowed up to primary level education. The supreme court of Nepal infuriated non-Nepali speakers with its decision prohibiting the use of local languages in municipalities and District level committees. Even village-development committees (VDC) comprising members of one single ethnic group only are not allowed to use their mother tongue. (Karl-Heinz Kraemer, 2008). The increasing process of Nepalization, speakers of minority languages, gradually tend towards adopting Nepali language and eventually losing their own mother tongues. Ten Rai Languages have already decayed\ died and another twelve ones are on the verge of extinction. (Yogendra Yadav, 1996: 233-239). Dr. Madhav Prasad said in a seminar organized by National Foundation for Development of Indigenous Nationality on 11, November

2005, “If national languages were to be extinct, cultural heritage that they embrace would also die alongside.”

The constitution of 1990 ignored the demand of the *Janajati* community because there was no significant representation of ethnic groups in Constitution Reform Committee. CRC was dominated by the high caste group. They comprised 66.67% seats in CRC. Another factor was the short duration of Constitution framing process which contributed to marginalize the interest of *Janajati* community. It is true that 1990 constitution make numerous provisions to protect the legacy of people’s movement but it was failed to disassociate from the long tradition of protecting Hindu identity. The people of *Janajati* community were fighting against the Hindu identity which destroyed the other native identity. Secondly, the protection of one religion and language as national identity in a multiethnic society is against the democratic norm. 1990 constitution manifest dual impress on the issues of ethnic inclusion, on the one hand it promise to give all the right but on the other hand it gives nothing. The 1990 constitution inspired the cultural, political and economic identity movement.

Political Exclusion of Janajatis

Politics is an important instrument for the drafting of policies and rule for the development of a country. Politics is also a means to resolve the problem of society and to create peaceful atmosphere. Therefore the nature of politics should be inclusive especially in multi-ethnic society and every social group should have a right to participate in political process to raise their concern. Political participation of social entities is essential for the promotion of democracy. It includes representation in parliament, proper share in government and the inclusion of proper number of member in political parties. But the political structure of Nepal is highly centralized and exclusive in nature. The prominent political institution is dominated by the advantaged high caste Hindu group therefore rest of the society is facing highly discrimination in political process. The high caste Hindu group is articulating their interest through state policy from the unification of Nepali state. During Shah and Rana period, political power was visited in the hand of high caste elite and the Monarch was the source of sovereignty. In Panachayat era king Mahendra imposed party less democracy in the nation. No political activity was allowed under this system therefore there was no space for marginalized group to express their

dissatisfaction. King was enjoying the political power for the welfare of his own. The earlier period of Nepali politics was centralized in the power struggle of political elite. But after 1990's democratic mass movement, political consciousness brought to light among different social groups. They raised their equitable demand of inclusiveness in political institution. *Janajati* community also realizes that without political power the demand of social and economic justice can not fulfill.

Malrepresentation in Government Sectors

The indigenous community of Nepal is facing deep-rooted poverty. The human development indicators clearly expose the condition of *Janajati* community in term of government job opportunity, education, health, life expectancy and resource sharing. It is true that few advanced group of *Janajati* are doing well in certain sectors, but it not true for the community. The lack of representation in decision making and decision implementing institution has increased the difficulty of *Janajati* community. As a recent study by the World Bank demonstrates, Brahmanas and Chhetris as a whole, as well as Newars, have higher health indicators, long life expectancy, higher rates of school attendance, and lower levels of poverty than other social cultural groups in Nepal. (Susan Hangen, 2007: 11). According to Nepal Human Development Report, 1998, since 1854 the dominant castes have occupied more than 92 of the top administrative position. (Mahendra Lawoti, 2001).

In term of Education, the total rate of admission in primary schools is 87.4%. In compression to this the percentage rate of indigenous group is only 38%. There is no equal reach of all gender, class and region in schools and higher education. The drop out rate is high in marginalized community like *dalit*, *Janajati* and women. The admission rate of poor, dalit and indigenous nationality is very low. (Approach Paper, 2007: 7-8). Language constraint is also playing an important role in the marginalization of *Janajati* community in education. The low participation in education leads to low opportunity in job options. Govinda Neupane found that the CHHEM overwhelmingly dominated twelve influential sectors he investigated: the executive, judiciary, constitutional councils civil administration, Parliament, Political Party leadership, local government heads, and the leadership of industrial

commercial, academic, professional, cultural, science and technology and civil society associations. (Mahendre Lawoti, 2007: 12)

Ethnic and Caste Representation in Governance, 1999

Institutions	Bahun\ Chhetri	Indigenous	Madhesi	Dalit	Newar	Others	Total
Courts	181	4	18	0	32		235
Constitutional Bodies	14	2	3	0	6		25
Cabinet	20	4	5	0	3		32
Parliament	159	36	46	4	20		265
Public Administration	190	3	9	0	43		245
Political Parties Leadership	97	25	26	0	18		165
DDC chair\vice chair, mayor\deputy mayor of municipality	106	23	31	0	30		191
Industry\commerce leadership	7		15	0	20		42
Educational institution and leadership	75	2	7	1	11	1	97
Culture: academic & professional leadership	85	6	0	0	22		123
Science\ Technology	36	2	6	0	18	0	62
Civil society leadership	41	1	4	0	8	0	54
Total	1011	108	170	5	231		1520
Percentage	66.5	7.1	11.2	.3	15.2		100
Population%	31.6	22.2	30.9	8.7	5.6	.1	100

Source Mahendra Lawoti, 2001, "Racial Discrimination towards the Indigenous Peoples in Nepal"

Unequal Economic Condition

The indigenous communities of Nepal which comprise 36.31% of the total population are economically very much backward and oppressed. According to the Three- Year Interim Plan of Nepal government, In Nepal, high incidence of poverty is

found among dalit and nationalities. Some 46 per cent dalit, 44 per cent hill nationalities (Tamang, Gurung, Rai, Limbu) are found to be below poverty line. The incidence of poverty is very high compared to the national average of 31%. (Three-Year interim Plan, Approach Paper, 2007: 16) Economic deprivation of *Janajati* community is the result of structural discrimination, erosion of traditional land right, lack of government job opportunity and political participation. According to ILO report, there are four pillars, which are related to distinctive dimension of poverty. (ILO Office in Nepal, <http://www.ilo/global/Themes/long--en/index.htm>):

- A. Poverty is the consequence of inadequate income generating opportunity;
- B. Poverty is the result of social and economic exclusion through discrimination;
- C. Poverty is characterized by the absence of social protection, an insecurity trap;
- D. Poverty is perpetuated by the absence of voice.

Janajati communities in Nepal are primarily engaged in subsistence agriculture. The livelihood of *Janajati* communities are depended on the traditional resources like land and forest. Their identity and culture are very much affiliated with the land and forest. During the unification and later on during it's consolidation, the traditional lands have been systematically abolished by the state. In Nepal, the Kipat system of the Limbus was abolished as last as in the sixties. Anthropologist and Historian have recorded 'Birta' (land grant) to Brahmins and Chhetris. (Mahendra Lawoti, 2001). Therefore *Janajati* community has lost their traditional sources of income. Despite the fact that *Janajati* community are widely affiliated with other occupation, the concept of traditional land right can not be ignored. After being displaced from their traditional land, many Tharus were forced to work under the "Kamaiya" system (Bonded labors). The immigration of other community population in protected *Janajati* area is also a source of discrimination against the *Janajatis* community in terms of displacement and identity crisis.

The *Janajati* community is not fairly represented in civil services, technical and professional jobs or low grade services. The Human development index of 1999

clearly reflects this truth. Exclusion in this area is also responsible for the poor status of marginalized community. The *Janajati* community does not want the uncertain life uncertainly and misery. They also do not want to hegemony over the recourses. They are demanding their traditional ownership over land, equal opportunity in jobs and resources. There are two models for the economic development of *Janajati*. First model emphasize that the economic development is possible by giving protection and promotion to traditional knowledge (indigenous Knowledge). Second model suggest that transition from traditional knowledge to technical employment based knowledge is essential for the promotion of *Janajati* community. But model of development is widely criticized on the ground of identity crises. In fact, middle path is required for the promotion of economic standered of *Janajati* community.

Status of Janajati Women

The gender discrimination in patriarchal society like Nepal is not a new phenomenon. The condition of women in social, economic and political level is not satisfactory. The women of indigenous community are facing ethnic discrimination along with gender discrimination. *Janajati* women of Nepal constitute 37.5% of the total population of women (National Indigenous Women Federation). They are demanding separate status from Nepali women and accused state for not identifying *Janajati* women on ethnic line. Relatively *Janajati* women are enjoying more freedom and respect in compression to the women of Indo-Aryan women. Indigenous women are free to engage in various income-generating activity or business out side the household. (Asian Development Report, 1999). But the women of *Janajati* community are facing oppression on different level. National Federation of Indigenous Women has pointed out the following problem of the women in different level:

- a. The identification of indigenous women as a separate group of peoples in the Nepalese society.
- b. Exclusion of indigenous women from state machinery (executive, legislature, judiciary, constitutional bodies and bureaucracy).
- c. The present laws and acts have not accorded recognition to indigenous women's fundamental rights. Due to patriarchal (Hindu culture) influences, even among indigenous communities, discrimination

between sons and daughter in widening. Even the basic needs as well as other rights of indigenous have been neglected.

- d. The number of trafficked indigenous women is the maximum. No efforts have been made to address the causal factors of such trafficking.
- e. Lack of representation of indigenous women in Administration, civil services, judiciary and other decision making process.
- f. Lack of recognition as well as entitlement to ancestral lands, territories, resources. No rights to ancestral land and territories that is sole basis of women livelihood.
- g. The government has not incorporated indigenous women issues in implementing Beijing Platform for Action (BPFA), Convention on elimination of all forms of Discrimination against women (CEDAW), Millennium Development Goals (MDGs).
- h. The conflict has highly affected the indigenous women in their livelihood, social security, health, education and settlement.
- i. No disaggregated data by caste, ethnicity including Government, INGO, NGOs.
- j. Lack of documentation and research on indigenous women identity.

The emergence of identity base movement of indigenous women is a integrated part of indigenous identity movement in Nepal. They are demanding rights, recognition, participation and concern. In recent constitutional assembly election, government has fixed some quota for the women. But in the coming days the demand of ethnic base representation will be more pronounced.

The Response: Emergence of Ethnic Parties

The constitution of 1990 prohibited the formation of political parties based on caste, ethnicity and religion. (Article 112(3)). Because these political parties can be a serious threat for the integration and unity of Nepali state. Despite the fact that national integration is not possible without including the aspiration of social groups based on caste, ethnic and religion, Nepali political parties always ignored the problem of ethnic groups. Therefore ethnic community has started to form their own political parties in post-1990 period. This phenomenon was important because it was

the first time when ethnic groups decided to raise their demand directly. Mainstream political parties have shown their sympathy for the demand of *Janajati* community but they never tried to make their organizational structure more inclusive. Top leadership post was under the control of advantaged group of the society.

The Rastriya Janamukti Party came in existence in post 1990 era to raise the issues of *Janajati* community. RJP participated in three general elections of 1991, 1994 and 1999 but it failed to win a single seat in election. The vote percentage was also not satisfactory. Another small ethnic political party was the Mongal National Organization (MNO), which was denied from registration as political party by the election commission of Nepal. In fact RJP has registered as political party after elimination of '*Janajati*' term from it's name, which was earlier '*Rastriya Janajati Mukti Morcha*'. These ethnic political parties were failed to perform well in general election. Many analysts blames that these political party have no popular support that's why they failed to perform well in the election but some other justify the rise of ethnic political parties and rejected the argument of first group. Maheddra Lawoti (Towards a Democratic Nepal, 2005) emphasized on the following reasons:

- a. Most of the ethnic parties were formed after 1990, whereas the major political parties against whom they have to compete for votes are three to five decades old. They have no long history, set ideology, better organization and network, fixed support base and broder resource sources in the comparison of establish political parties.
- b. Constitutional constraints were also responsible for the decline of small ethnic political parties.
- c. Internally small ethnic parties failed to incorporate all section of their community within their parties.

The emergence of small political parties in post-1990 era was a positive development because they were focused to articulate their demand directly and to ensure their political space. Despite the fact that these political parties did not perform well in election, the contribution of these parties can not be ignore. State made several attempt to discourage small ethnic political parties. Election Commission has refused to allot election symbol to ethnic political party. These parties have never got proper

mainstream media coverage and space in the election campaign on government controlled radio.

The Majoritarian Electoral System

The Majoritarian Election System has contributed a lot in the exclusion of indigenous community in Nepal. The First-Past-the-Post System was introduced in Nepal from 1950. This system is based on ~~one~~ single member constituency seat. The candidate with highest number of votes gets elected. The FPTP in Nepal is biased towards the big parties that are overwhelmingly dominated by the CHHEM. It has contributed to the under or non representation of smaller identity oriented parties in elected offices. (Mahendre Lawoti, 2007: 23). Therefore small identity oriented political parties raised the demand of Proportional Representation System for better opportunity. Due to ongoing demand of PR election systems various committees were set up to give suggestion on the reform of election system. (All-party joint parliamentary committee, 1997). Interestingly these committees did not suggest any concrete step to make system more inclusive. Another important aspect of this debate was the unification of marginalized groups on the issues of PR system.

The demand of the proportional representation is basically a demand for an inclusive system. Due to the hegemony of high caste group in House of Representative, other social groups have lost their right of proper representation. These groups can not fulfill their interest and aspiration without representation. The prominent political parties did not express any positive sign in favour of PR system because they do not want sacrifice their interest for the sake of democracy. According to an estimate the hill high caste groups, which constitute about 30 per cent of the population, represents more than 60 per cent of the seats in the HOR. Whereas Dalits, which consist of more than 12 per cent of population, expect one seat in 1991 Parliament have no representation at all. Similarly, other groups are also very much underrepresented (Krishna P. Khanal, 2006: 239).

Representation in the HOR by Caste and Ethnicity (Total No. 205)

Caste\Ethnicity	Ratio of Population	1991 Election	1994 Election	1999 Election
Hill High Caste	7023220 (30.9%)	114 (55.6%)	129 (62.9%)	122 (59.5%)
Hill Dalit	1615577 (7.1%)	1 (0.5%)	-	-
Hill Ethnic	4988298 (22%)	34 (16.6%)	24 (11.7%)	28 (13.7%)
Newar	1245232 (5.5%)	14 (6.8%)	12 (5.8%)	14 (6.8%)
Inner- Tarai Ethnic	251117 (1.1%)	1 (0.5%)	-	-
Tarai Caste	3381852 (14.9%)	18 (8.8%)	22 (10.7%)	29 (14.2%)
Tarai Dalit	1031292 (4.5%)	-	-	-
Tarai Ethnic	1800452 (8.0%)	18 (8.8%)	14 (6.8%)	10 (4.9%)
Muslim	971056 (4.3%)	5 (2.4%)	4 (1.95%)	2 (1.0%)
Women	11377556 (50.04%)	7 (3.4%)	7 (3.4%)	12 (5.8%)
Men	11359378 (49.96%)	198 (96.6%)	198 (96.6%)	193 (94.2%)

Source: Krishna P. Khanal, 2006, "Re-structuring the Nepali State: A proposal for proportional representation system: 240

Representation in the National Assembly by Caste and Ethnicity (Total No.60)

Caste\Ethnicity	1991	1993	1995	1997	1999	2001
Hill High Caste	33 (55%)	37 (61.7%)	33 (55%)	33 (55%)	33 (55%)	36 (60%)
Hill Dalit	2 (3.3%)	2 (3.3%)	3 (5%)	3 (5%)	4 (6.7%)	3 (5%)
Hill Ethnic	8 (13.3%)	7 (11.7%)	5 (8.3%)	7 (11.7%)	8 (13.3%)	9 (15%)
Newar	8 (13.3%)	5 (8.3%)	9 (15%)	9 (15%)	8 (13.3%)	5 (8.3%)
Tarai Caste	6 (10%)	6 (10%)	6 (10%)	5 (8.3%)	5 (8.3%)	4 (6.7%)
Tarai Dalit	-	-	-	-	-	1 (1.7%)
Tarai Ethnic	2 (3.3%)	3 (5%)	4 (6.7%)	2 (3.3%)	1 (1.7%)	1 (1.7%)
Muslim	1 (1.7%)	-	-	1 (1.7%)	1 (1.7%)	1 (1.7%)
Women	3 (5%)	3 (5%)	5 (8.3%)	7 (11.7%)	7 (11.7%)	7 (11.7%)
	57 (95%)	57 (95%)	55 (91.7%)	53 (88.3%)	53 (88.3%)	53 (88.3%)

Source: Krishna P. Khanal, 2006, "Re-structuring the Nepali State: A proposal for proportional representation system: 241

Three general elections clearly manifest the low participation of *Janajati*, Dalit and women in HOR and National Assembly. The multiparty elections of 1991 and that have followed since then have yielded results that many in Nepal consider disappointing. They preserved the dominance of high-caste Hindu Nepali-speaking Parbatiya (especially Brahmans) in positions of power. This process of exclusion continues in next general election also. Therefore, the FPTP was not capable to incorporate the representation of all the section of the society. The Maoist has raised the demand of proportional representation and quit the coalition government of seven parties. The constituent assembly election conducted on the basis of both formulae. This kind of system provided space for representation to the marginalized section of community.

Relations with Other Movements

Janajati movement is a part of social, political and economic movement of different socially marginalized groups like the Dalits and Madheses. Maoist movement is also an important development in 1996 which shaped the movement of marginalized groups. In the section, the interrelation of *Janajati* movement with movement will be analyzed. Dalits are the most disadvantaged community of Nepal. They are very less represented in decision making bodies and occupy very low position in Human Development index. Madhese people are settled in Tarai region of Nepal and equally marginalized in society. All the three are fighting for their basic rights and they are sharing the platform on some issues like federalism, democracy, equal representation in decision making bodies. They have some discontent over certain issues. The fundamental question is that how the *Janajati* movement will get benefit from other social movements.

a) *Janajati* Movement and the Maoists

The Maoist movement is correlated with communist movement of Nepal. In 1949 communist party of Nepal emerged as a democratic force. The first violent act of communist movement emerged in 1971 known as *Jhapa* uprising. On 13 February 1996 communist party of Nepal has announced the 'People War' against the feudalist state structure. Ideologically Maoists are guided by Marxist and Leninist theories. CPN (M) claimed that The Maoist movement has organized on the basis of social, cultural and economic marginalization of Nepali people especially women, the Dalit and *Janajati*. They want to establish 'New Democracy' which will incorporate the aspiration of all section of society. In case of *Janajati*, Maoist quickly identifies the *janajati* issue to broaden their support base for the people's movement. *Janajati* also come close to Maoist because they want the immediate change in the system which was oppressive to their identity. Prachand, the chairman of Peoples Army commented two years after the launching of the People's War that, "a new consciousness for fighting for their rights and liberation is spreading amongst many oppressed nationality of the country such as the Magars, Gurungs, Tamangs, Newars, Tharus, Rais, Limbus and Madheses. People's War has speeded up the process of formation of various national liberation fronts and expansion of nationality organization." (Gille Boquerat, , 2008)

Maoist movement has raised the issues of *Janajati* since 1991 when they adopted the agenda of secular state and linguistic\ ethnic equality. They took certain initiative to raise the demand of *Janajati* groups like the formation of All Nepal Nationality Associations (1994), adoption of Ethnic Policy (1995), ethnic right to self determination (1997), establishment of ethnic department at the central level and formation of 11 ethnic\ regional fronts (1998), Ethnic and Regional Coordinating Committee (May, 2001) and United Revolutionary People's Council (September 2001). (Uddhab P. Pyakurel, , 2007: 89). They also included the plans to form nine autonomous regions in Nepal. Maoist incorporated the demand of *Janajatis* in 40 point of demand in 1996. They raised the following issues:

- A. Nepal should be declared a secular state. (Demand no 18)
- B. All racial exploitation and suppression should be stopped. Where ethnic communities are in the majority, they should be allowed to form their own autonomous governments. (Demand no.20)
- C. All language and dialects should be given equal opportunities to prosper. The right to education in the mother tongue up to higher levels should be guaranteed. (Demand no.22)
- D. The regional discrimination between the hills and Tarai should be eliminated and that backward areas should be give regional autonomy. (Demand no.25)
- E. Local bodies should be empowered and appropriately equipped. (Demand no. 26).

The role of Maoist in *Janajati* movement is controversial because some analyst claims that they were using the *Janajati* sentiment for the power politics. And other school of thought claims that they were they first in Nepal who seriously raised the demand of *Janajati* community. It is true that Maoists want to extend their popular support for 'People's War'. Therefore they shifted their attention towards the issues of *Janajati*. According to Hira Vishwakarma (2004), 'though Maoist insurgency seems entirely as political problem but it used the frustration and suppression caused to dalit, mahila and *Janajati* in their casualty lists.' The top Maoist leadership belongs to high caste Bahun and Chheteri. But it is also remarkable that they influenced positively the *Janajati* Movement. According to Susan Hangen (2007: 38), 'the rise of Maoist

movement has been beneficial for the indigenous nationalities movement in some ways.' After winning CA election, Maoist took some positive step to address the concern of ethnic community because the declaration of secularism will not automatically fulfill all the urgent need of this community. In a way Maoist movement has provided a pivotal stage to the demand of *Janajati* community.

b) Janajatis and the Madhesi Movement

The biggest achievement of the 1990 Democratic Movement is the awakening of consciousness among different group of society which was marginalized on different lines. *Janajati*, *Dalit* and *Madhesi* are the most deprived community of the society. The status of the Dalit in comparison to *Janajati* and *Madhesi* is below. One thing is common in these social movement is that they all are fighting against the exclusion and inequality in the society and they accused the high Caste people for this discrimination. They are demanding equal status and proper representation in decision making bodies. They want secular state and proportional representation which demands is fulfilled during the Constituent Assembly election. But these movements are divided on certain issues. All these groups want to enlarge their identity to secure big pie in power sharing. Therefore they are confronting with domination of high caste Hindu but from a different platform.

The Madhesi Movement in Nepal is the burning issue in recent times. But the identification of Madhesi community is a big problem. According to 2001 census, the Madhesi population formed 29.2% of the total population of Nepal. The Madhesi scholars differentiate between the terms "*Madhesi*" and "*Taribasi*", the former is a historical, political and sociological concept that refers to a group or community discriminated by the dominant groups whereas the latter refers to any caste or ethnic groups, including the dominant caste and group, who live in the Tarai region. (Dr Krishna B. Bhattachan, 2003: 13). The hill Hindu defines them as the outsider, especially migrated from India. Madhesi activists oppose this concept and claim themselves Nepali citizen. During Rana regime they were forced to carry passport while entering in Kathmandu. They were excluded from their genuine right of citizenship. Therefore they raised their voice against the hegemony of the state. They formed several groups and political parties like Madhesi Liberation Front and the Sadavabana Party.

Historically they were discriminated by hill Bahun caste. According to first interpretation, Madhesi is a community of different caste and ethnic groups, including *Dalit*, *Janajatis* and high caste Hindu. And they are the citizen of Nepal. But according to second interpretation, Madhesi group are migrated from India and Madhesi Movement is backed by the Hindu fundamentalist. On this issue they are different from *Janajati* and *Dalit* because unlike the Madhesi their “Nepaliness” was never questioned. (Ameet Dhakal, <http://www.kantipuronline.com/kolnews.php?id=101168>). Secondly, Madhesi Movement is a regional movement and it does not show a positive attitude towards the hill *Janajati* community. Despite the claim that they are against the hill Bahun. It is true that they are also marginalized in Nepal and their share in administration, parliament and other decision making institute is low. But their contribution to the *Janajati* movement is not significant. They incorporated the *Janajati* and *dalit* population in Madhesi agitation to intensify their movement. They never defined the status of *Janajati* and *dalit* in autonomous Terai region. The Madhesi dalits and indigenous nationalities face double discrimination: first, as a Madhesi, and second as dalit or indigenous nationality, an example of aforementioned complexity (Lawoti Mahendra, 2005: 96)

Maoists have raised the issue of Madhesi during the people war but suddenly they refused to accommodate the demand of Madhesi when they came in power. CPN- Maoist Chairman Pranchanda and senior leader Baburam Bhattarai ruled out the possibility of dialogue with the Maoist splinter groups claiming that these groups were supported by “royalists’ element and fundamental Hindu activists”. (K, Yhome, 2008). Upendra Yadav of Madhesi Janadhikar Forum has been criticized for his attachment with royal palace. The *Janajati* movement has no solidarity with palace forces. Now after constituent assembly election the Madhesi Right Forum emerged as the main power in Madhes therefore Maoist can not rule out the aspiration of Madhesi. Maoist leader Prachanda has suggested that the first president of Nepal should be a Madhesi. Madhesi is a big political force in Nepal for the promotion of democracy and inclusiveness. But they are engaged in their own interest articulation.

c) Janajatis and the Dalits

Another marginalized group in Nepal is Dalit. By tradition, those who treated as impure and whose food and water are not accepted are called *pani na chalne* or the Dalits. According to the census report 2001, the Dalit constitute around 13.08 percent of the total population. (Prof. Hari Bansh Jha, 2004). They are accessibly suffering from the discriminatory policies of the state. They are the victim of orthodox Hindu hierarchical social structure. Socially, they are treated as untouchable. According an estimate around 90 percent dalit population is suffering from this kind discrimination. Tarai dalit and dalit women are much deprived. They are not only facing discrimination from hill caste, the majority by the people belonging to three of the most populous ethnic groups of Nepal such as Magar, Newar and the Tharus follow Hinduism. People of these ethnic groups and many others, treat Dalits as untouchables in the same ways as the Hindus of other castes treat them. (UNESCO Report, 2006: 12). The social marginalization of Dalit leads them to economic and political marginalization. They are much deprived in comparison to indigenous nationality and Madhesi community. According to Neupane's *Nepal Ko Jatiya Prasan, 2001*, out of 235 jugges in Nepal's judicial system, 181 were Bahun- Chhetri, 32 were Newars, 18 were Madhesi and 4 *Janajati*. There was not single judge among the Dalits. (Ameet Dhakal, [http://www.kantipuronline.com/kolnews.php\\$nid=101168](http://www.kantipuronline.com/kolnews.php$nid=101168)).

Legally, the national code of 1854 placed Dalit in the third and last category of social hierarchy. 1964 legal code banned caste based untouchability. 1990 constitution has restricted the practice of untouchability. But the ground reality is quite different. The problem of untouchability has not allowed them to improve their economic conditions as many of them are not allowed to sell milk or engage themselves in tea stalls, hotels, restaurants, etc. (Prof. Hari Bansh Jha, 2004). Around 90 percent of the population of Dalit falls under the poverty line. Their educational, health, social and political life style is quite miserable.

The social structure of Nepali society is very much complex. The society is not only divided on ethnic line, caste line is also important. *Janajati* community is marginalized on ethnic line but the Dalit is marginalized on caste line. They are facing discrimination from indigenous community because they fall below in social hierarchy. Mr. Tilak Pariyar, the president of Nepal Dalit Liberation Front, said in a

interview that 'Different races of people in Nepal have created the problem of Untouchability and exploit oppressed class. (Dalit Solidarity, 2006) *Janajati* and *Dalit* both are disadvantaged and they are equally oppressed due to the hegemony of high caste group. But their internal understanding on the issues of social mobilization is not clear. They are agreeing on the issue of monarchy, secularism and proportional representation due to their internal group interest but *Janajati* do not want to address the question of social hierarchy in context of dalit. And Dalits also do not want to detach themselves from Dalit identity because they do not want to sacrifice their gain in social, political and economical fields. (Sambriddhi Kharel, 2006).

Nepali society has been facing broader imbalances socially and politically. The exclusion of huge population is the main cause of the identity politics. The excessive centralization has promoted the interest of the hill high caste Hindu population. Therefore the *Janajati* community of Nepal feel themselves marginalized and oppressed. Cultural imperialism of high caste Hindu groups has given a sense of lost identity among the *Janajati* community. But in the changed political scenario, the *Janajatis* of Nepal will try to achieve their rights of equal opportunities and cultural promotion. It is a positive sign of strengthening democracy in Nepal.

Chapter Four

CHAPTER 4

STATE AND INTERNATIONAL RESPONSES TO THE JANAJATI DEMANDS

The politics of Nepal has been found to be very dynamic and vibrant in the post *Jan Andolan* period. The 'People's Movement' of 1990 generated a great awareness among the Nepali ~~common~~ masses. The marginalized community of Nepal realized their strength and raised their voice against the feudal ethos and structure of the Nepali society and politics. The *Janajati* community organized and institutionalized their movement in the post *Jan Andolan* period. The formation of 'National Federation of Indigenous Nationality' and other non political institutions forced the government to recognize the fundamental demands of the *Janajati* community. After the emergence of the Maoist's Movement on the demand of an equitable society, the government was forced to address the demands of the *Janajati* community. In fact the demands of the *Janajati* movement are based on the restructuring of the state in terms of equal participation and power sharing. The government of Nepal has taken some positive steps to accommodate the demands of the *Janajati*. But the composition of elite community in decision making bodies and bureaucracy is a big hurdle in the effective implementation of the positive policies. In recent development, the election of the Constituent assembly has accommodated the demand of proportional representation to the *Janajati* community. Nepal is now the youngest republic of the world. It would be very difficult to assume that how the new born republic state will address the question of *Janajati* Movement? The role of international community is also significant in the development of Nepal. International community is trying to influence Nepali political set up to take certain initiatives in order to deal with the questions of the marginalized group. Interestingly, Nepal is engaged in some important debates like the questions of 'secularism', 'federalism' and positive discrimination. The debates would produce some concert results for the support of *Janajati* Movement. This section of the study would analyze the demands of the *Janajati* community and the several responses by the National government and the International communities after 1990.

Janajati Organizations and their Demands

Janajati movement started to take shape during the political transformation of 1950. But the process of opposition was stopped by the 'partyless panchayat' system. During that period of 1960-90 some social scientists had tried to study the conflict oriented aspects of the Nepali society, (but) they were denied permission by the government to carry out their research in Nepal. (S.R Tamang, 2000: 46). After the democratic movement of 1990, the people of *Janajati* community stood up as a force for their democratic rights. This movement was thus the turning point for the Nepali civil society. The buffer of the state was gradually converted into a buffer against the state and the political parties (Ramesh Parajuli, 2004: 176). Different organizations of the *Janajati* community came in existence. The government of Nepal has considered this uprising as a threat to the integrity and the sovereignty of the nation. The problem of social, political and economical exclusion became more prominent after the institutionalization of *Janajati* Movement. Despite the fact that the *Janajati* community is widely diversified in term of social and economical condition, this community upholds certain issues like secularism, federalism and autonomy. The awareness among the *Janajati* community and the active role of the *Janajati* organization has raised a hope for the movement.

The main organization of *Janajati* community is the 'National Federation of Indigenous Nationality'. It was established in 1991. It is an autonomous and politically non-partisan, national level common organization. NEFIN is a common platform for 54 *Janajati* groups to raise their demands. This organization started with few number of *Janajati* group but now it is the most important pillar of the indigenous movement. The basic goal of this organization is to promote and preserve the cultures, languages, religions, customs and tradition of the indigenous community. The focus of the NEFIN is to establish a multicultural democratic state where diverse, ethnic, linguistic, cultural, religious and territorial groups are treated equally; Indigenous people's rights are recognized and respected; and Indigenous Nationality enjoys ethnic autonomy on the basis of the principle of right to self-determination. (nefin.org.np/content/view/17/48/).

The NEFIN has taken certain issues as a priority agenda. The main are:

- A. Recognition of cultural pluralism as a means of nation integrity and unity and striving towards the declaration of the secular.
- B. Acknowledgement of all languages and cultures of indigenous nationalities as equal and the provision of education in Indigenous languages.
- C. Restructuring the state to provide indigenous nationalities with national regional autonomy with rights to self- determination.
- D. Establishment of a National Development Commission of Indigenous Nationalities.
- E. Affirmative action for the development of Indigenous Nationalities in employment and education.
- F. Respecting the rights of Indigenous Nationalities to land, natural resources and bio- diversity protection and preservation.
- G. Making resources available to Indigenous Nationalities and their organizations to assist in empowering their communities.

The priority agenda of NEFIN can be considered as the basic demand of *Janajati* community in Nepal. The demand of *Janajati* is basically related to every field. They want the protection of their culture and equal share in the natural resources and the decision making body. Mahendra Lawoti represented the demands of the *Janajati* community in his study on the Racial Discrimination against the Indigenous community. He raised the question of dignity and socio- economic disparity. Lawoti (Mahendra Lawoti, 2001) raised certain demands:

- A. Adoption of the Draft Declaration of the Indigenous Peoples Rights by the international community.
- B. Apology by the Nepali state for past discrimination and internal colonization.
- C. Compensation for the past discrimination by the Nepali state.
- D. Immediate halt to the current discrimination in cultural discrimination in cultural and socio- economic matters.

- E. Equality and Justice to all marginalized groups, and especially for women within Indigenous Peoples.
- F. Group rights of Indigenous Peoples, based on equality and justice, should be recognized by the state.
- G. Promotion and preservation of all cultures by the state.
- H. Equality between all native languages and all native religions.
- I. End to constitutional and legal discrimination of Indigenous Peoples and Nationalities.
- J. Autonomy for the Indigenous People and nationalities.
- K. Right to self determination to the Indigenous Peoples and nationalities.
- L. Affirmative actions for women with in Indigenous Peoples should be made.

The demands of the *Janajati* community have been raised by various originations. Forty three *Janajati* organizations are affiliated with NEFIN. After the democratic movement of 1990, the small groups of indigenous community have formed their own organization. The awareness in civil society was the main cause for the formation of these organizations. The awareness among small groups was a significant development as it reflects the grassroots development of the movement. These organizations were the platform for these communities to discuss their problems, which was not possible during the panachyat system. It also provides space for the formation of group of common identity among the disadvantaged groups.

Indigenous Peoples Organization under NEFIN

<ol style="list-style-type: none"> 1. Bahragaula Social Welfare Association 2. Nepal Baram Association 3. Nepal Bhate <i>Janajati</i> Sewa Samiti 4. Bhujel Samaj Sewa Samiti 5. Nepal Bate Samaj Sewa 6. Byansi Sawka Samaj 7. Nepal Chhantyal Sangh 8. Nepal Dhanuk Samaj 9. Nepal Chepang Sangh 11. Dhimal Jati Bikas Kendra 10. Danuwar Jagaran Samiti 11. Dhimal Jati Bikas Kendra 12. Dura Sewa Samaj 13. Nepal Dalpa <i>Janajati</i> Bikas Kendra 14. Nepal Gange (Ganesh) Kalyan Parisad 15. Tamu (Gurung) Rastriya Parisad 16. Hayu Gukhata Kalu Pangdakmi 17. Nepal Jhagad (Urau) Kodrem Sudhrara 18. Jirel Sangh Nepal 19. Kisan Samudaya Bikash Pratisthan 20. Kuchwadiya Uthan Sangh 21. Nepal Kumal Samaj Sudhar Samiti 22. Rong Sejung Thee (Lapcha Development Forum) 23. Lorke Samaj Kolyan Kendra 24. Singwa Katyan Kendra 25. Lochhudhun Lhupa Association 	<ol style="list-style-type: none"> 26. Kirat Yakhum Chumlung 27. Nepal Magar Sangh 28. Nepal Majhi Utthan Sangh 29. Marpha Thakali Sewa Sadan 30. Newa Deya Dabu 31. Meche Samaj Sibiyari 32. Mughal <i>Janajati</i> Samaj Kalyan Kendra 33. Nepal Pahari Bikash Sangh 34. Kirat Rai Yayokkha 35. Rajbansi Samaj Bikash Samiti 36. Raji Salm Samaj 37. Nepal Santhal Adivasi Utthan Sangh 38. Nepal Sherpa Sangh 39. Siya Samaj Kalyan Kendra 40. Sunwar Sewa Samaj 41. Surel Jati Utthan Saatha 42. Tangbe Samaj Sewa Sangh 43. Nepal Tamahg Ghedung Parisad 44. Tajpuriya Samaj Kalyan 45. Thakali Sewa Samiti 46. Nepal Thami Samaj 47. Tharu Kalyankari 48. Thudam Sewa Samaj 49. Tapkegola Samaj Sewa Samiti 50. The Gaule Thakali Sewa Samiti 51. Tapkegola Samaj Sewa Samitij 52. Walung Sewa Samaj 53. Kirat Yakkha Chhuma 54. Nepal Yhoimo Samaj Sewa Sangh
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Source: National Federation of Indigenous Nationality

The Federation of Indigenous nationally become more stable and strong to raise the demand of *Janajati* community because there were a number of other civil society organization attached with the NEFIN. The organization of Indigenous Women was fighting for the similar cause. Nepal Indigenous Nationalities Student Federation, Indigenous Youth Association of Nepal and Indigenous Workers Association were working as co- organization of NEFIN. Another Important organization was the 'Association of Nepalese Indigenous Nationalities Journalist'. It was established in 1999. The basic reason for the development of this organization was the biasness of media. The journalists belonging to the *Janajati* community joined their hand against this biased character of the Media. The limitation of the Indigenous community to approach media was a big hurdle. Due to lack of representation in media, the movement could not mobilize the common mass in the support of their struggle. ANIJ fixed the following objective for their activity: (<http://www.anij.org.np/index.php>.)

- A. To provide a professional leadership and to protect the occupational rights and interest of the active indigenous journalist scattered throughout the kingdom of Nepal by consolidating them under ANIJ.
- B. To support for writing and publishing of the activities, creations and study report related with Indigenous and to analyze, review, criticize and to provide feedback of the literature, books and other publications along with creating awareness about cultural pollution regarding language, script, religion, art and music of Indigenous People.
- C. To spread out the sensitive issues of the Indigenous people throughout the nation and globalize them with organizing seminar/ workshops, debate, discussion, interaction for a holistic approach of development for the Indigenous people.
- D. To advocate and publicize the rights of indigenous people guided by the accepted worldwide human rights declaration.
- E. To publicize the article written in mother tongue, to prepare audio-visual programme and to inspire the indigenous Journalist Awards which will be established and given away including to support indigenous scholar/ intellectuals to do research such as indigenous history.

The *Janajati* movement is more organized in comparison to other social movements. The institutionalization of the movement is not only helpful for the *Janajati* community. The State can communicate easily ^{with} to the leaders of the *Janajati* Movement. The structure of *Janajati* movement is broad. It includes Women, intellectuals, journalists, small groups in the movement. The Journalists and the intellectuals can broadly communicate the demands of the *Janajati* community to the government. The government of Nepal can not ignore the demand of *Janajati* community due to the constant pressure of the Indigenous People Organization. The *Janajati* community is now very much aware regarding their rights. Om Gurung, the imminent *Janajati* scholar clearly stated that, '*In terms of material benefit we did not get anything, but at least we got this institution (NEFIN) we have been able to establish over identity (and) Janajatis are now aware of their rights.*' He said, '*without political rights we can not achieve our socio- economic rights.*' (Marty Logan, IPSnews.net/news.asp?idnews=29588.)

State Response to the *Janajati* Demands

The modern Nepali state came in existence after the unification of Nepal in 1769. But the process of nation-building starts after 1990 *Jan Andolan* period. The common masses of Nepal proved that the autocratic system can not function in a fully conscious society. *Janajati* people participated in *Jan Andolan* of 1990. The constitution of 1990 was not fully inclusive in nature. Political parties were not interested in social transformation. After 1996, *Janajati* movement shifted their attention towards the Maoist movement. The Government of Nepal has shifted its attention towards the *Janajati* demands after the Maoist insurgency. The *Janajati* movement that kicked off immediately after the restoration of democracy has been successful in changing the counterfeit identity of Nepal as one language, one religion, and one culture country to a 'multi- cultural, multi- lingual and multi- religious country. (Ramesh Parajuli, 2004: 185). The government of Nepal has taken some positive step to address the issue of the *Janajati* after 1990. The Ninth and the Tenth five year plan have included the issues of the *Janajati*. The three year approach paper also reflects the government's desire to address the problems of *Janajati* community.

The Government of Nepal has formulated five task forces or commission between 1993 and 1996. In 1994, a commission on Broad Casting of National

Languages in Radio was formed by the government. National Languages Policy and Recommendation Commission established in 1994 recommended 'three language policy'. (Susan Hangen, 2007: 39) The Government established the National Committee for Development of *Janajatis* in 1997, for the purpose of coordinating its programme for the enlistment and development of Indigenous community. Another government program was the 'Praja Development Program' which is primarily active in the upliftment of Chepangs of Chitwan, Dhadoing, Gorkha and Markwanpur, which are the largest *Janajati* groups and the most backward of all *Janajatis*. (<http://www.adb.org/documents/reports>,). The government of Nepal has tried to slow down the *Janajati* agitation by approving some of their demands and aspiration. But there has not been any measure taken by the government to change the social structure of Nepal. Even the smooth implementation of the policies has become not difficult due to the majority of Bahun and Chettari in the administrative structure.

The major step has been taken by the government in 2002. The formation of 'National Foundation for the Development of Indigenous Nationality' on the recommendation of indigenous task force was the biggest achievement of the movement. Its objectives including preserving and promoting the culture and knowledge of indigenous nationalities and providing "assistance in building an equitable society by making social, economic, religious and cultural development and upliftment of Indigenous nationalities." (Susan Hangen, 2007: 40) The NFDIN listed 59 indigenous nationalities under different categories on the basis of their social, economical and political conditions. NFDIN has organized various seminar and workshops on different issues like language preservation and foreign employment. It also organized "Know Nepal Tour" for the community of endangered group. NFDIN on the behalf of His Majesty's government tabled Nepal's viewpoint on the Indigenous Nationalities in the fourth session of the UN permanent forum on indigenous issues held at New York in 2005. (Indigenous Nationality Bulletin, 2005). The Foundation has managed some other programmes also for the development of Indigenous Nationality. The main programmes are: (Centre for Ethnic Studies and Development, 2007: 33)

- A. Institutional development
- B. Protection and development of ethnic languages
- C. Human resources development
- D. Adibasi *Janajati* (Indigenous nationality) scholarship
- E. Awareness raising and empowerment
- F. Protection and promotion of cultures and traditional knowledge of indigenous nationality
- G. Support to the income generation activities based on traditional knowledge, skill and interest.
- H. Vanishing indigenous nationalities upliftment
- I. Research and Study
- J. Praja development (Gorkha, Dhading, Chitwan and Makawanpur districts)
- K. Monitoring and evaluation.

This organization has contributed to mobilize the issues of the *Janajati* community on the national and the international platform. Different international agencies are working with the collaboration of this organization for the welfare of indigenous community. The functions of this institution have also got affected due to the insensitive role of the government.

Five Year Plan and Government Strategy

The Government of Nepal has incorporated the issue of *Janajati* community in Five Years Plans. The basic objective of the Sixth Five Year plan (1980-85) was to meet with the minimum need of the common people. The government has shown their commitment for the development of the low income rural community. It was not directly linked with the *Janajati* community but it provided some benefits to the *Janajati* community. Eighth plan also made some provision for the development of *Janajati* community but they were not sufficient for the upliftment of the community. The plans were not effective because the government did not carry out specific research on the ground reality of the *Janajati* community. The Ninth plan was the major development in the area of policy formation on *Janajati* community. The policy makers clearly accepted that the indigenous community is marginalized and it needs

attention. The basic objective of the ninth plan were (National Planning Commission, Secretariat, 1997, The Ninth Plan)

- A. To eradicate social imbalance by developing indigenous peoples economically and socially;
- B. To uplift overall status of the cultural development of the nation through exploration and preservation of cultural heritages of indigenous peoples;
- C. To enhance capability of indigenous peoples through their economic, social and cultural advancement; and
- D. To involve indigenous peoples in nation building by ensuring their access to necessary resources; imparting knowledge and skill to them; and modernizing their occupations.

The Planning Commission has followed these strategies and Policies under the Ninth Plan (Centre for Ethnic Studies and Development, 2007: 20)

- A. Socio-economic empowerment through decentralization, local development and human resource development and utilization.
- B. Targeted programmes for indigenous peoples.
- C. Mandatory provision for spending a certain proportion of the grant provided by the government to village development committees for employment, income generation and skill development programs.
- D. Non governmental organizations specialized in working with targeted groups to be encouraged to carry out programs for indigenous peoples.
- E. Targeted programmes with easy access to credit for education, health, drinking water, etc. for the poor among indigenous people.
- F. Student from indigenous groups to be given priority in getting admission in technical subjects for higher studies. Similarly, scholarship programmes to be made more effective.
- G. Pogrammes for increasing opportunities for education and health services to indigenous groups.
- H. Proper institutional arrangement. An arrangement to be made to provide a grant by the government in a way to mobilize local resources;
- I. Exploration and application of indigenous knowledge and skills.

- J. Integrated programs with revised operation procedure of the programmes.

Ninth Plan decided to launch major programmes on the three levels- Institutional arrangements and implementation procedure, Human Resource Development Programmes and Other Development Programmes. This five year plan gets success in raising conscious^{ness} among the *Janajati* groups. 'National Committee for the Development of Indigenous Nationalities' was established under this five year plan. The government has facilitated the text book in mother tongue up to primary level. National Foundation for Development of Indigenous Nationalities Act was passed under this plan. Collective identity was generated among the *Janajati* groups under the influence of NFY plan. But this Plan was not completely successful because different ethnic and *Janajati* groups remained unaffected by this plan. Therefore government introduced a separate chapter on indigenous community in the Tenth Five Year Plan (2002-07).

Tenth Five Year Plan (2002- 2007)

The tenth programme was based on the assumption that the development of *Janajati* community is essential for the overall development of the country. The objective of the plan was to provide development and focused on those ethnic groups which were unable to participate actively in the development mainstream. The tenth plan has followed the following strategy for development. (NPC, 2002, The Tenth Plan)

- A. Assist to create an egalitarian society by making all round development of indigenous peoples/nationalities through programmes related to social, educational, economic and cultural development;
- B. Protect and promote the language, scripts, literature, art, history and culture of indigenous peoples/nationalities;
- C. Protect and promote traditional skill, technology, knowledge and to assist in utilizing them for commercial purposes; and
- D. Make Indigenous people/nationalities partners of mainstream development by fostering good relationship, good will and respect among the members of indigenous peoples/nationalities, caste and communities.

The programmes formulated under the Tenth Plans were broadly classified in four areas of Institutional Arrangement, Language and Cultural Development, Human Resource Development and Social and Economic Development. The main programmes were the following (the tenth plan, national planning commission)

- A. National Foundation for the Development of Indigenous Nationalities will be strengthened in order to protect and promote the rights of indigenous community.
- B. Establishment of District Monitoring Unit in all 75 districts.
- C. Protection, promotion and development of languages will be undertaken by categorizing indigenous languages into four groups viz. endangered, without literate tradition, moving towards literate tradition and with established literate tradition. System of providing basic education in their own mother tongue, as a medium of instruction, will be initiated by developing curriculum, course books, and support materials in these mother tongues. Teachers teaching in their mother tongues will be produced.
- D. Protection of the cultural heritage of indigenous people by identifying, conducting studies and research and documenting them.
- E. Awareness oriented programs emphasizing on health, family planning, maternity and child welfare, environment and sanitation and women empowerment, targeted to indigenous communities will be launched.
- F. Emphasis will be given to human resource development for advancement and empowerment of indigenous groups.
- G. Programmes which protect, conserve and use traditional knowledge, skill and technology of indigenous groups will be implemented.
- H. Under the poverty alleviation program, occupations based on the interest of indigenous groups and their traditional skills, craftsmanship and knowledge will be protected and modernized along with the implementation of programs, like market management, social development, rehabilitation of particular indigenous peoples in order to improve the condition of those below the poverty line and to reduce the gap between indigenous groups and other communities.

- I. Indigenous groups will be involved to the maximum in the plan formulation process, implementation and management of the development projects with the objective of reaping benefits from development projects.

Three Year Interim Plan- Approach Paper (2007-08)

This approach paper has been formulated in the process of implementing the three year Interim Plan from FY 2007/08. It is believed that this Approach Paper will help address the spirit of the Peoples Movement, and give shape to issues agreed upon at the political level, and reflected in the various agreements, the interim Constitution, and the Common Minimum Program of the present government. The plan gives special attention to the marginalized community who has been excluded from the country's economic, social and regional development process. (HMI, National Planning Commission, 2007). The plan has incorporated the following policies for the development of indigenous community (Three Year Interim Plan, 2007)

- A. Structural and legal basis will be prepared to build a federal Nepal in a new born. (p. 32)
- B. For food security/sovereignty and social economic empowerment of the poor, dalits, indigenous nationalities, Madhesi, backward group, people with disability, freed bonded laborers, and laborers, a database will be prepared and special targeted programs will be adopted. (p.35)
- C. People's participation oriented policy will be adopted for sustainable development, management and use of the forest sector. (p.35)
- D. All types of discrimination existing in the sectors of religion, language, and culture will be completely eliminated. Special provisions will be made for protection-promotion of language and culture of all ethnic groups and nationalities. (p.35)
- E. The strategy of economic growth based on inclusiveness will be made favorable to poverty alleviation. (p.40)
- F. Some thirty five per cent of the community forestry will be invested on the dalit, indigenous nationalities, madhesi, handicapped, women and poor people's productive businesses. (p.45)

- G. Priority will be given to local Tharu community, indigenous nationalities and madhesi (Muslim and backward community) in Terai for the management of community forestry. (p.45)
- H. National identity will be strengthened by the conserving and developing marginalized languages, literature, arts, indigenous knowledge, skills and culture. (p.49)
- I. Opportunities for self reliance will be created for dalits, adivasi *Janajatis*, madhesi communities, laborers, poor peasants, people with disabilities, freed bonded laborers, landless squatters and people from other marginalized communities by providing appropriate skill training. (p.50)
- J. Special health programs will be launched targeting the segment of population deprived of health care – indigenous groups, Dalit, disabled, Madhesi. (p.53)
- K. A policy of positive discrimination will be acquired in order to ensure significant participation of women, dalits, indigenous nationalities, Madhesi, workers, farmers, disabled and backward people and places in the course of restructuring the country, emphasis will be given on the enhancement of their capacity. (p.66)
- L. The interim plan will insure that the state will be based up on inclusive democracy. (p.70)

The government of Nepal has initiated some other programmes for the advancement of *Janajati* groups. In 2005, King Gayendra had emphasized on social justice and decentralization and introduced 21 point programme. After *Jan Andolan II*, the government and the Maoists incorporated the demand of *Janajati* development in the common minimum programme. Interim constitution of Nepal included several provisions for the promotion of marginalized groups in the form of fundamental rights and the directive principles. The Poverty Alleviation Fund, Upliftment of Indigenous Nationalities and Praja Development Programme, Gumba Management And Development Programme, Land Reform Programme and Rehabilitation of Freed Bonded Labourers, Remote and Special Area Development Programme, Food for Education Programme, Western Terai Poverty Alleviation Project and several other programme has been launched by the government which is directly or indirectly

effecting the *Janajati* Community. Citizenship Act (2006) enabled many to obtain citizenship certificate for the first time. New Civil Services Bill was adopted in 2006 which insured reservation for marginalized groups. In mid- November, the Nepal Police Regulation was amended to incorporate new provisions. The government of Nepal abolished the system of bonded labour (Kamaiyas) in July 2000. Most of the indigenous group was working under the system. The government of Nepal has signed an agreement with the *Janajati* groups in 2007.

Despite all the efforts the conditions of *Janajati* groups are not satisfactory and they are still in very poor condition. UNO report on the human development of Nepal (UNO Report, 2007: 15) claims that 'the social exclusion remains a major problem. Women, Madheshis, Dalits, *Janajatis* and other marginalized groups continue to be severely under represented in most political parties central committees, state structures such as courts and police, local authorities and other entities.' There are two reasons responsible for the failure of development programme. First, the government did not show political commitment to implement all these development policies effectively. Second, the continuous trend of political instability in Nepal has adversely affecting the development policies of *Janajati*. But all these policies have played an important role in generating awareness among *Janajati* groups. Different IPO's played an efficient role to implement policies for the development of their community.

International Response on *Janajati* Issue

The issues of *Janajati* aspiration become more vibrant in post 1990 period. The role of international organization is very important. United Nation and different International agency and human right organization have raised the question of indigenous community at the world level. United Nation has made special provision for the development of indigenous community. The first International Decade of the World's Indigenous People (1995-2004) was proclaimed by General Assembly in it's resolution 48/163 of 21 December 1993. The main objective of the Decade was the strengthening international cooperation for the solution of the problem of indigenous community. The theme of the decade was '*Indigenous People: Partnership in action*'. In 2004, General assembly declared 9 August as the '*International Day of the World's Indigenous People*'. The Second International Decade of the World's Indigenous People (2005-2009) was declared by the General Assembly same year. The goal of the

second decade is to further the strengthening of international cooperation for the solution of problems faced by the Indigenous people in such areas as culture, education, health, human rights, the environmental, and social and economic development, by means of action oriented programme and specific projects, increase technical assistance and relevant standard setting activities. (UNPFII, <http://www.un.org/esa/socdev/unpii/en/news-internationalday2008:htm/>)

Another important International support for the Indigenous issue was the proclamation of ILO convention No. 169. ILO convention 169 is the only binding international legal instrument for the protection of Indigenous rights and welfare. This was adopted by International Labour Conference in 1989. The convention is based on the faith that the indigenous communities have the right to self determination. They should have the right to control development programme and institution concerning them. The indigenous community has the right development while protecting their distinct identity. Development programme should not be drafted without the consideration of the indigenous community. Indigenous community and organization forced the government to ratify the convention. After constant pressure by local IPO's and International pressure, the Nepal government has ratified the ILO convention 169 on September 2007. Nepal becomes the first country in South Asia to ratify this convention and the only second country in all of Asia to do so. (ILO Press release, Kathmandu, http://www.iloktm.org.np/summary-detail.asp?category_id=19)

The UN Office of the High commissioner for Human Rights in Nepal has issued a report on human right situation in Nepal after one year of Comprehensive Peace Agreement in 2007. The report raised serious concern over the issue of social exclusion of the *Janajati* and the different marginalized groups. It recommended the state to bear in mind it's international commitments and obligation under CERD, CEDAW, ICCPR, ICESCR and relevant ILO conventions, take comprehensive steps to address issues related to non-discrimination, representation and participation, including through the establishment of genuine participatory dialogue and confidence-building measures as a means of reducing violence, especially in the Terai. In their recommendation, it suggested political parties to ensure inclusive organization structure. (UN Report, 2007: 18).

International agencies and Donor country are focusing towards the problem of indigenous community. Nepal is getting aid from international agencies for their development but the share of indigenous community is very low. According to a DFID/ World Bank Report (Centre for Ethnic Studies and Development, 2007: 36), the following reasons have been given for the low level of donor's support for the indigenous peoples in Nepal:

- A. Until ethno-politics was legalized and NCDN formed by the government in 1997, donors feared that the dominant caste groups could interpret support to *Janajati* oriented projects as assistance to those who wanted to 'tear Nepal apart'.
- B. Concentrating first on fulfilling their declared policy aims with respect to women and Dalits, and fear over extending themselves by including *Janajatis* as a new category.
- C. Moverover, concrete evidence is lacking, non- *Janajati* Nepali staff of donor agencies may have also played a 'gate-keeping' role, preventing donor involvement in *Janajati* oriented programmes.
- D. *Janajati* community itself has been greatly ambivalent about receiving donor support. Those opposing it argue that such support will mean an end to the spirit of the *Janajati* movement, which until now has mainly been financed by internal resources.

The government of Nepal has launched so many programme with the support of Donor countries and International agencies. The main projects are:

A. Chepang Mainstreaming Programme

This programme is funded by ICCO, a Dutch INGO and SNV/Nepal. The project is focused towards the 'Chepang' community of Nepal which resides in the upper hill of central region of Nepal. It is a highly marginalized community among the *Janajati* groups. The main aim of this project is the upliftment of this community in social, economical and political area. This project is centralized in four districts with Chepang settlements: Chitwan, Dhading, Gurkha and Makwanpur. Nepal Chepang Association (1998) is a coordinating agency of this project. This project is working on seven components: Food security and income generation, Natural resources management, Education, Land and Citizenship, Promotion of Chepang culture and

language, Institution capacity building and Representation of Women (Gender). Three NGO's which are participating with this project are FORWARD, SEACOW, CDO, NCA.

B. Janajati Empowerment Project

JEP has been implemented by the National Federation of Indigenous Nationality with the support of Enabling State Programme (ESP)/DFID. This programme was initiated in 2004 for the three year time frame but it extended till December 2008. It is based on the principle that the development of *Janajati* is possible through larger participation of *Janajati* in decision making process. The strong institution of *Janajati* is an essential requirement of movement. This project is broadly working on four areas: Institutional strengthening, Awareness and Empowerment, Socio-economic empowerment of HMJs, Advocacy and Research. Number of activity of awareness generation has been initiated by this project like training for leadership development, publishing awareness generating material on *Janajati* and mobilizing *Janajati* activities against discrimination. (NEFIN, online)

C. Institutional Strengthening Programme

ISP has been initiated by the National Foundation for Development of Indigenous Nationality with the support of ESP/DRID in September 2005. The fundamental aim of this programme is to generate capability in NFDIN for the promotion of *Janajati* interest. Weak organization can not meet with the aspiration of the common mass. Multidimensional programme has been initiated under the term of this programme. The following activities have been planned under this programme: (Centre for Ethnic Studies and Development, 2007: 41)

- A. Conduct necessary training and workshops in formulating long term strategic action plan of the Foundation;
- B. Conduct capacity building training;
- C. Organize national and international exposure visits;
- D. Create Management Information System (MIS);
- E. Review Strategic Action Plan;

- F. Conduct national level interaction programmes to document and develop necessary mechanisms to monitor government initiatives on affirmative action/ reservation;
- G. Identification of Area of study and research;
- H. Undertake study and research on indigenous nationalities;
- I. Maintain data, geographical information system and prepare website covering overall situation of indigenous people of Nepal;
- J. Conserve and promote traditional knowledge, skills and cultures of the indigenous people.

D. Saamartha

This project focus on the empowerment of six highly marginalized indigenous groups. Programme has been initiated by NEFIN, Sahakarya, and Action Aid. The strategy of this programme is to mobilize the respective ethnic organization for the upliftment of these targeted indigenous groups. The six targeted groups are Santhal, Koch, Jhangar, Kisan, Majhi and Bote. The implementation of the project started only in May 2006, and during the short period of implementation some progress has also been made. According to the project management, the following tasks have been accomplished till the end of July 2006; (Centre for Ethnic Studies and Development, 2007: 43)

- A. Project staff recruited and a project office in Kathmandu and field offices in Biratnagar and Chitwan established.
- B. Project equipment procured.
- C. Project Advisory Committee formed and meetings held.
- D. Team building and planning workshop organized in 10- 11 July 2006.
- E. Baseline survey commissioned.

E. Social Inclusion Research Fund

This fund has been established by the Norwegian Embassy and the government of Nepal in 2005. The fund has been established to address the challenges and problem which were identified by the assessment team of 2003. The main objective of this fund is to make social research more relevant for the marginalized group. The research should have the capacity to give policy suggestion

for the upliftment of excluded groups. The fund provides four kinds of research grants: Research Project Fellowship, Research Apprenticeship for candidates of Disadvantaged Groups, Dissemination Grants and Capacity Building Grant. ([http://www.socialinclusion.org.np/index.index2.php?made=content\\$cid=12](http://www.socialinclusion.org.np/index.index2.php?made=content$cid=12))

F. Janajati Empowerment and Inclusion Project

NGO-Federation of Nepalese Indigenous Nationalities has been implementing this project from August 2006. The main objective of this project is to influence policy makers for better policy arrangement for the disadvantaged groups. The strengthening of the NGO-FONIN and the other member organizations and establishment of good governance are also part of their agenda. This newly implemented project has contributed significantly for the promotion of indigenous group agenda.

G. Other Important Programme

Capacity building on Advocacy Networking project has been implemented by the Kirant Yakthum Chumlung in 1998. It is an organization of Limbu community. This programme has been launched for the empowerment of the Limbu community in nine districts of Kosi and Mechi zones of East Nepal. This programme has been funded by Danish INGO. Advocacy for the Right of Indigenous People (2006) is a project which is working for the empowerment of targeted indigenous community, particularly Tamang, Danuwar, Sherpa, Bhujel, Pahari, Balami and Newar. This project has been funded by the Rural Community Development Society. National Indigenous Forum and Gagaj Community Cooperation Association are the partners. European Union is funding this project under the scheme of European Initiative for Democracy and Human Rights in Nepal. World Bank and ILO are also providing special small grants for the promotion of Indigenous community in the field of research and awareness generating programme. Empowerment and inclusion of the *Janajati* Women Project has been implemented by National Indigenous Women's Federation. It is funded by DANIDA/HUGOU for the period of twenty months. UNDP is also funding for some project like Decentralized Local Governance Support Programme and Decentralized Financing and Development Programme. Millennium Development Goals in Nepal are also triggered towards the elimination of poverty and hunger. MDG is helpful for the promotion of indigenous community.

Constituent Assembly and the Issues of Janajati Empowerment

Constituent Assembly Election of Nepal is a historic movement for the common masses of Nepal. This election was held in the historical background of People's Movement II. *Jan Andolan* first redefines the role of monarchy but *Jan Andolan* second give clear mandate to abolish monarchy and to establish democracy in the country. It also demanded the formation of constituent assembly to a draft new constitution of Nepal. The demand of constituent assembly is not new in Nepal. During the regime of King Mahendra, Democratic Front demanded the formation of a sovereign constituent assembly. (Samir Kumar Das, 2006: 18) Maoist raised the demand of constituent assembly after the formation of 1990 constitution. They raised the question on the legitimacy of the constitution of 1990. The autocratic role of Gyanendra has raised a wave of gratification and despise among the common masses. Therefore the common mass of Nepal stood up against the autocratic rule of King. It also gave clear message to political parties that Nepali common mass wants change in the country. Different marginalized groups of Nepal participated in the *Jan Andolan* second with the hope that new Nepal will bring equality and justice for them. *Janajati* groups also takes part in this historic movement. The former king of Nepal has restored the power of parliament under the constant pressure of common mass. In 12 point agreement SPA and Maoist express their commitment for CA election. The interim government of Nepal has decided to organize the historic event of constituent assembly election. The election of CA postponed two times (20 June, 2007 and 22 November 2007) but finally held on 10 April 2008.

Constituent Assembly Election was required in Nepal to restructure the Nation building according to the aspiration of the People's movement II to reach a decision on the future of monarchy to ensure democratic rule of law, to ensure proportional representation in all bodies of state, to institutionalize the people's sovereignty and to create an atmosphere for all the citizens to exercise equal rights. (Election Commission of Nepal, <http://www.election.gov.np/EN/voterinfo/what.php>) Election of CA was held for 601 member constituent assembly. The election of the member was conducted on the mixed electoral system. 335 members will be elected through proportional representation and 290 will be elected through First Past the Post system. 26

members will be appointed by the cabinet after the election. (Nepal Election Portal, <http://www.nepalelectionportal.org/EN/constituent-assembly>).

Constituent Assembly election was an important event for the *Janajati* Movement because the agendas of republic, secularism, proportional representation, self-determination and most important federalism were broadly discussed all over the country. *Janajati* community is in support of Republic and the abolition of Monarchy. All the political parties expressed their determination to exclude monarchy and to establish equitable social and political structure. The Nepali Congress mentioned in their election manifesto that they are committed to democracy, republic and the abolition of Monarchy. According to election manifesto of Nepali Congress, “ *The 2005 Mahashamiti meeting of NC and NC-(Democratic) abandoned the 60-year old policy of constitutional monarchy as the main objective of the party and took an epoch making decision to redefine the party’s goal to create an inclusive form of democracy with sovereignty vested fully on people. An end of to autocratic monarchy, establishment of full democracy and formation of the CA for the promulgation of the new constitution and restructuring of the state became nationally accepted alternatives..... NC has reached the conclusion that monarchy has lost its relevance and justification in contemporary Nepali politics. Now is, therefore, the time for Nepali citizen to take their nation’s destiny upon their own hands*”. (Election Manifesto of Nepali Congress, 2008). They further stated that, “We recognize the peaceful struggle of different communities, including Madhesis, Indigenous/*Janajatis*, Women, Dalit, Muslims, people of backward and remote areas, the disabled, the landless (Kamaiyas), for recognition of their identity and their rights as important steps in making our democracy more vigorous and result- oriented. (Election Manifesto of NC, 2008:2)

The Communist Party of Nepal- Unified Marxist Leninist has also made commitment for inclusive, republication and democratic Nepal. CPN-UML has proposed the following proposal for the restructuring of the state and making the process of socio- economic transformation more effective. (Election Manifesto of CPN- UML, 2008: 8)

- a. End of monarchy, establishment of federal democratic republic, and progressive restructuring of the State.

- b. Establishment of inclusive democracy based on the principle of plurality with guarantee of economic and social rights.
- c. Establishment of equitable State system and structures by ending all forms of economic exploitations.
- d. Ending all form of social oppressions and discriminations on grounds of gender, caste, ethnicity, regionalism, language and religion.
- e. Formation of a national government, where possible, bringing together those parties in the CA that are firmly in favour of progressive development of Nepali state and society.
- f. Development of a socialism- oriented national economy involving the public, cooperative and private sectors.

Communist Party of Nepal- UML has also included the issue of rights for Indigenous Nationality, radical land reform and cultural protection and promotion of *Janajati* identity. According to the Manifesto (2008: 15), *“Indigenous Nationalities will have the right to self- determination to ensure their political rights and their economic, social and cultural development as per the UN Declaration on the Rights of Indigenous Peoples and ILO Convention 169. It will be the responsibility of the State to protect the language, culture and tradition of marginalized communities as well as those on the verge of extinction.”*

Communist Party of Nepal (Maoist) have a clear agenda for Nepal. They do not want any compromise with Monarchy. On 5 October 2007, they raised the demand to declare Nepal a republic before the election of constitution assembly. Political critics had noticed this development as a strategy of vote politics. But Seven Party Alliance had agreed that Nepal will be declared Republic in the first setting of CA. Maoist also included the demand of marginalized community in their election manifesto. They show their firm determination for federalism on the basis of ethnicity, proportional representation for the oppressed classes, restructuring of the Administration and ensuring peoples participation in building constitution. The Maoists are committed to replace the feudal structure by full democratic system based on equal participation. In fact all the major political parties were agreed on the agenda of restructuring Nepal. But few royalist parties

were also expressing their faith for monarchy. President of Rastriya Prajatantra Party, Kamal Thapa said, "The fate of the monarchy should be decided through a referendum and not by the first meeting of the constituent assembly."

After the declaration of constituent assembly election results, Communist Party of Nepal emerged as the largest party of the nation. They secured 220 seats out of 575 member constituent assembly. Maoists won 120 seats in FPTTS and 100 seats in PR system. However, the Nepali Congress got victory over 37 seats and 73 seats in FPTTS and PR respectively. CPN (UML) won 100 seats in the constituent Assembly election. The one important aspect of the election result was the demise of the credibility of old political parties among the common people. In fact the victory of Maoists in the election was an unexpected development for most of the people because Nepali media has projected Nepali Congress as winning party. Nepali Congress and other forces have blamed that the Maoist applied fear tactics to win the election. According to Karak Mani Dixit (The Hindu, 14 April, 2008), "*there was countrywide deployment of the threat and intimidation during the run up to the elections, which demoralized competing party activists and civil servants alike..... A major reason for the win seems to be voters' desire to keep Maoist from returning to the 'people's war' and suffering attendant miseries.*" While the other segments of intellectual have the assumption that it was the result of Maoist people-oriented policies and the desire of change among the common masses. Siddharth Vardarajan (The Hindu, 16 April, 2008) writes in supports this idea, "*The NC and the UML represented the Nepali 'mainstream' into which the Maoist were being brought. In reality, years of compromise with the monarchy had destroyed the credibility of these two parties and subterranean balance of forces inside Nepal had already tilted in favour of Maoists.*" In fact, the truth lies between these two assumptions. The Maoists has contributed a lot for the establishment of the republic and the abolition of Monarchy. They used more inclusive candidature structure for CA election. They included *Janajati*, dalit, women and other marginalized communities as a candidate, While the other party launched their traditional faces which was rejected by the common mass. The Nepali people do not want monarchy any more.

Another historical moment came in the history of the Nepali politics when Nepal declared as a federal democratic state by the first setting of the Constituent Assembly. The proposal approved by the Seven Party Alliance was presented by the Home Minister, Krishan Prasad Sitaula on 28 May, 2008. The proposal tabled on the constituent assembly, "*Nepal has now turned into an independent, secular, inclusive, federal democratic republic with sovereignty and state authority entrusted in Nepali people.*" This proposal was supported by the 560 members of the constituent assembly and 4 members casted their vote against the proposal. (The Hindu, 30 May). The demise of 240 year monarchy was a significant event because it was the symbolic demise of the concept of 'Hinduisation'. Royalist forces marched against the proposal because they thought that the integration of Nepal is not possible without the institution of monarchy. *Janajati* organization welcomed the decision to end the institution of monarchy. It considered them the institution of exploitation. Krishan Khanal has said in an interview with NEP (Nepal Election Portal) that, "with the abolition of monarchy the existing feudal attitude of society will slowly disappear and the marginalized and powerless will be able to participate in governance without fear. This will certainly help the democratization process even at the grass root level. (Krishan Khanal, <http://www.nepalelectionportal.org/EN/interaction/details.php?id=80>)

Janajatis in the CA Election

Constituent Assembly Election was a magnificent platform for the *Janajati* community to secure their representation in the formation and the recreation of the Nepali State. This Constituent Assembly has given space to different sections of the marginalized community to secure their representation. A large number of *Janajati* candidates get elected for the Constituent Assembly from different parties. 81 candidates of the *Janajati* community has been elected through First Past the Post system, while 124 *Janajati* members have been elected under the proportional representation system. The majority of the candidates who won under FPTP were elected from the Maoist party. 12 candidates have won from CPN- UML and 4 members have been elected from MJF. Interestingly only 10 candidates have secured their place in CA from Nepali Congress. It is first time in the history of Nepal that the *Janajati* community has secured a relatively better representation in the decision making process. In a way it is a victory of the *Janajati* movement that

was achieved through a constant struggle. The president of NEFIN, Prasng Sherpa stated that, the representation in the Constituent Assembly is not only sufficient for the *Janajati* movement. It is required that *Janajati* MPs raise firmly their voice in favour of their interest. The creation of the new constitution will not be an easy task for the constituent assembly because of their diverse interest groups. *Janajati* MPs should have a clear cut vision for their issues and agendas.

***Janajati* Candidates in Constituent Assembly 2008**

Caste	Population %	Constituent Assembly 2008
Magar	7.17	13
Tharu/ Chaudhari	6.75	14
Tamang	5.64	8
Newar	5.48	14
Rai	2.79	8
Gurung	2.39	11
Limbu	1.58	7
Sherpa/Lama	0.68	-
Rajbansi	0.42	2
Sunuwar	0.42	-
Danuwar	0.23	1
Thakali	0.06	1
Dhimal	0.09	1
Ganagain	0.14	1

Source: <http://www.nepalitimes.com.unp/issue/397/CAElection> (200nation/14730)

Janajati community has secured 34 per cent representation in the Constituent Assembly. But there are twenty *Janajati* groups which have not secured single member representation in the Constituent Assembly. According to NEFIN, twenty groups are still away from the representation. These groups are; Kusunda, Bankariya, Raute, Surel, Hayn, Rajhi, Kuswadiya, Shingsha, Thudam, Bote, Bhote, Darai, Tajpuriya, Santhal, Fri, Larke, Chhairatan, Tingoule Thakali, Kisan, Lohpa. Pasang Shepre, the president of NEFIN said that the parties have

decided to share the 26 remaining seats in the CA among themselves by clearly disregarding the agreement reached with them on August 7, 2007. (Press release of NEFIN on 16 May, 2008)

Thus it can be concluded that *Janajati* movement has entered in a new phase after the *Jan Andolan II*. It is now institutionally more strong and active to generate awareness among *Janajati* community. The Indigenous Peoples Organizations (IPOs) are a perfect platform for the generation of collective identity. The government of Nepal has taken some positive steps to deal with the aspirations of the *Janajati* community. But all the efforts are not effective due to these two reasons: first, lack of research; second, inefficiency of administration in implementing welfare policies. In fact effective implementation is not possible without the proper representation of the *Janajati* community in administration. The role of International Donor and INGOs are significant in the development of the *Janajati* community. However, the constituent assembly has developed a new sense of confidence in *Janajati* community.

Conclusion

Conclusion

Identity politics has affected the nation-building process of both the developed and the developing countries. But the situation becomes more challenging in developing societies like Nepal. In Nepal, the problem of identity clash is deeply rooted in the long legacy of historical discrimination against the under-privileged and the unequal social order. *Janajati* community is one of the deprived sections in the Nepali society. In post 1990 period, they started to fight for their interests and demanded equal participation in decision making bodies. It becomes a challenge before the state to accommodate the demands of this community keeping the inclusive nation-building strategy as the motto. Therefore, this study begins to test three fundamental hypotheses. First, the discriminatory social, economical and political policies of the state lead to more *Janajati* assertion. Second, in mass based political context, identity politics becomes more pronounced. Third, identity based politics makes the job of constitution formation more complex. It was quite interesting and relevant to test these hypotheses in the constantly changing political scenario of Nepal. This study analyzes the nature of Nepali politics in historical context and highlights the different angles of Nepali politics in context of the *Janajati* identity assertion. It broadly examines the condition of *Janajati* community in Nepal and the state's policies regarding the upliftment of the *Janajati* community.

The population of Nepal is diverse in terms of religion, caste and culture. It includes different socio-cultural groups which are politically active to protect their interests. The main components of Nepali society are the high caste Hindu groups, the dalits, the madhesis and the *adivasi Janajatis*. This study mainly focuses on the *Janajati* community, which is also diverse in socio-economic terms. The government of Nepal has identified fifty-nine *Janajati* groups in the country. These diverse *Janajati* groups developed a common identity on the basis of their opposition to the dominance of high caste Hindu groups in Nepali society. The main demand of this group is related to protection of their distinct cultural identity, the formation of a secular state and its equal participation in governance.

The fundamental characteristic of the Nepali state was the over centralization of power in only one group of the society. The dominance of high caste Hindu groups

in all spheres of the state has contributed to the emergence of identity based politics in Nepal. Different sections of the society find themselves deprived from their basic rights. This process of discrimination started with the unification of Nepal in 1769. It continued till the second *jan andolan* of 2006. King Prithvi Narayan Shah unified Nepal as a Hindu state in 1769 and laid the foundation of a homogeneous state on the basis of the domination of Hindu culture. This policy of unification hurt the sentiments of other cultural identity groups including the *Janajatis*. In fact the *Janajati* movement is not against the Hindu religion but it is against the concept of 'Bahunbad'. In a diversified society like Nepal, the authoritarian and exclusion based system can not work properly. The domination of one caste group in every field of life causes frustration among the common masses of Nepal including the *Janajati* groups.

Muluki Ain, the first legal code of Nepal promulgated in 1854 tried to merge *Janajati* identity into a broader Hindu identity. It was also an attempt to develop a homogenous society without taking into consideration the *Janajati* cultural identity. Monarchy, the symbol of Hindu identity, also played an important role in the creation of an unequal society based on the privileges of one caste group. King Mahendra, who laid the foundation of absolute monarchy, introduced a partyless panchayat system, which banned all the political activity and prohibited any action against the monarchy. It was based on the slogan, "One language, one form of dress, one country." During this period, the *Janajati* community was not able to raise their demands due to the closed political system. Therefore the *Janajati* community actively participated in the movement of 1990 which was clearly geared to end the system of absolute monarchy. This movement has raised the public debate on the issues of homogenizing form of nationalism and the phenomenon of unequal power relations in the Nepalese society.

The constitution of 1990 redefined Nepal as a multi-ethnic, multi-cultural and multi-lingual state. But, the *Janajati* community was dissatisfied with the constitution because it protected the status of the Hindu state and maintained the position of Nepali language as a national language. In a way, it was the betrayal of the spirit of the people movement. The constitution provided some benefits to the *Janajati* community but it maintained the supremacy of one religion over other religions. Furthermore, the *Janajati* groups were still on the periphery and they continued to

assert for their basic rights. They also lost their faith on the mainstream political parties because the parties like Nepali Congress and UML failed to deal properly with the issue of *Janajati* rights. These parties were more concerned about their political rather about the issues of marginalized communities. The failure of the political parties in mobilizing the *Janajati* community contributed to another important development. The *Janajati* groups came closer to the Maoist movement. The Maoist movement has raised the demands of this community more firmly and has included them in its 40 points demands. The Maoists established an ethnic liberation front. Although the Maoists have played an important role in the *Janajati* movement but the *Janajati* leaders expressed their doubts on the intentions of the Maoists. They themselves are now in the political forefront. It is therefore a challenge before Maoists to handle the demands of the *Janajati* groups.

Janajati movement has become more pronounced in the changed political context. The *Janajatis* actively participated in *jan andolan* II, which forced the monarchy to give up its traditional right in favour of an inclusive democratic nation. The abolition of monarchy and the creation of a democratic state is a big achievement for the *Janajati* movement. But the fundamental question still remains: How the Nepali government will transfer this symbolic victory into real and practical victory? How the government will ensure the equal participation of the *Janajati* community in every sphere of life? All these and so many other questions require attention in the present context.

This study is based on the assumption that the discriminatory social, economic and political policies of the state will lead to more *Janajati* assertion. This assumption seems relevant in a society which is based on a hierarchical social order that tries to create a homogenous society. *Janajati* community of Nepal has faced the discriminatory policies of the state. The major concern was the culture identity of *Janajati* groups which was suppressed by the state in the name of Hinduism. The first legal code of 1854 had banned several practices which were concerned to the *Janajati* community. The superior legal status of Hindu religion and the discriminatory policies of Hindu monarchical state against the native languages contributed to *Janajati* assertion. The exclusion of *Janajati* community in administration and other high rank services blocked the possibility of their development. The government of

Nepal followed different policies before and after 1990 that reinforced the frustration of the *Janajati* community. The *Janajati* community of Nepal wants its development with the protection of its cultural identity. They do not want to merge their distinct identity with Hindu identity. On the other side, the high caste Hindu groups are not ready to give equal share to those who claim themselves distinct from the Hindu fold. They do not want to accept the concept of cultural diversification and equal status.

In the post-1990 period, the *Janajati* community is aware of its rights and does not want to make any compromise with the state. The institutionalization of *Janajati* organization has strengthened the movement. 'National Federation of Indigenous Nationality' is generating massive awareness in the *Janajati* community. It is focused to enforce and influence the policies of the government. Therefore, we can argue that in a mass based political context, identity politics becomes more pronounced. The emergence of democracy in Nepal is the result of mass based politics and identity politics has contributed to it. In the earlier phase, politics was centralized to deal primarily with the issues concerning the feudal classes. But now the concern of politics has shifted towards the issues of common man due to the awareness of the common mass. The government can not ignore the basic demands of the masses. On the other hand, different social groups of Nepal want to secure maximum privileges for themselves. However, the dominant classes of Nepali society do not want to sacrifice their special privileges. Therefore it is most likely that identity based politics would become more pronounced and militant in the near future.

Recently, the constituent assembly election was held in Nepal. The main issue was the declaration of Nepal as a secular state and the assurance of proportional representation. The issue of federalism was also put towards. The *Janajatis* of Nepal clearly extended their support for the secular and federal state on the basis of self-determination. The royalist party projected the demise of the Monarchy as a national disaster. They argued that the conversion of Nepal into a secular and republican state would lead to the disintegration of the nation. In absence of monarchy, the Nepali society could not survive, they said. It is interesting to question, why and how the concept of secularism and republicanism would lead to disintegration. The concept of secularism does not provide grounds to other communities to destroy Hindu religion.

It legally facilitates the opportunity to other social groups to protect their distinct culture and religion. In the same way, the concept of a republic state assures the rights of citizens across the regional divisions. Therefore, we can argue that the declaration of Nepal as a secular and republic an state will lead to an inclusive system of governance.

The government of Nepal partially incorporated the demand of proportional representation in the election of the constituent assembly. The Constituent Assembly will draft a constitution for the newly born democratic state of Nepal. Different interest groups will participate in the formation of the new constitution. It is for the first time when *Janajati* candidates got the opportunity to decide about their own matters in the constituent assembly. But there are still twenty groups which have not secured a single seat in Constituent Assembly. It is an urgent need that all the *Janajati* representatives should come together on the issues of their interest across the party line.

The mainstream political parties of Nepal have contributed a lot in the generation of awareness in common mass of Nepal. All the political parties have incorporated the demands of the *Janajati* community in their election manifestoes. But these political parties had never showed their political will to incorporate the aspiration of *Janajatis* while making policies. There is no proper representation of the *Janajatis* in these parties at the level of leadership. These political parties are busy in the power sharing game. Therefore the common mass of Nepal has rejected these parties in the Constituent Assembly elections. In fact, no single party got successful in securing majority in the Constituent Assembly. The Maoist party emerged as a big political force due to its orientation towards the issues of marginalized groups. But the opposition political parties claimed that the Maoist achieved this victory by using fear tactics. In fact, this claim can not be denied but the reality is more complex which is not within the preview of this study.

All the political parties are involved in the process of formation a new government. Unfortunately, the political parties of the Nepal do not want to give up their traditional culture of irresponsible behavior. In the process they have wasted three important months of the Constituent Assembly yet the formation of a new

government is not in sight. We may argue that the coming days for the Constituent Assembly will become more difficult. The Constituent Assembly it may be noted has very limited time to decide on various points of the new constitution. Every thing is unsettled and debatable in Nepal at present.

To conclude we can say that, the experiment of democracy in Nepal is new and it will take time to strengthen its roots in Nepali society. Therefore we can not assume that identity politics in Nepal has run its course. It will become more pronounced in the democratic atmosphere that Nepal is now exposed to and it will also contribute to the strengthening of democracy. It may be underlined that the *Janajati* movement has significantly contributed to the process of democratization. In coming years, the *Janajati* groups will get more opportunities to contribute to the nation-building process and the common masses of Nepal will not allow any particular group to play with their sentiments.

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