

**RISE OF DALIT CONSCIOUSNESS IN NEPAL AND ITS
POLITICAL IMPLICATIONS**

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DEEPMALA



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DECLARATION

I declare that the thesis entitled “RISE OF DALIT CONSCIOUSNESS IN NEPAL AND ITS POLITICAL IMPLICATIONS” submitted by me for the award of the degree of **DOCTOR OF PHILOSOPHY** of Jawaharlal Nehru University, is my own work. The thesis has not been submitted for any other degree of this University or any other university.

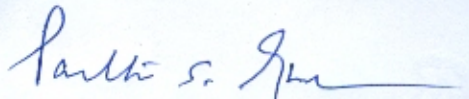

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CERTIFICATE

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


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Chapter: One

Introduction

Over the few decades, Nepal has been going through a phase of tremendous social and political transformation. Like any other society, Nepal is also changing according to the development of national and international scenarios. Earlier it was an autocratic monarchical state, until the first democratic intervention of 1951 to uproot the oligarchic rule of the Rana regime. The democratic movement was the first attempt to establish a democratic rule in the country. But in 1960, King Mahendra ruined the opportunity by imposing the partyless panchayat regime in the country. The system of governance adopted by the king was clearly against the ethos of the democracy. All political and social activity of the political parties was suspended during the whole regime. The system continued in the country since the restoration of democracy in 1990. The second democratic movement happened in April 1990, which was strongly supported by the larger population of the country. The second era of democracy stayed since long in the country. Many productive changes came in the second tenure of the democracy like the 1990 constitution and the parliamentary election. Another important event happened in 1996, which initiated a different kind of transformation in the society. The Maoists started their arms struggle in support of their demand of 'people's democracy'. In 2006, the people of Nepal and all major political parties including the Maoists started a historic movement against the autocratic monarchical rule. The vision of the movement was clear to establish secular, republican and democratic rule in the country. This movement was the sign of the growing consciousness among the civil society of the country.

The fundamental question revolves around the need of the transformation in the society and politics of the country. What was the shortcoming of the previous political system that aggravated a social and political movement in the country? The answer of the query is deeply rooted in the historical and political development of the country. There were various reasons, which produced the requirement of change in the socio-political structure of the country. One of the major problems was the ethics or the principles of the nation's integration. It is well known that Nepali society is very diverse and pluralist in

nature and therefore it was required that the process of national integration should recognize this diversity. In case of Nepal, monarchy and religion played a significant role in articulation of the theory of the national integration. In pre unification era, monarchy established religion as a tool of national integration. They wanted to develop a monolithic and unitary state to manage the diversity of the country. This was also the menace to protect the sovereignty of the country. King Prithvi Naryan Shah has shown his concern for the diversity by declaring Nepal as a “*garden of four varnas and thirty-six jats*”. But on the other side, he smashed the idea of diversity by declaring the ‘Asli Hindustan’ as the core value of nation integration. King after Prathvi Narayan Shah adopted this as a fundamental principle of unification of the State. They never consider the need to protect the diversity of the state. The process of “*Hinduization*” became more proliferated in the post unification era, which accelerated the tendency of social and political exclusion in Nepal. The tendency of assembling different identity intensified, when Jang Bahadur Rana declared the civil code of 1853. The code was based on the values of the Hindu religion, which attempted to unify society in a hierarchical model, without considering the different values of the social groups. The code of 1853 fixed the rights of the social groups according to their social status in the hierarchy of caste. This classification of society was clearly triggered to impose restriction on some caste groups in the society. Interestingly, the code incorporated the identity of Janajaties in the four fold model, which has their own social identity and norms. The code also imposed serious constraint on the Dalit community of Nepal, which was declared as untouchable in the society. The legal code of 1863 tried to resolve the problem in theory by declaring caste system illegal but in practice it is still influencing Nepali society.

Another important reason of the growing dissatisfaction was the over domination of caste group (hill bahun and chatteris) in every sphere of life. Beside, the process of Hinduization, spread of *Parbhtization*, created an acute atmosphere of social exclusion in Nepali society. The hegemony of hill centric Bahun and Chatteries in administrative, politics, government services and economic field have generated a new pattern of social discrimination, which was based on religion, caste, ethnicity, region and gender. Non-Hindu population, Dalits, Janajaties, Madhesis and Women are considered as disadvantaged groups in the society. The reformed civil code of 1863, initiated some

positive steps but all went futile because of the deeply rooted feudalistic ethos in the society. The ruling class of the country did not show any concern for the marginalized section of the society. The continuing political turmoil and social exclusion in the society were the prime reason of growing trend of transformation in the society. The democratic movement of the 1990 was the result of the mounting disappointment in the larger section of the society.

The post 1990 politics in Nepal has shown three emergent trends. First, the declaration of multiparty democracy in the country. Second, the emergency of identity politics in terms of social justice movement and Third, the rising hope of thousands of people in new system for social and political justice. This question was primarily at the centre stage that what will be the nature and structure of the newly establish system? Whether it will be inclusive in nature and it will follow the previous values. The growing hope of the marginalized groups has produced serious challenges before the multi-party system. The post 1990 period was quite fertile for the emergence of the identity politics in Nepal. It provided space to different identity groups to raise their voice in support of their legitimate demands. Before the establishment of democratic rule, it was quite impossible for the marginalized groups to elevate their concern. But the post 1990 period provided open space for democratic social movement. It was the effect of the growing aspiration of the marginalized community that the 1990 constitution of Nepal declared the people of the country sovereign instead of the monarch. But unfortunately, the process of democratization got obstructed because of the growing tendency of political factionalism. In course of 10 year of democratic rule, 14 different governments came in power. The trend of factionalism exceeded to the extent that created negative implications for the democratic institution of Nepal.

The emergence of the Maoist movement in the post 1990 period also aggravated the consciousness of the marginalized community. The movement started in 1996 with the slogan of social transformation and eradication of the feudal structure of the country. The goal of the movement was to challenge the historical relation of the oppression. The government of Nepal termed the movement as an 'insurgency' and deployed armed forces to stifle the movement. The movement got momentum when the government

refused to accept their 40 points demands. The 40 point demand was basically a socio-political agenda for social transformation. The movement gripped the wide range of rural area and sentiments of thousands of marginalized people. Many scholars claims that the real agenda of the Maoist was not the social and political reform. They were only trying to utilize the sentiments of the marginalized groups (Dalits, Janajaties, Madhesis and Women) for their hidden agenda of totalitarian government in Nepal. On contrary, the recent development shows that the strategies of the Maoists are changing according to the socio-political development of Nepal. After Jana Andolan II, Maoist joined the mainstream politics, which is the positive sign for the Nepali politics. It will be interesting to analyze that how they will entertain the aspiration of the marginalized community.

This study is focused to analyze the causes of growing consciousness of the Dalit community of Nepal, which is the most politically excluded, socially denied and economically deprived group in Nepal. According to the National Census Report, Dalits constitute around 12.8 percent of the total population (Dalit activist claims 20 per cent). The Dalit Civil Society Organization claims that the “development indicators of Dalit community are far below than the national average. 42% Dalits (national average is 25%) are below poverty line, life expectancy for Dalits is 50.8 years (national average is 59 years), literacy rate in the Dalit community is 33.8% (national average is 54%), representation as commission officer in civil service is less than 1%, nearly nil in judiciary and other state mechanism. 23% of hill Dalits and 44% of Terai Dalits are landless. Dalits are still subjected to exploitative labour practices such as Haliya/Haruwa, Charuwa and, Balighare.

Despite the commitment of state to abolish such practices, many Dalits remain trapped in bonded labour relationships. Those who oppose discriminatory practices face the risk of being ostracized or boycotted or becoming victims of violence.” The pathetic condition of the Dalits in the Nepali society is the result of the practice of caste based discrimination approved by the religious texts of the Hindus. The constant development in the country towards a democratic system also influenced the Dalit community of

Nepal. Therefore, the Dalit identity emerged with other social identity in post 1990 period with their genuine demands of human dignity and legal socio-political rights.

In fact, Dalit movement in Nepal is a recent phenomenon but the philosophical legacy can be traced from the fifth and sixth century. The organized movement emerged in 1940 with the establishment of first Dalit organization by Sarbjit Biswakarma in 1947. Several other organizations came into existence during the period but the movement got momentum after 1990 Jana Andolan. In present time, hundreds of Dalit organizations are working for the aspirations of Dalits. Major political parties introduced Dalits' wings in their party and International Organizations are giving special attention on the issue of Dalits and therefore the subject of Dalit identity became important today. There are various dimensions of the subject, which make the study interesting from the point of view of constant social and political changes in Nepal. The growing Dalit consciousness and the restoration of Democracy have initiated a paradigm shift in Nepali politics. Different social groups (Madhesi, Janajati and Women) including Dalits are now actively asserting for their rights. There are lots of differences among them but they are fighting for one common goal that is, restructuring of political, social and economic structure of the state. Therefore as a part of broader inclusive democratic movement, the subject of Dalit consciousness become important. It will also fascinating to underline the role of political parties, governmental and non governmental organization in changed context of republican democracy. The direction and dedication of the Dalit leadership toward the movement is another important angle in the study. The proposed study intends to understand the dynamics of Dalit resurgence in Nepal in its socio-politico context and analyze the potential of the movement in Nepali republican future.

Theoretical Concepts:

Theoretical understanding is essential for the better analysis of any subject. It is an analytical tool for understanding, evaluating and envisage any subject. While dealing with the subject of 'Dalit Consciousness and Its Political Implications for Nepali Politics' various concepts intervene in the understanding of the subject. The subject could not be understand appropriately without knowing the concept of 'Consciousness' and further more specifically the 'Dalit Consciousness'. There are several queries emerges during the

study of the subject. Like, what is consciousness and how it emerges? What is Dalit Consciousness and how it relate with the concept of 'social justice' and 'democracy'? Therefore it is quite mandatory to analyze various theories which are essential for the better understanding of the issue.

Consciousness:

The history of the human development is primarily the result of the human consciousness. The element of consciousness plays an important role in defining the identity of an individual and a progress of a society. The maturity of human consciousness plays a decisive role in the growth of an individual and society. Human Consciousness is the main factor which separates the human being from the animal. The origin of the term 'Consciousness' originally derived from Latin word '*con* (with) and *scire* (to know). Thus, etymological meaning of the term underlines the ability of an individual to know and perceive. (Gennaro, 2011) The term consciousness has been discussed in various streams of social sciences like psychology, philosophy, political science and sociology. The psychology deals with the basic question that what is the source of the human consciousnesses, while the philosophy tries to solve the mystery of its interrelation with matter.

The famous British philosopher John Locke defined consciousness as "*the perception of what passes in a man's own mind*". (Wikipedia, 2011) According to 'Collins Internet Linked Dictionary of Sociology' defines consciousness as "*the part of the human mind that is aware of person's self, environment and mental activity. The consciousness mind contains memories, current experience and thought which are available to awareness.*" Max Velmans and Susan Schneider defines consciousness in The Blackwell Companion to Consciousness as "*Anything that we are aware of at a given moment forms part of our consciousness, making conscious experience at once the most familiar and most mysterious aspect of our lives.*" (Wikipedia, 2011) According to the famous Indian social reformer Swami Dayanand Saraswati, "*To define consciousness, we can use another word-awareness. Consciousness means you are conscious of something; it is opposed to inerties or non-awareness. Consciousness, therefore, can be defined as what is manifest in all forms of perception, in all forms of knowing*" (Saraswati, 2011:1)

The consciousness is a state of human mind which is aware of the actions going around in the society. In social arena, consciousness can be manifest in different form like individual consciousness, social consciousness, class consciousness, gender consciousness etc. The human being is a social animal therefore they are compulsorily indulged various social actions and dialogue, which generated different forms of consciousness in human being. This consciousness also helps to develop certain identity of the individual which further transform according to their social interaction. Different identity movement emerging in various part of the world is the result of the growing consciousness among the different marginalized groups. Dalit identity emerged as one of the prominent identity in present time, which is also the outcome of the growing consciousness.

Dalit Identity/ Consciousness:

Dalit consciousness is one of the aspects of social consciousness. The Dalit community is located at the bottom of the Hindu society and therefore they are treated as animal since long from history. Vivek Kumar tries to find out the emerging point of Dalit consciousness. Accordingly, the structural location of the Dalits in the society and their social exclusion, results in construction of unique consciousness of Dalit. (Kumar, 2009:2-3). According to the assumption of Dr. Vivek Kumar, Dalit consciousness emerged from inside the Dalit psychology, which is highly influenced by the social and political behavior of the society towards Dalits. Further, Oommen defines Dalit consciousness, “If proletarian consciousness is essentially rooted in material deprivation...Dalit consciousness is a complex and compound consciousness which encapsulates deprivations stemming from inhuman conditions of material existence, powerless and ideological hegemony”. (Kumar, 2009:3). Laura Brueck also supports the same argument. Accordingly, ‘Dalit consciousness as an experiential and political perspective made up of the first hand knowledge of caste-based oppression and atrocity, along with the political goal of a liberating, awaking that results from the exposure of this atrocity as central to the maintenance of caste hierarchy.’ (Brueck, 2010:14) In general sense, Dalit consciousness is the realization of oppression faced by the community by the high caste social groups. The marginalization and exclusion of the Dalits in society were

uniquely expressed in form of Dalit consciousness, which lead ahead in direction of identity formation as Dalit.

The term identity is originally taken from Latin word 'Idem'. It means sameness and continuity. In psychology it reflects in Sigmund Freud's '*theory of identification*'. While, the concept of identity in political science emerged with the liberal and individualist paradigm of David Hume and John Locke. 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 recent time, 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 it is reflected in various forms. Dalit identity is also a part of broader 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. (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. (Kumar, 1997:5) Amartya Sen 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.*" (Sen, 2006:271). 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 relative priority to give different identities.*" He further explains that every 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 argument of Amartya Sen is quite interesting for the interpretation of different identity of a human being in society. A Dalit posses a different identity as a 'citizen' of the country but it drastically changes when he entre in social arena. In changed political context, the 'reason' forced him to

adopt the identity of the Dalit because it will help them to transform their status in the society.

Concept of Caste System and Discrimination:

The term 'caste' derives from the Portuguese word *casta*, but whether this was originally simply a general term for class or category, or more specifically associated with conceptions of cleanliness and purity, remain unclear. Caste can be seen as an institution that has been structuring and maintaining for centuries relations of power among different communities, and seeks to legitimize these power relation through systematically dispensing mixes of economic and cultural assets/opportunities and deprivations to different communities (UNECEF, 2007:1). According to Collins dictionary of Sociology, "a form of social stratification which involves a system of hierarchically ranked, closed, endogamous strata, the membership of which is ascribed, and between which contact is restricted and mobility theoretically impossible....In Hindu India, caste principle is religious: caste are ranked in accordance with the degree of 'ritual purity' ascribed to members and their activities. Historically, the most developed form, and some would argue the only true form, of caste stratification has occurred in India in association with Hinduism....The caste system, therefore appears to have developed out of patterns of military, political and social subordination, occupational specialization and ethnic anti path is involving ritual and taboo barrier to contact.". (Collins dictionary of Sociology, 2006:59)

The untouchability and caste based discrimination is the integral part of the Hindu religion. The 'varnasharam' system of the Hindu religion is a tool to maintain the status quo in favour of Brahmanism and to keep other at the disadvantaged place. The caste system's fundamental characteristic of fixed civil, cultural, religious and economic rights for each caste by birth, with restrictions for change implies forced exclusion of one caste from the rights of castes. Exclusion in economic spheres such as occupation, education and labor employment is therefore, internal to the system, and a necessary outcome of its underlying principles. (Ingle: 2010) Robert E Frykenberg further defines that the term (varnasharam) described a single and ordered, albeit highly stratified, hierarchical system that genetically accounted for inherent differences within all forms of life. It was an

intellectual rationale for explaining inherently different properties (colors:varnas), or inequalities. This system of arranging and ranking different birth communities eventually became so dominant, so deeply entrenched, and so pervasive that no force has ever been able to break it. It became so dominant, philosophically and politically, that its rationale and its epistemology came to be regarded as virtually synonymous with Cosmic Law (dharma) (Frykenberg, 2009:7). The Hindu social order primarily discarded the principle of equality of all social groups. The hierarchical status and further the division of socio-political rights on the basis of caste status make the system highly exclusionary in nature. Dr. Ambedkar aptly underlined the following characteristic as the fundamental features of the caste system: (Kumar, 2011:37)

- Hierarchy
- Lack of Social Efficiency
- Social Immobility
- Responsible for disruptive tendencies
- Excommunication
- Endogamy
- Anti Social Sprit

The above mention characteristic of caste system clearly manifests its exclusionary nature. The caste system systematically divides the society on the basis of caste and it further distributes the rights of individual on the basis of their location in caste hierarchy.

Concept of Social Exclusion:

The concept of social exclusion indicates the exclusion of an individual or social group in the society on the basis of caste, religion, gender or ethnicity. The basis of the exclusion can differ from one social setup to another. It may be possible that a social group is excluded on multiple bases. The women of the Dalit community face thrice exclusion on the basis of the gender, caste and their poor class status. The concept of the social exclusion is well defined by various thinkers. According to Sukhadeo Thorat, “social exclusion is the denial of the equal opportunities imposed by certain groups of society up on others which leads to inability of an individual to participate in the basic political,

social functioning of the society. (Thorat, 2009:1). Two defining characteristics of exclusion are particularly relevant, namely, the deprivation caused through exclusion (or denial of equal opportunity) in multiple spheres- showing its multidimensionality. Second feature is that, it is embedded in the societal relations and societal institutions- the process through which individuals or groups are wholly or partially excluded from participation in the society in which they live. (Hann, 1997:51) Silver and Miller defines social exclusion as (1) multidimensional or socioeconomic, and encompasses collective as well as individual resources, (2) is dynamic or processual, along a trajectory between full integration and multiple exclusion, (3) is relational in that exclusion entails social distance or isolation, rejection, humiliation, lack of social support networks, and denial of participation, (4) is active in that there is a clear cut agency doing the excluding, and (5) is relative to context. Disrespect, discrimination, and degradation are as much at work as monetary poverty and physical needs. (Hilary and Miller, 2003:8)

Social exclusion has a sizable impact on an individual's access to equal opportunity. Amartya Sen draws attention to various meanings and dimensions of the concept. Distinctions are drawn between the situation where some people are being kept out (at least left out), and where some people are being included (may even be forced to be included)-in deeply unfavorable terms, and described the two situations as "unfavorable exclusion" and "unfavorable inclusion", with unequal treatment may carry the same adverse effects as "unfavorable exclusion". Sen also differentiated between "active and passive exclusion". For the causal analysis, and policy response Sen argued that, it is important to distinguish between "active exclusion"- fostering of exclusion through the deliberate policy interventions by the government or by any other willful agents (to exclude some people from some opportunity), and "passive exclusion", which works through the social process in which there are no deliberate attempts to exclude, but nevertheless, may result in exclusion from a set of circumstances (Thorat, 2009:2)

Concept of Democracy

The concept of the democracy is the most vibrant topic of the national as well as international politics. It can be understood as ideology, theory or a concept. The term is very ambiguous in meaning and therefore it provides space to define it in so many ways.

Abraham Lincoln defined democracy as ‘government of the people, by the people, for the people. While, Mahatma Gandhi defines, “Democracy is the art and science of mobilizing the entire physical, economic and spiritual resources of all the various sections of the people in the service of the common good of all”. Beetham defines democracy as “a mode of decisions-making about collectively binding rules and policies over which the people exercise control, and the most democratic arrangement {is} that where all members of the collectivity enjoy effective equal rights to take part in such decision-making directly-one, that is to say, which realizes to the greatest conceivable degree the principles of popular control and equality in its exercise.” (Grugel, 2002:12)

Theoretically, the debate of democracy begins in ancient Greece. The word ‘democracy’ derived from the Greek language, which literally means the ‘government of the people’ or the ‘rule of the majority’.¹ The concept of the democracy originally emerged in Ancient Greek society but democratic practices are evident in the earlier societies including Mesopotamia, Phoenicia and India. The people of ancient Greece started questioning the tyranny of the king and the selfishness of the bureaucracy centuries ago. They made effort to assume political power in their hand. This was the starting point of the democratic rule. But there was a controversial issue to define the term ‘people’. The system known as democracy in ancient Greece did not include the women and slaves in the category of ‘people’. They were completely excluded and denied from any political right.

The debate of democracy further introduced in the theory of social contract by Hobbes, Locke and Rousseau. The idea of the social contract was of great importance as it served to show that political society was the result of a social pact and this went to show that all political power ultimately stemmed from the people.” Locke explains the idea of accountable government. Accordingly, ‘the social contract that the people, while surrendering their rights had safeguarded them by stipulating that if the sovereign failed to defend their rights and security they would have the right to depose the sovereign and install another in his place. (Wadia, 1996:5) He talks about ‘Natural Rights’² of individual which strengthen the idea of democracy. The idea of liberty developed by

1 . The term ‘democracy’ was first used in the fifth century BC by the Greek Historian ‘Herodotus’.

2 . Locke talks about three Natural rights: Right to Life, Right to Liberty and Right to Property.

Lock influenced in English revolution. The debate of democratic form of government popularized during the French and American Revolution.

There are various form of democratic system is functioning in different part of the world. The most popular forms of democracy are 'Direct democracy', 'Consensus Democracy', 'Representative Democracy', Liberal Democracy' and Socialist Democracy. The debate of 'Inclusive Democracy' is the most recent development in the discussion. Direct democracy is also known as 'pure democracy'. This is a system which allows their citizens to participate in decision-making process directly. The idea of 'Direct democracy' was championed by Rousseau in the eighteenth century. He denied the role of political mediators in the decision making process of law and public policies. Direct democracy was primarily based on the idea that the rights of every individual should be secured. Contrary to the direct democracy, representative democracy based on the fundamental understanding that the idea of direct rule is not feasible in change context and therefore the common mass should elect their representative to take part in decision making process. Representative democracy is popular form of government in present time. 'Participatory democracy' and 'Deliberative democracy' are two most popular forms of direct democracy.

The French Movement popularized the slogan of 'equality, liberty and fraternity, which is the core values of the democracy. The concept of democracy is closely related with the concept of social justice and human rights. Democracy is a form of government which advocates about the rights of individual and stands against any form of discrimination. The liberal approach of democracy initially underlined the need of individual development without the interference of the state. It have faith on the reason and intellect of the individual. Liberal approach discourages the interference of the state in individual's social, political and economical area. It advocates the maximum rights of the individual for their development. Later in 20th century, it incorporated the role of the state as means to correct the shortcoming of the society through the positive programmes of action. The concept of the welfare state was emerged with the idea of transformed role of sate. Participation and the Equality were the two core values of the democracy. The Marxist approach of 'Socialist Democracy' challenged the concept of liberal democracy.

They identify liberal democracy as ‘bourgeois democracy’ and argued that ‘it was a cover for the economic and cultural exploitation of the majority in order to increase the profit of the few. The liberating potential of democracy was curtailed by the fact that liberal democracy was, in practice, a system created to uphold the market.’ (Grugel, 2002:16) Socialist democracy anticipated the idea of class free and exploitation free society through revolution. But after the dismantling of soviet block the system of socialist democracy lost its ground and the thought of liberal democracy was popularized with the slogan of ‘end of history’. Later the liberal democracy incorporated the demand of social inclusion and social justice in its broader agenda:

Core Democratic Characteristics (BIIP,2012:4)

- Democracy is government in which power and civic responsibility are exercised by all adult citizens, directly, or through their freely elected representatives.
- Democracy rests upon the principles of majority rule and individual rights.
- Democracies guard against all-powerful central governments and decentralize government to regional and local levels, understanding that all levels of government must be as accessible and responsive to the people as possible.
- Democracies understand that one of their prime functions is to protect such basic human rights as freedom of speech and religion; the right to equal protection under law; and the opportunity to organize and participate fully in the political, economic, and cultural life of society.
- Democracies conduct regular free and fair elections open to citizens of voting age.
- Citizens in a democracy have not only rights, but also the responsibility to participate in the political system that, in turn, protects their rights and freedoms.
- Democratic societies are committed to the values of tolerance, cooperation, and compromise. In the words of Mahatma Gandhi, Intolerance is itself a form of violence and an obstacle to the growth of a true democratic spirit.

Democratization:

Democratization is a process to establish democratic norms and values in the society. It is a process of transformation from authoritarianism to democracy. The idea of

democratization is well defined by Mahendra Lawoti. Accordingly, democratization means extending the political rights and civil liberties to more citizens as well as increasing the responsiveness of rulers. (Lawoti, 2009:4-5) David Potter describes three theoretical approaches to explain the pattern of democratization. (Potter, 1997:10)

- A. ***The Modernization Approach***, emphasizing a number of social and economic requisites either associated with existing liberal democracies or necessary for successful democratization
- B. ***The Transition Approach***, emphasizing political process and elite initiatives and choices that account for moves from authoritarian rule to liberal democracies.
- C. ***The Structural Approach***, emphasizing changing structures of power favorable to democratization.

The wave of democratization started in post cold era. The dismantling of soviet block and socialist ideology was the turning point in international politics. The ‘third wave’³ of democratization has initiated debate on the origin of the process. According to one school of thought, the process of democratization is the outcome of internal political dynamics of a society. Philippe Schmitter explains, “One of the finest conclusions that emerged...was that transitions from authoritarian rule and immediate prospects for political democracy were largely to be explained in terms of national forces and calculations. External actors tended to play an indirect and usually marginal role.” (Pevehouse, 2002: 515) This school of thought firmly believes that the regime transformation is the outcome of domestic process. While another school of thought challenges the idea of ‘domestic influence’. They claim that external factors plays more vital role in comparison to domestic political dynamics in the process of democratization. Gourevitch initiated a survey which considered the factors such as military intervention, international economic trends, and the (anarchic) nature of international system. (Pevehouse, 2002: 517). William Thompson argued that external security threats to state can inhibit and erode moves toward democracy. Democracy can suffer setbacks during security crises because leaders will often consolidate their own power to mobilize

³ Third wave of democratization began with the democratization in Portugal in 1974, followed by Greece and Spain.

resources to meet (or make) external threats. (Pevehouse, 2002: 518). Both schools have extreme vision to define the origin of the process. Domestic and International factors equally effects the origin and growth of the process of democratization. The role of the ‘domestic’ and ‘international’ factors can differ from one country to another according to the socio-political situation. But it is difficult to deny the interrelation of both factors in the beginning of the process.

The process of democratization is very complex, long term and open ended process. It is difficult to measure the level and form of democratization of any society. Every society adopts their unique way to move in the direction of democratization. A political regime, if it moves does not have to move continuously from authoritarianism through partial democracy in order to get to liberal democracy and beyond. Some democracy moved in that way. Many others have ‘jumped’ from authoritarian to liberal democracy without passing through partial democracy. (Potter, 1997:6) Stepan identified eight distinctive paths leading to the end of authoritarianism and the onset of democratization.

Table 1.1

Stepan’s Paths of Democratization

Path of Democratization	Countries
Internal Restoration After External Reconquest	Netherlands, Belgium, Norway and Denmark (all after 1945)
Internal Reformulation	France (after 1945)
Externally Monitored Installation	West Germany and Japan (after 1945)
Democratization Initiated from within Authoritarian Regime	Spain (1977), Brazil (1982) Portugal (1974)
Society-led Termination	Argentina (1969), Peru (1977)
Party Pact	Colombia (1958), Venezuela (1958)
Organized Violent Revolt (led by Democratic Parties)	Costa Rica (1948)
Marxist-led Revolutionary War	Nicaragua (1979)

Resource: Jon C. Pevehouse (2002), “Democratization a Critical Introduction”

It is also complicated to find out that what extent democratization should include the elimination of most extreme forms of socio-economic inequality. It is difficult to assume any democratic society without equal distribution of resources and dignified life of every individual. The discrimination based on caste, religion, gender and race is also not permissible in a democratic society. In practice, a full democratization can not take place without either socio-economic reform, cultural and social change and a transformation of a gender relation. (Pevehouse, 2002: 5) Mahendra Lawoti mentions the following characteristics of the democratization process at the operational level: (Lawoti, 2009:4-5)

- All adult citizens should be included in the polity as equals. All should enjoy full political rights and civil liberties, including unhindered rights to express themselves and to form associations.
- Contestation for public offices should be open to all, in principle as well as in practice, so that all citizens have equal opportunity to reach the decision-making bodies
- The public officials should be responsive to the needs and aspirations of citizens and accountable to them as well, not only during periodic elections but throughout their terms.
- No elected individuals or groups should have special privilege over any public policy realms. Public policies should be made by elected officials
- The rule of law should exist so that citizens' lives and rights are protected and elected officials are held accountable for their actions. After getting power to the people (represented by the elected officials), which is the first step in democratization, the next challenge is to ensure that elected officials are held accountable if and when they abuse power
- In multicultural societies, the tyranny of the majority should be prevented. Not only does a majority not have the right to take away the political rights and civil liberties of an individual but it also does not have the right to constrain the cultural rights of minorities

The question of democratization in third world countries especially in South Asian countries is very relevant. Most of the country of the region is working to incorporate in

the democratic system. The people's movement of 2006 in Nepal and the declaration of republic by the elected constituent assembly is the positive sign for the emerging democracy of Nepal. Bhutan started its transition from an absolute to a constitutional monarchy in 2004 and completed the process by electing a legislature and a representative government in 2008. Thus, five of the seven South Asian countries have witnessed a democratic transition in a period of less than three years. The other two South Asian countries, India and Sri Lanka, are established democracies and Afghanistan became a democracy in 2004. (Muni, 2009:5). The process of democratization in South Asia is also influence by number of internal and external factors. Like military intervention in Pakistan, civil rights violation in Sri Lanka and unstable political situation in Afghanistan. The case of Nepal is quite interesting because of the most visible transformation at social and political level. The shift from monarchy to democracy has completed but the phase of transition opening the space for various discourse.

REVIEW OF LITERATURE

Theoretical understanding is required for the analysis of any study. In context of the proposed study, it is important to understand certain *theoretical frameworks* like- the theory of consciousness and social justice, theoretical framework of Hindu social order and the concept of inclusive democracy. Vivek Kumar's article, '*The Dalit Movement in Contemporary India*' (2009) provides theoretical framework for the study of caste movement in democratic country. He defines Dalit and logically proves how they are different from other social groups. He argues that Schedule Tribes, Women and deprived section can be deprived economically and politically but Dalits are socially and culturally deprived too. Interestingly, he incorporates the idea of social exclusion with Dalit identity. He quotes Oommen, "Dalit consciousness is a complex and compound consciousness which encapsulates deprivation stemming from inhuman condition of material existence, powerlessness and ideological hegemony. Dipankar Gupta's (1991) book '*Social Stratification*' brings together a selection of readings on caste, caste profiles, class and conflicts. Diverse perspectives on the study of social stratification are

schematically presented. This study maintains good balance in theoretical analysis and empirical wisdom.

Sukhadev Thorat's paper on '*Caste, Social Exclusion and Poverty Linkages: Concept, Measurement and Empirical Evidence*' (2009) is an important document. It deals with the conceptual understanding of social exclusion and its interrelation with caste based exclusion and discrimination. It elaborates the concept and meaning of caste-based exclusion, and its implication for poverty of excluded groups. Vivek Kumar explains the theory of social exclusion in his article, '*Situating Dalits in Indian Sociology*' (2005).

Accordingly, the term '*social exclusion*' has been defined as a multi dimensional process in which various forms of exclusion are combined: participation in decision-making and political processes, access to employment and material resources, and integration into common cultural process. When combined they create acute form of exclusion that find a spatial manifestation in particular neighbour.

Vivek Kumar in his another article (2002), '*Teaching Caste and the Hindu Social Order*', deals with various dimension and implication of Hindu social order. Accordingly, the construction of Hindu social order has serious implication for the structure and process of the society. The identity of Hindus subsumed other groups, which had different belief, knowledge system, custom and culture. Surinder S. Jodhka and Ghanshyam Shah (2010) '*Comparative Contexts of Discrimination: Caste and Untouchability in South Asia*', tries to conceptualize the idea of caste-based discrimination in South Asia. It is an empirical study, offers brief introduction to the prevailing Dalit discrimination in South Asian countries. This study covers the various dimension of Dalit movement in Nepal. Sukhadeo Thorat's paper (2007) '*The Hindu Social System and Human Rights of Dalits*', explains that the Hindu social order is based on three interrelated elements, namely predetermination of social, religious and economic rights of each caste based on birth; the unequal and hierarchical (graded) division of these rights among the castes; and provision of social, religious and economic ostracism supported by social and religious ideology to maintain Hindu order. In fact, Hindu social system is not only classification of work; it is also classification of rights. According to his understanding, the concept of the universal human rights and the concept of rights under Hindu social system are contradictory. K.S.

Ingole's paper, (2011) '*A Critical Study of Social Exclusion and its Implication*' is an important work to understand the theoretical aspect of the Hindu social system and its interrelation with the socio-economic hardships of Dalit community. This is an effort to underline the level of economic exclusion of the Dalits because of the caste based discrimination in the societal level. Another interesting article of A. Ranjit Kumar, '*Ambedkar's Notion of Social Justice: A Different Perspective*' (2011) discusses the main social and political thought of Ambedkar in relation with social justice. This article is valuable to interact with the ideas of Ambedkar as well as the theoretical understanding of some concepts like fundamental features of caste system and Brahmanism in Hindu social structure. This article is primarily triggered to analyse Ambedkar's point of view for Hindu social system with its connection to social justice.

The concept of democracy and democratization is well defined by the Jean Grugel in his book (2002), '*Democratization: A Critical Introduction*'. This book is divided into ten chapters. The first six chapters deal with the theoretical part and the remaining chapters discuss the practical process of democratization. Grugel's work explains how a range of global pressures and events combined to open a political opportunity for democratization at the end of the twentieth century. It also analyzes the fate of some experiments in democratization. A.R. Wadia's book (1966), '*Democracy and Society*' describes the philosophy of democracy in detail. It starts with the analysis of ancient Greek forms of democracy and ends with the debate of liberal democracy. It further investigates the practical functioning of democracy in the United Kingdom and the United States of America. Another interesting article of Jon C. Pevehouse (2002), '*Democracy from the Outside-In? International Organizations and Democratization*' critically examines the theoretical understanding of democratization in a broader sense. The article focuses on the factors which are responsible for the origin of the process of democratization and its interrelation with the external and internal factors. David Potter's edited book, '*Democratization*' is also a very good account to understand the concept of democracy and its interrelation with the process of democratization. Elizabeth Deeds Ermarth's edited book, '*Rewriting Democracy: Cultural Politics in Postmodernity (2007)*' discusses the different angles of democracy. It discusses the various forms of democracy especially the deliberative

democracy. This book is important to understand the influence of changing scenario in social and political field. It analyzes the post foundation of social democracy.

In the context of Nepal, *situational analysis of Dalits in Hindu society* is an important aspect of the study. According to ‘*National Dalit Strategy Report*’ (1) (2002), historically, Nepali society holds deep roots in the Hindu caste system, with hierarchy of different groups of people with-in the system. Dalits or untouchables are one of the groups of people with in the Hindu caste system whose social, economic, health status and political condition are lowest compared to other groups in Nepal. This report describes the existing social, economical, educational status and political conditions of Dalits in Nepal based on available secondary data. The report also reviews the effectiveness and weaknesses of policies, programmes and activities conducted so far by the government and non- government organizations (NGO) in the name of Dalits. Another, important study done by Krishan B. Bhattachan, Tej B. Sunar and Yasso Kanti Bhattachan (2009) on *Caste-based Discrimination in Nepal*. This working paper is full of information in terms of data and it broadly deals with the perspective of Dalit identity in Nepal and, prominently draws attention to the diverse issue relating to Dalit population, and has also a greater extent revealed the in-depth nature of regional, linguistic, religious, cultural, gender and class based discrimination and exclusion. According to Krishan Bahadur Bhattachan et al (2002), ‘*Existing Practices of Caste-based Untouchability in Nepal and Strategy for Campaign for its Elimination*’, Hindu religion is the primary source of discrimination against Dalits. Despite being part of Hindu religion, they are not free to practice Hindu tradition. This discriminatory Hindu values and beliefs against this community are still continuing. Alexandra Geisar (2005), in his study, ‘*Social Exclusion and Conflict Transformation in Nepal: Women, Dalits and Ethnic Groups*’, describes Nepali society as a society which is mainly characterized by social exclusion. To this day, low Hindu castes are subject to widespread discrimination. The democratization process during the 1990s triggered hopes for the improvement among these marginalizes groups, but those hopes were quickly dashed and, the previous social structures were maintained. Purna Bahadur Nepali (2008), “*Socioeconomic Strength of Dalits’ Caste Based Occupation*”, covers another important angle. He tries to explore the socio-economic strength Of Dalits’ caste-based occupation. This article points out the economic strength

of caste based occupation in terms of economic return. According to his assessment, the traditional occupations of Dalits can provide average earnings of up to NRs 3285 per month with a premium if modern ways of working were employed. It is a good account to understand the internal economic structure of Dalits and their relation with economic exclusion.

Hira Vishwakarma (2004), *'The Scenario of International Development Aid in Nepalese Dalit Movement'*, deals with the contribution of international Development Aid in Nepalese Dalit movement. He describes that the biggest achievement of the democracy in this country is the surfacing of the immense problems faced by the marginalized groups because of the suppression, oppression and exploitation mainly by Brahmans over the centuries. He also points out that the international organizations can encourage the Nepali government to include the demands of Dalits in Nepal's policy and programmes. Though, the society of Nepal is highly structured and rigid to give up its discriminatory practices, because of its dependence on international aid and grant it can not deny what it ought to do to address the problems of Dalit and other marginalized communities of Nepal. DB Sagar Bishwakarma (2008), *"Socioeconomic Strength of Dalits' Caste Based Occupation"*, deals with the issue of caste-discrimination and its consequences for Inclusive democracy. He discusses the contribution of Dalits and other social excluded group for people movement. Despite the fact, the State mechanism is still insensitive to the demands of Dalits,

Padmalal Bishwakarma (2004) in his paper, *'The Situational Analysis for Dalit Women of Nepal'*, shows concerns on the situation of Dalit women in Nepal. He states that, the condition of the Dalit women is pathetic in Nepali society. They are facing dual discrimination on the basis of gender and caste. He points out, in the Dalit settlements; particularly in the rural areas the Dalit women do not have access to proper toilet facilities, clean drinking water and medical facilities as first aid. Dalit women with their children are severely malnourished due to illiteracy, ignorance and even poverty. As a result, the mortality and fertility rate among them is very high.

Several scholars have analyzed the *Nepali politics in context of inclusive democracy and Dalit Movement*. Lok Raj Baral (2006), *'Nepal Quest for Participatory Democracy'*

in his study focuses on participatory democracy in Nepal. He clearly stated that until and unless there is decline of feudal ethos and structures; true participatory democracy is not possible in Nepal. He expresses his wish for secular and decentralized Nepal. Rest of his book focused towards the restructuring of Nepali state. Mahendra Lawoti (2008), *'Towards a Democratic Nepal: Inclusive Political Institutions for Multicultural society'*, deals with the marginalized groups of Nepal who are still excluded in every sphere of life even after the restoration of democracy. This study focuses on the pre- 1990s political process of Nepal. He stands in support of multicultural democracy, which is more inclusive in nature. Gellner (2007), *'Caste Inequality and Ethnicity in Nepal'*, describes the four model of democracy in Nepal. He also admits the urgent need of multicultural democracy as a modern version of Nepali politics. Partha S. Ghosh's (1991) article, *'Nepal's Slow March to People's Rule'*, is helpful to understand the nature of Nepali politics. In his another article, (1991), *'Nepal's Hour of Democracy'*, tries to explain the dynamics of Nepali politics.

Anirudha Gupta (1993), *'The Politics of Nepal 1950-60'*, describes the development of Nepali politics from a historical perspective. He focuses on the Post- Rana period. He talks about the political and constitutional development in Nepal from 1950 to 1960s. He also discusses that how panchayat system had restricted the political activity in Nepal. He also deals with the political movement in Nepal for the restoration of democracy in Nepal. It is a comprehensive work to understand the background of Nepali politics. Whelpton (2005), *'A History of Nepal'*, focuses widely on the historical development of Nepal from 1950-51. He not only focuses on the past of Nepal but also analyses the present day ups and downs in Nepal. It is a elaborate account to understand the origin of Nepali kingdom and their social and political environment. Mahendra Lawoti (2007), *'Looking Back, Looking Forward: Centralization, Multiple Conflicts and Democratic State Building in Nepal'*, focuses on the emerging trends of politics. In his study, he describes the nature and difficulties of Nepali politics. According to his analysis, Nepal will face severe crisis if the Nepali leadership will ignore the aspirations of Dalits, Madhesis, Women and Indigenous Nationalities. Kanak Mani Dixit (2007), *'Naya Nepal'*, also deals with the recent political development. He underlines the significant contribution of marginalized community in Jan Andolan and he assumed that Nepali

leadership can respond positively about the demands of marginalized group in changed political environment. Louis T. Brown's book (1996), *'The Challenge to Democracy in Nepal: A Political History'* study is not merely focused on the political history of Nepal. She explores various factors, which are responsible for the division in society and politics. P.G. Rajamohan (2008), *'Post- Election Challenges in Nepal'*, focuses on the debate of restructuring of Nepali state. He mentions that the centralized culture, language and social system have abolished the freedom and dignity of marginalized community. He traces that the main reason behind the political turmoil in Nepal is exclusive political, economic and social structure of the Nepali society. Uddhab P. Pyakurel (2007), *'Dalit Assertion and Democratic Transition'* discuss the various issues related to Dalit assertion. This paper made an attempt to understand the strategy of Dalits to capitalize the transitional phase in their favour. It also analyzes the strengths and shortcoming of the Dalits for their collective effort. Sambriddhi Kharel (2010) has done her research on the *'Dialectics of identity and resistance among Dalits in Nepal'*. This is a wonderful account in terms of analysis of various issues concerned with Dalit identity.

Along with Dalit movement, other identities are also asserting for their rights. The ***interrelation of Dalit movement with other social movements*** is important for inclusive democracy in Nepal. But the nature of interrelation among them is very complex. According to Hira Vishwakarna (2004), *'The Scenario of International Development Aid in Nepalese Dalit Movement'*, though the Maoist insurgency seems entirely a political problem, it used the frustration and suppression caused to the Dalits, Mahila and Janajati in their causality list. Uddhab P. Pyakurel (2007), *'Maoist Movement in Nepal: A Sociological Perspective'*, tries to define the sociological aspect of the Maoist movement. In his perception, Maoist movement in Nepal can be defined as a social movement, because, most of the agenda taken by the Maoists in are people's agenda. From the beginning, the Maoists have been repeatedly and consistently raising the agenda of discrimination and inequality in the Nepali society. Harka Gurung's paper, (2005) *'Social Exclusion and Maoist Insurgency'* is a wonderful data based analytical study on Maoist insurgency. This paper tries to underline the link between social exclusion and Maoist insurgency. He begins the paper with the identification of disadvantage groups. The paper broadly deals with concept of social exclusion in context of Nepal. It also highlights the

agenda of the insurgency. The report of Fast International (2005), discusses in detail the social inequalities that exist within Nepal, as well as discrimination that 'is based on ethnic, caste or gender lines. Furthermore, research into the reason why oppressed groups have turned to the Maoism is increasingly gaining importance. David N Gellner (2007), *'Caste, Inequality and Ethnicity in Nepal'* critically analyzes the role of caste and ethnicity in the context of inequality and social exclusion. He describes the historical context of Nepali society and broadly deals with the emergence of Janajati movement which is also asserting for their right.

Mahendra Lawoti (2007), *'Looking Back, Looking Forward: Centralization, Multiple Conflicts, and Democratic State Building in Nepal'* in his study argues that over-centralization of policy was the underlying cause of the multiple violent and non-violent conflicts and crisis confronting Nepal. He reveals the fact that in post 1990 period, Nepali civil society became more vibrant. Social justice movements of the Madhesi People of the southern Tarai region, the dalits, the indigenous nationalities and women groups raised their issues and sensitized society to the discrimination and inequalities confronting them. After keeping in view that a plenty of literature is available on this field of investigation, which open the further debate for investigation. This under researched subject has not received adequate attention. There are only scattered references in terms of some book and articles, and no complete study has been done.

DEFINITION, RATIONALE AND SCOPE OF THE STUDY

This study attempts an analytical understanding of different dimensions of Dalit movement in Nepal in the context of inclusive democracy. An attempt will be made to understand the basic foundation of nation-building process, which has the potential to cause the further exclusion of Dalits in the society. The current study will examine the role of the state, political parties, NGO's and the Maoists in shaping Dalit movement in Nepal. This study will also deal with the contemporary developments in form of republican democracy and emergence of social movements in Nepal. It will also analyze the interrelations of Dalit movements with other social movements that can be helpful for

the enhancement of inclusive democracy. Today, Dalit community of Nepal are asserting strongly for their right of equal opportunity and justice in democratic atmosphere. Therefore, it has pose challenges to the traditional set up of nation- building and statecraft.

Dalits constitute around fourteen per cent of the total population of Nepal. Therefore, no one can ignore the perception and problems of this section of society. In changed political context, they are not in condition to accept segregation and servitude. After the establishment of democracy, they started to raise their voice and today they are integrated as force against the hegemony of one caste group. Therefore, this study is important because of several reasons. The study tries to establish that the caste system is not acceptable in 21st century because it is a source of social, political and economical exclusion of a bigger segment of a society. This process of social exclusion may lead to severe turmoil in society. Therefore, inclusive democracy can be suggested as a best solution to this present crisis. The findings of this study would be useful to understand the various dimensions of Dalit movement and its contribution in making Nepal an inclusive state.

The question of Dalit rights is globally recognized in present time. National, International organization and civil society are concerned for the upliftment of Dalit community. In the last decade, Nepal has witness several paradigm shifts at the social and political levels. Today Nepal is the youngest democracy in the world. Therefore, the study of the marginalized group is not only fascinating but also important. The study of Dalit rights and inclusive democracy explores the different dimensions of social structure, nation-building, human rights, social justice and political participation. The study will also be helpful in examining the growth of democracy in highly diversified society in term of caste, religion and nationality.

RESEARCH PROBLEMS, QUESTION AND HYPOTHESES

Objectives:

1. To examine the origin and the growth of Dalit consciousness in Nepal.
2. To examine the process of politicisation of Dalits.

3. To examine the role of political parties in response to the Dalit movement.
4. Examine the role of Maoist movement in sharpening the Dalit identity.
5. To examine the role of Dalits in 1990 and 2006 Jan Andolan.
6. To analyse the relationship between the Dalit movement and other social movements.

Hypotheses:

1. The democratic movement in Nepal has addressed the issues of marginalization of the disadvantaged groups.
2. The Maoists have served the interests of the Dalits better.

RESEARCH METHODOLOGY

The proposed study will employ the historical, analytical and theoretical methods for the research. This study will begin with the examination of certain sociological and political theories. It will be useful to frame the basic assumption of this study. Historical and analytical methods will be useful to explore the various situations of Dalits in the past and present in Nepal. The role of the Dalit organizations (NGOs), political parties and Maoist organisations can be traced under this historical and analytical framework. Both primary and secondary data have been used for this study. The primary sources will be government records, census records, state policies, various acts and amendments, reports of the United Nation, United Nation Development Programme and Human Right Commission. Secondary data will be collected from various books, journals, magazines and related website. If required, interview with Dalit leaders and think tanks will be carried out.

CHAPTER SCHEME

Chapter 1

Introduction

In this chapter various sociological and political theories will be discussed which are relevant for this study. The main theories are: the philosophy of caste system and Dalit

identity, the theory of consciousness, democracy, democratization and its interrelation with Nation-building process.

Chapter 2

Historical Evolution of Dalit Movement in Context of Nepali Politics

In this chapter, an attempt will be made to study the historical context of Dalit movement in Nepal along with the study of social, political and economic structure of the country. This chapter will first deal with the origin of caste system in Nepal and then discuss its interrelation with statecraft. Secondly, an attempt will be made to understand the fundamental principles of national integration and their effects on the inclusive character of the State.

Chapter- 3

Situational Analyses of Dalits

This chapter will be divided in two sections. The first section of this chapter would focus on the present condition of the Dalits in Nepal. Further, it will describe the status of Dalits in socio-politico structure of Nepali society. The second section of the chapter will critically examine the various laws, policies and programmes of government, which are related to the advancement of Dalit community and its impact and implications on the Dalit community.

Chapter-4

Dynamics of Dalit Movement

This chapter will deal with the various dimension of Dalit movement in Nepal. It will underline the role of Dalits in democratic movement (Jana Andolan I and II) in Nepal. It will also illustrate the role of political parties, NGOs and international donor in shaping Dalit movement in Nepal. In this chapter, an attempt will done to underline the role of Dalit leadership and the limitation of Dalit identity movement.

Chapter- 5

Dalit movement in the Context of other Social Movements

This chapter would explore the interrelation of Dalit movement with other (Janajati movement, Women movement and Madhesi movement) identity and social movement. This chapter will describe the consents and differences of Dalit movement with other social movement. It will also underline the contribution of Dalit movement in making of inclusive society. This chapter will also critically examine the role of Maoist in Dalit movement.

Chapter-6

Conclusion

The conclusion will try to bring the substantive remark on this study. It will deal with the strengths and weaknesses of Dalit movement in making Nepal an inclusive country. This chapter will also review the strategies of political parties and NGOs. Further, it will examine the implication of government policies on Dalit movement. This chapter will conclude with some suggestion to make Nepali society and politics more inclusive, in term to accommodate the aspiration of Dalit community.

Chapter: Two

Historical Evolution of Dalit Movement in Nepali

The Nepali civil society has witnessed several events and paradigm shifts in the social and political arena of the country. After the 1990 mass movement, Nepal adopted democracy and introduced several reforms in the country. This was the first paradigm shift because it was not only a sign of transformation from monarchy to democracy. It was the first organized resistance of the multi-cultural and multi-ethnic society against the over centralized and exclusionary politics of the country. The process of democratization has initiated number of changes in the fundamental principles of Nepali politics and the social structure of the country. Before 1990, Nepali political system was highly centralized and dominated by the feudal class of the society. After the restoration of democracy, the debate of decentralization of power and inclusive democracy has given new dimension to Nepali politics. Several scholars have done a lot of work to explain the process of exclusion of ethnic and caste groups because of the policy of over centralization and hierarchical model of society. The exclusionary and centralized political system and the resultant social and economic conditions have not permitted these groups for any kind of agitation against the feudalistic social and economic policy of the country. But the 1990s' democracy provided opportunity to these excluded to raise their voice. Therefore, Nepal witnessed several identity based movements in post 1990 period.

Dalit movement is one of the part the broader identity movements, which are demanding the restructure of the Nepali state and society. But the movement is different from the other groups because they are uniquely excluded on the basis of caste by the remaining society. Although, Dalits comprise one-fifth of the total population of Nepal, they are extremely underrepresented in the government. The political and social system of Nepal has pushed back the Dalits. Therefore, they are asserting for the dignity of life, basic human rights and proper representation in decision-making process. The Dalit movement began with 1950s' democratic movement and consistently raised their voice for inclusive society and politics. Before, tracing the evolution of Dalit movement, it is an urgent need

to understand the historical background of Nepali politics. The political development of Nepal can be divided in two phases.

Nepali Politics: Before 1990

The Civilization of Nepal came in existence around the 6th century B.C. According to Neolithic tools, found in the Kathmandu valley indicates that people have been living in the Himalayan region for at least 9000 years. But the modern Nepal state emerged in 1769 with the victory and unification of three principality of *Kathmandu Valley* by Gorkha king *Prithvi Narayan Shah*. He declared himself 'Hindupati' and declared Nepal as 'Asli Hindustan'. He laid the foundation of absolute monarchy by establishing the supreme authority of the king in all affairs of the state. Administrative system was centralized and all the higher positions were filled with high caste Hindus. The king employed ministers and *Bhardars* from higher caste noble families. These ministers and '*Bhardars*' were rewarded by '*Jagirs*' and '*Birtas*', which were the special privilege for the hereditary noble family. During the 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, *Prithvi 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. (Gupta, 1993:7). In fact, 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 *Prithvi Narayan Shah*, a new chapter of despotic rule begun in Nepal with the emergence of Jang Bahadur. In 1846, the incident of *Kot Massacre* was managed by Jang Bahadur Rana, in which all the leading actors of politics were slaughtered in the courtyard of the palace. Jang Bahadur Rana declared himself the Prime Minister of Nepal. Until 1951, members of Rana family held complete control over the government. All the policy issues, fiscal and judicial matters were under control of Prime Minister. *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.' (Jain, 2008:46:47). In social arena, he restored all the ancient privileges of Brahmins. 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 Bahun of Gorkhali elite. (Hutt, 2007:13). Jang Bahadur introduced first legal code (Muluki Ain) in 1884, which divided society in to hierarchical model on the basis of caste. This was the first legal document of the state which provides legality to the practice of caste based discrimination and exclusion of other ethnic groups. According to Partha S. Ghosh, this code was drafted by two Brahmins, who were rewarded with 500 bighas of land (about 300 hectares) for their jobs (Ghosh, 2007:191). It was highly hierarchical, authoritarian, and ritualistic. (Gellner: 1997). Hindu *sastras* and *dharmastras* (epics) were sources of state laws that gave a progression of Sanskritization (Sharma, 2004).

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) joined hand together against the Rana's regime. This was not the movement for the good governance and democratic reform in social and political sphere. It was the movement of the noble class, who lost their position and power in the autocracy of Ranas. However, there were several other factors that contributed in the emergence of the movement. Some enlightened and enthusiastic young man of Nepal laid the foundation of Akhil Bharatiya Nepali Rashtriya Congress in Banaras in October 1946, which is now known as the 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, Nepali Congress launched a 'Civil Disobedience' movement and complied Rana's for settlement. An important event happened in January 1948, when Padam Shamsher announced the Government of Nepal Act, 2004 (1948 A.D.). It was the first written constitution of Nepal, but unfortunately it never came in to force. Although the period between 1951-1959 was formative because an experiment with constitutional

democracy but 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. (Khadka,1986:430) The first general election was held in 18 February 1959. B.P Koirala became the first elected Prime Minister of Nepal. Koirala government served the nation till 1960, until it was dismissed by the king in 1960.

From 1960 (strictly, from 1962, when the new constitution was promulgated) until 1990 Nepal was ruled by a system known as partyless panchayat democracy (Whelpton, 2005:47). Instituted by the present king's father, king Mahendra, it was supposed to be more "suited to the soil of Nepal", and was designed to mobilize the country's various groups for the "all round development" of the country. Ethnic and caste affiliations were discouraged, in the name of patriotism and nation building. Organizations could be formed for cultural purposes, but not in order to advance the cause of particular social and religious interests politically. (Gellner, 2007:1824) The administrative structure was decentralized in four tier hierarchal system- the village panchayat, the district panchayat, the zonal panchayat and the rashtriya panchayat. The sympathizers of the absolute monarchy were recognizing the system as the revival of old village panchayat system. The panchayat system was an effort to sustain the concept of Hindu ideology which provided special status to king and specific group of society. Decentralization policies were introduced during the panchayat period but were mostly cosmetic in nature. (Lawoti, 2007:19). The new system was absolutely insensitive towards the social and economical grievances of the society and therefore it was failed to deal with the aspiration of the people.

The first election of the National Panchayat was held in 1963 and Tulsī Giri got appointed as the Prime Minister of Nepal. He resigned from his office in 1963. Surya Bahadur Thapa became the next Prime Minister of Nepal. The constitution of 1962 was amended first time in 1967. King Mahendra had decided to release political prisoners in 1968, including Koirala. It was a political move to establish the hegemony of the king. But the common mass has shown their dissatisfaction against the despotic and autocratic rule of the king. Therefore, after the death of King Mahendra, King Birendra Bikram Shah realized that immediate constitutional reform is necessary for the political stability

of Nepal. He introduced second constitutional reform in 1975. The strength of the National Panchayat was increased by the second amendment of the constitution. Rastriya Panchayat has the right to bring the no confidence vote against the Prime Minister and his council. The government started the campaign of 'back to village' (Gaun Pharka Rastriya Abhiyan), which was suspended by the former King Mahendra. Despite all this initiative, the level of dissatisfaction of common mass became more intense. They were very disappointed and agitated against the decision of the dissolution of graduate constituency, which was the most open and vocal point of the anti-panchayat politics. Meanwhile the dissatisfaction was also growing on the issues of political instability, economic collapse and unaccountability of bureaucracy.

King Birendra made another attempt to resolve the growing dissatisfaction of the common mass against the system. He announced the formation of 15 member election commission to conduct the National referendum on 1979. It was conducted on 2 May on the 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 multiparty democratic system (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 the higher support in areas with high literacy rate (Shaha, 1990:71). Social voting pattern was diverse. Hindu voters were divided between both the options, while the Muslims were in support of reformed Panchayat system. This referendum was the first direct participation of common mass in decision making process of government. This was also a sign of growing consciousness of people for the better political 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. The administrative and law making power of the king became more centralized. He has the power to nominate twenty eight members in National Panchayat. Therefore, the state

council has strengthened its position in comparison to national Panchayat. In fact the constitutional amendment was not in favour of people. It was an attempt to maintain and strengthen the power of the monarchy. Political Parties were not satisfied with this amendment and therefore the political leaders (K.P Bhattarai, Ganesh Man Singh, G.P Koirala and M.M Adikari) clearly asserted against the constitution. They alleged that the constitutional amendments are undemocratic and unacceptable because it ignores the aspiration of forty five percent of population which supports the multi-party system. The amended constitution was an 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 (Panday, 1982: 155).

The first direct election to Rashtriya Panchayat was held in May 1981. Political Parties including B.P. Koirala led Nepali Congress decided to boycott the election. In this election, 1,096 candidates were contested for 112 seats. Interestingly there was no nationwide agenda raised by the candidates. 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. This election result was a shock for the government because they expected massive support from the mass. Fifty seven new candidates were selected for Rashtriya Panchayat and it shows that the common mass of Nepal had rejected the old actors of 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 the 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 (Gurang, 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 campaign of 'Back to Village'. Prime Minister Thapa invited the political parties to join the mainstream politics. Other important developments were the decline in the position of

Prime Minister, growing inefficiency and the administrative corruption. This development created a huge disappointment among the people.

Therefore, Nepali Congress staged a *satyagrah* movement in Nepal in May 1985. It was spread in all corners of the country. Five leftist parties also came in support for the movement. Three pro- communist student groups had joined the movement- The Nepal Revolutionary Student Federation, The Nepal Democratic Student Union, and The Nepal National Student Federation. King Birender made every possible effort to crush the movement. 'Destructive Crimes Act' was one of the instruments to crush down the movement. According to the provision of the Act, the government can take legal action to any crime which occurred before the establishment of this act. Despite all efforts of the government, movement got momentum and set a stage for a drastic change in Nepali politics.

Nepali Politics: After 1990

Post 1990 politics of Nepal was refrained from the old autocratic system of government. Nepali politics entered into a new phase with the demolition of Panchayat System. The first phase transition was backed by the spirit of 1990 popular movement and restoration of multi-party system in 1990. The new democratic constitution of Nepal (1990) was an effort to ensure the stability of the newly established democratic structure. Post 1990 political development ensured the opportunity of different marginalized group and therefore a rigorous current of diverse activism and movements gained significant advancement. Second phase of transition began in 2006 with Jana Andolan II, which was the continuation of the first phase. Post 1990 politics can be divided in two phase.

The first phase began with 1990s democratic movement, which was jointly launched by the Nepali Congress and United Left Front. In January, Nepali Congress organized a conference in Kathmandu to draw a roadmap for future. In this conference decision was taken to launch a non-violent movement from 18 February if the government does not consider their demands and take positive step. This conference was attended by all major opposition parties, delegation from India and human right activist. In response to the declaration of non-violent movement, the government started their attempt to stem the

movement. Therefore, the government issued a order to arrest all national and district level leaders of both Nepali Congress and UML on February 17 and imposed ban on revolutionary newspaper (Koirala, 1991:134). Despite all arrangements of government, movement crossed over the country by the end of April. People from every walk of life participated in the movement. The opposition's triumph was partly due to it's 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 older (Hoftum, Raeper and Whelpton, 1999:115). The demonstrators faced brutal operation of the state in all over the country but all measures were futile to setter the enthusiasm of the protesters. The problem of the government became more complicated when the professional organization started to express their solidarity with the movement. The lawyers association called a nationwide strike and the workers of the Agricultural Development Bank organized a one hour sit- down strike in favour of democracy. It was a difficult task for the government to disintegrate the unity of the protesters. On April 5, the army had to called out to control a communist demonstration in Patan, which resulted in some death (Koirala, 1991:135). In response of this incident the mob of two thousand people marched to the palace, which again resulted in death of several people. Next day king dismissed the prime minster and appointed Lokendra Bahadur Chand as a new Prime Minister, who have the responsibility to arrange the negotiation table for the palace and the opposition political parties. Due to the constant pressure from the opposition and common mass, king announced the end of thirty years long ban on political parties. After the announcement, the Nepali Congress and United Left Front had declared to call off the movement. . Many political sections expressed their discontent over the 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. The King also decided to dissolve the National Panchayat on 16 April. Bhattarai formed the interim government after the dismissal of Chand government. All the village and town panchayat were dissolved by the interim government and the king decided to hand over all the legislative and executive power to

the council of ministers on 22 May. The end of the Panchayat system was the biggest achievement of the 1990 movement.

Another important event of the post 1990 politics was the promulgation of 1990 constitution and the first free election in Nepal. New constitution was a negotiated document of the major political forces, the Nepali Congress, the United Left Front and the monarchy. 1990 constitution was the outcome of the mass movement and therefore it was the symbol of hope for the various section of the society. Constitution of 1990 declared Nepal a multiethnic, multicultural, democratic, indivisible, sovereign, Hindu and constitutional monarchial kingdom (Constitution of Nepal, part one section four). According to the constitution, the sovereignty of the country 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 adopted fundamental rights, a parliamentary system, adult franchise, multi party democracy as its defining features. It was quite democratic constitution in comparison to the previous four constitutions. But the trends of the centralized system continue in this constitution as well. 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 (Lawoti, 2007:6).

The first free general election was held in May 12 after the restoration of democracy in Nepal. The Nepali Congress won the simple majority with 110 seats out of 205 seats. The moderate United Marxist-Leninists emerged as the second largest political party with 69 seats. The political parties and independent candidates which were associated with the former autocratic regime captured less than seven seats. The Nepali Congress won 38 per cent of the overall vote, almost the same percentage it did in 1959. The UML has gained 28 per cent vote (Gaige and Scholz, 1991: 1043). Girija Prasad Koirala became the Prime Minister of the first elected government of Nepal. The UML gained the position of the main opposition party. Koirala government joined the office with responsibility to maintain peace and the inclusion of the demands of different groups of the society. The first general election after restoration of democracy holds a significant place in the political history of Nepal. It shows the evolution and expansion of democratization

process. This democratic process continues with the local election in Nepal, which held in 1992. Nepali Congress won twenty two mayoral, twenty deputy mayoral and 288 municipal seats in 36 municipalities. In comparison, UML won six mayoral, five deputy mayoral and hundred and five municipal seats. While, the Rastriya Prajatantra Party won only two mayoral, two deputy mayoral and fifty one municipal 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 seats (Regmi, 1993: 146). The main reason of the victory of Nepali Congress in local election was its hold in centre. 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). In a way, general election and local election helped democracy to take root at the grass root level. This event of elections was just like the fresh air for the common masses of Nepal. But the process of democratization started getting obstructed because of various reason. The mid-term election in 1994 in which no party got majority resulted not only the political instability but also gave a bad image in term of governance. Such weaknesses witnessed under the democratic system led people's frustration at large and gave a pretext to those who were unhappy by the political change brought by the 1990s Jana Andolan as well. In other words, such shortcomings become a strong weapon to those who are in search of opportunity to attack on the multiparty democracy to weaken and defame it (Uddhab Pyakurel, 2008:1-2).

The second phase of the post 1990 politics began with the emergence of the Maoist movement in Nepal. Maoist became the most significant actors of the Nepali politics and contributed a lot in the restructuring of the Nation. The movement began on 13 February 1996 against the Nepali state as 'People's War'. In the early stages of the Maoist movement, the government had termed the movement as 'an insurgency', condemned the CPN-M as 'terrorist', and reacted with brutal force to suppress the movement (Basnett, 2009: 4). The Maoist movement has emerged in the background of the communist movement. The Communist Party of Nepal was formed on 1949 in India. The initial objective of the party was to oppose the policies of Nepali Congress to support the monarchy. They actively participated in 1990s Jana Andolan, against the Partyless

Panchayat System. The fundamental ideological demand of the Maoist was inherent in the establishment of '*New Democracy*'. Babu Ram Bhattarai stated clearly that "People's war was initiated with the proclaimed aim of establishing a new democratic socio-economic system and state by overthrowing the present socio-economic structure and state....The people's war is the inevitable instrument for overcoming the oppressive situation in the process of the historic new democratic revolutionary transformation" (Bhattarai, 1998). 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 justices 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, 2010) Maoists raised several demand for the restructure of the Nepali society and politics. In February 1992, the political front of the Maoist (UPF) submitted eight point demands, which were ignored by the government. On 4, February, 1996, Maoist submitted a 40 point demands to the government regarding nationality, democracy and livelihood. Maoist focused their demands on three basic areas- Nepal status as Republic, abolition of monarchy and the establishment of the interim government. They realized that the main political enemy was the palace which leads the feudal structure. Therefore, their political goal became "republicanism" as a model for transformation of Nepalese society (Bhattarai, 2004: 2). They also broadly included the demands of the ethnic and caste group and expressed their concern for inclusive nation-building process. But the government of the Nepali Congress led by the Sher Bahadur Deuba did not show any positive gesture in support of the demand, which forced them feel "segregated" from the social and political process. As a result of the refusal of the proposal, they determined to launch an armed revolution from 13 February 1996. The movement spread all over the country, except two out of 75 districts of the country. In line with the party's policy of protracted people's war and to suit best with its pursuance of base areas, the Maoist has started forming its own government at village level by late 1998 (Hachhethu, 2011:1). During this period, the government and the political parties were in state of confusion to solve the puzzle of the Maoist movement. On the one hand they recognized the problem as a law and order problem and always sought to contain Maoist by means of police

operation. While on the other hand analyst found the roots of the movement in depth of socio-economic structure of the country. Maoists were successful in articulating the socio-economic problem of the country. Developmentalists share an argument that Maoist movement “is basically a social and economic issue and is produced and sustained by failed development” (Panday, 1999:12) Maoist has produced an alternative in form of new democracy and raised serious question before the mainstream political parties. They acquired massive support against the feudalism, imperialism and so called reformist approach of the political parties. But the political parties bounded the movement in ‘terrorist’ framework and did not take any initiative to resolve the social and economical issues of the society.

An, another unprecedented event of ‘Royal Massacre’ in June 2001 has turned the rhythm of the democratic process in Nepal. According to the official sources, the prince Dipendra had killed king Birendra including several other members of the royal family. This incident brought the importance of the institution in to lime light and provided another chance to bring the monarchy back. After the massacre, King Gyanendra emerged as the more ambiguous and undemocratic man as the king of the country. As Gyanendra had negative opinion about 1990s’ politics change from the beginning, he accelerated the conspiracy against the ongoing multi-party democracy (Pyakurel, 2008:2). In 2001, he declared the state of emergency and deployed the Royal Nepali Army to suppress the Maoist movement. The state of emergency has originally been imposed according the 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 (Kramer, 2003: 208-209). During the emergency period, the life of the common mass was very pathetic and complicated. So many innocent civilians were killed by the armed forces in suspicion of Maoist fighter. Special courts were set up to deal with the case related to the Maoist. Human rights organization claimed that thousand of people were arrested under the provision of special court. In fact the emergency period was the state of terror, insecurity and violence. Therefore, the government failed to win the necessary two-third majority for the extension of the emergency for the next six month. As mentioned earlier that the king Gyanendra was against the parliamentary democracy

and he made every possible attempt to derail the process of democratization. His initial attempt was to destroy and weaken the elected bodies and the main political parties. He dissolved the parliament on the recommendation of Prime Minister. Further he postponed the local body election. Government had taken the decision to dissolve the local body and replaced the system with government official. As there was lack of constitutionally elected institutions at the local as well as at the central level, there was political vacuum, which helped King Gyanendra to interrupt the remaining democratic institutions. On 4 October 2002, he dismissed the Deuba government. The charge against the Deuba government was its incompetence in not holding election (Pyakurel, 2008:2).

Another important development in 2003 was the beginning of peace talk between the government and the Maoist fighter. Newly appointed Chand had failed to incorporate all the political parties on one platform but he got success in holding peace talk with the rebellion fighters. On January 29, 2003, Maoist declared ceasefire and given their consent on 22 point code of conduct. In the first meeting of the peace talk, Maoist presented their 24 point of demands. The second round of talk took place in Kathmandu again on 8th May. The government of Nepal has not shown any gesture to meet the demands of the Maoist. The third round of talk was held in Nepalgang with the newly appointed Thapa government. In this meeting government presented its own agenda, promising extensive socio-economic as well as constitutional changes. The government again ignored the aspiration of the Maoist. Thus, the Maoist leader Baburam Bhattarai rejected the government agenda and stated that the peace dialogue had failed and therefore they will get back to their old tactics of violence. Undoubtedly, the feudalistic actions of the king were responsible for the derailment of the democratization process. He never took any consideration of political parties and democratic institution. Therefore, five main political parties of Nepal came together and launched a non-violent agitation against the palace. On one hand, the violent conflict got further worsened and human rights abuse increased during these days. The per day killing has touched the ratio of 8.91 in August 2003 which the highest during a year long violent conflict witness by Nepal. On the other hand, the peaceful protest organized by the parliamentary parties also got a new height when the civil society members, professional organizations, student organization etc. also involved in organizing several street protest against the 'autocratic' King with the demand for the

restoration of democracy (Pyakurel, 2008:2). King executed several plans to suppress the movement but all vanished because of his non credibility.

Finally, on 1 February 2005, king dismissed the Deuba government and assumed all the power in his hand. He dismissed the government under the article of 27 (3) of the constitution. He charged the Deuba government for its incompetency to deal with the Maoist and the political parties. The king's attempt to suppress democracy continues with the formation of 10 member cabinet of his old friends and faithful monarchists. He suspended all the fundamental rights including the freedom of expression. All the main political leaders were detained and all the party offices were sealed. Several opposition leaders escaped to India. The king attempted every possible step to save his status. According to the Report of the Crisis Management Group, the situation of the human rights was very miserable during the period. The protest march had been violently suppressed by the police and army. Despite all this oppressive measure, civil society joined the movement with full enthusiasm and therefore people came forward from every corner of the country with the demand of restoration of democracy. The Student, teachers, lawyers, civil servants, media and many other extended their hand of support. The suspension of democracy was also criticized all over the world. India, British and USA recalled their ambassadors. Senior 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 joined hand to throw out the autocratic rule of the king and launched a massive agitation all over the country. The alliance decided to boycott the municipal election. Another important incident happened when the seven political parties signed a 12 point agreement with the Maoist in India. This development was unique because it provided more strength to the movement against the despotic rule of king. Maoist expressed their commitment for multiparty democracy and further put their demands of federalism and proportional representation. This accord finally gave Nepal an interim constitution, interim parliament and all party government.

Due to the constant pressure from the civil society, political parties and the Maoist, King expressed his will to return the power to the common mass on 21 April 2006. This was the remarkable point in the history of Nepal and it was also the victory of thousand of those people who sacrificed their life for the restoration of democracy. The alliance of seven parties put forward their three basic demands before the king- the reinstatement of old parliament, all party government and the formation of constituent assembly. King accepted the demand of 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 fully aware regarding the issue of the monarchy. Therefore the new parliament passed a bill with full consent to cut off the power of the king. The main feature of this bill was (Ghimire, 2006:38):

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

In March 2007, Maoist joined the interim government. It was a milestone in the history of South Asian politics when an insurgent group came forward to join the mainstream politics of the country. The government and the Maoist have given their consent that the constituent assembly election will be conducted on the basis of mixed electoral system. First time in the political history of Nepal, citizens got the right of proportional representation. But the Nepali politics was engaged in other crisis when the Maoist demanded the immediate abolition of the monarchy and propositional representation. On September 18, 2007 Maoist supreme Pranchand has raised the demand and asked the government to declare Nepal a republican state. It was a difficult situation because the

Maoist had already signed a peace agreement which clearly stated that the fate of the monarchy will be decided by the first setting of the constituent assembly. On 5 October, Maoist declared that the constituent assembly election is not possible unless their demands would not address. Some analyst defines this strategy of Maoist as a political drama and few claims that they were not ready for the election because of their less experience. It was the difficult time because the Nepali Congress was not fully convinced to the concept of absolute removal of monarchy. Prime Minister Girija Prasad Koirala himself believes in the concept of the ceremonial monarchy. The Rastriya Prajatantra Party has ruled out any possibility of the end of the monarchy. All the development shows the untenable attitude of the political parties regarding the absolute abolition of monarchy.

On 22 December, a 23 point agreement was signed between the Maoist and the government. The seven party alliance and Maoist has shown their will to hold the constituent assembly election on decided date and the Maoist got agreed to come back in government. Both were agree on the following points: (UNDP Report, 2008)

- a. Nepal shall be a federal democratic republic.
- b. The republic will be implemented at the first meeting of the constituent assembly.
- c. If the king poses a threat to holding the constituent assembly election, a two third majority of the interim legislature parliament can be implemented the republic by voting for the proposal.
- d. The king will not hold the responsibility of head of the state. The executive power will be handled by the Prime Minister.
- e. Seven Party leaders requested Maoist to join the government immediately.

Historic Constituent Assembly election was held on 10th April for the 601 constitutional seats. The election was based on the two principle of electoral system. The 240 member of the assembly were directly elected by the 'first past the post system' and the remaining 335 were elected on the basis of the proportional representation. According to an estimate around 10.5 million people participated in the election. The voter turn out was sixty per cent. Interestingly, around 51 per cent of the voters were below the age of 35 years.

Nepali youth played an important role in Jana Andolan as well in constituent assembly election. After election Nepali Congress, UML and Communist Party of Nepal (Maoist) expressed their thanks to the Nepali people for their massive support and participation in the election without any fear.

All the political parties were assured about their performance and expecting the huge victory in CA election. Specially, the Nepali Congress was quite assured that it will easily secure majority in the assembly. But the result of the election was drastically come out in support of the Communist Party of Nepal (Maoist). CPN (Maoist) has received the massive mandate from the Nepali citizen. The election result was quite big shock for the Nepali Congress. Many frontline leaders of the Nepali Congress have lost their election. On 11 April, CPN- UML leader Madhav Kumar Nepal resigned from the post of party general secretary after loosing the election from Kathmandu constituency. According to international observer, election was peaceful and fair. The massive victory of the Maoist shows that the common mass wants peace and democratization of the institution. The CA came in existence as a symbol of hope for Nepali society specially for the most disadvantaged section. But after the three years of their existence, it apparently failed to draft the new constitution of Nepal. All the political parties are again engaged in their own interest to capture power and the common mass is still waiting for the most awaited constitution of Nepal.

After going through the historical development of Nepali politics, it is clearly evident that the monarchy has played an influential role in shaping the centralized character of the Nepali politics. Initially, monarchy adopted the 'Hinduization' as a principle of national integration, which further strengthens the domination of a particular group in society and politics. This model of national integration and exclusion continued till the emergency of the democratic movement of 1990. The movement of 1990 has given challenge to the philosophy of Hinduization as a principle of National integration because it paved the way of democratic rights of the several groups of society. Theoretically, the centralized political system can not address the issues of a diversified society. It is essentially required a decentralized system based on the principle of democracy. After the restoration of democracy, the way for more inclusive society opened and it made a

significant change in the social and political atmosphere. Identity movement is one of the results of this democratic politics, which open the door for marginalized community. Dalit movement emerged in Nepal as a part of the broader identity movement. The movement challenged the policy of caste based discrimination and the dominance of a particular Hindu group in decision making process.

Rise of Dalit Consciousness:

Dalit movement is a recent phenomenon of post 1990 but the emergence of the Dalit consciousness is as old as the democratic history of Nepal. It is deeply rooted in the social and political structure of the Nepal and it is continually framing with the development of Nepali politics. As mentioned earlier that the Nepali society is based on the fundamental principle of Hindu values, which divides the society on the basis of caste. The system of caste based division has initiated a process of exclusion in the society through the practice of caste based discrimination. The unique consciousness of Dalits identity emerges in this socio-political setting of the country. The socially and politically excluded groups of Dalits have the strong feeling of segregation and exclusion since long. They started their agitation with the first democratic movement of Nepal and continued till the recent democratic movement of 2006. Initially, the movement was unorganized but now it is organized and focused to the goal of Dalit emancipation.

Initially, the Dalit consciousness brought the inspiration from the different school of thoughts, which were against the vedic beliefs of castism, fate and rebirth. One of the important school was the 'Charvak Philosophy' which came in existence in 6th century B.C. This school of thought is characterized as a 'materialistic' and 'atheistic'. This atheist philosophy was started by an ancient chavwak sage around 400 A.D. and said that, "Earth, air, water and fire are the four elements that created consciousness. That is why there is neither heaven nor liberation, nor the soul that goes to heaven. That is why people's action based on caste are futile. (Sankrityayan, 1968:12) The followers of the thought firmly believe that religion was invented by the human being and it has no divine authority and therefore they criticized the concept of rebirth. Another important philosophy was the 'sankhya philosophy', which believes in the non existence of God.

The sankhya philosophy was not simply atheist in form and essence, rather it was explicitly anti-vedic and free from Brahmanist tendencies. (Damodarn, 1982:18). During the fifth and sixth century, there were several philosophers such as Prakudh Katyanan, Makhali Goshal, Purna Kashyap, Sanjay Belathiputra and Nigandhanath Putra each had their own religious sects, but had in common their opposition to Vedic religious beliefs. (Kisan, 2005:83)

Most importantly the contribution of the Buddhism is highly significant in the enlightenment of Dalit consciousness. Gautam Buddha was a social revolutionary and the founder of the religion. He was an opponent of the caste system and maintaining that people should be judged by their deeds, nor by the heredity. Gautam Buddha challenged the Upanishadic dharma philosophy. He opposed the caste system and constructed a diametrically opposite notion of justice (dharma) to speculate and assign a whole range of new tasks to the state and the society. (Kancha Ilaiah, 2001:87) Buddhism opened its door for all section of society without any discrimination on the basis of caste and therefore it played a significant role in the emancipation of the Dalit consciousness. The Jain religion also came forward with the philosophy of non discrimination and opposition of the Hindu values and rituals. Buddhist and Jain religious teachings explicitly instructed followers not to ill-treat Shudras, not to burden them beyond their capacities, and to feed them and give them medical care. These were significant efforts that these two religions made to improve the conditions of at least some Shudras. (Kisan, 2005:85)

Bhakti Movement emerged in thirteen and fourteen century also influenced the consciousness of the Dalits. It was a religious reform movement. Saints like Kabir, Ravidass, Namdeva and many other raised their voice against the inhuman tendency of the society. Bhakti movement exposed the hollowness of the old ritual and philosophy of the society. This movement dealt a blow to the supremacy of the Brahmins and propagated the philosophy of equality. One of the fundamental principles of the movement was to pursue the idea of equality of all human being. The saints of the movement strongly opposed the evils of the caste and supported the belief of unity. Saints like Kabir and Ravidass taught that one is distinguished not by one's caste but by one's action and therefore every person have the right to worship and read the holy text. They

opened a frontal attack against the system of untouchability and rejected the tradition of Brahmin mediator to reach God. Some scholar claims that the movement was not able to raise the desired consciousness in the society. Ambedkar underlines the failure in his writing. “They have been ineffective....Firstly; none of the saints ever attacked the Caste System. On the contrary, they were staunch believers in the System of Castes. Most of them lived and died as members of caste they respectively belonged” (Kumar, 2010:5). Despite this allegation movement was successful in raising the awareness among the untouchability community.

Most importantly, Ambedkar played a significant role in shaping the identity and consciousness among the Dalit community in modern era. Several social reformers emerged in first half of the twenty century. But the most pervasive Dalit movement emerged in the leadership of Baba Shaba Ambedkar. He rejected the reformist approach of Gandhi and established the thought that the ideological hegemony of Hindu religion is the root cause of all the suffering of the Dalit community. Ambedkar’s movement reached its climax when he converted to Buddhism along with thousands of followers. Dalit movement reached in the heights under the leadership of Ambedkar. Another important movement was the Dalit Panther movement which emerged in 1975-76. It was inspired by the revolutionary ‘Black Panther’ movement of the USA. This movement contributed a lot in formation of identity and awareness generation. It is evident that the above mentioned social movements emerged in India and contributed as the base of the Dalit movement but it also successful in effecting and inspiring the Dalit community in Nepal.

In Nepal, Josmani religion has played an important role in shaping consciousness. The Josmani cult, which drew its inspiration from the ‘nirguna’ tradition of medieval Hinduism, inspired a new poetry, social conscious, rebellions in spirit, critical of popular Hinduism (Das, 2005:312). The followers of this religion opposed religious rituals, caste discrimination and idol worship. They launched a social reform movement in Nepal. Their first joint attack was directed to the rigidity of caste rules. Gyan Dil Das was one of the prominent figures of the religion. Although a Brahman, he opposed Brahmanism. He welcomed people from castes such as Kami, Damai, Sarki, Rai, Limbu, Gurung and

Magar into Josmani faith, and was thus criticized by the Brahmans. He faced numerous threats from the Brahmans as well as from the king. Another Important saint was the Yogmata Koirala. She spoke out against the negative practices and the feudalist Hindu varna system (Kisan, 2005:87). Several other leaders also came in front to oppose the caste system. Among them are: King Jai Prithvi Bahadur Singh, Bal Guru Kahadananda, Phagunnanda Lingdem and Babu Ram Acharya. There were people who played early and important roles in laying the ground work for an organized movement like Kala Damai, Gopal Larnjel, Bhagat Sarbajit Biswakarma and many others belongs to the Dalit community itself. All of these people worked for social reforms and helped to inspire the movement against the caste based discrimination in Nepal.

Organized Dalit movement emerged in Nepal in the late 1940s. Several Dalit organizations emerged from 1940 to 2000 to oppose the caste system. The first Dalit organization was Vishwa Sarvajan Sangh, which was established by Sarbjit Biswakarma in 1947. The prime focus of the organization was the education and consciousness rising among the Dalit community. Another important organization was Nepal Samaj Sudhar Sangh (1947), which was working to promote the unity of all castes on the path of freedom from caste oppression. Saharshnath Kapali, the founder of the Samaj Sudhar Sangh initiated a successful campaign to allow Dalit entry into Pashupatinath temple in 1954. The Government of Nepal removed the sign-board at the entry gate of temple which said, 'the entry of the untouchability is prohibited in the premise of the temple'. Another important event happened in 1972 when Nepali Rashtriya Dalit Jana Bikash Parisad proposed first official demand of reservation for Dalit in its first convention. There were several other organization came in existence to oppose the caste based discrimination and they played a significant role in rising awareness among the Dalits. Yam Bahadur Kisan (2005) listed the thirty organizations which worked for the Dalits emancipation. The main organizations were:

1. Vishwa Sarvajan Sangh (1947)
2. Tailor Union (1947)
3. Nepal Samaj Sudhar Sangh (1947)
4. Nepal Harijan Sangh (1950)

5. Nimna Samaj Sudhar Sangh (1951)
6. Jat Tor Mandal (1951)
7. Samaj Sudhar Sangh (1952)
8. Pariganit Nari Sangh (1955)
9. Nepal Rashtriya Pariganit Parishad (1957)
10. Acchut Mukti Morcha (1958)
11. Rashtriya Acchut Mukti Parishad (1958)
12. Nepal Rashtriya Dalit Jana Bikash Parishad (1967)
13. Samaj Sudhar Morcha (1979)
14. Nepal Rashtriya (Dalit) Samaj Kalyan Sangh (1982)
15. Utpidit Jatiya Utthan Manch (1988)

The first tenure of the democracy from 1950 to 1960 was very productive for the assertion of Dalit identity in Nepal. The organizations established during the course of time were very much focused to oppose the caste based discrimination. It raised a feeling among the Dalit that they are also human being and they are the victim of the feudalistic caste based system. After the derailment of the democracy in 1960, movement weakened in strength because of the autocratic Panchayat System. During the panchayat system only nine organizations came in existence. The political activism was ban in Panchayat System therefore it was difficult task to form any organization for opposition against the system. After the restoration of democracy in 1990, movement starts taking momentum again. Hundreds of NGO came up with the slogan of Dalit emancipation. There were the two kinds of NGOs working in Nepal. NGOs like Dalit Welfare Organization and National Dalit Social Welfare Organization were working on national level. The second kind of organizations was working on the local level. All the NGOs were primarily working on the basic principle of eradication of caste based discrimination and awareness rising.

Table 2.1

National Level Dalit Non-Governmental Organizations in Nepal

NAME OF ORGANIZATION	SLOGAN/VISION	STRATEGIES	PRAGRAMS
<p>DHRO (Dalit Human Rights Organization) (www.dhro.org.np)</p>	<p>Establishing an egalitarian society with full enjoyment of human rights</p>	<p>Creating public awareness against the improper social practices including superstitions, caste discrimination and environment degradation.</p> <p>Bringing the Dalit community into the socio-political mainstream of the development.</p>	<p>Producing and broadcasting materials relating to the protection and promotion of human rights of the Dalit community</p> <p>Undertaking research to monitor human rights falling under the purview of national, international laws, treaties and protocols, enhancing economic, social, political capacity by conducting various informal education and income generating programs.</p>
<p>Dalit Welfare Organization (DWO) (www.dwo.org.np)</p>	<p>A movement for social justice.</p> <p>Envision a society where people respect each other with justice and live with dignity regardless of caste, race, status, profession, and ethnic groups they belong to.</p>	<p>To support and advocate for the eradication of the caste-based discrimination system.</p> <p>To provide a holistic program for the development of Dalits.</p> <p>To unify as a people in attaining Dalits' emancipation.</p> <p>To gain equal rights and dignity among Dalit and non-Dalits alike.</p>	<p>Awareness for capacity building: Radio, TV, Tele films, street drama, training, seminar, interaction, discussion and co picnics; Cultural programs, Legal literacy Networking, and mobilization; Advocacy Educational Programs-Early Child Development Centre-Child and adult literacy class and parents and social awareness literacy; Scholarship and educational support; Skill development training; Text book and amendment of curriculum; Self-help and income generation.</p>

<p>Feminist Dalit Organization (FEDO)</p> <p>(www.fedonepal.org.np)</p>	<p>For a just and equitable society.</p> <p>Emphasizes the role of Dalit women in the upliftment and liberation of Dalit society.</p>	<p>Awareness building among Dalit women.</p> <p>Advocacy for Dalit rights and against caste discrimination.</p> <p>Caste and gender mainstreaming to promote human rights and social justice.</p> <p>Implementing development programs focusing on Dalit women and children based on their needs.</p>	<p>Participatory approach to developments with programs focusing on:</p> <p>Education: increasing Dalit women literacy rate, inspiring girls to join school.</p> <p>Economic Empowerment: promoting self sustaining and economically profitable micro enterprises; mobilizing Dalit women groups in income generating and skill development activities for their economic empowerment; modernizing occupational skills of Dalits.</p> <p>Health and Sanitation programs; Advocacy, awareness campaigns and research.</p>
<p>Lawyers' National Campaign Against Untouchability (LANCAU)</p> <p>(www.lancaunepal.org.np)</p>	<p>Elimination of crime of Untouchability and all forms of Untouchability based discrimination.</p>	<p>Advocacy and sensitization programs for the elimination of Untouchability and caste based discrimination.</p> <p>Innovative campaigns against caste-based discrimination.</p> <p>Promotion of human rights and social inclusion of Dalits.</p>	<p>Consultations and workshops in District networks.</p> <p>Awareness campaigns.</p> <p>Mass Media Research and Publications.</p>

<p>Jana Utthan Pratisthan (JUP) Academy for Public Upliftment</p> <p>(www.jup-nepal.org)</p>	<p>Nobody is born impure, all humans are created equal</p>	<p>Raising awareness about human rights, socio-economic development, environmental deterioration, and prevailing superstitious social customs, such as caste discrimination.</p>	<p>Empowerment an advocacy strategy.</p> <p>Training programs to enable self-reliance, decentralization, good governance and community mobilization.</p> <p>Lobbying at the international meeting in accordance with the laws of the UN, European Union and international organizations, international treaties and conventions, international Dalit Solidarity Network (IDSN).</p> <p>Coordinating its activities with other Dalit movements.</p>
<p>Nepal National Dalit Social Welfare Organization (NNDSWO)</p> <p>(www.nndsw.org.np)</p>	<p>Envisioning an equitable society</p>	<p>Uplifting the living standard of the Dalits communities and mainstreaming this isolated sphere of the Dalits</p>	<p>Advocacy for Basic Human Rights of Dalits.</p> <p>Promoting Dalits Rights and Political representation.</p>

Source: Sambridhi Kharel, 2007, “The Struggle for Full Citizenship for Dalits in Nepal: Approaches and Strategies of Dalit Activists”.

After 1990 movement, International agencies also came in front to contribute in the development of the Dalit community. These agencies are providing funds to the Dalit NGOs and initiating programs for the emancipation of Dalit community. Multi-lateral agencies like European Union, World Bank, Asian Development Bank are providing aid to run projects for Dalit empowerment. International Non-Governmental Organizations are also promoting the programs for the development of Dalits. The main INGOs are: Save the Children US, Action Aid Nepal, The Asia Foundation, Lutheran World Federation, CARE Nepal and OXFAM. All these agencies are not directly influential in consciousness rising among Dalits but indirectly they are significantly contributing in Dalit movement. International agencies and INGOs are encouraging the government to include the agenda of Dalits inclusion in policies and programs of Nepal. Dalit NGOs are working in collaboration with these agencies. All these activity directly or indirectly encourage the Dalit community to reverse the curse of discrimination on the basis of untouchability. They are more focused towards their demands of inclusion and proportional representation in decision-making process.

The growing consciousness of Dalits clearly manifest in Jana Andolan II. Along with several other identity groups, Dalits actively participated in the democratic movement of 2006. The Dalit community has strong belief that the new form of democracy will be more helpful in resolving their grievances. It is very evident that the ongoing process of democratization has effectively contributed in the formation of organized Dalit movement in Nepal. In 2006, Rastriya Dalit Network (RDN) organized Dalit parliament from 9-10 December at Kathmandu. This was the great event from the perspective of integrated Dalit movement in Nepal. Rastriya Dalit Network invited all the Dalits and like minded people to participate in the two days program. The main objective of the parliament was to develop a united movement of Dalits. Another important event happened in December 2008, when United Dalit Student Struggle Committee protested against the decision of the cabinet regarding the reduction of fellowship for the MBBS student of Dalit community, provided by the Minister of Education. Various Dalit civil society organization, Constituent Assembly members and Nation Dalit commission joined hands to extend solidarity with the Dalit student struggle. It was the effect of the

awareness among the Dalits that compelled the political parties to ensure their participation in the making of interim constitution in 2007.

Further, the introduction of proportional representation in Constituent Assembly election insured the inclusion of more Dalits in law making process. It is a remarkable development because it happened first time in the Nepali history that around fifty members of Dalit community are representing their interest in Constituent Assembly. The representation of the Dalits in CA is 8.1 percent with forty-nine members out of the total 601. Interestingly, first time seven member of Dalit community elected through under the First Past the Post System. It may argue that the voice of the Dalit member is not very loud but they are capable to influence the assembly on the issue of Dalit empowerment. Recently, the Dalit Constituent Assembly members obstructed the house on the issue of a Dalit man's murder in Kallikat district of Nepal. He was mercilessly beaten by two upper caste men as he entered the kitchen of Dharmo Hostel at Jubitha-6 of Kallikat to light his cigarette on the oven. Dalit CA members presented five point demands to the Government of Nepal including the demand of adequate compensation to the family of the victim. They also urged the government to take the effective measure to counter the nation wide phenomena of caste based atrocities. Government of Nepal declared the compensation of ten lakh for the family member of victim. This incident shows the growing influence of Dalits in the parliament. (DWO, News, 27/12/2011).

Demands of Dalit Movement:

In last few decades, several political alliances, NGOs and International agencies came up with their charter of demands. All these are making collective effort to turn the situation in favour of Dalits. The first charter of demand raised in 2004, known as the 'Kathmandu Dalit Declaration, 2004. The main objective of the charter was to ensure the Dalit rights and the prevention of discriminatory policies. In 2007, United Republican Dalit Front, Nepal (URDFN) submitted 10 points demands to the government. URDFN included the wide range of demands in their memorandum. The organization demanded the election of constituent assembly election on time, abolition of monarchy, declaration of Nepal as a secular state, reservation for Dalits in state

organ, removal of untouchability, constitutional status of Dalit Right commission and scholarship for Dalit student up to higher level. Further the alliance of six Dalit wings of major political parties drafted a 9 point Common Minimum Understanding.(Pyakurel,2007:9) The main focus of the understanding was:

- In the context of the declaration of Nepal as an untouchability-free nation made on Jestha 21, 2063BS by the parliament following the peoples' movement (Jana Andolan 2062/63), untouchability discrimination must be made a social crime of serious nature by the constitution [the main statute] itself, and hard laws must be enacted against untouchability-discrimination and enforced immediately.
- Implementing the agreement and understanding made among eight political parties, an interim government including Maoists must be formed, and the date of Constituent Assembly (CA) election must be declared immediately.
- The election of CA must be held based on the system of inclusive proportional representation. A minimum of 20 percent CA representatives must be allocated to Dalit representatives on the ground of proportional representation as well as a means of additional rights for compensation to Dalits. Similarly, a provision of 20% representation from Dalits at all levels from top to bottom of the state machinery, governmental and private agencies must be made on the ground of proportional representation as well as a means of additional rights for compensation to Dalits
- Nepal as a state must be restructured establishing a federal democratic system of state governance based on caste, language and regional autonomy.
- Rayamajhi Commission Report must be made public, and culprits of suppressing the Jana Andolan must be booked, and stern action must be taken against them.
- An effective step must be taken to bring the declaration of a secular state and its system into practice.
- Dalit Rights Commission must be made a constitutional body.
- Identifying all problems of Dalits, the state must make a [concrete] plan to resolve the problems in all associated sectors.
- The genuine demands of Madheshi, indigenous nationalities, women must be fulfilled.

The understanding of the alliance derailed when four organizations came out of the alliance. The constant failure of political leadership of Dalits provided the space to the Non Governmental Organization. Dalit NGOs made strategy to pressurize the main political parties and the Government. Therefore, around twenty Dalit organizations decided to organize a 'Dalit Citizenship Assembly' in June 2007. DCA was a magnificent experiment of Dalit NGOs to show the numerical strength of the Dalit community. Approximately 2000 Dalit joined assemble and discussed the various issues related to their interest. The assembly ended with 15 points demands.(The Advocacy Project, 2007) The main were:

- a. Issues relating to Nepal's Dalit community remain in the corner as the country faces a great change. Recent amendments in the constitution failed to meet the demands of the Dalit community giving Dalits only 6% participation in the Constituent Assembly (CA). It is strongly recommended that the constitution is amended once again.
- b. Issues relating to Nepal's Dalit community remain in the corner as the country faces a great change. Recent amendments in the constitution failed to meet the demands of the Dalit community giving Dalits only 6% participation in the Constituent Assembly (CA). It is strongly recommended that the constitution is amended once again.
- c. There should be proportional representation of Dalits in every sector of the state. It should be guaranteed that 20% of representatives in the Constitution Assembly (CA) election are Dalits. This is a strong focus and commitment of this assembly.
- d. This assembly urges the 8 political parties and Nepali government to provide a date for the CA elections. The monarchy should be abolished along with the declaration of the Federal government system from the parliament.
- e. Dalits are currently unable to gain access to social, cultural and political sectors because they don't have access to natural resources. Dalits should be provided with a justifiable mass of land.
- f. The major political parties have shown only surface level interest in Dalit empowerment. We aspire for their strong and reliable support for Dalits' liberation and upliftment.

- g. The country is heading towards a federal system of government. We hope that Dalit's agendas and issues will be central to the forthcoming government.
- h. Because of the global marketplace, Dalits are economically limited in terms of their professional expertise. Dalits are also curtailed from water resources, electricity and others. This assembly focuses strongly on economic protection for the Dalit community. A collective declaration should be presented to economic organizations, multinational companies etc.
- i. Due to landlessness, Dalits are forced to migrate and work in dangerous areas. This is affecting their health status and causing social problems. This assembly urges that proper health and livelihood facilities be provided to Dalits.
- j. Land related exploitation systems such as the Haliya, Kamaiya, Balighare, Khali, Harawa-Charawa (Bonded Labor systems often associated with the agricultural sector) systems should be abolished as soon as possible.
- k. The interim constitution has provided women with 33% representation in government, but there is currently no specified inclusion for Dalit women. The new constitution should include measures which address the social, economic, political, and cultural hindrances that Dalit women suffer. The government should seek to provide special policies and programs for the restoration of Badi women.
- l. There should be special policies to include Dalits in the state and private media. This assembly urges for this representation
- m. Organizational bodies in Nepal currently only provide representation for segments of the Dalit community. Dalits in their entirety (including all sub-castes) should be provided with opportunities within governmental, private and non-governmental organizations
- n. A new Dalit commission named "The Constitutional Dalit Rights Commission" should be established along with the amendment in the interim constitution.
- o. Untouchability and discrimination should be condemned as a serious social crime, and the culprits should be punished severely within the new constitution.
- p. Dalit students should be given scholarships with free education till higher education level.

The Centre for Human Rights and Global Justice (CHRGJ) at New York University has also drafted the following demands of Dalit Rights in its report 'Recasting Justice: Securing Dalit Rights in New Constitution (2008)'. The main proposal of the CHRGJ report included the following demands (UNDP Report, 2008):

- a. Clear provisions on citizenship that do not discriminate between men and women (and recognize a person whose father or mother was Nepali as citizens.
- b. Clear and effective language on rights and equality of all, ensuring there is no room for doubt, no exceptions and no loopholes.
- c. Ensure that the freedom of choose one's occupation is fully protected, with no possibility of exclusion on grounds that might affect the rights of Dalits.
- d. Ensure that the framing of the right to religion or to culture cannot be used to justify caste discrimination.
- e. Ensure effective regulation of political parties including preventing them discriminating on unconstitutional grounds.
- f. Include social and economic rights –such as food, education and health-as effective rights (albeit to be achieved progressively).
- g. Include effective remedies to protect rights.
- h. Establish the National Dalit Commission as a constitutional body.

All the recommendations of the CHRGJ to the constituent assembly basically provide the guideline for inclusive constitutional provision. The demands of the Dalits rights crystallized with the declaration of 'Kathmandu Charter of Dalit Rights 2007'. In December 2007, National Dalit Conference was held in Lalitpur. Nearly 300 participants attended the conference from 75 districts of Nepal. The two day conference successfully formulated the charter of demands. The charter was divided in thirteen thematic sections. The main recommendation was;

- a. Restructuring of State and Dalit Participation:** ensure the involvement of Dalits in all structure of state, provision of reservation, preoperational representation, provision of accurate population census, special provision to address the economic, political, administrative and socio-cultural problems of

Dalit, ensure that they are not disadvantaged by the federal system and the guarantee of Dalits right in provincial and local system.

- b. Dalit Participation in Constituent Assembly:** representation of Dalits in Constituent Assembly, free and full participation in decision making, ensure that all sectors of Nepali society are able to make input into the assembly.
- c. Politics and Political Parties:** programme of political parties must be inclusive in their structures and choice of candidates to that proportional participation and representation and access of the Dalit community is assured, codes of conduct for leaders and cadres of all political parties against caste discrimination and untouchability.
- d. Economic and Employment Opportunities:** promote and modernize their profession, ensure Dalits' economic rights for empowerment and all round development, constitutional provision to guarantee access for Dalits, giving priority to the economic sector including by affirmative action, ensure land ownership for landless Dalit communities, ensure right to development and food security for the Dalit community, abolish all kind of bonded labour, policy of encouraging employment of Dalits in private sector, special arrangements of employment for Dalit women.
- e. Effective mechanism to end caste discrimination and untouchability:** comprehensive legislation should be passed and implemented to ensure complete guarantee of human rights and justice for the Dalit community, prohibition of discriminatory acts based on notion of untouchability, and the constitutional status of National Dalit Commission.
- f. Human Rights generally:** constitution should ensure that the fundamental and human rights of Dalit community are not violated in the name of social norms and values, encourage programmes of affirmative action for the disadvantaged, human rights should be binding on commercial enterprises, private sector NGOs and INGOs.
- g. Education and Health, and other economic rights:** free and quality education to the Dalit students, ensure the appointment of one male and one female teacher

in every government and private school, ensure the rights of education, health services, food, water and housing.

- h. Social, Religious and Cultural:** protect the right of individual choice in family affairs, declare the value of daijo pratha (dowry system) and polygamy a punishable offence, protection of religious rights and ensure effective steps to protect and promote the cultural heritage of Dalit community.
- i. Law, Justice and fair administration:** restructuring of the justice system and judicial administration, provision should be made for a unite in each court to guarantee Dalit the right to legal aid, and ensure the constitutional right of fair administration.
- j. Dalit Women:** formulate and implement appropriate policies and laws to address the plight of Dalit women, ensure the guarantee of full protection from domestic violence, provision should be made to ensure Dalit women's equal access and control over financial assets of the family, formulate policies and launch programmes to encourage inter-caste marriages, root out the economical, educational and social exploitation of the Badi community and ensure the implementation of the agreement between the Badis and the government.
- k. Madhesi Dalits:** provide citizenship certificate to the Dalit community, ensure proportional representation in all spheres of national life, provide land and a place to live to Terai Dalits and resolve the issues of the Terai community relating to their language
- l. Information and Communications:** state owned media should have a policy to ensure that programmes relating to Dalit issues should be published, produced and transmitted/telecast/broadcast free of cost, ensure that the private media also give fair coverage to Dalit issues, media should provide information and education to the community and the mass media should accept the responsibility to promote equality and the abolition of all sorts of caste and gender based discrimination.
- m. Justice delivery and rehabilitation during the interim period:** state should conduct investigation to find out the truth about the affected Dalit community during the people's war and make arrangements for their proper rehabilitation, provision should be made for appropriate compensation, medical treatment,

psychological counseling and opportunities of livelihood for disabled Dalits, and Dalit women who were sexually exploited during the conflict, ensure the publication of investigation report on missing Dalits and ensure the proper rehabilitation of Dalit children, who have be forced to work as insurgent.

All the demands made by civil society organization, international agencies and alliances of political parties are clearly underline some basic demands. Restructuring of State for equitable and inclusive society is the prime concern of all the actors. Demands also included the aspiration of other marginalized identity and therefore it is important for the formation of inclusive state. The fulfillment of the demands can insure the permanent peace, human rights and social justice in the society. The demands of proportional representation, abolition of discriminatory values and growing emphasis on human rights will play important role to promote and strengthen the newly establishment democracy.

It is difficult to assume whether Constituent Assembly will be successful in dealing with all demands but it is quite sure that the growing aspiration will make the job of constituent assembly very difficult. It will not also easy task for the major political parties to sideline the aspiration of Dalits because of the democratization of political institution. In fact the developmental process of Dalit movement from unorganized to organize and the transformation of Nepali politics from monarchy to democracy is the result of vibrant and constant effort of civil society of Nepal. The participation of common mass in democratic movement shows their commitment for 'New Nepal', which will be inclusive in nature. In present context, the debate of inclusive democracy has opened the door for marginalized community and it may be count as a positive sign for the diverse society of Nepal.

Chapter: Three

Situational Analysis of Dalits

Nepali society is very diverse and complex in nature. According to the census of 2001, Nepal is populated by 103 caste and ethnic groups. The Nepali society is a mosaic of different language, caste, religion and culture. Around 85 per cent population belongs to Hindu religion and 11 per cent is Buddhist. The 2001 census recorded 106 languages and dialects, of which the Indo- Aryan language family constituted 79.1 per cent and Tibeto-Burman is 18.4 percent. Interestingly, not a single social group holds a majority in the Nepali society. The largest group, Chhetri whose number is 3.5 million, constitutes only 15.8 percent of the population, followed by the hill Brahman with 12.7 per cent. The other major groups are Magar (7.1%), Tharu (6.7%), Tamang (5.6%), Newar (5.5%). This diversity of Nepali society is the result of several waves of the migration over centuries. The diversity of Nepal is the unique character of the society, which significantly influenced the politics of the country as well. Before the integration of Nepal as a state, diversity was not a challenge for the rulers of the country. But after the integration it was the biggest challenge before the ruler to manage the diversity of the nation. The rulers of Nepal enforced three different model or principle of nation integration from time to time. These models of integration were basically focused towards the centralization of power and further the homogenization of culture.

After the integration of Nepal in 1769 under the king Prathavi Narayan Shah, 'diversity' emerged as a factor of prime concern for the ruler of the country. It was a difficult task and therefore the rulers of the nation introduced a model of integration on the basis of nationalism. The first model of nation integration was the 'empire model'. It includes the establishment of the Gorkhali Empire up to the end of the Rana regime (1769-1950). This period was marked by the forceful unification under the Shah Dynasty (1768-1846), followed by a period of consolidation (1846-1951) under the rule of Ranas. (Geiser, 2005:17). King Prathvi Naryan Shah defined the nation as a 'garden of four varnas and sixty jats'. He initiated the process of integration of nation on the basis of religion by declaring the country as Asli Hindustan. The laws of the land were based on Hindu

religious texts and practice. The process of centralization and homogenous of culture, became more focused with the introduction of the first legal code of Nepal in 1854 (Muluki Ain) by Jang Bahadur Rana. The first legal code was also based on Hindu jurisprudence and incorporated the diverse caste and ethnic groups into the framework of national caste hierarchy. (Thapa, 2010:924) During this period Nepalese Society was based on legally sanctioned hierarchical structures and the 'lower' castes, women, ethnic communities and non- Nepali speaking linguistic communities were socially excluded from state administration and land rights. (Pradhan and Shrestha, 2005:6)

The second model of nation integration was the 'Nationalistic Model', which starts from 1961 and continue till the end of Panchayat system. During the period the society was non-hierarchical and mono cultural. The caste system was abolished by the legal code of 1963. It was not an attempt to modify the status of the marginalized community. Rather it was an effort to justify the theory that cultural diversity or pluralistic society paved the way of development and modernization of the country. Therefore, it is required for the benefit of the nation to demolish the hurdle of cultural diversity. The ruler of the panchayat era developed the idea of 'cultural assimilation' of different identity groups around a national standard. They also promoted the hegemony of one religion and one caste and language as a parameter of national standard. The policy of homogenization of different culture in one whole accelerated the process of exclusion of different ethnic and caste groups including women.

The third model of nation integration was 'The Patchwork of the Minorities Model'. It was incorporated after the restoration of democracy in 1990. The movement for democracy got successes in spreading the awareness in common mass. The demand of legal and political rights of the marginalized section started to influence the politics of the nation. The period after 1990 saw a growth in the civil society organizations, which combined with the rights to organize politically and free expression, has also initiated the discussion of caste and ethnic based discrimination. (Manandhar, 2010:10) Different identity groups demanded the abolition of discrimination based on caste, ethnicity, language and gender. Due to the growing influence of the identity groups, the constitution of 1990 declared Nepal a multiethnic and multicultural nation. But the legacy

of the dominance of Hindu religion remains in the constitution of 1990. Although the diverse groups are considered equal by law, in practice, and sanctioned to some extent by customary laws, the structure hierarchy of groups and gender remains. The Maoist movement also played a significant role in raising the awareness among the marginalized community. They incorporated the demands of the marginalized section in their broad framework of restructuring of the Nepali state. Therefore, the movement was supported by the various section of the society, which was losing hope in the political leadership of the country. After the second democratic movement in 2006, Nepal moved ahead toward the direction 'secular democratic' state. In 2008, Constituent Assembly declared Nepal a 'secular' and 'democratic' nation. The issue of the proper representation and social exclusion is the prime concern for the national politics, which cannot be ignored by any political actor of Nepal.

Identity politics is one of the important aspects of Nepali politics today. The emergence of the identity politics is the result of the exclusionary social and political structure of the Nepal. The larger section of the society now starts analyzing the society from the perspective of social exclusion. They understand that their exclusion is based on social identity in terms of caste, ethnicity, race and gender. They also acknowledge the fact that the discrimination and violence against these identified groups nurtured by the state. The prominent social scientist, Dr. Harka Gurung, articulated the fact that the state advocacy of Hindu religion relegates the Janajati, ethnics and other non-Hindus as peripheral subject. Therefore, the majority of the population is excluded in every sphere of life.

Dalits is one of the most deprived sections of the society because of the caste based discrimination against them. Interestingly, the issues of the Dalit and caste based discrimination are not only related to Nepal, it widely connected to the most of the South Asian countries. Dalit identity is very strong in India and it achieved various constitutional and political rights. However, the Dalit consciousness is growing in Nepal since long but it expressed more firmly after the restoration of democracy. Like the other marginalized groups, Dalits is also consciousness for their rights. The government of Nepal realized the depth of the problem and introduced several reforms and policies for the upliftment of the Dalit community from time to time. It will be interesting to analyze

the effects of these policies on the Dalit community. Because, the democracy is very young in Nepal and the government is still not concern to determine the accurate definition and strength of Dalits in Nepal.

b. Who are the ‘Dalits’

As far as the term ‘Dalit’ is concern, it is very ambiguous and therefore a lot of confusion prevails regarding the definition of the Dalit itself. Traditionally, it is a Sanskrit word that means ‘crushed’, ‘broken’ or ‘oppressed people’, used for the first time by lower-caste reformer, Jotiba Phule, during the mid nineteen century in India. The term was owned and frequently used by the great Dalit leader, Dr. B.R Ambedkar. In 1972, the rise of ‘Dalit Panther Movement’ and Dalit manifesto, the word gradually become the symbol of hope and resistance for the oppressed and discriminated classes all over the South Asia. The Nepal Government, international aid agencies and academics use many terms to refer to Dalits. Some terms, such as *paninachalne*, *acchoot*, *doom*, *pariganit*, and *tallo jat*, *uppechhit*, *utpidit*, *sosit*, *pacchadi pareka* etc. Initially Dalit hesitated to accept the term ‘Dalit’ but later it gained wider acceptance in Nepal. The term ‘Dalit’ represents the condition of a group which is characterized by caste based discrimination. International agencies like DFID and World Bank also recognize the term. However in Nepal, the definition of Dalit differs from one source to another. National Dalit Commission defines the Dalit community in its Bill on caste Discrimination as a group, who have left behind in social, economical, political and religious sphere and deprived of human dignity and social justice due to caste based discrimination and untouchability. (UNDP Report, 2008:22). While, Koirala (1996), refers to “a group of people who are religiously, culturally, socially and economically oppressed, who could belong to different language and ethnic groups. On the other hand, Vishwakarma (2001) prefers to use the term Dalit exclusively for the so-called “untouchables” of Nepal. The definition of Koirala is quite ambiguous and closely related to the definition of Dalit Panther in India. They also incorporated the wide range of population under the term of Dalits. This definition does not clearly define the crack of the social problem. In fact, the oppression of Dalit castes emanates from their exclusion as social outcaste on ritual basis, which in effect

marginalizes them religiously, culturally and economically. It is misleading to assign untouchability on the basis of ethnicity or language since the Bahun and Kami belongs to the same racial (Caucasoid), language to (Indo-Aryan), and cultural (Hindu caste) groups. Therefore, Dalit term does not apply to those outside the caste system (Gurung, 2010:7).

According to the UNICEF Report, 2007:3, Dalit are not only disadvantaged by poverty, but also social exclusion from civil and political processes and other forms of social interaction. Eminent sociologist, Vivek Kumar (2006:75) describes three basic social characteristics of Dalits. Accordingly, Dalit can be define on the basis of three social characteristics: a) their structural location in society. b) social exclusion they suffer in the society, c) their unique construction of consciousness, which is anchored naturally in their structural location and social exclusion. Despite the controversy on the term 'Dalit', the movement accepted the term to refer those Hindu castes which have been placed in the bottom of the social hierarchy and treated as untouchable by the upper strata of the society. The movement incorporated the term as a symbol of fight against the inequality and discrimination.

(i) Identification and Diversity of Population:

Nepal has no single defined schedule of caste as in India. Therefore, the estimate of Dalit population differs from one source to another. Dalits of Nepal officially constitutes 12.8 percent of the total population. Although, the unofficial sources believe it to be around 21 percent (4.5 million) of the Nepalese population. The Dalit NGOs and civil society members doubts the census data because the Dalits hide their identity from the census staff and in many cases they adopted identical surnames of the high caste groups. The 1991 census included only ten Dalit groups as untouchable.¹ The Dalit Vikas Samity, which formed in 1997, identified twenty three ethnic/cultural groups as the Dalits of Nepal.² The Government of Nepal has identified twenty eight caste groups as Dalit in the

¹ 1991 Census included five groups from Hills (Kami, Damai, Sarki, Badi and Gaine) and five groups from Tarai (Chamar, Dhobi, Mushahar, Dushad and Khatwe).

² Lohar, Sunar, Kami, Damai, Sarki, Badi, Gaine, Kasai, Kusule, Kuche, Chyame, Pode, Chamar, Dhobi, Paswan (Dushad), Tatma, Dom, Batar, Khatwe, Musahar, Santhal, Satar, and Halkhor.

parliament Bill of 2002.³ Recently the National Dalit Commission of Nepal has listed twenty- two caste groups as Dalit, in two regional groups. Five Dalit groups belong to the Hill region and the remaining seventeen are settled in the Terai region. Although 10 castes, including Badi and Musahar, have a single caste name, 12 castes including Gandharba and Chamar have multiple castes- names. Some Dalit castes such as Viswakarma, Pariyar and Sarki of the Hills and Chamars of the Terai have multiple names while some Dalits castes such as Musahar and Bantar of the Terai have single names; eg, Viswakarma has now become a common caste name that refers to Kami or Lohar or Sunar or Wod or Chunara or Parki or Tamata. (IIDS Report, 2009:3)

Table 3.1

Dalits in Nepal

Hill Dalits	1. Gandharba (Gaine) 2. Pariyar (Damai, Dargee, Suchikar, Nagarchee, Dholee, Hudke) 3. Badi 4. Bishwokarma (Kami, Lohar, Sunar, od, Chunanra, Parki, Tamata) 5. Sarki (Mijar, Charmakar, Bhool)
Terai Dalits	6. Kalar, 7. Kakaihiya, 8.Kori, 9.Khatik, 10.Khatwe (Mandal,Khang),11.Chamar (Ram, Mochi, Harijan, Ravidas), 12.Chidimar, 13.Dom (Marik), 14.Tatma (Tanti, Das), 15.Dushadh (Paswan, Hajara), 16.Dhobi (Rajak), 17. Paltharkatta, 18.Pasi, 19.Bantar, 20.Mushar, 21.Mestar (Halkhor), 22.Sarbhang (Sarbariya)

Source: National Dalit Commission of Nepal: 2010

Dalit is not homogenous group in Nepal. Like the other ethnic/caste groups, their population is equally divided and their heterogeneity extends to language, religion and culture. The identification of Dalit groups is a very difficult task in Nepal because of the diversity of the population. More specifically, their heterogeneity and hierarchy can be better explained in three broad regional groups: a) the Hill Dalits b) the Newari Dalits

³ Lohar, Sunar, Kami, Damai,Sarki, Gaine, Kuche, Chyame, Pode, Chamar, Paswan, Dussadh, Tatma, Dom, Batar, Khatway, Musahar, Halkhor, Badi, Badimar, Kasai, Kusle, Kadara, Chunara, Parki, Gothi, Dhaier and Jhangar.

and c) the Tarai Dalits (National Dalit Strategy Report: Part 1:9). According to the report, the hill Dalits comprises the three major Dalit groups in the Eastern and Central regions: Kami (Blacksmith or Ironworkers), Sarki (Cobblers or leather workers) and Damai (Tailors and Musicians). In the Western, Mid-western and Far- Western Development Regions, there are many groups within them such as Gaine, Badi and many subgroups within the broad cultural groups of Kami, Damai and Sarki. Hill Dalits groups claim themselves Hindu and speak Nepali Language. The Newari Dalits holds a distinct identity and their social structure is very complexed. They are considered as the original inhabitant of the Nepal. The old legal code of 1854 fixed their social status as “impure but touchable caste”. They speak Newari and consider themselves as Hindu. Dalit Vikas Samity indentified five Newari groups as Dalits: (Kusule, Khadgi, Pode, Chyame or Chyamkhala and Halahalu). These groups resisted very strongly to separate their identity from the Dalit community. They do not want to include them in the category of Dalits. The Tarai Dalits is divided on the basis of the language. They speak Maithili, Bhojpuri and Awadhi. The main Dalits groups are: Tatma, Khatwe (Mandal), Paswan (Dushad), Mushahar, Batar, Dhobi (Baitha), Chamar (Ram, Mochi), Dom and Holkar.

Due the diverse population of Dalits on the basis of region, language and culture and status, the situation of Dalits in Nepal is also diverse. In some regions, Dalits face less discrimination in comparison to the other region. For example, caste- based untouchability is non-existent in communities of the mountain region, where they are mostly untouched by the National legal codes or the process of Hinduisation and Sanskritisation. (IIDS REPORT, 2009:4). The practice of untouchability is more severe among the Madhesi community in the terai and in the hills of the Mid Western Region and Far Western Development regions of Nepal. On socio-political indicators, Terai Dalits fare worse than hill Dalits. (UNICEF REPORT, 2007:3) But most of the population is affected and discriminated on the basis of their lower status in caste hierarchy. The caste-based discrimination and the practice of untouchability are badly affecting the situation of the Dalits in social, economical and political area.

(ii) Origin of Caste Based Discrimination:

The term ‘caste’ derives from the Portuguese word *casta*. Caste can be seen as an institution that has been structuring and maintaining for centuries relations of power among different communities, and seeks to legitimize these power relation through systematically dispensing mixes of economic and cultural assets/opportunities and deprivation to different communities. (UNECEF 2007:1). Historically, the caste based discrimination originated in Indian sub –continent. The Hindu religious scriptures like ‘*Manusmriti*’ and the ‘*Purush Sukta*’ of *Rig Veda*, invented the social structure based on the caste based discrimination. In case of Nepal, the process of caste based discrimination begun with the restructuring of the state in thirteenth century.

The system of caste discrimination, instituted in Nepal as a result of Hinduization only in the second half of the eighteenth century, which excluded Dalits from every sphere of life. It is an offshoot of the Hindu Indian model that came to Nepal through other caste Hindus with their traditional caste occupations. Prior to this, Nepal had independent but fluid political units, chiefdoms and principalities characterized by diverse communities each with its own religion, language and culture. The unification of Nepal under Prithvi Narayan Shah in 1768 and its consolidation during the Rana regime from 1846 to 1951 was based on the organizing ideology of the Hindu caste system as a uniquely expressed in Nepal (Kharel; 2010:12-13).

Table 3.2

The Hierarchical Structure of Nepali Society in Legal Code of 1854

	Caste and Ethnic Groups	Ethnic Affiliation
I.	Tagadhari (wearers of sacred thread)	
	Upadhaya Brahmin (Bahun)	P
	Thakuri (the royal caste)	P
	Chhetri (Kastriya)	P

	Rajopadhyaya Brahmin (Deva Bhaju)	N
	Indian Brahmin	Other
	Sanyasi (ascetics)	P
	Lower Jaisi Brahmin	P
	Certain high Shresta groups (e.g Joshi)	P
II	Matwali (liquor Consuming Castes)	
II.1	Na Masine Matwali (non-enslavable alcohol drinkers)	
	Non-thread wearing Srestha	N
	Vajracarya/Sakya/Uray-Tuladhar et al	N
	Maharjan	N
	Various Newar service Castes	N
	Hill Tribes (e.g Magar, Gurung)	Other
II.2	Masine Matwali (Enslavable alcohol drinkers)	
	Tibetans (including Tamangs); some Hill tribes;Tharu	Other
III.	Pani Nacalne choi chito halnu napanne (Impure but touchable caste)	
	Khadgi (Butchers, milk sellers)	N
	Kapali (Death specialists, musicians)	N
	Rajaka (washermen)	N
	Carmakar (drum-makers)	N
	Muslims (Bangle sellers)	Other
	Westerners (mlech)	Other
IV.	Pani nacalne choi chito halnu parne (Untouchable Castes)	
	Various Parbatiya castes (Kami, Sark, Damai, others)	P
	Dyahla	N
	Cyamkhalah	N

Source: Hofer (1979), P: Parbatiya or Hill Groups; N: Newar.

King Jayasthiti Malla introduced the caste system in the end of thirteenth century. He invited five Brahman from India as advisors, to restructure Newar society. Based on their suggestions, the Newar were divided into 64 caste based on occupation. Although initially these 64 caste were horizontal, the process of Hinduization and Sanskritization transformed these castes into a hierarchy, giving birth to Newar Dalits such as Poda, Chyame, and Kusle at the bottom and Rajopadhyaya at the top. (UNDP 2008: 29) Jung Bahadur Rana further formalized the caste system by introducing the Muluki Ain (Civil Code) in 1854. The National Code had introduced four-fold caste hierarchy: (1) *Tagaddhari* (Sacred thread wearing or Twice-born), including the *Bahun-Chhetries*; (2) *Matawali* (Liquor drinking, i.e. indigenous peoples); (3) *Pani nachalne choi chhito halnu naparne* (Castes from whom water is not acceptable and contact with whom does not require purification by sprinkling of water); (4) *Pani nachalne choi chhito halnu parne* (Caste from whom water is not acceptable and contact with whom requires purification by sprinkling water), including *Sarki, Damai, Kami, Gaine, Sunar, Badibhad, Cunara, Pade, Hurke and Chamakhalak*.

The legal code of 1854 has provided legal sanction to the caste based discrimination. The state patronized the caste based untouchability and discrimination against Dalits, that it was mandatory for 'high caste' people to practice caste based untouchability against Dalits in everyday life. Dalits came under the fourth category of the caste hierarchy. They were considered as untouchable and therefore the purification was required after their physical contact. The practice of untouchability forced them in the corner of all kind of development. Despite the fact that the legal code of 1964, eliminated the caste based discrimination and the constitution of 1990 also abolished the caste system but it is still prevalent in the society of Nepal. The caste based discrimination still segregating and marginalizing the status of Dalits in society.

C. Situation of Dalits in Nepal:

The situation of Dalits in Nepali society is extensively affected, because of their lower social status in the society. Their identity as 'untouchable' and 'impure' makes them more vulnerable of exclusion in society. They are denied from their basic human rights of livelihood because of the caste based discrimination. According to United Nations

Development Program (UNDP) Human Development Report-2006 of Nepal, Dalits are far behind the other castes from the same vicinity on wide range of measures. They are marginalized by both caste and nationality from the mainstream development process. The vicious cycle of discrimination and exclusion from the society and the state against the Dalits, left them behind in social, political and economic sphere. The literacy rate and life-expectancy rate of Dalits are very low in comparison to other social groups of Nepal. According to National Dalit Strategy Report (2001:3-4), Dalits or untouchables are one of the groups of people within the Hindu caste system whose social, economic and health status and political conditions are lowest compared to other groups in Nepal. Not only the society, the political system also played a significant role in the exclusion of Dalits in the decision making process. The lack of democratic institution and constant political instability had led the situation of the Dalits in negative direction.

The caste based discrimination in form of untouchability has initiated the exclusion of Dalits more extensively. Battachan (2003:43) has noted 205 kind of existing practices of caste based discrimination. He arranged them in nine broad social frameworks such as: (i) Dalits are denied with the entry into the home, restaurants/hotels, temples etc (ii) Wearing of sacred thread and worship conducted by Dalits are not acceptable (iii) Dalits are denied the access to common resources like using water tap, pond, well, (iv) they are denied to participate in public activities like government and religious activities, (v) Discriminatory practice of labour some times forced labour such as Bali Ghare, Haliya Pratha or bonded labour or to carry the dead animals, (vi) They are mistreated and misbehaved (practice of obeisance), (vii) There are lots of atrocities against Dalits such as rapes to Dalit women, (viii) Dalits are socially boycotted if either of them gets married with high caste Hindu, and (ix) There is great tendency of attitudinal discrimination like if one high caste person see Dalits early morning, it is inauspicious to them. The situation of Dalits in Nepali society can be discussed in five broad frameworks like; social and cultural condition, educational condition, economic condition, political condition and the status of Dalit women:

(i) Social and Cultural Status of Dalits:

The status of the Dalits in the Nepali society is lowest in comparison to other social groups. Their routine life is very adversely affected because of the social restriction on them. They are denied access to basic resource like water and food, restriction on entry in public places created an atmosphere of complete segregation in society. They are forced to accept the social norms of the society which are totally against their human rights and blocked their way to live a dignified life. Prohabitation on inter- caste marriage and very strict punishment on breaking the social norms are the few areas of their complication in day to day life. The Dalits of Nepal faces various problems at social front like:

- a. Discrimination at the religious and socio-cultural sites in the form of denial of entry into Hindu temples, and eating food during festivals and wedding and parties.
- b. Denial of entry of Dalits by higher caste into their houses, hotels, restaurants, teashop, work places, food factories, dairy farms and milk collection centers.
- c. Deny access to common resources including drinking water sources, community forests and crematory. They are not allowed to touch taps and wells when non-Dalits are in queue, and can fetch water after non-Dalits finish drawing water.
- d. Majority of Dalits cannot afford health services provided by the private sector. They can not easily use low cost health services provided by the government due to caste-based untouchability practiced by the non-Dalits against them.
- e. Denial of developing kinship or social relationship. The prohabitation on inter-caste marriage.
- f. Social boycott is another tool of discrimination. Social boycott of a member happens under three conditions: i) if there are inter-caste marriages, ii) if Dalit or non-Dalits rebels against traditional norms and values, and iii) if certain traditional caste-based occupations, such as disposal of dead animals, is refused by certain Dalit caste, such as Chamar.
- g. Dalits do not get rooms or houses to rent in towns unless they hide their Dalit Identity.

The social life of the Dalits is very complex and pathetic in comparison to Janajaties and other social groups. The Dalits do not only discriminated and excluded by the upper caste

only. Indigenous community also treated than as untouchable. Number of the atrocity cases registered by the NGOs and government agencies of Nepal in social sphere. Recently, a married couple forcefully separated by the upper caste family member, because of inter-caste marriage in Taplegune districts. In another case, a Dalit woman was punished because she expressed her disconcert to dispose the dead body of the animal. As a punishment, the four Dalit family of the locality have prohibited from many public resources. (UNDP, 2008:50) All these incidents of caste based discrimination in social sphere clearly manifest the devastating effects on the mental and physical health of the Dalit community. The feeling of segregation and exclusion make their life condition very inhuman. The Nepali society does not count them as a human being and treat them as a slave or animal.

(ii) Educational Deprivation:

The development of a society is more or less based on the educational status of the citizen of that country. In case of Nepal, the status of education differs from one cultural group to another group. The literacy rate of the Hill population is better in comparison to the rest of the population. Whereas the national average for people 6 years and above who had never attended school is 44%, the figure was 76% for Terai Dalits and 43% for hill Dalits. These figures show that, historically, the Dalit community had limited access to schooling. The education system of Nepal is still dominated by the upper caste population and therefore the process of exclusion is continuously affecting the educational status of the Dalits. The *Dalits* are the most deprived group of population in Nepal, with only 33.8 per cent literacy, well below the national level of 54 per cent. There is, however, a substantial difference between the hill *Dalits* (47.9%) and the Tarai *Dalits* (23.4%) in the literacy level. The Tarai *Dalits* are on the lowest rung of the socio-economic development ladder. (Yadav, 2005:3) The lowest literacy rate of (7.28) is of the Musahar, one of the Madhesi Dalit group. In case of Madhesi Dalits, the lowest literacy rate is the result of the monolingual policy of the state to use Khas-Nepali as the only language for official use and in education. (Bhattachan, 2005:42)

There are several other reasons which are responsible for the lower literacy rate in Dalit community. The attitude of the upper caste teachers and student towards the Dalit

children, lower economic status of the Dalit families, administrative incapability and government negligence are few of the reason for the educational deprivation of Dalit student. The students of the lower caste are denied to interact with the upper caste student. They are suppose to sit outside the class room and strictly prohibited to touch water taps. The upper caste teachers are reported to use derogatory words and punishment against the selected children as a demonstration effect to frighten the rest into submission. Students of the lower caste are more likely to be targeted. (UNICEF, WORKING PAPER, 2007:14) Not only students, the teachers of lower caste are also subjected to discrimination by the upper caste. A Dalit teacher in Kailali was sent away from his village school in Dhangadi on deputation, because he ordered student of the upper caste to sit together in the launch provided under the Nutritious Food Programme. (National Dalit Strategy Report: Part 1:31).

The poor economic condition of the Dalits also paved the way of the Dalit children to get proper education. Many of the Dalit children are forced to join their parents to earn the livelihood for the family. Because of the economic weakness, they are not capable to buy the basic things like books and study material. Even they are not in condition to pay the minimal school fee. The administrative behavior is also responsible for the advancement of lower caste children. Most of the administrative posts are occupied by the upper caste and therefore they are totally indifferent from the problem faced by the Dalit student. Recently, the government has decided in cabinet meeting to reduce the scholarship of MBBS student from 15 per cent to 9 per cent. After the constant protest from the Dalit student, government decided to reverse the decision. The low presence of Dalit teacher is the result of the governmental and administrative insensitiveness. While there is an explicit policy which has been successful to increase female teachers in schools, a similar policy for Dalit (or janajati) teachers does not exist. It is quiet evident that the increasing number of female teacher accelerated the number of girls student. Equally, the growing representation of Dalit teacher will be helpful to maximize the number of Dalit student. (UNICEF, WORKING PAPER, 2007:16). The educational status of the Dalit girls is comparatively very low to boys. The dropout rate of girl students is quite high. The case study done by the UNESCO in 2005, revealed the following reason for the low educational status of girls: (UNESCO: A CASE STUDY: 2005:6)

- a. Parents and guardians generally illiterate, with little awareness of the importance of education, particularly for girl children.
- b. Financial constraints, including avoidance of Dalit Government scholarship because of the stigma attached
- c. Pull factor of domestic responsibilities, coupled with ability to earn money from 13-14 years of age
- d. Difficulty to reconcile situation at home with need to study, i.e. no parental support, densely populated houses with bad lighting
- e. Peer pressure from non-school going friends
- f. Lack of aspiration as the only professional option is the traditional sweeping job
- g. Parents and guardians unable to follow the school application process
- h. Discrimination, or the perception of discrimination, by higher caste peers and teachers at school
- i. Finances drained by other sources (religious festivals and in some cases alcohol) rather than education of children.

The lack of education affects the growth of the Dalit community. The disability in term of proper education limits the opportunity in government services and in other respectable jobs. Education is an important tool for the economic and social development of any community. The education helps the community to get aware for their rights and plays an important role in shaping their agitation against the oppressive system. The Dalits of lagging behind in the development process because of the educational depravedness set by the caste system of Nepal.

(iii) Economic Backwardness:

The Dalits of Nepal is highly marginalized in economic sphere as well. They are poorer than most other social groups. The Nepal Living Standards Survey, 2004 (NLSS-II) estimated that 31 percent of Nepalis were under the consumption poverty line. The Tarai B/C group and the Newars have the lowest poverty levels and overall, the Hill B/C, and Tarai middle caste also have relatively low proportions in poverty. In contrast, almost half of Hill Dalits (48%) fall below the poverty line and poverty incidence among the

Tarai Dalits, Hill Janajati and the Muslims is significantly higher than the national average. (Lynn Bennett, 2005:6) The economic deprivation of Dalits is the result of centuries old tradition of caste based untouchability. They are forcefully thrown out from the professions of dignified livelihood. The source of income is very limited and therefore they are bound to live an inhuman life.

Table 3.3

Distribution of Income and Expenditure by Major Caste/Ethnic Categories

Caste/Ethnic Category	Annual per capita income (US\$)	Annual per capita expenditure (US\$)
Dalit	55.75	55.52
Janajati	79.47	70.37
Bahun/Chhetri	88.52	80.83

Source: ILO Report, 2005

Their access to government jobs is very limited. In recent years, the government of Nepal has encouraged the establishment of private enterprises. But the presence of the Dalits is again very negligible in comparison to non-Dalits. The economic difficulties of the Dalits can be better understood by the following points:

Landlessness: The land is the primary asset in semi feudal society like Nepal. The land ownership determines the economic condition of particular group. In case of land ownership, the Dalits are located at the bottom. Dr. Shiv Sharma, an expert on labour, estimated that 85% to 90% of Madhese Dalits are landless. (IIDS REPORT, 2009:18) The National Dalit Strategy Report I also indicate that the landlessness is more prominent in the Terai Dalits than the Hill Dalits. The average landowning per household among the Dalit group is 2.26 ropanis of land (irrigated land) and 4.5 ropanis of dry land. The low accessibility to land adversely affects the families of the Dalits. (National Dalit Strategy Report: Part 1, 2002:36)

Bounded Labourer: Forced labour or bounded labour are strictly prohibited in many countries. But the cases of bounded labour are still prevalent in Nepal. Most of the

bounded labour belongs to the Dalit community. There are the instances where Dalits are directly compelled to do forced labour; forced labour also exists in an indirect way; Dalits are 'forced' to engage in labour because of their caste status as well as their traditional association with certain occupations. (ILO REPORT, 2005:41) There are many discriminatory labour practices such as Bista, Balighare and Haliya are existing in Nepal.

Economic Discrimination: Dalits of Nepal faces economic discrimination in their day today life in form of low wages, absence from administrative post, poor excess to market and production and compulsion to do derogatory work. Most of the Dalit women face the problem of less wages in comparison to their male counterpart. According to the ILO report in Nepal, approximately 48% of the surveyed Dalits claimed that they would be denied employment due to their caste status even if jobs openings were available, and 21% of the respondents reported that they had been refused jobs based on their caste. (ILO REPORT, 2005:39).

(iv) Lack of Political Representation:

Politics is an important instrument of social engineering in a multicultural society. It is also a means to protect the interest and resolve the dispute of different groups of the society. Therefore it required in the democratic state that the nature of the politics should be inclusive but the situation of Nepal is entirely different. Because, the monarchical form of government and the over dominance of the upper caste groups have barred the representation of large population in decision making process of Nepal. The Majoritarian Election System has also contributed in the exclusion of Dalits and other marginalized community in political system. The First Past the Post System was introduced in 1950. This system is based on one single member constituency seat. The candidate with highest number of votes gets elected. The FPTP 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. (Lawoti (2007:68). Therefore, including Dalits number of other identity groups got excluded from the political representation. The low ratio of the Dalits in the National assembly was the

result of long tradition of exclusion on the basis of caste. Three general elections clearly manifest the low participation of the Dalits in both the houses.

Table 3.4

Representation in the National Assembly by Caste and Ethnicity

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%)
Total	57 (95%)	57 (95%)	55 (91.7%)	53 (88.3%)	53 (88.3%)	53 (88.3%)

Source: Krishan P. Khanal, 2006, "Restructuring the Nepali State: A proposal for Proportional Representation System.

According to Uddahab Pyakurel (2007:5), since 1958, only 14 Dalits in Nepal have become Members of Parliament (Upper House). Only one Dalit from Nepali Congress Party has been elected to the House of Representatives during four parliamentary elections after 1959. This pattern of exclusion is repeated at the local government level, where Dalits are severely underrepresented. Mahendra Lawoti (2007:65) claims that the

extreme level of exclusion prevalent in Nepal can be better understood with the case of the Dalit. Only one Dalit got elected to the HOR and not a single Dalit was made a cabinet member during the democratic epoch from 1990 to 2002. The constituent assembly election have provided them little more space in political life because of the scheme of proportional representation in election. 49 Dalit members are representing the issue of the Dalits in the Constituent assembly. Despite the fact, the voice of the Dalits is still not very prominent because they itself divided on the party line. Secondly, number of Dalits is excluded from the political process because of the denial of citizenship certificate.

(v) Condition of Dalit Women:

The Nepali society is also governed by the fundamental principle of patriarchy. Therefore, the situation of the women in the society is lower in comparison to the male member of the society. The condition of the Dalit women is comparatively more pathetic than the upper caste women. While on the economic front, they are more liberated to upper caste women. They are free to go outside to earn their livelihood but this is because of their economic compulsion. The basic difference between high caste women and Dalit women lies on the ground of caste based discrimination and untouchability, which Dalit women have to face. In comparison to other high caste women, the Dalit women have been forced to live in most vulnerable conditions. (Bishwakarma, 2004:2) They are equally discriminated by the upper caste women in the society. They are discriminated on three bases as a Dalit, as women and as economically backward.

The lower status of the Dalit women clearly manifest in the lower health and nutritional status of Dalit women, as well as in the political representation of Dalit women, which is negligible. Education is a strong weapon to fight against discrimination and injustice and therefore it is assumed that the Dalits should get proper education. But the social and political system based on Hinduism did not allowed Dalits to receive education. In this situation, the high educational standard of Dalit women is quite impossible. As compared to Dalit men, the literacy rate of the Dalit women is very low. Only 24 per cent of Dalit women could read and write a simple sentence. (UNICEF, WORKING PAPER, 2007:6) According to the survey done by Save the Children USA in five different districts

recently the literacy rate of Dalit was found to be 10.6%, which is quite low in comparison to the national average of 40%. In case of Dalit women it was 3.2% whereas the rate is 24% for all women of Nepal. Only 1.9% is studying in Secondary school and 0.2% in higher secondary schools. The survey also presents that in 22 communities there are 1022 families, in which 3258 men and 3314 women, of whom 10 women have passed SLC (10th class) and only two have passed intermediate. (Hemchuri, 1995:4) The Madhesi Dalit women are more oppressed in comparison to the hill Dalit women. The most of the Dalit women is indulge in traditionally humiliating and unclear occupation like scavenging, removing animal carcasses, delivery and night soil carrying because of their identity as a Dalit. Beside these jobs, Dalit women is also working as agricultural laborer and generating income for their families. Despite, their contribution in society and economy of the country, they are facing lots of discrimination because of Dalits. Untouchability related to women is practiced in many ways that affects all Dalits women every day. For example, when Dalit women fetch water from public water taps, wells, etc; they suffer from mental as well as physical assaults. The Dalit women are permitted to entry the house of upper-caste during the childbirth but soon after the job they are again treated as untouchable. (Bishwakarma, 2004:5)

They are denied from the basic human rights like clean drinking water, sanitation, education and health and equal rights. The Dalit women have to walk several kilometers to get the drinking water for their families. Another, important issue is the lack of proper sanitation facility for Dalit women. Most of the Dalit women are affected by the gynecological diseases, because of the unhygienic way of life. Even, they are aware about birth control measure and therefore every year face the problem of unwanted pregnancy. The overall health of Dalit women is also affected because of illiteracy and ignorance. Many Dalit women and girls are compelled to be involved in prostitution. One of the Dalit castes-Badi- is regarded as the prostitute caste. Trafficking of the Dalit girls are another area of concern from the perspective of human rights of Dalit women. (Sob, 2011) Number of the Dalit women is physically and mentally assaulted by their husbands. More or less they are facing humiliation and segregation both inside and outside the house. After, the restoration of democracy in Nepal, women organizations are

coming forward with their demands of emancipation but the question of Dalit women is still under the ground.

D. Government and Non- Government Programmes and Policies for Dalits

The Government of Nepal has initiated various plan and programs for the promotion of Dalits. Various non-governmental organizations are also working in ground to uplift the condition of the Dalits. After 1990 people's movement, Dalits are more aware about their social and political rights and therefore the government of Nepal, International Agencies and civil society are compelled to work in direction of social inclusion and justice for the marginalized community like Dalits and Janajaties. The action taken by the government can be classified in two broad frameworks:

Constitutional Provisions:

The first constitution of Nepal came in existence in 1948. Further, the constitutional history of Nepal moved ahead with the 'Interim Government of Nepal Act (1950). This was the first constitution during the democratic transition in Nepal. The constitution of 1958 and 1962 was the extension of the previous constitution. There was no special provision against the caste based discrimination was included in the constitution. In 1963, King Mahendra amended the 'National Code of 1854' and declared the abolition of caste based untouchability. This was the historic event in the history of Dalit movement because it happened first time, when state declared the caste based untouchability invalid. Despite the historic victory, the state and the political actors failed to implement the true spirit of the constitution and therefore the caste based untouchability still prevails in Nepal. The constitution of 1990 was slightly progressive in comparison with the previous constitution because it was the result of the Jana Andolan I. The constitution of 1990 included the aspiration of Dalits in various provisions of the constitution. The main provisions were: (Tamrakar, 2004:2)

- Article 11 (3) Prohibited the caste and sexual discrimination, the constitution has pledged to initiate special programs and welfare laws for the socially, and educationally backward class people.

- Article 11(4) It was directly focused to Dalits to ensure that no one shall be discriminated on the basis of caste and creed in public presence and in use of public properties; violators shall be punished by the law.
- Article 26(6) State shall pursue a policy of increasing the participation of labour force, the chief socio-economic force of the country, in the management of enterprises by gradually securing employment opportunities to it, ensuring the right to work and thus protecting its rights and interest.
- Article 26(8) State shall pursue a policy of making the female population participation to a greater extent, in the task of national development by making special provisions for their education, health and employment.
- Article 26(10) The state shall pursue a policy which help promote the interests of the economically and socially backwards groups and communities by making special provisions with regard to their education, health and employment.
- Article 26 (14) In order to secure justice for all. State shall; pursue a policy of providing free legal aid to indigent persons for their legal representation in keeping with the principle of Rule of law.

The constitution of 1990 was progressive in sense because it protects the basic rights of the Dalits. But it also incorporated various laws against the Dalits. Article 19 of the constitution prohibited any conversion of religion from Hindu religion. The constitution was partially successful in the empowerment of Dalits. The Dalit community was not in condition to approach the courts for any caste based discrimination because of the poverty, illiteracy and social and economic compulsion. The aspiration of Dalits was incorporated by the Interim Constitution of Nepal which came in existence during the second wave of people's movement. The interim constitution of 2007 included the following provisions: (IIDS REPORT, 2009:6-7)

- Article 14(1) none shall be discriminated based on caste, lineage, community or occupation with any form of untouchability and the victim shall be compensated as defined by law.

- Article 14(2) none shall be deprived from the public services, facilities or public facilities or public places or entering religious places and religious functions/performances.
- Article 14(3) while producing or distributing any goods, services or facilities, it shall not be limited only for the people of certain caste to buy or sell or distribute such goods, services and facilities.
- Article 14(4) the feeling and practices of belonging to “higher” caste and demeaning other to “lower” caste or origin, ideas justifying caste based social discrimination, publicity on caste superiority or hatred shall be strongly discouraged.
- Article 14(5) the practice against above mentioned points shall be punishable.
- Article 33 (4) proportional representation of marginalized groups- Madhesis, Dalits Indigenous people, women, labourers, peasants, disables and the backward classes and region.

Five Year Plans and Government Strategy:

The Government of Nepal has incorporated the issue of the Dalit community in Five Year Plans. The basic objective of the Sixth 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 to the Dalit community but it provided some benefits to the Dalits. Eighth plan also made some provisions for the development of the Dalit community but the success rate of the plans was quite low. The plans were not very effective because the government did not carry out specific research on the ground realities of the community. The Ninth Plan was the major development in the area of policy formation on Dalit community. The policy makers clearly accepted the fact that the Dalit community is completely marginalized because of the caste based discrimination and the issue really need proper attention. The main objective of the ninth plan were (National Planning Commission, Secretariat, 1997, The Ninth Plan)

- To uplift the socio-economic status of downtrodden and oppressed community through eliminating social disparity and superstitious traditions;

- To enhance the economic and social capability of such community by modernizing their occupational practices;
- To bring the knowledge, skill and ability of downtrodden and oppressed community in the mainstream of National development through empowering them, economically and socially; and to identify as well as encourage their specialty in a way to contribute to national development.
- To create appropriate social base for just and balanced distribution of National resources; and
- To- enrich the overall national culture through eliminating all kinds of social discrimination and preserving their cultural heritage.

The Planning Commission has followed these strategies and policies under the Ninth Plan:

- Downtrodden and oppressed community will be made participant by empowering them economically, and socially through decentralization, local development and human resource development.
- Current targeted programmes focusing on such community will be reformed structurally and institutionally to make more effective; and some new special programmes will be initiated.
- Traditional skill and occupation of such communities will be preserved and modernized, and they will also be provided with vocational training to enable them for alternative occupation.
- Institutional credit will be provided to them for forming community capital through social mobilization and savings.
- It will be made binding to allocate stipulated amount of grant provided by HMG for employment oriented and income generation programmes like education, health, physical infrastructure and sanitation, for oppressed and downtrodden community.
- Programmes for social services such as education, health, etc and for physical development, such as drinking water and sanitation, etc, will be carried out in oppressed community settlement area on a priority basis.

- The opportunity for technical education and scholarship for higher study will be provided to downtrodden and oppressed community in an effective manner.
- Appropriate institutional arrangement will be made to enable downtrodden class in activity formulating, implementing, monitoring and evaluating programmes and projects focusing on their well being. The government will provide a grant in a way to mobilize local resources.
- Procedures for programmes implementation concerned with this community will be improved and conducted in an integrated manner.

The Government of Nepal has decided to launch the programmes and their implementation procedures on the basis of two broad framework- a. Institutional Arrangement b. Human Resource Development Programme. The Government tried a build a basic institutional infrastructure for the promotion of development programme for the downtrodden community. The government initiated various programmes under the framework of human resource development. The main focus of the plan was: (The Ninth National Plan)

- A strong and independent downtrodden and oppressed community council will be established to coordinate at policy level and to supervise programmes targeted to this community. The overall structure of the council will be democratic and social workers form different communities and geographical area will be included as a member.
- A District level committee will be formed in 75 districts of the Nepal.
- A separate fund will be established in district level to collect the money received from the various sources for the upliftment of the downtrodden groups.
- The District Level Committee may implement programmes in partnership with non-governmental organizations.
- For improving the current educational status, attempts will be made to ensure the stipend programmes for downtrodden people and to raise the awareness level through formal and informal education programmes.

- The provision of special seats will be made available to candidates of the downtrodden community in higher education of agriculture, forestry, engineering and medicine disciplines.
- Compulsory primary and informal education will be made effective by utilizing literacy mobiliser. At least one teacher from the downtrodden community will be appointed at the level of secondary school to boost the moral of the student.
- A Higher Education Scholarship Fund will be established for the student of science and management.
- Basic health services will be provided by conducting mobile health clinics and special programmes, like population education, family planning and child health will be conducted.
- The training programme will be conducted by the district office of Small and Cottage Industry development committee to modernize the traditional occupations of the oppressed community.
- Trained individual will be receive special loan by Rural Development Banks to carry out own business.

The Tenth Five Year Plan (2002-2007)

The Tenth plan adopted the clear vision of development as a integrated phenomenon. Plan accepted the fact that Dalits are excluded and oppressed in every field and their development should be the primary concern for the government of Nepal. The development of the Dalits will also help the overall progress of the country. The inherent skill and knowledge of the Dalits and other marginalized group will useful in developing the vision and policy of development. The Planning Commission invented the idea of empowerment of Dalits on the basis of equality, and their access to the development effort. The Government of Nepal formed their policies and programmes of empowerment on four basic strategies. The Tenth Plan adopted the following policies and programmes (NPC, 2002, The Tenth Plan)

A. Strategy of Socio-economic Development

- Special measures will be taken to increase access of this group to programs like education, health, sanitation, etc.
- The programs to ensure the rights and development of downtrodden community will be formulated and implemented under the sectoral ministries and local level bodies.
- Priority will be accorded to Dalits (oppressed class) representation in all types of users' committees formed for development works, in the school management committees, local bodies, NGOs and social organizations.
- Necessary arrangement will be made for coordination by undertaking monitoring and evaluation of the I/NGOs' programs.
- Efforts will be made from the government, NGOs and private sector to put an end to caste discrimination by identifying discrimination situation against Dalit community.

B. Strategy related to Empowerment:

- The award of scholarship program will be extended to increase the access of the Dalits community to education for wide coverage. Likewise, access of Dalit and neglected community to technical subjects under higher education will also be increased along with the extension of programs related to educational scholarship for this community will be effectively implemented.
- The idea that the inherent skill, efficiency and specialization trait possessed by the Dalit community is the asset of the nation will be propagated.
- Emphasis will be given to institutional empowering of the National Dalit Commission.

C. Strategy of Modernization of Traditional Skills:

- The ancestral occupational skills and jobs of the Dalits and neglected communities will be converted and modernized. Their traditional occupation will be developed as an alternative as well as a dignified source of employment. Access to institutional credit will be increased through the programs like social savings mobilization and loan.
- By providing credit and refining their skills, people of the Dalit and oppressed community will be attracted in foreign employment opportunities.

D. Strategy to Increase Social Prestige:

- The subjects on Dalit and oppressed community related to their problems, untouchability and existing conservatism in the school level curriculum will be included and topics of discrimination will be taken out to increase public awareness.
- Major role will be given to local bodies (like DDC & VDC) to formulate as well as implement programs for economic improvement and social upliftment of Dalit community.

Three Year Interim Plan- Approach Paper (2007-10)

This approach paper has been formulated in the process of implementing the three year interim plan from 2007 to 2010. It is believed that the approach paper will help to 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 Common Minimum Program of the 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 incorporated the following policies for the development of the Dalit community: (Three Year Interim Plan, 2007)

- For food security/sovereignty and social economic empowerment of the poor, dalit, 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)
- People's participation oriented policy will be adopted for sustainable development, management and use of the forest sector (p.35)
- All type of discrimination existing in the sectors of religion, language and culture will be completely eliminated. (p.35)
- The strategy of economic growth based on inclusiveness will be made favourable to poverty alleviation. (p.40)

- 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)
- The reach of landless and squatters like agriculture labor, freed-bonded laborers, *Dalits*, Janajati, Indigenous, Madhesi, Women will be increased in the land resources to confirm their rights on land. (p.44)
- 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)
- Special health programs will be launched targeting the segment of population deprived of health care-indigenous groups, Dalit, disabled and Madhesi. (p.53)
- A policy of positive discrimination will be acquired in order to ensure significant participation of women, dalits, indigenous nationalities, madhesis, workers, farmers, disables and backward people and places in the course of restructuring the country, emphasis will be given on the enhancement of their capacity. (p.66)
- The interim plan will insure that the state will be based up on inclusive democracy. (p.70).

Caste based Discrimination and Untouchability Crime Elimination and Punishment Act:

In 2009, the government of Nepal have submitted the draft of the 'Caste based Discrimination and Untouchability Crime Elimination and Punishment Act' to the legislature. This was a positive out come and it expresses the will of the government to deal with the problems of the Dalits. The parliament of Nepal adopted the Act on 24 May 2011. Ms. Durga Sob, the President of the Feminist Dalit Organization said on this occasion that, "A great victory for the Dalit Movement which simultaneously brings about a great challenge for dissemination and implementation". (IDSN Press Release, 2011) The current draft has some significant strength. The main provisions of the draft are: (National Dalit Commission, 2010)

- Penalising the practice of caste-based discrimination and untouchability in many areas, including access to public places and facilities, provision of goods and services and in employment;
- Criminalising incitement to commit caste-based discrimination and the promotion of impediments to inclusion;
- Ensuring confidentiality of information received during investigations, and allowing the police to be assisted by civil society organizations when investigating incidents of caste-based discrimination;
- Providing increased punishments for public officials found responsible of discrimination;
- Requiring the perpetrator to provide compensation to the victim, including provision for medical treatment or additional expenses to cover damages; and
- Expediting criminal proceedings under the Summary Procedure Act.

The government of Nepal has also initiated various other programs for the protection of the Dalits. The Local Development Ministry has established the Depressed and Deprived Dalit Committee in 1997. These Committees were partially successful in their goal because of the political interference and its structural imbalance. But committees have generated some awareness amongst the Dalits by distributing scholarship, awareness campaigns and publication of newspaper. The establishment of National Dalit Commission in 2002 as a watch dog agency of Dalits right was another important development. The commission was the result of the long struggle of Dalit activist. The Commission has the responsibility to protect and promote the rights of the Dalits. It was also responsible to act against the atrocities and discriminatory practices in the society. The issue of Citizenship to Dalits came in public with establishment of The National Dalit Commission. A large number of Dalit population are deprived from this basic right. The government of Nepal in 1996 has decided to provide the certificate to the Dalits but still number of tarai Dalits are deprived from Citizenship Certificate. On March 16, 2009, the task committee formed by the government of Nepal signed an agreement with Muslim Rastriya Sangharsha Simiti. The Government expressed concern on various demands of Dalits as well as other marginalized community. In 2002, the National

Commission for Women also came in existence. The main objective of the Commission was to execute and design the programs for the promotion of the rights of women. National Human Rights Commission was established in 2000. The Commission has the right to investigate in the cases against the violence of the human rights.

International Organizations and Obligations:

The issue of the Dalit rights has crossed the border and it became the issue of International concern now. Different international agencies like the Lutheran World Federation, Action-Aid Nepal, Save the Children Nepal and MS Nepal are actively working on various projects with Dalit NGOs in Nepal. Save the Children are actively working with the Dalit Welfare organization in two major projects. Agency is working in Bardiya, Surkhet and Jumia district to promote the quality education, and to strengthen civil society and child right movement. Save the Children is also working to promote the basic human rights of the Dalits. These international agencies are also indulged in ground level research, which will be a great help in policy formation for the empowerment of the Dalits in Nepal.

The Government of Nepal has also signed various international treaties which are against the discrimination of Dalits and marginalized community. Universal Declaration of Human Rights clearly recognized the basic human rights of an individual to live a dignified life without any interference and discrimination on the basis of race, colour, sex, language, religion, social origin, birth and other status. In 2004, 'International Consultation on Caste- based Discrimination' held in Nepal. Around hundred participants came to join the event from the different part of the world. The theme of the conference was '*Establishing Dalit Rights in the Contemporary World: the Role of the Governments, The United Nations and The Private Sector*'. The Consultation was focused to draw an action plan to enhance the implementation of various policies for the development of Dalits. The best outcome of the event was the adaptation of the 'Kathmandu Dalit Declaration. (IDSN, 2004) The Three Year Interim paper incorporated the idea that human rights and other provision of the United Nation and International declarations ratified by the Nepal will be implemented effectively. (Three Year Approach Paper 2007-10: 35) The main treaties are;

- Universal Declaration of Human Rights;
- International Covenant on Civil and Political Rights (ICCPR);
- International Covenant on Economic, Social and Cultural Rights (ICESCR);
- UN Convention on the Rights of the Child (CRC);
- Convention on the Elimination of All Forms of Discrimination Against Women (CEADAW);
- International Convention on the Elimination of All Forms of Racial Discrimination (ICEARD);
- Forced Labour Convention (ILO C 29);
- Discrimination (Employment and Occupation) Convention (ILO C 111);
- Convention on Child Labour (ILO C 138); and
- Convention on Worst Forms of Child Labour (ILO C182).

Despite all efforts of the Government, NGOs and International Agencies, the overall condition of the Dalits is still very sensitive in Nepali society. The Five Year Plans had failed to achieve the expected outcome. The UNO report on the Human Development of Nepal claims that ‘the social exclusion remains a major problem in Nepal. 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 main reasons which are responsible for the failure of the development programmes. First, the government did not show any strong political commitment to implement all these development policies effectively. Second, the continuous trend of political instability in Nepal as adversely affected the development programmes of Dalits. On the other side, the limited success of the government policies proved helpful in generating awareness among the Dalits. They are asserting against the centuries old discrimination and oppression more rationally than in past. They now understand that the institutional mechanism and political representation are essential for the strong hold of the movement. Therefore, the demand of autonomous National Dalit Commission, Citizenship certificate and affirmative action are in for front. The Dalit Community of Nepal is eagerly waiting for the new Constitution of Nepal, which will unveil the future possibility of Dalit empowerment.

Chapter: Four

Dynamics of Dalit Movement

Dalit movement is an important development in the political history of Nepal because the issue of Dalit emancipation is closely related to democracy. Dalits of Nepal participated very enthusiastically in democratic movement of Nepal since 1951. They participated in larger number in Jan Andolan I and II. They understand well that the democratic system is essential for the growth of their movement. Democratic system is the only means which can provide proper space to the voice of the marginalized community. Several identity movements including Dalit emerged in Nepal because of the democratic system in Nepal in post 1990 period. Dalit movement is not only dealing with the issue of Dalit emancipation. It also deals with various other dimensions of Nepali politics and society. It is fact that the movement is the result of the centuries old exclusionary socio-political system of Nepal. It will be interesting to analysis the role of the political parties in the emancipation of Dalits in Nepal. The behavior of political actors especially political parties and government agencies have created vacuum for the emergence of the identity movements in Nepal. It is an over all assumption that the role of the political parties in Nepal was quite unsatisfactory. They made several attempts to bring democracy in the country but failed to sustain the democratic system for long time. In case of Dalit movement, it is very fascinating to underline the stand of the various political parties, specially the four leading party. The Nepali Congress, Maoist (UML), Communist Party of Nepal (Maoist) and a regional party the Madhesi Janaadhikar Forum are the leading political parties of Nepal with their specific political agenda. After the declaration of the republican democracy, the agenda of Dalit identity is quite important for all political parties. This part of study will try to find out the contribution of political parties in bringing the agenda of Dalit emancipation on political front.

Simultaneously, the rise of civil society organization is also an important development in post 1990 era. Number of civil society organization came in existence after the restoration of democracy in the country. Various Non- Governmental Organizations (NGOs) are serving the nation in different area. The emergence of Dalit NGOs is not a recent phenomenon but it flourished more in post 1990 era. Around two hundred local and national level Dalit NGOs are affiliated with the Dalit NGO Federation. It is

an umbrella organization of Dalits in Nepal. These civil society organizations contributed a lot in the growth of the Dalit movement. Therefore, it is an interesting angle of the study to discover out the contribution as well as limitation of the Dalit NGOs in shaping the Dalit movement in Nepal. In the same context, there are several International NGOs and donor agencies working in Nepal for the welfare of the marginalized community. They are also targeting the Dalit community and drafting various projects for their emancipation. It is also important to high light their contribution in Dalit movement.

Another interesting angle of the study is related with the responsibility of the Dalit leadership. The legacy of Dalit leadership can be traced from 1947, with the emergence of first Dalit organization. Dalit leadership before the restoration of democracy in 1990 was not clearly focused on the issue of Dalit empowerment. The Dalit leadership became strong with the restoration of democracy in Nepal. They raised several issues for the empowerment of Dalits. Despite their effort in bringing the issue of Dalits in light, several allegations were imposed on them. It will be useful to find out the contribution and limitation of Dalit leadership in Nepal.

Role of Dalits in Jan Andolan:

Jan Andolan in Nepal was the manifestation of long time frustration among the common mass of Nepal. The unstable political system, autocratic rule of king, lack of proper representation of all section of society in socio-political institution and the marginalization of different groups on the basis of caste, race, religion and gender. The undemocratic practices during the Panchayat system have also affected the life of the common people. Therefore, Jan Andolan I was focused to restore democracy in the country. The movement reinstated the democracy in Nepal by overthrowing the panchayat system based on the absolute monarchy. The movement became successful because of huge support from the common mass. But this phase of democracy came to end when King dismissed the parliament on 1 February and centralized all executive and legislative power in his hand. Therefore all political parties except few agreed to organize a strong people's movement against the hegemony of king. Jan Andolan II began on April 6, 2006 with the slogan of 'Democratic Nepal'. This was the historic moment in the history of Nepal, when people from different part of country came in solidarity with seven political parties. The struggle was focused to

achieve the goal of absolute democracy and eliminate the autocratic regime of the king. The King of Nepal made every possible effort to derail the democratic movement but failed in front of mass revolution. The abolition of monarchy and the restoration of democracy was the auspicious victory of the civil society of Nepal, which participated very actively in Jan Andolan. The restoration of democracy was the ray of hope for a bigger section of the society; those are excluded in every sphere of society.

Dalit community also participated in the democratic movement with great enthusiasm and expectation. They contributed significantly in the restoration of Democracy in Nepal. They extended their support because they understood well the benefits of democratic system. Dalits have the strong faith that the ever awaited formation of the Constituent Assembly may have answers to redress their grievances. Dalit activist Tek Tamraka said very clearly that “It is a well proven fact that existing political structure is not favorable for Dalit liberation. It is, therefore that we Dalits, expressing ourselves in the mass demonstrations, had only one agenda in our mindset, that is, to go for 'complete democracy (I prefer to use the term populocracy) with equitable participation of Dalits and other broken people in an environment of the socio-economic justice. For the fulfillment of this novel purpose, we should have amicable environment to design new politico-socio and economic manifesto (constitution) with all our qualitative and quantitative participation.” (Tamraka, 2006) Another Dalit activist Pratik Pande expressed the same view. He said that “We have understood and have undertaken that without the democracy in Nepal, not only the rights of Dalits, but all the fundamental rights of the citizens have been seized. Therefore, I request to all the friends in solidarity, who are in Nepal to come out in movement and friends, who are residing out of Nepal to protest against the King's autocratic regime in front of Nepalese Embassies.” (Pande, 2006)

Dalit groups were very active during the phase of Jan Andolan and they extended their support in different way. Number of Dalits throughout the country participated in Jan Andolan II, which was clearly triggered to abolish the monarchy. Dalits participated actively in the Jan Andolan II therefore many reports came in light of Dalits being arrested and injured. According to the report of Tirtha Barma, “On April 18, 2006, Dalits demonstrated from different parts of the country. In Dhangadi, thousands of Dalits, Janajati and Kamaiya jointly demonstrated in a huge mass

carrying with them Halo (plough), Juwa (Plough yoke) and Kodalo (spade)... In Nepalganj, Dalits demonstrated coming out of their homes, and a young Dalit woman ‘Setu Sunar’ was killed by the Police force during the peaceful protest. She was the first Dalit women martyr in this democratic movement. Likewise, in Bhojpur, Khotang, Shankhuwa Shava and Dhankutta districts, Dalit people have joined hands with Janjaties people in the pro-democracy demonstrations, while in Biratnagar, Dharan, Rajbiraj, Bharapur, Kakarbhitta, they have demonstrated separately on their own in solidarity with nation-wide movement (Barma, 2006)

On 19 April, 2006, a mass rally was organized by the ‘Samyaukta Dalit Sangharsha Simiti’ in Gongabu, Kathmandu. Around 10,000 protestors were asserting for the restoration of democracy in Nepal. The rally was a huge success without any violence, inspite of huge presence of security forces... Pariyar and Amatya, 2006). The rally was addressed by many Dalit leaders. They unanimously reiterated the fact that in the absence of full-fledged democracy Dalit rights can not be insured, and therefore, a mass demonstration had to be organized in support and solidarity of ongoing people’s movement. (Vishwakarma, 2006) Many Dalit leaders were arrested during the movement organized by the alliance of seven parties. The leaders from a national Dalit organization ‘Utpidit Jatiya Mukti Samaj’ who were arrested on April 5to7 from the different parts of Kathmandu City.

Table 4.1

Dalit Leaders/Activist Arrested and Injured During Jan Andolan II

No.	Arrested	Injured
1.	Lal Bahadur BK	Nirmal Deula
2.	Jitu Gautam	Chitra Rasaili
3.	Ishowri Rizal	Tirtha Barma
4.	Bhagwot Biswasi	Shanti Barma
5.	Purusottam BK	Tulash Gautam
6.	Bom Bdr. BK	Junga Khati
7.	Sundar Purkoti	Hom Khati
8.	Babu Ratna Deula	Harisharan Khati
9.	Ram Lakhan Harijan	Ramesh Rizal

10.	Hari Nepali	Ram Bdr. Ghatani
11.	Dhan Bdr. Nepali	Narayan Ghatani
12.	Bal Bdr. Pariyar	Tek Ghatani
13.	Hom Nepali	Tara BK
14.	Prem BK	PanBhai Deula
15.	Raju Sharki	Sundar BK
16.	Lokendra Nepali	Krishna Nepali
17.	Lal Bdr. Chunara	Kamal Rahapal
18.		Sushil BK
19.		Krishna BK

Source: Pushkar Khati, 2006, Nepaldalitinfor.com

Dalits groups those were living out side Nepal also extend their support. Around 30,000 migrant Nepalese living and working in India congregated in New Delhi to demand an end to autocratic monarchy. Dalit activists among them were CPN-UML's central leader Chhabilal Biswokarma, calling for "much better and do-able" working alliance between the rebels and the mainstream parties to end the "autocratic era". (Dalit Watch, 2006) Dalits groups were not only engaged in organizing rally and protest demonstration. They included various creative programs to extend their support to democratic movement. Nepal Rastriya Dalit Patrakar Sangh organized a blood donation program in calibration with COCAP (Collective Campaign for Peace). Collected blood to be used for the injured demonstrators of the ongoing mass movement. This initiative was quite productive in a way to break down the social obstruction and cultural barrier. It was positive step to diminish the influence of caste based untouchability. Despite the overwhelming support from the Dalits in democratic movement, there is no substantial changes appearing in their life. The dismissal of the Constituent Assembly without any positive result is a serious betrayal of their trust in political parties. In changed political context it seems that the efforts taken by the Dalits during the democratic struggle for inclusive system became prove futile. On the other hand, it may be argue that the democratic movement has given a very positive vibration to Dalit movement. The growing awareness among the Dalit community is the result of their active participation in Jan Andolan. They start questing regarding their right and equal status in society.

Role of Political Parties:

Political parties are essential substance for the functioning of democracy in any country. The performance of political parties deeply influences the growth of democracy in any country. They present different perspective and idea to deal with the problem in the country as well as influence the political intellect of the common mass. A political system based on political party could be 'single-party system', 'two-party system or 'multiparty system. Nepal adopted multiparty system. Today, around fifty five political parties are working in Nepal based on their specific socio-political ideology. There are four major political parties in Nepal working since long for the welfare of the society. But it was difficult to function openly before the promulgation of the 'Interim Government Act of Nepal, 1951. Article 16 (c) of the Act provided the fundamental rights to form union or organization. This was not the clear mandate to form any political party but it did not restrict to form any sort of organization. This constitutional development could be considered as the origin point of political parties in Nepal. Similar to the provision of 1951 Act, the constitution of 1959 did not adopted any clear vision on the defining the role of political parties. While, the constitution of 1961, banned the existence of political parties. Therefore, political parties of Nepal incorporated the demand of free functioning of political parties as the core agenda of 1990's people movement. The constitution of 1990 had adopted clear provision for the political parties. Part 17 of the constitution (112-114) deals with the provision of the political parties. (Dhungel, 2005:16) According to Article 112 (i) of the constitution:

'Persons who are committed...to common political objectives and programmes shall, subject to laws...be entitled to form and operate political organisations or parties of their choice and to generate or cause to be generated publicity in order to secure support and cooperation from the general public for their objectives and programmes, and to carry out any other activity for this purpose'.

The political parties of Nepal became more vibrant and strong after the Jan Andolan of 2006. The mass movement of 2006 not only demands the redefinition of Nepali State. It also demands the reform within the political parties. The discourse of identity politics emerged as the major issue of the Nepali politics. Number of political

parties came in existence after the movement based on religion, caste and region. Like the question of many other marginalized identities, the issue of the Dalit is also holding the prime attention in changed political context. Although, there is not single national level political party is working in Nepal but it do not minimize the importance of the Dalit issue in the Nepali politics. The vote bank strength of the Dalit is compelling the major political parties to incorporate the aspiration of the Dalits in their broader agenda. And therefore it is essentially as well as interesting to review the strategy of political parties of Nepal.

Table 4.2

Major National Political Parties of Nepal

1	Communist Party of Nepal (Maoist)
2	Communist Party of Nepal (Unity Centre-Masal)
3	Communist Party of Nepal (Unified Marxist-Leninist)
4	Madhesi People's Right Forum (Madhesi Janadhikar Forum)
5	National Democratic Paarty (Rashtriya Prajatantra Party)
6	Nepali Congress
7	Nepal Sadbhavana Party
8	Nepal Workers and Peasants Party

In recent Constituent Assembly election around seventy five political parties of Nepal appeared to test their destiny. Only ten political parties got success in achieving seat in historic CA. Communist Party of Nepal emerged as the single largest party but failed to gain the full majority in assembly. Constituent Assembly election was important event in the history of Nepal which offers space to understand the strategy and policies of the political parties regarding the issue of Dalit empowerment. It is quite visible that most of the political parties adopted the agenda of social reform. 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, 2008:1).

They further stated that, "We recognize the peaceful struggle of different communities, including Madhesis, Indigenous/*Janajaties*, 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 (Maoist) have a clear agenda of socio-cultural reform based on the ideological understanding of Marxism. 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. The incorporated the agenda of social reform within the party structure and therefore they banned any practice of untouchability within party.

All major political party organized an affiliated Dalit wing as a sister organization. The Dalit wings all these political parties are working according to the organizational structure of the parties to which they are affiliated. They are also bond to follow the political ideology of the concern party. Dalit activist firmly believe that the notion of national party like India will not work in Nepal because Dalits are scatters all over Nepal. It is felt that due to the diversity of Nepali Dalits, forming a single Dalit party will not necessarily address all Dalit problems. (Kharel, 2007:60) In post 1990 period, two Dalit political parties emerged in Nepal. Nepal Dalit Shramik Morcha was founded by Ruplal Bishvakarma. Dalit Janajati Party is the continuant of the Federal Republic National Front. Dalit Janajati Party won one seat in Constituent Assembly through proportional representation. On 24 June, 2011, party warned to launch agitation against the incident of suspending four Dalit parliamentarian of the party by the speaker Subas Chandra Nembarg. Party accused him for showing partial attitude towards Dalits. (ekantipur, 2011).

Political parties are utilizing the Dalit wings to identify the sentiments of the Dalit community. Most the sister organization of different political parties are not organized and well connected to each other. Nepal Dalit Sangh is a political Dalit wing of Nepali Congress. When the Nepali Congress was divided and the Nepali Congress (Democratic) was formed, a splinter 'Nepal Dalit Sangh (Prajatantrik) was formed as

the NC (D) Dalit wing. With the reunification of Nepali Congress and Nepali Congress (Democratic) the NDS and NDS (P) were also reunited. In 2007, the former president of the organization was arrested while encircling the central government secretariat demanding that the government ensure representation for Dalits in the Interim constitution drafting committee. (wikipedia, 2011) On May, 2011, Joint Political Dalit Struggle Committee organized a sit-in program in front of Constituent Assembly with the motive of exerting pressure to address the five demands raised by the Dalit movement. The committee also demanded immediate parliamentary endorsement of Dalit Bill and end of caste based discrimination.

Table 4.3

Dalit Political Party and Sister Concerns

S.N	Organization	Nature	Political Party
1	Nepal Dalit Shramik Morcha	Political Party	Self
2	Dalit Janajati Party	Political Party	Self
3	Nepal Utpidit Jatiya Mukti Samaj	Sister concern	NCP, UML
4	Nepal Dalit Sangh	Sister concern	Nepali Congress
5	Nepal Dalit Mukti Morcha	Sister concern	CPN, Maoist
6	Jatiya Samata Samaj	Sister concern	Rastriya Janamorcha
7	Rastriya Dalit Janajati Sangathan	Sister concern	RPP
8	Dalit Uthan Manch	Sister concern	Sadbhawana
9	Rastriya Utpidit Jatiya Uthan Manch	Sister concern	CPN, ML

Source: Dhruba Raj Bishwokarma (2010), "Caste based Discrimination in School: A Study of Dalits in Ramechhap".

The issue of reservation is a very debatable issue in Nepal. It is considered as tool of social change in the society. Every Dalit wing is trying to interpret the idea of reservation according to the understanding of their parent political parties. Jatiya Samata Samaj, the sister organization of CPN (Unity Centre- Mashal) considered

reservation as a “historical necessity”. They recognize it as a temporary solution. They proposed the 20 per cent reservation for Dalits in their second convention. Nepal Dalit Sangh also supported the demand of reservation for the Dalits. Rashtriya Prajatantrik Utpidit Jatiya Utthan Sangh associated with Rashtriya Prajatantrik Party also supported the reservation with the idea of ‘proportionate reservation’ according to the population strength of the Dalits. CPN (UML)’s sister wing Nepal Utpidit Jatiya Mukti Samaj presented the thought of ‘progressive reservation’. While the CPN (Maoist) affiliated wing ‘Nepal Dalit Mukti Morcha’ denied the provision of reservation as a capitalist thought. According to their understanding, it can play very modest role in awareness generation among Dalit but it can not be identified as a tool for social change. Pranchand recognize it as a working strategy of capitalist. (Kisan, 2008: 18-19).

It is quite evident that all major political parties initiated positively in the direction to create an atmosphere in favour of inclusive society. But the activists of the Dalit movement still have several doubts about the intensions of political parties. DNF (Dalit NGO Federation) Executive Director, Tritha Biswokarma said that, “A democracy without full and equal representation for Dalits and all marginalized groups would be nothing more than a hollow victory for Nepal... Because political parties have ignored and excluded Dalits for far too long, it is vital to fully include and consult Dalits and other marginalized groups in all stages of the constitutional drafting process.” (CHRGJ, Press Release, 2009) In an interaction section in Dharan, Dalit leaders have urged the agitating parties to make clear their stance on inclusive democracy. Speaking at an interaction here today, Padam Sundas, a Dalit leader, said that “ Though political leaders talk about inclusive democracy every now and then, their stance on the topic is not clear. Parties must make it clear what inclusive democracy has in store for the Dalits, he said, adding that though the Dalits are committed to democracy, the parties have failed to take them into confidence. Stating that only a new constitution can liberate the Dalits.” (nepaldalitinfor, 2005, Focus News)

Chairman of Dalit Liberation Front, Mr. Tilak Pariyar said in an Interview that “You can see in sixty-five years of parliamentary democracy in Nepal, in each struggle the Dalit people supported the revolutionary parties. When Nepali Congress started the armed struggle, the Dalits supported them. Then when UML started the armed

struggle, the Dalits supported them. (The UML and Nepali Congress, both reactionary parties today, each previously had waged armed struggle against the monarchy before settling into the monarchy's parliament). Then the Maoists started the people's war, and about 90% of the Dalits supported them." But they all ignored the aspirations of the Dalits. Dalit NGO Federation organized a seminar on the issue 'Dalit Human Rights in constitution making processes at Kathmandu. On the occasion, the president of National Dalit Commission criticized party heads for discriminating against Dalits and for not allowing the question of Dalit human rights to be raised within parties.

Table 4.4

Dalits in the Constituent Assembly

Party	Male	Female	Mountainous	Madhesi	Total
Unified Communist Party of Nepal (Maoist)	14	9	19	4	23
Nepali Congress	4	5	7	2	9
Nepal Communist Party (Unified Marxist Leninist)	6	5	7	4	11
Madhesi People's Right Forum	0	2	0	2	2
Terai-Madhesh Democratic Party	0	1	0	1	1
Communist Party of Nepal (Marxist Leninist)	0	1	1	0	1
Dalit Janajati Party	1	0	0	1	1
Rastriya Prajatantra Party	0	1	1	0	1
Rastriya Janamorcha Nepal	1	0	1	0	1
Total	26	24	35	15	50

Source: SAMATA Foundation, 2009: 10

The study done by OM Gurung came out with the same finding that the political parties have ignored the aspiration of Dalits. He maintains that political parties did not provide the adequate seat to the Dalits in the Constituent Assembly election. Nepali Congress has nominated only 1 per cent Dalits in First Past the Post list. While, CPN (UML) nominated 5 percent Dalits and CPN (Maoist) included 9 percent Dalits. For the proportional representation, Nepali Congress nominated 14 percent from Dalits.

Whereas, CPN (UML) nominated 14 percent from Dalits. CPN (Maoist) has given chance to 15 per cent Dalits in their list. (Gurung, 2011:11) In changed scenario it is difficult task for the political parties to entertain the aspiration of all marginalized section including Dalits.

While dealing on the question of the Dalits in constituent assembly, major political parties other than Unified Communist Party of Nepal (Maoist) have failed to clearly interpret the rights of Dalits along with their identity. Nepali Congress expressed its solidarity with the abolition of caste based discrimination and empowerment of Dalits but it refused to accept the separate identity of Dalits. (Samata Policy Paper, 2010) The above mention arguments clearly point out that the political parties of Nepal have not played their role effectively. There are several factors working for the failure of the political party. The irresponsible behavior of the political parties is also influencing negatively the movement of Dalits. The main three failures of the political parties are:

- **Constant failure of Political Parties to Promulgate Constitution on Time :**

Constituent Assembly of Nepal was the ray of hope for the common people of Nepal, which were oppressed since long. The marginalized community of Nepal was willing eagerly waiting for the new constitution. They expected the inclusive constitution from the elected representative of the Constituent Assembly. But the constant delay in initial phase and the dissolution at the final stage was the shocking event for the common mass of Nepal. The Dalit activist and social organization were expecting inclusive laws and policies from the elected political parties. The political parties have broken the trust and expectation of marginalized community including Dalits. In a joint press statement, Maoist vice-chairman Mohan Baidya and general secretary Ram Bahadur Thapa said that “the proposal proved the failure of the leaderships of the major parties in the constitution-drafting process.....optimum efforts should have been made in order to find consensus so that promulgation by May 27 would have been possible -- instead extending the deadline.” (Nepalnews.com 23/5/12). Nepali Congress President Koirala also rejected the proposed extension. He said that “the decision to seek three-month extension of CA term would undermine the authority of the Supreme Court as well as damage the credibility and legitimacy of CA.” (Nepalnews.com 23/5/12) Inter party conflict have defamed the possibility of inclusive Nepal.

- **Lack of Political Consensus:**

All the major political parties are engaged in bitter competition for state power. This process becomes more flourished after the election of the constituent assembly. The constant fight for the power among the political parties are creating a problem of political instability which is harmful for the infant democracy of Nepal. There is a rise in the hypocritical culture where political parties and its leadership are raising conflicting elucidation of the solution to issues of the constitution making including federalism, integration issues etc. based on their political gains and advantages. Such behaviour will surely lead Nepal to a failed state as it is already under the category of failing state or weak state. (Thapa, 2008)

- **Lack of Inner Party Democracy:**

The debate of inner party democracy is new in Nepal. Inner- party democracy can be defined as the ability of a political party to engage its members in deliberation, decision-making and action of party affairs and enforce the transparency and accountability of office bearers to its rules of governance. (Dahal, 2011:1) After the restoration of Democracy, there is an extensive demand of inclusion on the basis of caste, ethnicity, religion and gender. Therefore it is required that the functioning of the party should be democratic and inclusive. During the Jana Andolan, political parties came close to the common mass and extend their hand in support of their demands. But after gaining political power, they shifted their perspective and goals. They started to cut off themselves from the aspiration of the marginalized community. The Constituent Assembly election has provided a scope to marginalized community to strengthen their representation in political. They are now demanding inclusion in decision-making committees of political parties. They lack of representation of marginalized community including Dalits in the decision making position has created a sense of dissatisfaction among the Dalit community.

Role of NGOs and INGOs:

The Nepali civil society is asserting for the social and political transformation since long. NGOs start their functioning in Nepal after 1950. Before 1950, they existed a sort of social service and reform activities but NGOs were probably absent in Nepal. INGs also entered Nepal after 1950 to make Nepalese more self –reliant. Some of them were: Nepal People Welfare Center (1951), Rotary Club (1959), and Nepal Red

Cross Society (1963). (ADB Report, 2010:9) Both NGOs and INGOs have been contributing in the field of education, health, empowerment of oppressed and marginalized class, and technology advancement. After the restoration of democracy in 1990, NGOs have start working very effectively in Nepal. There are various form of civil society organization is working in Nepal with diverse strategies and agenda. Non-Governmental Organization is also active part of the civil society. Number of NGOs is active in Nepal for various causes. There were 131 INGOs and 19200 NGOs are registered with the Social Welfare Council and other ministries until February 2006.

Along with other NGOs, number of Dalit NGOs also came in existence after 1990. Around six hundred Dalit NGOs are affiliated with the Dalit NGO Federation, an umbrella organization of Dalits. Two kinds of Dalit NGOs are working in Nepal. There are few National level organizations like Dalit Welfare Organization, the Feminist Dalit Organization, Nepal National Dalit Social Welfare Organization, Jana Utthan Pratishthan and Jargran Media Centre. (Kharel, 2007:60). They are covering relatively wide range of area through their program and policies.

Functioning of Main Dalit NGOs:

Dalit Welfare Organization is fighting for the cause of Dalit empowerment since 1994. The main objective of the organization is to empower the Dalit people and to create awareness among them. Organization has adopted three main approaches; rights based advocacy, education and economic livelihood programs. In annual report of 2008, DWO underline their effort for the empowerment of Dalit. According to annual report of 2008, DWO organized their activity on three levels: (DWO Annual Report: 2008)

- **Right Based Advocacy Programs**
 - a. DWO deigned a program with the collaboration of Save the Children US, to increase the participation of Dalits in the workplace and in Constituent Assembly.
 - b. Establish a Data Bank that organizes all Dalit CVs (curriculum vitae) and profiles for potential employment position.
 - c. Conduct individual workshop on Dalit recruitment in all three employment sectors.
 - d. Advocate on policy changes

- e. Publishing books that inform Dalits about federalism and better political Dalit representation overall.
 - f. Conduct workshops on writing a pro-Dalit Constitution.
 - g. Several national, as well as local radio programs focusing on Dalit representation, issue and empowerment. With the help of the Lutheran World Federation and Radio Nepal, DWO has been able to give life to millions of unheard Dalit voices all over Nepal.
 - h. DWO developed 'Sahayatra Television Program' in Nepal which was the first television station for Dalits by Dalits. The programs of the Sahayatra Television is broadcasted nationally.
 - i. DWO produces a magazine 'Naya Samarachana' with the help of Lutheran World Federation. Magazine publishes the interview of political leaders, Dalit intellectual and civil society members.
- **Education Based Program:**
 - a. DWO started 'New Horizons Education Program in Dang district with the collaboration of Swiss Academy for Development and Move 4 Horizons.
 - b. Conducted training workshops for teachers on child rights and child friendly teaching methods on anti discrimination and towards a peaceful environment.
 - c. Coordinating children programs that encourage self-confidence and inner strength in situation they face in their everyday life.
 - d. Education for Child Development Program started in Bardiya district with Save the Children Norway.
 - e. Another very important project Child Education and Protection Program started in Bardiya district. The main object of the program is to provide quality education and improving the livelihood of many marginalized groups.
 - **Economic and Livelihood Program:**
 - a. DWO has directed the 'Return and Reintegration' program with the partnership of International Rescue Committee.
 - b. Under the program, DWO work to trace and reunifying children with their families and communities.
 - c. Re-entering children back into formal or informal education.

- d. Program to improve livelihood security of the socially excluded communities of Nepal was carried out since 2006. The objective of the program is to enhance the capacity of livelihood.
- e. Dalit Empowerment Program was started with the intension to empower Dalits and Dalit communities at all livelihood levels.
- f. Under the program, DWO started livelihood microenterprise and vocational training courses, small scale irrigation program, leadership training, and Dalit rights awareness workshop.
- g. Another important program was the 'Women's Empowerment Program'. This program started with the objective to economically uplift Dalit women through microcredit loans and to improve their social, educational and political position through empowerment programs.

Feminist Dalit Organization is one of the leading organizations of Dalit women, established in 1994. Other Dalit women organization active in Nepal are 'Nepal Deprived Women Upliftment Centre (2001) and 'National Feminist Dalit Organization' of Nepal. It is the oldest and most active organization with 52 district chapters. It has been implementing education, health, economic empowerment and advocacy programs for Dalit women. (ADB Report, 2010: 15) FEDO strives to create a movement against caste and gender-based discrimination in order to protect and promote civil and political rights of Dalit women and to support their socio-economic empowerment. (FEDO website). The organization works on five levels to achieve their goal. The main activities are of the organization are: (website of the organization)

Advocacy & Awareness Rising:

- a. Info sessions on women's rights, human rights, and the law in Nepal
- b. Media and other campaigns on untouchability and gender equality
- c. Working together to raise awareness about why social inclusion must be addressed in state mechanisms
- d. Lobbying and awareness raising about the Constituent Assembly
- e. Empowering women to participate in the peace building process through meaningful participation and representation of women in politics.

Education:

- a. Formal: scholarship programs for Dalit girls.
- b. Non-Formal: functional literacy classes for adults
- c. Sensitization activities and lobbying government to ensure a Dalit-friendly education policy as well as its implementation

Economic Empowerment:

- a. Women's group formation and saving and credit fund mobilization
- b. Business skill development and support for businesses/entrepreneurs
- c. Information dissemination to Dalit women on how to access state provided resources, mechanisms, and activities

Health and Sanitation:

- a. Programs & camps on health/sanitation, safe motherhood, HIV/AIDS
- b. Information dissemination about the Government health agency and how to access and be aware of the services it provides

Institutional Development:

- a. Network/partnership expansion, fundraising & enhancing capability
- b. Developing HR policies, financial policies, strategic papers, and codes of conduct

Peace Building:

- a. Counseling to women searching for disappeared family members or who were victims of rape during the 10-year conflict in Nepal.

The organization has conducted various projects for the upliftment of Dalit women in Nepal. The projects like 'Equal access of Dalit Women to Health Services', Promotion of Dalit women's Human Rights, Global Fund for Women and 'Yasuda Literacy Fund' was triggered to bring the Dalit women in mainstream. In 2007, Feminist Dalit Organization presented a 'Dalit Women Charter' and given a memorandum to political parties to incorporate their demands in New Constitution.

Nepal National Dalit Social Welfare Organization is the first registered Dalit organization of Nepal. It came in existence in 1982. The organization have broader connective in comparison to their fellow organization. The NNDSO is working in 68 districts out of 75. The organization have a long legacy of work for the empowerment of Dalits. The organization is also working in five different areas like advocacy, capacity building, education, research publication and livelihood. The main concerns of the organization are (NNDSWO website, 2012):

- Advocacy program conducted in form of research and publication, organizing workshops, lobbying visit, delegation and interaction program, submitting memorandum developing consultative forum of rights holders, mobilizing rights holders in peaceful rally and demonstration, and gathering like minded people and organizations in a network/alliance.
- Ensuring access to education, especially providing scholarship, literacy classes and vocational training opportunities are the intervention done in this area. Since 1992, Nepal Children's Scholarship Endowment Program (NCSEP) has been a very good tool in educating the orphans, poor and disable children from the Dalits castes and ethnic minorities.
- NNDSWO published a quarterly magazine 'Lukeko Aawaaz' (Unheard Voices).
- Program for economic development: a) Enterprise Development, b) Livelihood Skill Development, c) Small Scale Irrigation, d) Agricultural Inputs, e) Micro finance, f) On and off farm Activities, and g) Marketing Support.

The Dalit NGO Federation is working as an umbrella organization of Dalit NGOs since 1996. DNF is the only organization which represents the collective voice of the Dalits. More than 200 Dalit organizations are affiliated with DNF. The organization is working on the vision to establish a society free from caste based discrimination. The DNF followed the following strategy to achieve their goal: (website of the organization)

- Expand member organizations to at least 500 and strengthen them.
- Promote pro-Dalit polity to ensure Dalit rights/representation in the mainstream socio-political processes.
- Facilitate and provide legal aid to Dalit organisations and community.

- Focus on Dalit women, Madhesi Dalits and the marginalized ones within the Dalit communities.
- Build national and international solidarity to strengthen Nepalese Dalit rights movement.
- Improve good governance of DNF and its MOs.
- Focus on DNF's institutional sustainability and human resource development.

Jagran Media Centre was established by the journalist from the Dalit community in 2000. JMC is working to abolish caste based discrimination against through promoting human rights, social justice and peace in society. JMC is taking every positive effort to promote awareness among Dalits and Non-Dalits to resist against the old inhuman tradition of caste based discrimination. Since its establishment, it has been active in raising the issues of Dalits locally, nationally and internationally. In 2006, the representative of the JMC participated in meeting of 'UN Working Group' on rights of minorities. Pratik Pande underlined the need to ensure proportional representation of Dalits in political and social institution including other marginalized group.

JMC is working to promote the talent of the Dalit Journalists, writers and professionals. It is also involved in organizing campaigns and protects demonstration to move forward the demands of the Dalits. Organization is also engaged in creating awareness among Dalit through television and radio program. 'Katwal Radio Patrika' is very popular in Nepal. It focuses to create awareness among Dalits and Non-Dalits on contemporary Dalit issue. JMC is also producing a 25 episode TV series , 'Dalan', about three generations Dalit family in order to increase awareness about Dalit discrimination and promote social change.

The Dalit NGOs have contributed a lot in the empowerment of Dalits. They not only supported the Dalit movement, they came forward to hold the control of movement in their hand. Therefore, few intellectual claims that the Dalit movement is a NGO based movement. NGOs have conducted a series of empowerment programs because of strong team network. INGOs also supported the cause of Dalit empowerment through various program with affiliation to local NGOs. Several INGOs like Save the

Children US, Action Aid/Nepal, Lutheran World Federation, Helvets, USC Canada and Save the Children Norway is supporting the various advocacy, awareness generation and economic development program in Nepal. The program conducted by the INGOs have been effective in the domain of health care and reproductive services. With the help of the INGOs, Dalit are making closer link with other Dalits through out world. They are also interacting with the Dalit political leaders and activist of other countries. (Baniya, 2007:60)

Functioning of INGOs:

International NGOs is working in Nepal since long in various fields. But they shifted their interest in Dalit issue after the restoration of democracy in Nepal. Before 1990, the issue of identity base struggle was not the popular discourse therefore it quite evident that INGOs were also not given proper attention on specific marginalized community. It was the biggest contribution of the democracy that it brings the issue of marginalized community in light. Various marginalized groups like Dalits, Janajati, Women and Madhesi came on surface with the demand of their development and inclusion in society and politics. The growth of identity based mobilization in Nepal has attracted INGOs to work in this field.

There are number of INGOs in Nepal which are working for the cause of Dalit empowerment. Save the Children US, Action Aid Nepal, The Asia Foundation, Lutheran World Federation, CARE Nepal and OXFAM are major INGOs working in Nepal for Dalit emancipation.

Table 4.5

INGOs Program in Nepal

S.N.	Name of Program	Partners Organization	Program Implement District	Description
1	Access to Quality Education Program	Save the children Norway	Bardiya/Surkhet/Jumla	Promote access of marginalized and Dalit child to quality education in Bardiya district by activating individuals and institution working in education sectors.
2	Protection of Badi /Dalit Children program.	Save the children Norway	Bardiya/Surkhet/Jumla	Strengthen civil society and child rights movement among actors in Bardiya district to promotion, participants and development rights of children.
3	Dalit Janajaran Radio Program (DJJRP)	Helvetas	Kathmandu	DJJRP contributed to reduce social, religious, economic and political tension and conflict.
4	Dalit Janajaran Radio Program (DJJRP)	Lutheran World Federation	Kathmandu	This is the first radio awareness program in the history of Nepal to be broadcasted by national government owned media.
5	Dalit Janajaran Radio Program (DJJRP)	Lutheran World Federation	Achham/Kathmandu	Dalit Empowerment program is to improve living standards and social status of disadvantaged Dalit communities

				through economic activities in community level, capacity building, social awareness & self-esteem through social action literacy education and mass mobilization to assert the rights of the Dalits.
6	Improving Livelihood Security of Socially Excluded Community in Nepal	Practical Action Nepal	Banke, Kailali, Doti, Surkath, Nawalparashi and Rupandehi	The project is to enhance livelihood security and socioeconomic status of vulnerable and socially excluded communities in conflict areas of western Nepal mainly leasehold based farming and community mobilization, off-farm livelihoods, capacity strengthen local resource person, communities, knowledge sharing among group of people and concern state level.
7	Agro-biodiversity Advocacy /Actions Development Project (Saving and Credit Program)	USC Canada Asia	Banke	Its main objective is to build the capacity of Dalit farmers to do agro-biodiversity development advocacy/action and enable them to protect their rights towards achieving the self-reliance in development.

8	Increasing Dalits Representation and Employment Assembly.	Save the Children US	Kathmandu	To Promote equal access to social, economic and political capital and the recognition of equal human rights for Dalits of Nepal through access, knowledge and demand and policy influence.
9	SAHAYATRA Television Program	Save the children Norway	Kathmandu	The 21st century is the century of communication. To bring positive change in understanding of human being. To highlight important of dalit issues and could be able to spread the message about these issues to the stakeholders.
10	Move 4 New Horizons (M4NH)	Swiss Academy for Development (SAD)	Dang	M4NH is a child education project aiming to Integrate conflict affected and disadvantaged out of school children into the formal school system; Increase their life skills, self-esteem, and resilience; and also Increase awareness of peers, teachers, communities and authorities of discriminatory practices.
11	Women Empowerment Program	MS Nepal	Banke	Poverty Reduction through mobilization and empowerment of Dalit Women. Dalit

				Women Groups mobilization and to establish Community based Cooperative for economic empowerment activities.
12	Income Generating	Poverty Alleviation Fund	Jumla and Sindhuli	To focus on Dalit & marginalized community to Mobilization, Income generation, livelihood improvement, Saving & credit. Livestock, small entrepreneurship for sustainable change.
13	Organization Development	VSO Nepal	Kathmandu	Strengthen Organization capacities of DWO and practices and advocate good governance
14	Dalit Sewa Sang Community FM Program	SDC/MS Nepal	Banke	To establish the FM station in Banke district to mobilize the Dalit people. To advocate the human rights of people.

Source: Dalit Welfare Organization.

Save the Children Nepal is actively working in collaboration with national level Dalit NGOs. It started program of Dalit emancipation through the oldest Dalit NGO 'NNDSSWO'. It played a significant role in the formation of 'Dalit Welfare Organization'. The working range of this INGO is quite extensive. It is not only working in field of advocacy and direct income generation program, it is also working to provide expert opinion to National Planning Commission on Dalit issue. Save the Children is also providing fellowship to Dalit student. On the same track, Action Aid Nepal is working with full potential to help the Dalits of Nepal. It has emphasized on the policy advocacy and influencing work such as preparation of bill related to Dalits

or formulation of Dalit strategy for National Planning Commission. Save the Children and Action Aid Nepal are investing a significant amount of their total budget on Dalit programs.

Despite the significant contribution of NGOs and INGOs, there are some loop holes in the functioning. Most of the organizations that receive funds from donors are concentrated in the cities mainly in the capital. According to the report of ADB, they are less inclusive and follows rigid community base. It is true that the Dalit NGOs on local level are less organized and concentrated on goal of Dalit emancipation but the over all contribution of NGOs and INGOs are significant in the growth of the Dalit movement.

Role of Dalit Leadership and Limitations of Movement:

Dalit leadership in Nepal is struggling for the emancipation of the Dalits since long. They have done very enthusiastically to create awareness among Dalits. Their voice was not prominent during the rule of autocratic king because of the undemocratic system. But after the restoration of democracy, the moment of the Dalit leader became faster to achieve the goal of the Dalit movement. They made several attempts to create the awareness among the Dalits. They start questioning the feudalistic tradition of the society of caste based discrimination. They demanded the right of equal participation and dignified life like the other member of the society. Despite their constant struggle, the situation of Dalits is still very weak in Nepali society. It is fact that the Dalit leadership of Nepal is not as strong in India. Dalit leaders are divided in different political parties and failed to organize their strength. While, the Dalit political activist do not feel that the differences in ideologies detract from or undermine the cause of Dalit liberation. (Kharel, 2007:60)

Dalit movement in Nepal is not as strong as the other identity movement. Janajati movement is very organized and advance in transforming the situation of their community. While, Dalit movement is still very unorganized and divided on various lines. Dalits have not yet shown strong and independent political movement on their own (Kisan, 2005). Neither there has been a joint efforts of the organizations affiliated to various parties. Dalits inclusion in the politics is by sympathy of the respective political parties rather than by movement and negotiations. (Mahato, 2012)

Limitations of Dalit Leadership:

- **Neglected the need of internal reform:** Dalit leadership is fighting against the caste based discrimination by the upper caste group of the society. But they completely undermine the need to fight against the internal caste based discrimination amongst Dalits. The internal caste hierarchy among Terai Dalit is quite high. Even today, they follow the strict hierarchical division within them, with Tatma (Tanti or weaver) as the highest group and Halkhor (sweeper) as the lowest group. Some studies have indicated a high degree of untouchability practised among the various Terai Dalit groups. For instance, a Musahar does not accept the cooked food or water from a Chamar and vice-versa. (Risal, 2006)
- **Weak Caucus of Dalit Parliamentarian in Constituent Assembly:**

The Dalits of Nepal have lots of expectations from the new constitution. They have a strong faith that the constitution will bring positive change in their socio- political and economic condition. The Dalit leader did not get any chance of representation in the drafting of the constitution of 1990 and the interim constitution of the Nepal. After the election of constituent assembly, Dalits got their first opportunity to raise their aspiration directly in constitution making process. However, the representation of the Dalits in the new constituent assembly is limited only 8.1 with 49 CA members. It happened first time in the history of Nepal that the seven members got elected through the FPTP. In changed context, the positive and confident attitude of the Dalit CA member is essentially required. But unfortunately the performance of the Dalits leader is not satisfactory. The civil society and Dalits have been raising doubt that the Dalit issues will not adequately addressed due to the failure of Dalit CA members to play an effective role in the CA. (News, Dalit Watch, 2009:3)

It was expected that the Dalit CA members will form a Dalit Caucus immediately after the formation of the Constituent Assembly to create pressure on the political party. But, the Dalit caucus came in existence in November 2009 around twenty months after the formation of Constituent Assembly. They handed over a 23-point concept paper to the constituent assemble and the major political parties. This was the futile effort because the concerned committee had submitted their report earlier to the concept paper of Dalit Caucus. (Samata Policy Paper, 2010: 46)

- **Ideological Party Affiliation:**

Most of the Dalit leaders are unable to fix their priority because of their party affiliation. They can not move beyond the ideological boundaries of their respective parties. The interest of the party is the prime concern for the Dalit leader. They are ready to sacrifice the interest of the Dalits for their party. Because, they are afraid of the action taken by the political party. Due the result of very close affiliation with the concern party, the issue of the Dalits rights was overshadowed in the Constituent Assembly.

The discussion on the role of Dalits in Jan Andolan, contribution of political parties and NGO/INGs, and the role of Dalit leadership clearly highlights that Dalit movement is emerging as a strong force in Nepal. Active participation of Dalits in Jan Andolan demonstrates the level of increasing consciousness. They extend their support of democracy because they realized that the demand of Dalit rights could not fulfill without democratic system. Dalit NGOs and INGOs are also working hard to materialize the idea of inclusive society and proper representation. NGOs along with common mass is creating appropriate environment for the development of Dalit community. Growing strength of Dalits movement is also influencing the major political parties to consider their demands. But the role of the political parties is quite disappointing. The abolition of the Constituent Assembly without any out put is result of immature behavior of political parties. The Dalit leadership is also weak to promote the idea of Dalit liberation. Despite all difficulty, the movement is growing day by day and creating serious question before political parties and civil society.

Chapter: Five

Dalit movement in the Context of other Social Movements

Dalits realize that they are not the only community which has suffered in the formation of Nepali state. And that Nepal is a poor country where nearly 40% of the people live below poverty line. But they feel that they are uniquely disadvantaged; many of the hardships they suffer and the status they occupy in Nepali society are greater than other of other communities, and are specific to them.

Yash Ghai, (UNDP Report, 2008:11)

The emergence of the 'new social movement' in Nepal in the post 1990 era is a positive development in context of the social transformation and inclusive democracy. Various oppressed identities like Madhesis, Dalits, Janajati and Women are quite aware about their current social position and ready to assert for their genuine legal and political rights in the society. The assertion of these identities demonstrates the prevailing discrimination on the basis of region, caste and gender. Madhesis are feeling them excluded on the basis of their geographical location, while Dalits are expelled on the basis of the caste. The women of the society are also debarred from proper representation and basic fundamental rights because of the patriarchal dominance in the society. Janajati groups are facing problem on social, political, economical and cultural front. All these groups are excluded in every sphere of life because of the feudalistic and casteist structure of the state. According to the National census of 2001, there is no social group that holds majority in the society. But the over dominance of one caste groups in every sphere of life destructs the harmony and inclusive nature of the society. The high caste Bahun and Chhetri together construct only thirty per cent of the total population but they are holding dominating position in politics, social life and economic area. Govinda Neupane found that the CHHEM overwhelmingly dominated twelve influential sectors he investigated: the executive, judiciary, constitutional council, 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.

(Lawoti, 2007:12) The over domination of one social group (based on Hindu philosophy) and exclusionary nature of politics have excluded the other social groups.

Table 5.1
Ethnic and Caste Representation in Governance, 1999

Institutions	Bahun/ Chhetri	Indigenous	Madhesi	Dalit	Newar	Others	Total
Courts	181	4	18	0	32		135
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
Cultural: 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 Nationalities

There are various other reasons behind the imbalance of power relation in society. The main causes of over development of Bahun-Chhetris and underdevelopment of the indigenous nationalities, Dalits, Madhesi, Muslims, non-Hindus, and national language speakers are as follows: (Bhattachan, 2005:46)

- Identification of the State with Hindu religion
- Land alienation
- Lack of strong pressure from the movements
- Displacement and deforestation
- Loss or exploitation of indigenous knowledge system
- Patriarchy

- Caste-based untouchability
- “Bahunism” or “Brahmanism”

In post 1990 era, all these groups are fighting against the unjust and disproportional distribution of social, political and economic rights. The primary goal of all assertive identity is identical but still lot of differences prevails among them. The complex nature of the society is one of the reasons for such differences among the identity groups. It is important as well as fascinating to analyze the internal dynamics of identity groups in perspective of making inclusive Nepali society. Madhesis movement can not ignore the question of ‘Dalit Madhesis’, which acquire adequate number in Madhesis population. On another side, Women movement has to deal with question of disgraceful condition of Dalit women in the society. In this chapter, an attempt will be made to understand the interrelation of Dalit movement with other social movements. The primary interest is to find out the level of consent in different identity movement for the others social problems. The intimacy level among different identity groups will be helpful to achieve the fundamental goal of inclusive and discrimination free society, which is one of the fundamental goals of Dalit movement.

Another important angle is related to the Maoist movement. The movement was based on the revolutionary theory of Karl Marx. Maoists raised the question of subdued and oppressed section of the society from time to time. Their entire movement is based on the principle of socialist and equitable society. The demand of proportional representation in election and equal opportunity to all is one of the main agenda of the Maoists. This movement not only highlights the genuine demands of the marginalized section of the society, it also enlightens the huge mass of Nepal for their dignified life. Therefore, it may be claimed that Maoist movement has played a positive role in the evolution and development of Dalit movement. But on the other side, some intellectuals claim that the main agenda of the Maoist is to establish a class less society based on Marxist ideology. Accordingly to them, they are only utilizing the sentiments of the marginalized community including Dalits. The debate is quite interesting and provides a space for investigation of two different perspectives especially about Dalit movement.

This chapter will discuss the interrelation of Dalit Movement with Janajati movement, Madhesis Movement, Women Movement and the Maoist Movement.

Janajati Movement and Dalit Movement:

Janajati community is also known as the indigenous community of Nepal, which constitute the 36.31 per cent of the total population of Nepal. They also fall in the category of marginalized community of Nepal. The people of Janajati community are facing discrimination on various lines like- discrimination based on legal ground, inadequate political representation, less opportunity in civil services, NGO's and Human Rights organization. The women of Janajati community are facing more oppression and discrimination in comparison to their male counter part. Before analyzing the core values of the movement, it is essential to know about the Janajati population.

Interestingly, the Janajati population is not a homogenous category. It is divided into number of different groups which posses different culture, customs and language. According to the report of the 'Task Force' set up by the His Majesty's Government (1996), Janajati is that community which has it's 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 in 2002, defines Janajati as a tribe or community in the schedule having it's own mother language and traditional rites and customs, distinct cultural identity, distinct social structure and written or unwritten history. (<http://nfdin.gov.np>) The each Janajati community has some distinct characteristics. The main characteristics are:

- A distinct collective identity;
- Own language, tradition, culture and civilization;
- Own traditional egalitarian social structure;
- Traditional homeland or geographical area;
- Written or oral history;
- Having "We" feeling
- Who declares itself as "Janajati";

- Has had no decisive role in the politics and government of modern Nepal;
- Who are the indigenous or native people of Nepal

The government of Nepal has identified fifty nine indigenous nationalities in 2002. Nepali Janajati communities are distributed in all over the geographical region. 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:

Table 5.2
Janajati Groups in Nepal

Region	Ethnic Groups
A. Himalayan Region	Bahra, Gaunel, Bhutia/Bhote, Byasi, Dolpo, Lhomi (Shingsaba), Marphali, Thakali, Mugali, Sherpa, Siyar (Chumba), Tangbe, Tin Gaunle Thakali (Yhulkosompaimhi), Tokpegole (Dhokpya), Walung.
B. Inner Terai Region	Baramu, Bhujel, Chepang, Chhantyal, Dura, Free (Phree), Gurung, Hayu, Jirel, Kushbadia (Kuhbadia), Kusunda, Larke (Nupriba), Lepcha, Limbu, Magar, Newar, Pahari, Rai, Sunuwar, Sural, Tamang, Thami, Yakkha, Yolma
C. 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 assertion of Janajati identity is a recent phenomenon but the seeds of this assertive movement can be traced in the long historical process. Before the unification, Nepal was divided into different principalities state governed by the indigenous population. 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 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 culture as well as Nepali language on all people who had been incorporated within this state structure. (UNESCO Report, 2006: 33) The process of integration on the basis of Hindu values further created a space of exclusion of Janajati community. The Muluki Ain of 1854 incorporated the distinct identity of indigenous community in Hindu fourfold caste system. It was the first step to codify social relations between the different communities irrespective of their social-cultural to a Hindu hierarchical order. (Boquerat, 2008). Ethnic communities were brought under the category of unsalable and non-slavable Matwalis or alcohol drinking communities. This process of Hinduization continued in Panchayat era. 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. (Hangen, 2007:12) Janajati activist acknowledge this process as an act of 'cultural imperialism'.

Janajati community in Nepal is primarily engaged in subsistence agriculture. The livelihood of the community is dependent on the traditional resources like land and forest. Their identity is closely affiliated to land and forest. During the unification and later on during its consolidation, the traditional lands of indigenous community have been systematically abolished by the state. In Nepal, the Kipat system of the Limbus was abolished as late as in the sixties. The traditional lands of indigenous community shifted to the Brahmins and Chhetris through 'Birta' system. After being displaced from their traditional land, many indigenous communities were bound to work under the "Kamaiya" system (Bounded Labors). Because of educational deprivation, they were also excluded from the government services, technical and professional jobs. These entire situations created acute problem of economic deprivation of Janajati community.

Another instrument which played a significant role in the marginalization of the community was the issue of the language. High caste groups promoted Nepali as a National language and ignored the status of other native language. 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. (Hutt, 1988:43). The National Education Planning Commission recommended in 1954 that the Nepali will be the single language of medium in schools. In 1959, King Mahendra declared the Nepali as the National language of Nepal. Further, the Supreme Court of Nepal infuriated non- Nepali speaking 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. (Kraemer, 2008:4) The promotion of Nepali language was the main agenda of the language policy, which played an important role to marginalizing the interest of the Janajati in civil services and other employment opportunities.

Dalits and Janajatis both are marginalized community in the society. But their differences on social and political front are quite visible. Socially, indigenous group belongs to the upper strata of the society and therefore they are also following the principle of social discrimination against Dalit community. The Janajati community is not facing the problem of untouchability in the society like the Dalits. Their economic, social and political status is better in comparison to Dalits. Even many incidents happened of Dalit atrocity by the Janajati community. They equally discriminated Dalits like the upper caste social groups because they hold the lower social position. Therefore, 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”. (Pariyar, 2006:3) While on political front, both are fighting for inclusive democracy but their way to achieve the goal is different. In Nepal, while passing through a transition, Janajati's are asking for identity based federal structure with positive discrimination while Dalit are left behind in the debate because of their

scattered presence all over the country.¹ Despite, this controversial issue of identity based federalism, both share common vision on various issue like the end of monarchy, secular state, proportional representation and inclusive democracy. The leading political party of Janajati ‘Rastriya Janamukti Party’ included the aspiration of the Dalits in their election manifesto of constituent assembly election in 2008. The manifesto indirectly underlines the aspiration of Dalits:

“Thus for the Nation growth, harmony, sovereignty and unity, the Central Federal Government of equal proportional representatives (On basis population) from all the groups and women is the only necessity resolution so that it ensures fair distribution of resources to different groups, and promotes justice to various socio-cultural groups and minority by sharing power. Under these criteria the specific law and accommodation shall be preserved as reservation for marginalized socio-cultural groups, minor and under privilege communities, and women to prosper and develop in the sector of education, employment, civil service, industry etc. Hence the Rastriya Janamukti party shall be forever committee to marginalized socio-cultural groups, minor communities and women for their socio rights, cultural development, justice and economic prosperity.” (Election Manifesto of Rastriya Janamukti Party, 2008)

It is true that the election manifesto did not directly deals with the issue of Dalits but it incorporated various issues which are equally valuable for the Dalit community. This effort will be helpful to bridge the trust deficit between the Dalit and Janajati community. In changed political context, cooperation is required for the creation of inclusive society.

¹ Recently the government and the representative of the indigenous nationalities joint struggle committee signed a nine point agreement. The government agreed to institutionalize democratic republicanism with ethnicity-based federalism and promulgate the constitution within the May 27 deadline. (nepalnews.com 22/05/12)

Madhesi Movement and Dalits:

Madhesi is another marginalized social group, which constitute 29.2 per cent of the total population of Nepal. (Census, 2001). They are also discriminated by the dominant caste of Nepal. They are forced to live as a second class citizen in the country. The process of their exclusion and segregation has begun with unification of Nepal. The rulers of the country adopted the policy of 'one language and one culture' for the promotion of nation integration without taking the consideration of the diversity of nation. The Madhesi community located at the Terai region (region between the hill and plain) of the country. The community also holds the heterogeneous nature like the Janajati and Dalits in the society. The *Madhesi* population is composed of more than sixty ethnic and caste groups with tremendous variations in language and culture. The only common factor among them is their non-hill origins. (Yadav, 2005:7)

The scholars belongs to Madhesi community differentiate between the term '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 later refers to any caste or ethnic groups, including the dominant caste and group, who live in the Tarai region. The identification with the term 'Madhesi' indicate a patter of social exclusion faced by the Madhesi people. The dominant caste belongs to hill region defines them as an outsider, especially migrated from India and therefore did not consider them as the citizen of the country. Under the Citizenship Act of 1964 and the constitution of 1990 debarred them from acquiring the citizenship certificate from the government. In absence of citizenship certificate, they are completely disqualified to own their land and avail other facility provided by the government. While, the government amended the citizenship law in 2006 but still they are excluded. Madhesi people have also voiced concerns about the economic exploitation of the resource-rich Madhes region by the Nepali government. Although Madhes contributes 70 per cent of the agricultural production of Nepal, 65 per cent of the GDP, and 76 per cent of the country's total revenue, the infrastructure in this region is considered to be much poorer than in the hill areas. Allegations have also been made regarding how during

the monarchy, in the name of land reform, land belonging to Madhesi people were given away to Pahadis. (Nayak, 2010)

Language is another important issue which targets their culture as well as humiliated them because of their identity differs from the hill people. The lack of recognition of linguistic and cultural diversity created a deep sense of disrespect and frustration among the Madhesi who felt undermined and humiliated. (Tiwari, 2008:39) The dominant hill caste people adopted the Nepali as a medium of conversation in public as well as official life. On contrary, the people of Madhesi community uses the language other than Nepali. They are consistently asserting against the National status of Nepal language. On language issues, an overwhelming majority of Madhesi people, regardless of caste, ethnicity, or religion, opted for the removing Nepali's status as the sole official language. (Hachhethu, 2007:5) The overall condition of the Madhesi in socio-economic and political are very low in comparison to the hill high caste people. The realization of their lower position and exclusion has given birth to strong Madhesi movement based on Madhesi Nationalism. The 21 day long mass movement of the Madhesi in 2007 gained the centre stage of academic debate. Before the assertion of Madhesi identity, the debate of ethnic demand was focused toward the Janajati community.

The movement got momentum in next years and in consequence number of political parties and organization came in existence in solidarity of Madhesi movement. Madhesi Janadikar Forum, Janatantrik Terai Mukti Morcha, Madhesi Tigers and many other organizations are fighting for the cause of the Madhesi population. The main agenda of the movement is to protect their distinct identity and promote their demand of separate autonomous state. The on going movement is also trying to incorporate the aspiration of other social groups like Madhesi Dalit. The main aspirations of the movement are: (Yadav, 2005:9)

- A liberal policy on citizenship so that most of the citizenship-less people can get their identity and fully participate in building this nation as *bona fide* citizens.
- Official status for Hindi language since as the *lingua franca* it binds all *Madhesis* together.

- Employment quota for *Madhesis* in the civil service and the army, thereby bringing them in the mainstream of national development;
- A federal system of government to recognize their separate identity.

Table 5.3

Proportion of Direct Seats won in Tarai by Political Parties in CA Election, 2008

Political Parties	No. of Seat won in Tarai	% of Seats won in Tarai
Madhesi Janadhikar Forum	52	44.8
Tarai Madheshi Loktantrik Party	20	17.24
Communist Party Of Nepal (Maoist)	42	36.2
Others	2	1.72
Total	116	100

Source: Farah Cheah, 2008, “Inclusive Democracy for Madheshis; The Quest for Identity, Rights and Representation.

Madhesi Dalit:

The issue of the Madhesi Dalit is also very important while dealing with the interrelation of both movements. The Madhesi Dalit shares the larger number in total Madhesi population. They constitute over 35 per cent of the total Dalit population. Although, they are marginalized like the other Dalits but their degree of exclusion is quite higher in comparison to hill Dalit. They are not only discriminated on the basis of the caste, it extends to culture and religion also. Unemployment rate among the Tarai Dalits is high because they do not have required skill for market work. They are also detach from several mode of income generation. According to Dr. Shiv Sharma, an expert on labour estimated that 58 per cent to 90 per cent of the Madhesi Dalits are

landless. Among Musahar only 3 to 5 per cent of them may have pice of land. (IIDS Report, 2009:18).

Table 5.4
Tarai Dalit in Population of Nepal (2001)

No.	Caste	Numbers	Percentage
1	Chamar, Harijan	269,661	1.19
2	Koiri	251,274	1.11
3	Mushar	172,432	0.76
4	Dusadh, Paswan	158,525	0.70
5	Tatma	76,512	0.34
6	Khatme	74,972	0.33
7	Dhobi	73,413	0.32
8	Dhagol	41,764	0.18
9	Total	-	4.93

Source: Central Bureau of Statistics.

The Madhesi Dalit is also facing linguistic discrimination like the other Madhesi community in whole. Their political Participation in various tiers of the political system is quite minimal. Terai women are facing triple burden of discrimination in comparison to the hill Dalits and their male counterpart. They are completely deprived from their basic human rights. Their political representation is negligible since the restoration of the multiparty democracy in Nepal. (Raj, 2001)

It is important to analyze the level of concern expressed by the leaders of the Madhesi movement on the issue of 'Dalit rights' as a whole and 'Madhesi Dalits' in particular. According to the ideological understanding, the movement considers the hill Dalits their opponent. While on the hand, they incorporated the aspirations of the Dalits to intensify their movement. The leadership of the movement never defined the status of the Dalits in autonomous Terai region. Interestingly, Madhesi Jana Adhikar Forum did not

provide adequate representation to the Terai based Dalit community. Most of its central committee membership and its activist belong to the none-Dalit community of Terai. Nevertheless, MJF mentioned the issue of the marginalized community in their election manifesto of 2008 CA election. According to the manifesto of the party, *“There would be equal representation of all class, caste, region and gender in every state organ including the Nepali Army”*.

It is well known fact that the population strength plays an important role in interest articulation in democratic system. Terai Dalits holds a good strength in Madhesi population. Therefore, we can assume that the issue of the Dalits rights become popularize in Madhesi movement in future. It will be difficult for the Madhesi leaders to undermine the issue on political front. But on the other hand, it will be important to investigate the ground reality. Because, the practice of caste based discrimination is equally popular among the Madhesi community. In that context, the issue becomes very complex because the question of the Dalit aspiration is important on political front but on social ground the situation remains the same. The Madhesi movement and Dalit movement share number of goals like proportional representation, social justice, opposition of hill high caste but on the issue of caste, the direction of both movements are differ. The issue of the ‘Madhesi Dalit’ is not that important for both the movement. The mainstream Dalit movement has never given adequate attention to the problem of the Madhesi Dalits, while the Madhesi movement is more interesting in capturing the strength of the Madhesi Dalits for their strong political agitation.

Dalit Movement and the Women’s Struggle:

Women are another social group which is excluded since long in the development process. They constitute almost half of the total population of the country. The population is further divided on the basis of caste, religion, region and class. The status of the women in Nepal in general, have been affected by the traditional values of patriarch, which forced women to live a life of second class citizen in the society. Their economic, political and social rights are banned under the patriarchal system and therefore they are compelled to live a derogatory life. Nepal is an enormously toward the back country and in respect to empowerment of women and gender parity, this country

is still at the primary stage. Nepal's gender development index is quite pitiable. Some studies indicate that women work for more hours compared to men. (Acharya,1993:124). Nepali society has relegated women at the bottom of the hierarchy and confined them to home, which known as unproductive area. The low literacy rate, pathetic health condition, women trafficking, domestic violence, non-representation at political level and economic deprivation are the few indicators which reflects the picture of the Nepali society. The over all literacy rate of women is 42. 49 per cent, which is quite low in comparison to male (52.74%). The maternity rate of Nepali women (539 per 100,000 live births) rank high among the highest in the world. (Silwal, 2012) The government of Nepal ignored the aspiration of the women since long.

Table 5.5
Women's Organizations

Name of Organization	Year of Establishment	President
Women Committee	1917	Yog Maya Koirala
Adarsh Mahila Samaj	1947	Rebant Kumari Acharya
Nepal Mahila Sangh	1947	Mangala Devi Singh
Akhil Nepal Mahila Sangh	1950	Tara Devi
Nepal Mahila Sanggathan	1951	Kamakshya Devi
Nepal Mahila Sanggathan	1962	Bimala Maskey
Akhil Nepal Mahila Sangh	1976	Parijat
Akhil Nepal Mahila Sangh	1980	Shanta Manavi

Source: IDEA Report, "Women's Rights and Agenda to be Incorporated in the New Constitution: 2011

The unorganized women movement of Nepal had begun before the first democratic movement. The first women organization was formalized in 1917. This was a first attempt to organize the women movement in Nepal. In earlier phase movement was concentrated around the political development and was less concerned on gender issue. Despite that, the movement successfully raised the question of education for girls, equal political rights, widow remarriage and prohibition of child marriage. But the government of Nepal did not respond positively on the demands of the movement. Rana regime refused to incorporate a single woman member in the advisory assembly. The women organization like Nepal Mahila Sangh and Nepal Mahila Sanggathan agitated against the exclusion of the women in the advisory assembly. In spite of constant struggle, movement failed to achieve the momentum. Particularly, the main agenda of the movement was to promote the democratic movement. The qualitative change happened in women movement in post 1990 period. The movement became more focused on the gender issue and start demanding the changes within the given socio-political structure. The government of Nepal signed CEDAW in 1992 and included various program in Five Years Plan for the empowerment of women. The growing participation of the women in politics is the result of the women struggle in Nepal. Recently, 197 women candidates are participating in Constituent Assembly. Today the women movement of Nepal is based on the following understanding: (Acharya, 2010:7)

- Patriarchy is an overwhelming ideology which pervades all aspects of social existence, based on unequal power relation between men and women.
- Women's overall socio-political and economic status can be improved only by changing the gender relations of domination and subordination between man and women.
- That there is a difference between sex and gender - the difference between the female as physical beings are universally the same with the exclusive responsibility of physical reproduction of human beings, as cultural beings "women" are context-specific, changing with time and context and so amenable to change.
- Equality and equity are woman's human right: can not be limited to a development strategy.

- It is not the individual men but the system which is to blame. Men also are victims of patriarchal ideology, which ascribes specific roles for them like for women
- Empowerment is an all-comprehensive process, which is difficult to define in concrete terms. This must be a multi-dimensional process encompassing all aspects of social existence, legal rights, guarantee of equity and equality in access to resources, education and knowledge etc, as also generation of a consciousness about and a willingness to fight against the oppressive relations. It must "address all structures of power.
- The empowerment process must lead to a situation, whereby the subordinated individuals and community gain equal rights in all spheres of political, social, cultural and economic rights in the community and larger national arena, to sound their voices and protect their interests.
- Feminism recognizes the social diversity and a need to address them in the feminist movement: for example caste, class, ethnicity, language related inequalities must also be addressed simultaneously. When there is any kind of inequity in the society, women are oppressed doubly/three times as women, as poor and as members of the disadvantaged group. For example *Dalit* or poor women are more intensely exploited by the men of upper caste and also by their own men. Many more *Dalit* women are raped with social immunity than women from upper castes or richer economic strata.

Despite the ideological clarification, the women movement in Nepal is facing serious criticism from the women activist of the deprived community. The women activist of Dalit community is also highlighting the shortcoming of the women movement in Nepal. The central argument of the Dalits activist is based on the theory of diversity of Nepali society. Accordingly, 'Nepali women' is a heterogeneous group which are divided on caste and class line. Dalit women constitute one forth population of the total female population. They are not only excluded on the gender base, it extends on caste and class line as well. The mainstream movement wants to categorize the women as women, while the Dalit activist classified it as Upper caste women and the Dalit women. The Dalit women can not imagine herself without its affiliation to their caste. The Dalit women are forced to live a substandard life in comparison to other upper

caste women in the society. They are dealing with number of problems which are specific to them because of their affiliation to the lower caste. Restriction on pulling water from upper caste's water taps, rape by the upper caste man, sever punishment on inter caste marriage, trafficking of Dalit women, pathetic health and nutrition condition are few of the problem faced by the Dalit women in their day to day life. The women movement is hardly paying any attentions to such incident of violence against the Dalit women. (Sob, 2012).

Therefore, the Dalit women's movement has pointed out that the mainstream Women's Movement has been silent on caste-based untouchability and on the equal participation and representation of Dalit women. The Dalit women's movement argues that the movement is driven by one class and caste group. (Tamang and Khakurel, 2012). Therefore, it is argued by the Dalit activist that the mainstream women movement became failed to mobilize the women of upper caste to discontinue the practice of untouchability against the Dalit women. The upper caste women is still stuck with mentality of superiority complex and therefore indulged in many practice of untouchability against the Dalit women. Another, criticism are related to the Government effort for the improvement of women status in society. Nepal has enacted as well as amended many legislations and provision of laws to improve the status of women that includes Gender Equality Act 2006, Human Trafficking and Transportation Control Act 2007, 12th amendment of Country Code that criminalizes witchcraft and recognizes it as a crime against state, Domestic Violence Control Act 2008. For the first time, in 2006 Parliament passed a special resolution to ensure proportional election system has been introduced along with the first past the post system and as a result 33% women from different caste, ethnicity, geography and religion are represented in the Parliament/Constituent Assembly of Nepal. (NWC Periodic Report, 2011) According to the understanding of the Dalit women activist, all these positive development is partially helping the Dalit women. The most of the advantage of legal, economical and political rights were highjack by the upper caste women. Feminist Dalit Organization, a Dalit Women NGO prepared a charter of Demands for the Dalit Women. The Nepali Dalit Women Charter underline that the benefits of the government policies are working

only for the welfare of upper caste women because of the prevailing caste based discrimination. According to the Charter:

“Nepal has been left behind politically and economically because of the feudalistic and patriarchal structure that has existed in the country for centuries, and also because of Brahmanic control over means of production. Since only non-Dalit women have access to the facilities and opportunities that are made available by the government for women, Dalit women have been further isolated from the state structure.” (Nepali Dalit Women Charter, 2007)

The mainstream women movement did not accept the criticism of Dalit activist. They argue that women movement is trying to focus on every issue concern to Nepali women. The mainstream movement is equally affecting the life of the Dalit women since the emergence of the movement. Yog Maya Neupane, started the women movement in Nepal in 1932. She included the demands of Dalit women in the list of 268 demands framed for the Government of Nepal. Her demands were in favour of social justice and reform, widow’s rights and the end of practices that create social disharmony and disorder such as superstition, the caste system and untouchability (IDEA Report, 2011:6). Shanti Devi, a women activist along with a few other women members, prepared a list of women’ rights, which broadly incorporate the demands of the Dalit women. The National Women Commission which established in 2002 clearly mention in its ‘Five Years Strategic Plan (2009-14) that Nepali society is not homogenous and therefore the women of the society is also divided on various lines.

“National Women Commission (NWC) has realized the existing diversity of population in Nepal based on various strata like gender, caste, class, ethnicity, language, religion, disability, spatial remoteness (geography) etc. This also includes all the marginalized and minority groups of the country. The Commission strongly considers this issue in its policy, programme and implementation process.” (Five Year Strategic Plan, NWC, 2009-2014:2)

The Women Commission also highlighted in its Periodic Report (4 and 5) submitted to the ‘Convention on the Elimination of All Forms of Discrimination against Women’

(CEAFW) that the public hearings conducted by the National Women's Commission in various districts have highlighted the rising number of incidents of violence against women especially against women from marginalized groups such as single women (widows), Dalit women, disabled women and Muslim women. (NWC Periodic Report, 2011) The Commission has shown her commitment to deal with the entire problem faced by the Dalit women. The mainstream women movement argues that their contribution in empowerment of Dalit women is quite significant. The movement raised sense of pride in Dalit women and worked in every wake of life for their empowerment.

The above mention argument explicitly underlines the internal conflict between the women movement and Dalit movement. The mainstream movement have to recognized that the entire Nepali society is not a homogenous whole. The interest based on caste, religion and faith will certainly interfere in the dominating discourse and in changed political context it is more predictable. The empowerment of Dalit women is not possible through the reform on gender line. The empowerment of Dalit women will remain a dream until unless the society will continue to discriminate the women on caste line. Des Chene statement on Nepali Women movement is quite relevant in this context: (Tamang, 2009:62)

“First, that something so seemingly simple (because the need is so evident) as a united women’s movement cannot emerge in a society riven with other hierarchical distinctions but only in tandem with the elimination of other social bases of subordination besides gender. And second, that efforts to improve the lot of women through organization and movements inevitably permeated by the other divisions existent in society, may actively – even if inadvertently – work against the creation of a united women’s movement.”

Dalit Issue in the Maoist Movement:

The Maoist movement was an important development in the political history of Nepal. The movement was closely associated with the communist movement of Nepal and it got momentum in 1996. The Maoist declared the declared the ‘people war’ against the feudalistic structure of the state. There were many reasons which provided fertile

atmosphere for the growth of the movement. The problem of social injustice, unemployment, underdevelopment, problem of exclusion, lack of good governance and favorable geographical condition are few reasons for the intense growth of the movement in post 1990 era. Another important reason behind the growth of the movement was the growing aspiration of the marginalized group and the failure of the state to deal with the new wave of democratic politics. The democratic movement of the 1990 provided a wider space to the marginalized community including Dalits to raise their voice for their genuine rights which were snatched by the society and state through various feudalistic practice and legal provision. At that moment, political party of Nepal failed to take the responsibility of the infant democracy. They failed to underline the fact that the Nepal is a semi-feudal state was in need of a grand reengineering of social-economic structure in order to quench the thirst of huge bulk of poor people in the remote and rural areas. On such a pretext, most often there emerged intra-party and in-party conflict thereby spreading seeds of further conflict creating a fertile ground for an emergence of “new-ideology” as a part of social process. (Bhattari, 2004:1)

The development of the Maoist movement and the reason behind the emergence of the movement gives us an impression that it is triggered to social transformation. The movement was trying to challenge the feudalistic structure of the state and society, which were the main reason of the exclusion of million of population in Nepal. But on the contrary, some analysts argue that the Maoist was only trying to use the sentiments of the marginalized section including Dalits. Their primary goal was not social transformation. It is required to understand the Ideological consideration and political agenda of the Maoist to decode the real intension of the movement.

(i) Ideology of the Maoist Movement:

The Maoist ideology started taking shape with the origin of the Communist Party of Nepal in 1949. The party adopted the core components of the communist ideology like class struggle, armed revolution, dictatorship of proletariat etc. The Maoist movement in Nepal is based on the ideology of the Karl Marx, Lenin and Mao. There are three distinct feature of the Maoist ideology which differ them from other communist groups: (Upreeti, 2009:54)

- They combine the ideology of all the three- Marx, Lenin and Mao, with an added emphasis on the idea of Mao.
- The Maoist not only propagated the theoretical postulates of Marxism but they also set out clear cut goals and formulated an action plan in order to attain these goals.
- Maoist also tried to propagate a local context to the Marxist ideology by ensuring applicability of the Marxist ideology in a particular context.

The Maoist tried to blend the understanding of the Marx, Lenin and Mao. They have faith on the theory of dialectical materialism, class struggle and the materialistic interpretation of history. Maoist also incorporated the idea of Lenin, which believes that the proletariat democracy could be established only through a strong revolution. But the influence of the Mao's thought was deeper than the Marx and Lenin. The Maoist of Nepal quotes Mao and say, "Mao enriched qualitatively the theoretical treasure of Marxism-Leninism by successfully the necessity of class-struggle in the imperialist era. They claim that the theory of 'people's war' developed by Mao represents the apex of Marxism- Leninist military science and will be applied universally in an all kind of countries according to the situation." (Phankureal, 2007:67-68)

Theoretically, the Maoist believes in the idea that the 'revolution' is the only path to bring change in the society. Therefore, they adopted the strategy of 'protected guerrilla war' in Nepal. It provokes the people of the rural area to capture the political power through the guerrilla warfare. This strategy was popular among the Maoist since long. In 2001, Pranchand tried to modify this strategy according the change political condition of the Nepal. This new idea became popular as 'Prachandpath' in communist history of Nepal. He elaborated the necessary conditions for the success of people's war in Nepal. Accordingly: (Upreeti, 2009:56)

- There was a need to follow a clear political and ideological line.
- Ensure involvement of the people.
- Involve more and more people in war and make them conscious about the necessity of a people's war.

- Attack on the enemy when it is appropriate and then disappear. This would require continuous monitoring of the enemy activities and find appropriate geographical and other conditions.
- Building base area.

On the basis of the above mentioned ideological affiliation of the Maoist, it may be assumed that they are focused to bring social change in the society. The fundamental goal of the movement is to establish 'New Democracy' in Nepal. They have firm belief that the new democracy will bring substantial change in the life of marginalized community. Babu Ram Bhattarai stated clearly that 'People's war initiated with a proclaimed aim of establishing a new democratic socio-economic structure and state.....the people's war is inevitable instrument for overcoming the oppressive situation in the process of the historic new democratic revolutionary transformation.' (Bhattarai, 1998:15) He further explains that the old Nepal, as you know, was a feudal, autocratic Nepal. Unitary and centralized, which oppressed majority of its people, the poor peasant, people of other nationalities, women, Dalits as well as those living in the Himalayan and western region of the country. The new Nepal we have to build is a Nepal freed of all exploitation and oppression. (ORF, Discourse Letter, 2006:4) After the success of the Jana Andolan II, Maoist has shifted drastically their strategy to achieve the goal of the movement. The emergence of the Maoist as a major political actor and their acceptance for parliamentary democracy is a major change in Maoist strategy. They are now ready to utilize the platform of parliament to bring positive change in social political area. Prachand, the chairman of the Maoist Party clarified the stand in an interactive session organized by the Observer Research Foundation: (ORF, Discourse Letter, 2006:1)

“When we initiated the struggle, we were looked upon as ‘communist’, ‘totalitarian’, ‘dogmatic’ and ‘sectarian’, we are none of these. We are trying to develop an ideology in keeping with the changing world but people do not believe us when we say this... We reached the conclusion that multiparty competition is necessary, even in socialism, if real dialectical materialism is to be implemented. Every Communist should be part of multi-party competition to organize a vibrant and dynamic society.”

(ii) Strategy to Empower Dalits:

The Maoist consider the Dalit community as a proletariat class who works hard but remain untouched from the fruit of their labour and means of production. The Maoist adopted the social agenda for the empowerment of Dalit in Nepal. They advocated the need of social transformation in Nepali society. The Maoist emphasized on the urgency to incorporate the demand of various excluded group in decision making process. Because of their clear agenda of social reform and ideological understanding to establish discrimination free society, Dalits of Nepal extended their support in people's war. The Maoist introduced various program to create awareness among Dalits. Parallel judicial court provided great relief to the many Dalit families; those were not in condition to get justice from the state court. They also raised the demand of proportional representation and equal distribution of resources on political front. In 1997, Maoist formed the 'Dalit Liberation Front' in the leadership of Tilak Pariyar. Front popularized the idea to replace the feudalistic, brahministic state structure from socialist state structure. The front got success in mobilizing the Dalit community in support of revolutionary change in the society. Interestingly, they are working hard to flourish their class identity instead of class identity.

It was the result of the growing influence of the Maoist movement that around thousand Dalit sacrificed their life during the people's war. A young 14 year Dalit boy 'Dil Bahadur Ramtel' became the first martyr of the people's war. Many Dalit leaders belong to Maoist party sacrificed their life for Dalits Rights. Com. Prem Baraili, the general secretary of the Dalit Mukti Morcha, Com. Chitra Bahadur B. K., Com. Shankar Darlami, Com. Bal Bahadur B. K., and Com. Ram Kumar B. K. all Central Committee members of Dalit Mukti Morcha sacrificed their life during the people's war. In this regard the incident in Jagganath in Bajura district where 19 Dalits were killed in June 2002 is worth mentioning, similarly in Rakam in Surkhet district where 20 households belonging to Dalits were burnt by the security force in 2003. (Parvati, 2006) The Samata Foundation mentioned the following reason in its conference report for the participation of Dalits in people's war: (International Conference Report of Samata Foundation, 2010)

- Dalit supported the people's war because it presented a clear strategy and course of action for the Dalit Movement.
- Maoist recruited the Dalits in their People's army.
- Distributed land to landless Dalits and promoted inter-caste marriage.
- Maoist successful in convincing Dalits that the root of their problem is deeply rooted in the economic impoverishment which can be solve only through class struggle.
- Dalits have very limited platform to raise their voice effectively.
- Maoist forced the government to take positive action for the benefit of Dalits.

According to the study done by Anjana Shakya, the Moadist movement helped a lot in raising the consciousness among the Dalits. The study mentions growing positive trends in context of Dalit empowerment. According to that study, "Many respondents shared that armed conflict has increased the self confidence of the dalits....during armed conflict dalit Maoists had entered in the houses of the Brahmins whom they consider most powerful opponent in caste based discrimination. Dalit Maoists entered their kitchen and worship area with leather boots which was a huge taboo. This is really a symbol of breaking both power and caste dynamics, by not only entering a house but the inner sanctums of it, destructuring the existing worldview of caste system and untouchability. Positive self-image and confidence got increased amongst Dalits". (Anjana Shakya, 2009:65) The Maoist also incorporated the demands of the Dalits while negotiating the government. The Maoists in their forty demands echoed the grievances of the marginalized sections. Over the years the actions of the Maoists politicized these sections of society who were the support base for the insurgents. The success of the Maoists in garnering support reflects not the positive aspects of their policy as much as it indicates the failure of the democratic leadership to do their duty of giving good governance. (Murthy, 2007). The 40 points demand incorporated the following demands which were in favour of Dalit emancipation:

- A new constitution should be drafted by representatives elected for the establishment of a people's democratic system. (10)
- Nepal should be declared a secular nation. (18)

- Patriarchal exploitation and discrimination against women should be stopped. Daughters should be allowed access to paternal property. (19)
- Discrimination against downtrodden and backward people should be stopped. The system of untouchability should be eliminated. (21)
- Employment should be guaranteed for all. Until such time as employment can be arranged, an unemployment allowance should be provided. (29)
- Drinking water, roads and electricity should be provided to all villagers. (37)

Another interesting study report of DFID based on survey in insurgency affected area of Nepal. The report tries to high light the changes in the condition of Dalit Community in the insurgency affected area. According to DFID report following changes visualized in the area:

- With few exceptions, the team did not hear any caste-based discriminatory practice within Maoist themselves.
- The hierarchy within the Dalit caste system has also been discouraged.
- The practice of untouchability appears to have decreased in public places across the assessment districts.
- In Rukum, the practice of denying Dalit children access to schools has been stopped by the Maoists.
- The traditional 'bista' and 'khala' system whereby occupational Dalit castes received gain annually for the services they provided to higher caste households, is gradually coming to an end in districts where Maoists have been active. In Maoist base areas, daily remuneration for labour is the norm.

The above mention reports of different organization gives impression that Maoists have taken lots of effort for the empowerment of Dalits. Their agenda of proportional representation, ban on untouchability, end of monarchy and the issue of secular state have affected the issue of Dalits positively. Their work on ground level also poured a sense of awareness among the Dalit community. Despite all their contribution, there are number of concerns prevails which creates doubt on their intensions. Few intellectuals

claim that their agenda of social change is superficial. The Main agenda of the Maoist is to establish a totalitarian state based on communist ideology.

(iii) Limitations of the Movement:

Maoist movement gain significant success in gaining the trust of the marginalized section. The historical victory in the constituent assembly shows their broader support mass among the common mass. Despite their constant effort for the empowerment of Dalits, few questions emerge in this context. The main concerns are:

- **Lack of Representation:**

It is true that they are constantly fighting for the demand of the proportional representation of the marginalized community including Dalits in every sphere of the society. They also included Dalits in their broader agenda of social inclusion. But they ignored to provide top leadership position to the Dalits. Most of the top leadership positions are occupied by the high caste people.

- **Deprivation from Traditional Jobs.**

The Dalits of Nepal are deprived from their traditional jobs because of the constant pressure from the Maoist. The high caste people refused to take the services of the Dalits in traditional work because of the fear of the Maoist. On the other side, Maoists are compelling to the many Dalit caste to leave their traditional work. They are using their traditional wisdom for their own benefit. Many Dalits families are involved in making traditional weapon for the Maoists. The Dalits are forced to do these jobs because of lack of alternative job.

- **Exploitation from Policy and Army:**

The Dalits are compelled to face exploitation from both sides. Maoists and Government Forces are targeting Dalits for their own benefit. Maoists are killing Dalit in suspense of policy informer. Many Dalit families are not in condition to provide them food and shelter to them. Therefore they were also targeted by the Maoists. On the other side, Government forces were also targeting the Dalit in doubt of Maoist.

Table 5.6

People killed by Security Forces and Maoists (Feb 1996 - Dec 2003)

Group	Total	Total%	GoN (%)	Maoists (%)
Indigenous Groups	1763	21.33	13.78	07.55
Cheri/Thakuri	1551	18.76	08.19	10.57
Brahmin	305	10.75	05.20	05.75
Dalit	400	04.84	03.53	01.31
Other Indigenous Groups form Terai	186	02.25	00.83	01.42
Others	90	01.09	00.57	00.52
Unidentified	3370	40.78	33.88	06.90
Total	8265	100	65.98	34.02

Source: INSEC (2004) “Nepal Human Rights Yearbook 2004”

- **Issue of Identity:**

Another important angle is related with the ideological understanding of the Maoist. Like any other communist party, Maoists follow the concept of the ‘class identity. According to their understanding, the society is divided on the basis of class. Dalit is also a part of bigger class group known as ‘proletariat’. They do not recognize the fact that society is also divided on the basis of caste and the Dalit community faces unique complication in the society. According to their assumption, the emancipation of Dalits is possible in class free society. The movement ignores the complication of caste based discrimination which needs to be address in changed context.

Although in changed political context, Maoist still firm on their stand to fulfill the aspirations of the Dalits. Few intellectual claims, the Maoists have diverted from their initial goal after entering in parliamentary politics. But, on the contrary few claim that they only shifted their strategy to achieve to achieve the goal. Their ideology is still same and firmly based on Marxist thinking. Maoist announced their election manifesto

for the constituent assembly on March, 2008. The main slogan of the document was “New Ideology and Leadership for New Nepal”. The document clearly incorporated the demands of the marginalized community including the Dalits. Narayan Kaji Shrestha is the vice -chairman and deputy parliamentary party leader of Unified CPN (Maoist) said in an interview that “We have not digresses from our initial goal. We are the only political party which carries the agenda of the people. It is true that we have been able to do as much as we should have so far. However, we will ensure sooner or later that there will be radical social transformation in the country, that minority groups, ethnic groups and suppressed groups get their due share of the state....We will ensure inclusion to Dalits, women, suppressed and other minority groups.” (Nepalnews.com accessed on 10/4/12)

This chapter is trying to underline the fact that the problem of social exclusion is not only triggered to Dalits. Many other social groups are also victim of discrimination because of the feudal and castiest structure of the State. The over centralization of power, Majoritarian election process, caste based discrimination and patriarchal base of society forced many social groups at the end of development. The new identity movement is challenging the status quo of the society. The success of these movement will play a decisive role in the making an inclusive society. At the same time, cooperation among these identity groups is required for strong assertion. Because, the complex nature of the society and conflict of interest can block the way of positive development in making inclusive society. The cooperation between the Dalit movement and other social movement is lacking because of deeply rooted stigma hierarchy among the social groups.

All marginalized groups are asserting against the discriminatory practice of the society and state but in practice they are themselves indulge in discriminatory practice. The Dalit community is not only discriminated by the high hill caste groups, they are equally discriminated by the other communities which are marginalized in society but holds stronger position in caste hierarchy than Dalits. The lack of cooperation among the social movement of the marginalized section will badly affect their bargaining capacity with state.

Chapter: Six

Conclusion

Caste 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 caste based identity is deeply rooted in the long legacy of historical discrimination against the under-privileged and the unequal social order. *Dalit* community is one of the most 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 two fundamental hypotheses. First, the democratic movement in Nepal has addressed the issues of marginalization of the disadvantage groups. Second, the Maoists have served the interests of the Dalits better. 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 high lights the different angles of Nepali politics in context of the *Dalit* assertion. It broadly examines the condition of *Dalit* community in Nepal and the state's policies regarding the upliftment of the *Dalit* community. The study begins with the theoretical understanding of the subject. The theory of caste, social exclusion, democracy and caste system are relevant theories for this study. It further explains the origin and growth of Dalit consciousness in Nepal.

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 Madhesi and the *Janajatis*. The Nepali society is divided between two prominent groups. One group is dominated because of their strong hold in decision making process and the other group is marginalized on the basis of their caste, religion, identity, region and gender. There are many identity groups like Madhesi, Janajaties, Dalits and women are deprived from their basic human rights. This study mainly focuses on the *Dalit* community, which is the most derived community of Nepal because of their lower caste

status. The status of Dalit women and Madhesi Dalit are more complicated than the other social groups of Nepal. The diversity among the Dalits community is the unique characteristic of the Dalit community. Despite, lots of confusion prevailing on the identification of Dalit community in the country. The government of Nepal has identified twenty-two *Dalit* groups in the country. These diverse *Dalit* groups developed a common identity on the basis of their unique consciousness emerged. This consciousness is the outcome of the centuries old practice of caste based discrimination. The practice of untouchability in the society and the lack of representation in decision making bodies have made the condition of the Dalits more disgraceful in the society. Therefore the main concern of the movement is to gain the equal status and proper representation in socio-political sphere of the country. The motto of the movement is to transform the centuries long socio- political structure of the country with inclusive society based on democratic practice.

The fundamental characteristics of the Nepali state was the over centralization of power, lack of proper representation, instable political institutions, rule of monarchy and the domination of one caste groups in every sphere of life. The dominance of high caste Hindu groups in all spheres of the state has contributed to the emergence of identity and caste 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 *Dalits* and *Janajatis*. In fact the *Dalit* movement is not against the hegemony of High Caste Hindu groups and it also against the concept of 'Bahunbad'. In a diversified society like Nepal, the authoritarian and exclusion based system on caste intensify the struggle of the Dalits. The domination of one caste group in every field of life causes frustration among the common masses of Nepal including the *Dalits* groups.

Muluki Ain, the first legal code of Nepal promulgated in 1854 divided the society on the basis of caste. It was also an attempt to develop a homogenous society without taking into

consideration the different identity groups. 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.” During this period, the *Dalit* community was not able to raise their demands due to the closed political system. Therefore the *Dalit* 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. Caste based discrimination abolished by the constitution. But, the *Dalit* community was dissatisfied with the constitution because it protected the status of the Hindu state and denied the several rights of the Dalits. Despite the elimination of caste based discrimination from the constitution, it was the integral part of the Hindu religion and influencing the life of Dalits. Constant practice of inequity in every sphere of life was the betrayal of the spirit of the people movement. The constitution provided some benefits to the *Dalit* community but it maintained the status quo in the society. Furthermore, the *Dalit* 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 *Dalit* rights. These parties were more concerned about their vote bank rather about the issues of marginalized communities. The failure of the political parties in mobilizing the *Dalit* community contributed to another important development. The *Dalit* 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. They also incorporated the issue of the Dalit community in their social agenda. Although the Maoists have played an important role in the *Dalit* movement but the *Dalit* leaders expressed their some 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 *Dalit* groups.

Dalit movement has become more pronounced in the changed political context. The *Dalits* 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 *Dalit* 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 *Dalit* 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 *Dalit* assertion. This assumption seems relevant in a society which is based on a hierarchical social order that exclude Dalits from mainstream. *Dalit* community of Nepal has faced the discriminatory policies of the state as well as of society. The major concern was the exclusion on the basis of caste which influence their capacity to live a dignified life. They are deprived from their fundamental human right. Dalit women are comparatively more deprived. The first legal code of 1854 had given the legal protection to the caste based exclusion and provided special position to high caste Hindus. The exclusion of *Dalit* 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 *Dalit* community. The *Dalit* community of Nepal wants its development and equal status in society. They do not want to live as a second grade citizen of the country. The Madhesi Dalits are also asserting to reverse the status quo of the society. On the other side, it is very difficult process the centuries long mentality of high caste Hindu to accept the equal status of the Dalit in society and their genuine participation in the decision making process.

In the post 1990 period, the *Dalit* community is aware of its rights and does not want to make any compromise with the state. The institutionalization of *Dalit* organization has strengthened the movement. ‘National Dalit Federation’ is generating massive awareness in the *Dalit* community. Number of other NGOs and INGOs are working in Nepal for Dalit rights. They focused to enforce and influence the policies of the government.

Therefore, we can argue that in a mass based political context, caste 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 Dalits including other marginalized group. 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. This development will also influence the growth of Dalit movement in Nepal.

In 2008, 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. It happened in first time in the history of Nepal that 49 Dalit members became the part of the Constituent Assembly. The *Dalit* of Nepal clearly extended their support for the discrimination free and inclusive society. 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 establishment of democracy is the most important development in Nepal because it is based on the fundamental principle of equality, liberty and fraternity. It is quite easy for the marginalized community to raise their voice for their genuine demands and the state can not refuse to entertain their demands. The political parties are now bound to rethink about their policies and role in changed context.

The government of Nepal partially incorporated the demand of proportional representation in the election of the constituent assembly. The Constituent Assembly came in existence with the responsibility to 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 *Dalit* candidates got the opportunity to

decide about their own matters in the constituent assembly. But the disappointing performance of the Dalit CA members creates serious doubts. The division on party line among Dalit members is negatively influencing the Dalit movement.

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 *Dalit* community in their election manifestoes. But these political parties had never showed their political will to incorporate the aspiration of *Dalits* while making policies. There is lack of proper representation of the *Dalits* 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.

The failure to draft the new constitution and the dismantling of the Constituent Assembly was the biggest set back for the Dalit movement. 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 years of the Constituent Assembly to draft the new constitution which was the symbol of hope for Dalit. We may argue that the coming days for the Nepali politics will become more difficult. Uncertain political future of Nepal will badly effect the aspiration of the common mass of Nepal.

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 caste 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 *Dalit* movement has significantly contributed to the process of democratization. In coming years, the *Dalit* 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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Annexure-1.

Dalit Castes by Sub-Castes, Surnames and Traditional Occupations

	Castes	“Sub-Castes”	Surnames	Traditional Occupation
	Hill Dalit			
1	Kami			Motal Works
1.1		Kami	Agri; Acharya; Afaldhoti; Od; Kasara; Kallohar; Kalikote; Kaliraj; Gadal; Gahatraj (Gahate); Kumarki; Kaini; Koli; Koirala;	Produce Khukuri, weapons, agricultural tools etc.
1.2		Sonar	Khadhokhi; Khapangi; Khati; Gajamer; Gajurel; Gadilee; Giri; Gotame;	Gold and silver works, jewelry
1.3		Lohar	Gawa; Jandkami; Tamata (Tamrakar); Niraula; Nepal; Panthi; Pokharel; Paudel; Paudeli;	Iron works and agricultural tools
1.4		Od	Barailee (Baral, Baralee); Sripali; Diyalee; Dudhraj; Bhushal; Bhool; Mahilpar; Rahapal; Rajilauhar; Sapkota; Sigaure;	House construction, works related to soil and timber
1.5		Chunara	Sijapati; Setipar; Ramdam; Rijal; Lwagoon; Sonam; Hemchuyuri; Tiruwa; Ghatanee (Ghatne); Ghamal; Ghartee; Ghimire; Ghamchatla; Chunar; Chhital;	Produce wooden utensils such as Theki, Dudhero, Madani
1.6		Parki	Thagunna; Thatara; Nagarkoti; Pallaya; Parajuli; Potel; Buchebhale; Banskota; Bhatta; Bhattarai; Mahar; Rasailee; Suchyuree;	Produce bamboo products such as Dalo, Naglo etc.
1.7		Tamata	Sundhuwa; Setisuruwal; Setimahar; Sashankar (Sadshankar); Serela; Lamgade; Sob; Ruchal; Pahari; Padhyabati; Lamakarki	Produce copper utensils
2	Sarki			Leather Works
2.1		Mijar	Acchami; Uparkoti; Upreti; Kamar; Kisan; Koirala; Khatiwada; Giri; Gaire; Gairipipal; Gathe; Ghimiore; Chand; Gotame; Chudal;	Honourary title granted by the rulers
2.2		Charmkar	Chuhan; Thagunna; Chhamarki; Thaurasya; Thadarai; Dale; Tolangi; Thak; Thapaliya; Thapa; Daulakoti; Dhaulakoti;	Produce leather Products
2.3		Bhool	Dabe; Dahal; Dulal; Dhamel; Dhamala; Dhanali; Payeli; Purkoti; Pulami; Paudel; Dassel; Bamarel; Bayelkoti; Bishunkhe; Bastakoti; Bogati; Bhagyal; Bheyel; Bhool; Bhurtel; Bhipal; Mangrati; Majakoti; Majaboti; Malbul; Malchok; Mudel; Ramtel; Ruchal; Raut; Roila; Roka; Lamjel; Lamsal; Sahi; Srimali; Siraute; Surkheti; Sanyel; Sanjawal; Hamal; Hitang	Produce leather products
3	Damai/Dholi			Play Panche Baja musical instrument during marriage and on auspicious occasions

3.1		Periyar	Adhikari; Asasaya; Auje; Kanal (Kandel); Katuwal;Kakrki Dholee (Mudula; Sutar;	Tailoring
3.2		Suchikar	Lama; Khulal); Kalakheti;Koirala; Khatiwada; Khati; Guide (Guindel); Gautam (Gotame	Tailoring
3.3		Nagarchi	[Siwa]); Ghale; Gurung; Cahar; Chuhan; Jairu;	Play Nagara musical instrument during special occasion in temples and palace
3.4		Dholi	Thagunna; Thatal; Daude; Dhyakee; Tiwari; Trikatri;Thapa; Darnal; Das; Nagarchi; Negi; Nepal; Naubag;Chudal; Panta; Panchkoti; Pokharel; Bardewa; Bagchand;Bagdas; Baiju; Budhathoki; Budhaprithi; Bhandari; Bhattarai; Bhitrikoti; Bhusal; Magar; Mote; Mahara; Male;Rajabar; Ranapaili (Ranapal; Ranapaheli); Rana; Rai;Raingai; Raika; Ryainjhyain; Lapre; Lamghate; Luintel; Shildhar; Sunam; Sundas; Suncheuri; Sahi Samundri (Sai;Saisamundri; Samundrasai); Suji; Hingmang; Hudke;Aptarya; Ghalek; Bhedikar; Betuwa; Dharal; Retan;Bitalu; Nagarkoti; Yagne; Ghatani; Bhende Siba; KekhureSiba; Sungure Siba; Damai Pariyar; Ratnapariyar;Achhame Pariyar; Chhinal Pariyar; Thak Pariyar;Nakadholi	Government's messenger to inform community people by playing Dhol
3.5		Hudke		Play Hudke musical instrument
	Hill Dalit			
4	Gaine	N/A	Adhikari; Kami; Kalakausik; Kala Paudel; Kalichan; Gosain; Jogi; Thakuri; Turki; Bahun; Budhathoki;Baikar; Badhyakar; Bestha; Bista; Bogatai; Bhusal (Parbate); Maheswar; Biswakarma; Bishnupad; Raisamundra; Sursaman; Setaparbat; Setichan; Kookchin Rana	Singing by playing Sarangi musical instrument
5	Badi	N/A	Khati; Rasailithapa; Rasaili; Lekali; Chhinal; Baral;Thakur; Rana; Kumal; Khadka; Jogi; Bote; Upadhyaya; Rijal; Singha; Shrestha; Paudel;Adhikari; Kami; Damai; Badsaha; Khan; Dhital; Niraula	Produce muical instruments such as Madal, Dholak, clay products such as Chilim,gagri tv
	Madhesi Dalit			
6	Chamar/ Harijan/ Ram	N/A	Ram; Mochi; Harijan; Rabidas (Raidas); Chamara;Mahar; Mahara; Mehara; Raut; Bhagat; Das; Bajar;Bagh; Dhusiya; Daswatiya; Madhesiya	Leather works
7	Mushahar	N/A	Sada; Sadaya; Rishidev; Rishikul; Raut; Tirhutiya;Madhaiya; Kharpuria; Satnapuria; Kauchh;Gharmunta; Pachharu; Mudi; Macharu	Collect food grains from holes in the farm; leveling farm land
8	Dusadh/ Paswan	N/A	Paswan; Hajari; Hajara; Madhaiya (Magaiya); Kurmi; Kamhar; Paliwar; Kurna; Dar; Sarjaha (Surajiya); Panjiyar; Pakhir Daid; Suryabanshi	Godayit ('Messenger') of social events; village watchmen; Kamtiya (watchmen to secure harvest

9	Tatma	N/A	N/A	Weaving
10	Khatbe	N/A	Mandal; Tirhutia; Badaha; Kyotar; Parasa; Pokharbhinda; Hasuliya; Newar; Nanaud; Bake	Weaving clothes; spinning; carry Doli during marriages
11	Dhobi (Rajak)	N/A	Kanujiya; Madhaiya; Belbar; Surjaha; Tamoli; Tirhitiya; Turtuk; Dhoiba; Baitha; Rajak; Pathik; Safi; Arya	Wash clothes
12	Bantar (Sardar)	N/A	Rajdhami; Dhami; Sardar; Majhi; Raut; Bant	Bamboo works
13	Chidimar	N/A	N/A	Hunting birds
14	Dom	N/A	Kothita; Mkhaita; Talwar; Tawakait; Chachewar; Kolniyar; Sanparaya; Ghatait; Amleriya; Mahawaita; Balgachhiya; Kanoon; Bakhatiya; Modaliya; Jhojhawa; Chirniya; Bhalwait; Baisi; Baswar	Bamboo products; play musical instruments; cut umbilical cords during child birth, dig burial place; burn dead bodies
15	Mestor/ Halkhor	N/A	Jamadar; Raut; Sariswal; Turka; Amariya; Dahaiya (Darwe); Panpuri; Bakhariya; Mahar; Mestar; Halkhor	Cleaning streets
16	Kuswadia/ Patharkattao	N/A	N/A	Stone products
17	Kakahiya	N/A	N/A	N/A
18	Kalar	N/A	N/A	Begging
19	Khatik	N/A	Chandal; Barawa; Bhogariya; Bachara; Chaula; Khirahi; Tawada; Chamariya; Taki; Dayama; Bagadi	Deer leather works
20	Kori	N/A	Purbiya; Pachhimha; Chamara; Kotchamara; Dakhinaha; Bahiryinya	Weaving clothes
21	Pasi	N/A	N/A	Liquor production from Tadi tree
22	Sarvanga/ Sarbariya	N/A	N/A	Begging

Source: NDC 2003 Note: o Sarvanga/Sarbariya and Kalar are the same caste group. Kalar is a derogatory term. Therefore, they prefer to call themselves as Sarvanga/Sarbariya.

Annexure-2

Kathmandu Dalit Declaration (2004)

Establishing Dalit Rights in the Contemporary World;
the Role of Governments, the United Nations and the Private Sector
November 29 December, 2004

The Participants to the International Consultation on Caste-Based Discrimination:

RECOGNIZING that caste discrimination affects, in its most severe forms, at least 260 million people worldwide and is particularly acute in South Asia, Africa, and Japan,

RECALLING the terms of the Universal Declaration of Human Rights according to which all human beings are born free and equal in dignity and rights and are entitled to the rights and freedoms therein without distinction of any kind, including race, colour, sex, language, religion, social origin, birth or other status,

RECALLING the terms of the Vienna Declaration and Programme of Action of the World Conference on Human Rights according to which it is the duty of States, regardless of political, economic and cultural system, to promote and protect all human rights and fundamental freedoms,

RECALLING the condemnation of discrimination against persons of Asian and African descent and indigenous and other forms of descent in the Durban Declaration and Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance,

RECALLING also General Recommendation XXIX on descent-based discrimination of the Committee on the Elimination of Racial Discrimination,

RECOGNIZING the relevance of the Discrimination (Employment and Occupation) Convention, 1958 and its accompanying Recommendation (No. 111) for Dalitⁱⁱ Human Rights,

HIGHLIGHTING the reinforcing relationship between poverty, landlessness, and caste discrimination,

AFFIRMING the need for the full implementation of the Millennium Development Goals as key mechanisms for the elimination of extreme poverty and the fulfilment of other rights-based human needs.

FULLY SUPPORTING Resolution 2004/17 of the U.N. Sub-Commission on the Promotion and Protection of Human Rights to appoint two Rapporteurs with the task of preparing a comprehensive study on discrimination based on work and descent,

SUPPORTING also the U.N. Sub-Commission Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights,

CONSCIOUS OF the difficulties faced by Nepal's Dalits who represent a significant sector of Nepal's population and economy, and who are being caught in the crossfire of the conflict being waged in the country,

RECOMMEND that concerned governments, international and national human rights bodies, U.N. and aid agencies, the European Union, donor countries, international financial institutions, the private sector, and non-governmental organisations adopt the following measures:

1. To Governments in Caste-Affected Countries:

CONCERNED GOVERNMENTS MUST ACT TO UPHOLD THEIR CONSTITUTIONAL PRINCIPLES AND INTERNATIONAL TREATY OBLIGATIONS AND WORK TOWARD THE FULL ENJOYMENT OF RIGHTS BY ALL CITIZENS, REGARDLESS OF CASTE OR DESCENT.

In particular, we call on concerned governments to:

Constitutional, Legislative and Judicial Measures

1. Ensure that all necessary constitutional, legislative and administrative measures, including appropriate forms of affirmative action and public education programs, are in place to prevent, prohibit and redress caste-based discrimination, and that such measures are respected and implemented by all state authorities at all levels.

2. Establish a program and timetable to enforce the abolition of "untouchability", segregation, manual scavenging and similar practices. In both public and private sectors, Dalits and other outcaste communities should have full access to employment opportunities; agricultural land; credit; adequate housing; health; and common property resources, such as forest and water resources. Similar programs should also be established to counter existing cultural exclusion and social discrimination, such as the separation of Dalit children in schools and the social exclusion of inter-caste couples. National surveys should be conducted on a regular basis to assess the effectiveness of such programs.

3. Ensure that, where they exist, national human rights institutions, women's commissions, minority commissions and Dalit commissions can act independently and effectively in protecting the interests of all people affected by caste discrimination by providing adequate financial, statutory and personnel support. Establish such institutions in caste-affected countries where they do not already exist.

4. Take special measures to guarantee that members of Dalit and other outcaste communities enjoy the rights to vote, stand for election and have due representation in government and legislative bodies, revenue administration, the police, and the judiciary. Dalit women should be proportionally represented.
5. Ensure greater participation by Dalits in civil administration. Priority should be given to the administration of justice, particularly in key institutions such as the police and the judiciary.
6. End the culture of impunity for atrocities against Dalits through strict enforcement of relevant penal codes and legislation. Prosecute and condemn those responsible for incidents of caste-based discrimination, segregation, exploitation and violence.
7. Monitor and publicize the extent to which existing laws and rulings to end caste discrimination, including untouchability, have been implemented.
8. Repeal national security and anti-terrorism laws that are contrary to the due process norms of international law. Ensure that anti-terrorism measures do not discriminate against anyone on any ground, including caste, and are not used against human rights defenders, including Dalit rights activists.
9. Uphold human rights obligations, even in the face of national security concerns. In particular, cease diversion of state resources away from social and development programs for vulnerable communities.
10. Ensure that Dalit human rights defenders are able to carry out their mandates effectively without any illegal or arbitrary interference or intimidation by the government or other forces in society.
11. Take the necessary steps to secure equal access to the justice system for all members of descent-based communities, including by providing legal aid, facilitating of group claims and encouraging non-governmental organisations to defend individual and peoples' rights.
12. Reform criminal justice systems to ensure that Dalits at the local level have an independent complaints mechanism freely available to them in cases of police torture, other abuses or general failures to uphold justice.
13. Implement the recommendations of national HR institutions and other relevant national commissions on measures to eliminate caste-based discrimination.

Gender Equity and Violence against Women

14. Take adequate measures to address abuses particular to Dalit women and girls who suffer multiple discrimination on the basis of caste, class and gender. Ensure the representation of Dalit women in relevant institutions referenced in this Declaration

and evolve a comprehensive development policy focused on Dalit women as a special category.

15. Take action to eradicate trafficking, forced and ritual prostitution of Dalit girls and women; take measures to address sexual exploitation and domestic violence, including early marriage and sexual violence in marriage, against Dalit women and girls.

16. Amend discriminatory laws regarding birth and marriage registration, and citizenship laws that confer citizenship to children solely on the basis of their father's identity.

Media and Public Awareness

17. Take special affirmative measures to promote due representation in the mass media of members of Dalits and other disadvantaged groups, including women.

18. Carry out sensitisation campaigns and awareness-raising programs with media representatives.

19. Liaise with media outlets to profile and publicize abuses faced by caste-affected communities, including acts of violence, discriminatory social and customary practices and exploitation of labour. Policy Reform and Access to Land, Education, Health, Housing and Common Resources

20. Enact land reform legislation that includes land distribution clauses to counter the pervasive landlessness of Dalits, a majority of whom are dependent on agriculture for their livelihood.

21. Amend and enforce existing land reform legislation to prevent land alienation and ensure development of land belonging to Dalits through, among other things, greater access to credit and markets.

22. Introduce measures to combat homelessness and discrimination in tenancy, particularly in urban areas.

23. With the involvement of and input from civil society organisations, launch nationwide public awareness campaigns regarding legal prohibitions on caste discrimination. These campaigns should explain in simple terms what actions are legally prohibited and what recourse is available to victims of such discrimination and abuse. Enlist the support of civil society groups in such campaigns. Ensure removal of prejudicial content from textbooks and other teaching resources and methodologies.

24. Enlist the support of school teachers, social workers, law enforcement officials, government employees, the private sector and other relevant actors to undertake active training and sensitization programs against caste discrimination. Include a social justice education component in the curricula from primary to tertiary levels as well as

in all teacher training programs. Implement the U.N.'s World Program on Human Rights Education in primary and secondary schools with a particular focus on caste discrimination.

25. Ensure the inclusion of all Dalit children in free, full-time formal quality education from primary level until the completion of elementary level. All working and other out-of-school children up to 15 years of age, including Dalit children, should have the right and opportunities to enter and finish a formal elementary education through the provision of transitional educational support such as bridging classes and courses.

26. Introduce mid-day meal schemes in all public schools and ensure non-discriminatory access. Where meal schemes exist, ensure that Dalit children are not denied access to these meals and that Dalit cooks are employed by the schools in the preparation of the meals.

27. Ensure greater participation by Dalits and other outcaste communities in educational institutions after finishing elementary education.

28. Introduce social justice and human rights education, including principles of non-discrimination, in public schools.

Employment

29. Enact equality laws that prohibit public and private employer discrimination on the basis of caste. Require affirmative action programmes in the public and private sector and set up appropriate monitoring and reporting systems.

30. Take necessary steps to remove the customary constraints on leaving traditional caste-based occupations and promote more gainful alternative employment opportunities for Dalits. Increase access to finance and marketing to enable Dalits to set up enterprises. Improve functional literacy, for Dalit women and girls in particular, so they may engage in both skilled labour and entrepreneurship.

31. Enact and enforce legislation guaranteeing decent work, a living wage, labour rights, and access to land for Dalits and other exploited or oppressed communities, particularly in the informal economy

Development Planning and Implementation

32. Ensure that government programs are designed in consultation with Dalits and other marginalized communities at both the state and central government levels. In particular, infrastructure projects in the areas of water and sanitation, irrigation, rural roads and electricity should actively involve Dalit community members to ensure access to basic services.

33. Pay particular attention to the needs of Dalit and other outcaste communities in the devising and implementation of strategies and plans to achieve the Millennium Development Goals (MDGs). To this end, disaggregate the data on progress achieved on each and every MDG for Dalits.

34. Include Dalit groups and other civil society groups in discussions on priorities for engagement with the World Bank and Asian Development Bank.

35. Allocate adequate funding for programs for the socio-economic and educational support of communities that have faced discrimination on the basis of caste or descent. Actively involve caste-affected communities in the formulation and monitoring of these programs.

International

36. Strongly support initiatives to promote and enhance the fight against caste discrimination in all relevant United Nations and related fora, including U.N. human rights bodies, the International Labour Organisation (ILO), the United Nations Programme (UNDP), the United Nations Fund for Women (UNIFEM), the United Nations Children's Fund (UNICEF), the World Bank, the Asian Development Bank and the International Monetary Fund.

37. Support efforts at the 61st session of the U.N. Commission on Human Rights in 2005 to adopt the draft decision contained in resolution 2004/17 of the Sub-Commission on the Promotion and Protection of Human Rights to appoint two Rapporteurs with the task of preparing a comprehensive study on discrimination based on work and descent. Cooperate fully with the appointed Rapporteurs.

38. Ratify (or accede to) and fully implement provisions of the U.N. International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). Make a declaration under Article 14 of the Convention recognizing the jurisdiction of the Committee on the Elimination of Racial Discrimination (CERD) over individual and group complaints regarding violations of any rights under the Convention committed by a State party. Ensure timely submission of state reports to the Committee.

39. Implement without delay recommendations contained in CERD's General Recommendation XXIX on descent-based discrimination, including those on the administration of justice, civil and political rights, economic and social rights, the right to education, and the dissemination of hate speech.ⁱⁱⁱ Duly implement recommendations on descent-based discrimination addressed to

governments by CERD following consideration of state reports due under the Convention. Include in periodic reports all follow-up measures taken to implement CERD's General Recommendation XXIX.

40. Promote the call for the appointment of a Special Rapporteur on Caste Discrimination by the U.N. Commission on Human Rights. Extend invitations to and cooperate with all relevant Special Rapporteurs to investigate caste-based abuses specific to their respective mandates.

41. Ratify and implement the provisions of the International Covenant on Civil and Political Rights (including its Optional Protocol), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the U.N. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (including its Optional Protocol), the Convention on the Elimination of All Forms of Discrimination Against Women (including its Optional Protocol), and the Convention on the Rights of the Child. Cooperate fully with the treaty bodies set up to monitor these covenants and conventions.

42. Review and make effective time-bound action plans for the implementation of all ILO Conventions and domestic laws pertaining to labour rights, bonded and child labour, and manual scavenging.

2. To National Human Rights Institutions and Other National Commissions

43. Ensure affected community representation, including women, in the membership and staff of national human rights institutions, women's commissions, minority commissions, and Dalit commissions. Where relevant, establish state-level branches for these institutions and commissions.

44. Create a core group of NGOs to assist in the commissions' work and ensure Dalit NGO representation in this group.

45. Ensure that the Asia Pacific Forum of National Human Rights Institutions (APFNHRI) discusses specific strategies to fight caste discrimination. The NGO Forum of the APFNHRI should include representation from caste-affected communities.

3. To U.N. Human Rights Bodies

46. Take every opportunity to raise the issue of caste and descent-based discrimination with relevant governments and encourage enactment and implementation of laws against the violations of human rights of members of Dalit communities, including laws prohibiting manual scavenging, bonded labour, caste-based violence and other abusive practices.

Commission on Human Rights and its Special Procedures

47. The Commission on Human Rights should adopt the draft decision contained in the resolution 2004/17 of the Sub-Commission on the Promotion and Protection of

Human Rights to appoint two Rapporteurs with the task of preparing a comprehensive study on discrimination based on work and descent, and call upon States to extend all necessary cooperation to the Rapporteurs.

48. The Special Rapporteur on Contemporary Forms of Racism should continue to raise the issue of caste discrimination in their reports, make specific recommendations to concerned governments, and continue to request government invitations for official visits to the respective countries.

49. All relevant Special Rapporteurs should pay particular attention to the plight of Dalits in a manner relevant to their respective mandates.

50. The Commission on Human Rights should appoint a Special Rapporteur on Caste Discrimination and declare in a resolution that caste-based discrimination is prohibited by international law, and call upon all concerned States to take necessary measures for its elimination.

51. Support the U.N. Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights and promote its development into an international instrument that is binding on companies in order to ensure, within their sphere of influence, their accountability and liability with regard to the realisation of human rights. Sub-Commission on the Promotion and Protection of Human Rights

52. The Sub-Commission's prospective Rapporteurs on discrimination based on work and descent should be provided with all the necessary support and resources required to carry out their mandate.

53. Subject to confirmation of the Rapporteurs' mandate by the Commission on Human Rights, priority should be given to the formulation of the requested Principles and Guidelines for the Elimination of Discrimination Based on Work and Descent.

Human Rights Treaty Monitoring Bodies

54. Treaty monitoring bodies -in particular the Committee on the Elimination of Racial Discrimination, the Committee on the Rights of the Child, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination Against Women, the Human Rights Committee, and the Committee Against Torture -should pay particular attention to human rights violations against Dalits when examining the periodic reports of concerned countries, and should take into account the recommendations contained in this Declaration when formulating their Concluding Observations, Comments and Recommendations.

4. To the United Nations and its Specialized Agencies

55. The Secretary-General of the United Nations and the United Nations High Commissioner for Human Rights should help ensure that all U.N. agencies working in caste-affected countries pay particular attention to the issue of caste violence and discrimination.

56. Assess the impact of existing programs in caste-affected countries with regard to caste discrimination. Develop social, economic, educational and health programs and strategies designed to curb abuse and encourage accountability.

57. All U.N. agencies should build partnerships with Dalit organisations and establish consultative mechanisms to seek Dalit NGO input into project design and evaluation. All U.N. agencies should incorporate an analysis of caste into poverty reduction strategies and ensure that all data is disaggregated on the basis of caste and gender.

58. In its programs on HIV/AIDS, the UNDP should ensure that Dalit children are not discriminated against in their access to health and education. UNDP Annual Development Reports should include caste disaggregated data and analyses on patterns of discrimination.

59. All U.N. agencies should implement affirmative action measures in order to proportionately employ Dalits, including women, in all development activities.

60. In its forthcoming Global Report on non-discrimination as one the four fundamental labour rights, the ILO should conduct a thorough analysis of the impact of caste discrimination on labour. The report should include a specific plan of action to address and eradicate caste discrimination in the labour force, forced and bonded labour, and child labour, including a gender analysis. The ILO should work closely with its social partners to eradicate caste discrimination at the national level.

61. Undertake assessments of UN recruitment policy and practice in relevant country offices to ensure non-discrimination of Dalits and other caste affected and marginalised groups.

5. To Bilateral Aid Agencies

62. Promote the inclusion of marginalized groups such as Dalits into the consultation and design of programs.

63. Provide political and financial support for programs of the United Nations and regional bodies to assist countries seeking to eradicate caste discrimination.

64. Provide assistance for Dalit groups at the community level to participate in the planning of infrastructure and other government programs to ensure equal access by Dalits.

65. Take every opportunity to raise the issue of caste discrimination with caste-affected country officials, and encourage enactment and implementation of relevant laws against caste-based abuses.

66. Support civil society initiatives, including those led by Dalit organisations, that seek to eliminate caste-based discrimination.

67. Implement affirmative action measures in order to proportionately employ Dalits, including women, in all development activities.

6. To the European Union (Member States, the Council, the Commission and the Parliament)

68. Open up political and human rights dialogue with caste-affected countries on caste discrimination and ensure the effectiveness of EU Human Rights policy in this respect by ensuring that the issue forms a central part of Ministerial-level dialogues.

69. Ensure that caste-discrimination and its consequences are effectively analyzed and included in EU country strategy papers, reports, recommendations, resolutions, mid-term reviews and communications on affected countries.

70. Ensure that EU development programmes in affected countries are designed to assist national Governments to counter existing inequalities and specifically eradicate caste discrimination, and monitor the results.

71. The EU must promote and support initiatives to address caste-based discrimination in all relevant United Nations fora, including the adoption of the U.N. Sub-Commission's resolution 2004/17 by the U.N. Commission on Human Rights at its forthcoming session in March/April 2005.

72. Include references to and recommendations for the elimination of caste-based discrimination in all relevant EU statements, resolutions, working papers, declarations and programs of action pertaining to relevant agenda items in the United Nations Commission on Human Rights, the General Assembly's Third Committee, and in the follow up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

73. As part of its policies on corporate social responsibility, encourage and provide incentives for private companies with EU origin operating in caste-affected countries to adopt and implement the Ambedkar Principles.[iv](#)

74. Assess the impact of trade, investment relations, and cooperation programs between EU and caste-affected countries on those suffering from caste discrimination. Formulate recommendations to make these programmes non-detrimental and more beneficial to Dalits.

7. To Donor Countries

75. Fulfil commitments made under Millennium Development Goal 8 to build a global partnership for development. Specifically work with national governments to address the elimination of caste discrimination as pivotal to the achievement of the MDGs 1 to 7 in caste-affected countries and undertake regular reporting.

76. Fulfil the human rights obligations of international cooperation as found in the Universal Declaration of Human Rights, the U.N. Charter and the ICESCR, toward the promotion of economic, social and cultural rights in developed and developing countries. In this regard, provide financial support to the U.N. World Program on Human Rights Education in primary and secondary schools and promote inclusion of caste discrimination in the curricula.

77. Be mindful that the obligation of States to protect economic, social and cultural rights extend also to their participation in international organisations, where they act collectively, such as the World Trade Organisation and international financial institutions. It is particularly important for States to use their influence to ensure that violations and discrimination such as caste-based discrimination do not result from the programmes and policies of the organisations of which they are members.

8. To the World Bank and Asian Development Bank

78. Incorporate an analysis of caste exclusion into Corporate Social Development Strategies. For policy-based lending ensure that Poverty and Social Assessments (PSIA), carried out before loans are approved, include investigations of how the proposed policy changes will affect Dalit men and women, and their livelihoods. For sector investments or project loans ensure that the social analysis covers Dalit issues, and that measures to ensure equal benefits to Dalits -as well as women, indigenous peoples and other disadvantaged groups -are included in the Vulnerable Communities Development Plan (VDCP).

79. As part of their commitment to good governance, the World Bank and Asian Development Bank, as well as other international lending institutions, should, together with the governments concerned, establish an ongoing dialogue with Dalit NGOs and representatives of other marginalized groups at all stages of the decision-making process, i.e. before a loan is released, whilst a project is being implemented, and in the course of any post-project evaluation.

80. In the design of infrastructure programs, the World Bank and Asian Development Bank should ensure that concerned governments consult with Dalit and other marginalized groups, particularly women, to promote access to water, food, sanitation, land, rural transport, irrigation and social infrastructure.

81. With regard to basic services in health and education, the World Bank and Asian Development Bank should design an accountability framework that allows Dalit and other civil society groups to monitor access to these services.

9. To the Private Sector including Transnational Corporations

82. All companies investing in or operating in caste-affected countries should support and implement the U.N. Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights, as well as sign the more general Global Compact, and implement changes in their business practices consistent with its principles.

83. Companies from OECD countries, should also implement the OECD (Organisation for Economic Co-operation and Development) Guidelines for Multinationals and other Enterprises, whilst all companies should implement the principles contained in the ILO Tripartite Declaration.

84. Adopt specific policies pertaining to human rights and ensure that, within your sphere of influence, these principles are also implemented by all suppliers and business partners.

85. Ensure that infrastructure investments are carried out in consultation with marginalized groups, including Dalits, and prioritise access of these groups to the fruits of these investments.

86. Ensure compliance with nationally mandated affirmative action programs. Where no such programs exist, companies should voluntarily institute and implement affirmative action programs for Dalits.

87. As a specific development of the above, adopt and implement the Ambedkar Principles (see Appendix A). The Ambedkar Principles are employment principles to assist foreign investors to address caste discrimination in South Asia. They are intended to acknowledge and compensate for historic injustices against Dalits through affirmative action and the norms of non-discrimination and labour rights that are in line with international human rights standards

10. To Non-Governmental Organisations

88. Include documentation on caste-based abuses and analysis of caste-based discrimination in reporting on caste-affected countries. Where appropriate, include critical assessments of the effectiveness of national policies and legislation addressing caste discrimination. Documentation of the plight of communities discriminated against on the basis of work and descent in Africa, Latin America, Pakistan, Bangladesh and Sri Lanka is sorely lacking and much needed.

89. Pay particular attention to the intersection of gender, class and caste discrimination as it affects Dalit and other outcaste women.

90. Give due attention to the nexus between caste discrimination and other forms of human rights violations such as torture, gender-based violence, modern forms of slavery including child and bonded labour, denial of equal treatment before the law, and deprivations of livelihood, food, water, healthcare, education, housing and land.

91. Plan for the reduction and elimination of caste-based discrimination and violence through development programming and monitor the impact of such programs.

92. Implement public awareness-raising and education campaigns to promote positive change in public attitudes and practices vis-à-vis members of communities affected by caste discrimination.

93. Lobby and provide information to relevant U.N. bodies (including the Sub-Commission on the Promotion and Protection of Human Rights, CERD and all relevant Special Rapporteurs) to increase their attention to the plight of Dalits and other caste-affected communities, and encourage the creation of social, economic, cultural and political programs to help overcome historic discrimination.

94. Lobby governments to implement CERD General Recommendation XXIX as well as recommendations addressed to them following consideration of state reports by CERD.

95. Translate into national languages and disseminate widely CERD General Recommendation XXIX and CERD's country-specific recommendations. Provide CERD's Coordinator on Follow-up with information on the measures taken at the national level to implement CERD's country-specific recommendations on descent-based discrimination.

96. Provide CERD and other relevant human rights treaty bodies with information on caste-based discrimination and encourage them to review the implementation of ICERD and other relevant instruments even when governments fail to comply with their reporting obligations.

97. Raise awareness among international aid agencies, the private sector, transnational corporations, and governments on the prevalence of caste discrimination and recommend appropriate interventions similar to those outlined in this document.

98. Develop and implement staff policies that will ensure the maximum participation of Dalits at all levels within domestic and international NGOs. Ensure that Dalits, including women, are involved in all stages of relevant projects, including planning, implementation, monitoring and evaluation.

Annexure-3

Nepali Dalit Women's Charter for New Nepal Building Process 2007

Submitted by Feminist Dalit Organisation

Preamble:

The state's policies towards Dalit women, who have endured three-way ethnic, class-based and gender-based exploitation for generations, are discriminatory. Dalits make up 13 percent of the total population and Dalit women who make up half of that have been socially humiliated, devoid of economic access, deprived of education, without political representation for generation. Since they don't have any access and representation at any level of the state, they are deprived of services and facilities.

The human rights determined by the Universal Declaration of Human Rights 1948, Covenant on Civil and Political Rights 1966, Covenant on Social, Cultural and Economic Rights 1966, International Convention on the Elimination of All Forms of Racial Discrimination 1965, Convention on Elimination of All forms of Discrimination Against Women 1979, Convention on the Rights of the Child 1989 and Convention Against Torture, are also the human rights of Dalit women. However, the state continues to exploit Dalit women, contrary to these international declarations and conventions. The state should guarantee these rights. We would like to remind, as a result of the sole regime that has been family-based, autocratic and feudal for time immemorial, Dalit women have been classified as second class citizens even among women. Realising that, in this changing social and political context, the contributions of Dalit women in all sectors, including the house, society, workplace and community should be appropriately appreciated and honoured to guarantee human rights. Dalit women, representing different ethnicities from different parts of different districts of the country participated in the national convention to ensure **proportional representation of Dalit women in the constituent assembly and structuring of a new state**. These Dalit women issued the **Dalit Women's Charter for New Nepal Building Process** and widely discussed it and issued the **Dalit Women's Charter 2064** with consultation, on behalf of all Dalit women for effective equality, proportional participation and social justice .

We, Dalit women, welcome the people-oriented declaration made by the Parliament, which was reinstated after the success of *Janaandolan 2*, claiming Nepal a nation free of untouchability. However, our attention has been drawn to the fact that those declarations could not become the mechanisms of implementation [sic.]. Even after those declarations were made by the House of Representatives, Dalit women have had to endure ethnic and gender-based exploitation. Even after the Parliament declared them gender-based discrimination, dozens of (existing) Acts and laws are (still) discriminatory towards women [*tr.* Nepali unclear]. The state is supposed to be restructured through the constituent assembly. We, Dalit women, express disappointment that the constituent assembly election could not be held on the determined date.

We warn that the decisions made by the interim government and Parliament and the constituent assembly should not be discriminatory towards Dalit women. We believe that the government, established by the *Janaandolan*, will respect the mandate of the people and hold the constituent assembly election as soon as possible and a state committed to people's welfare, with proportional representation of Dalit women, will be established. We, Dalit women, would like to reiterate that the country will be restructured in a true sense only if the state can convince all the citizens that the rights provided by the Universal Declaration of Human Rights 1948 [sic.], International Convention on the Elimination of All Forms of Racial Discrimination 1965 [sic.], Convention on Elimination of All forms of Discrimination Against Women 1979, Covenant on Social, Cultural and Economic Rights 1966 and Convention Against Torture, will be guaranteed through the restructuring of the state. For a long time, Dalit women have been exploited ethnically and because of gender bias and poverty. Additionally, during the 12-year people's war of the CPN (Maoist), Dalit women were forced to endure various forms of violence, some from the state side and some from revolutionary side. As a result of poverty and illiteracy, which are deep-rooted like ethnic discrimination, general Dalit women are still not in a position to demand their rights. Therefore, Dalit women continue to be exploited by the traditional, feudalistic state. Realising these facts, we appeal that during the restructuring of the state, representation of Dalit women be guaranteed in all bodies of the state, for social justice, (to guarantee) minimum rights of women, for ending impunity and for proportional representation of Dalit women in the state (structure).

Human rights for Dalit women cannot be guaranteed until the state forms a constitution, and develops policies, rules, acts and laws that do justice to women's special biological reproductive rights, reproductive rights including social justice and rights related to ethnic roles. Accepting this truth, we, Nepali Dalit women, demand that the constitution, policies, rules, acts and laws formed during the restructuring of the Nepali state, protect our special rights and guarantee human rights for us. The demands for rights, made through this Charter, will be based on the principles of inclusion. Similarly, there is diversity among Dalit women. Accepting this diversity, we reiterate that the work done (to guarantee) the special rights of Dalit women, should focus on the women who are backward, even among Dalit women and on those who represent this diversity.

The Condition of Dalit Women

We believe that Nepal can be transformed into a fully democratic republic state only by ensuring the representation of Dalit women, who are the most backward in social, economic, political and education sectors, in all aspects of state restructuring. Therefore, we request that (restructuring) be conducted in this manner (through representation of Dalit women). Nepal has been left behind politically and economically because of the feudalistic and patriarchal structure that has existed in the country for centuries, and also because of Brahminic control over means of production. Since only non-Dalit women have access to the facilities and opportunities that are made available by the government for women, Dalit women have been further

isolated from the state structure. Nepal is in one of the poorest countries in the world because of the state's discriminatory policies towards Dalits from time immemorial.

We, Nepali Dalit women, condemn the various types of ethnic and gender-based discrimination and we demand that our rights be guaranteed by utilising this historical opportunity that the current political changes in the country has offered.

The Dalits, who comprise 25 percent of the total population, have been isolated because of the practice of untouchability, which exists even in the 21 st century as the remains of the feudal system. A crime is being committed against Dalits, who make up 25 percent of the population. As a result of such practices of untouchability, Dalit women have been further marginalised. Therefore, they are forced to endure violence, exploitation and risks. We allege that the patriarchal values that dominate the country, society, political parties, civil society and households are core elements that lead to the backwardness of women. The patriarchal system has limited women to the household, within the boundaries of domestic and social work, and only men have taken the responsibility for social and political work and leadership. For centuries, democracy and human rights has been looked at and understood based on the views and experiences of men and as a result they have been defined in a discriminatory manner. The structures of community, society and state have been organized and brought into use in a manner such that it is easy for men to (adopt) leadership role and benefit from them (the structures).

We, Dalit women, have the right to make decisions to control our own life and body. We have an important responsibility towards society, house, family and the state. However, we have been deprived of the opportunity to make decisions and we have been isolated from decision-making roles. We want to be partners in all decision-making levels, within the household as well as the state. We demand that proportional participation of Dalit women in all social, economic and political decision-making processes and levels be made mandatory.

The future changes in the social, economic, legal and political systems of Nepal should be based on the experiences of Dalit women (us), who represent Dalit women from different districts of the country and have been working for Dalit women's issues.

All Dalit women, strongly demand that the in order to end the existing discriminatory values, behaviours, policies/rules, (that impact) all aspects of our life, including health, education, communication, traditions, family and married life, culture, religion, finance, that they (the abovementioned aspects) be analysed from social, economic and cultural rights as well as political and civil rights standpoint, and that they (the rights) be guaranteed from the human rights perspective.

1. Political and Civil Life

Traditionally, Dalit women were isolated from political, civil and community-level decision-making processes. To ensure inclusive democracy, Dalit women's

participation is necessary in all political activities. For this purpose, we demand that the following tasks be accomplished and implemented.

- 13 percent of the seats in the constituent assembly election should be reserved for Dalit women.
- Equal access and opportunities should be ensured for Dalit women at all levels of policy-making and leadership, existing as well as those that will be created. Political parties are the foundation of a democratic republic. Democracy can be upheld in a country only if they (the political parties) are democratic, inclusive and transparent. Since the objective of the democratic system is to make backward communities equally capable as other citizens, we demand proportional representation of Dalit women in each sector.
- Inclusive proportional participation of Dalit women should be made mandatory at all levels within the political parties, from decision making to village levels. Legal provisions should be made to deny national party recognition to the parties that do not have participation of Dalit women at all levels.
- 20 percent of seats reserved for the Dalit community and 10 percent of the seats reserved for women at all levels of the state should be reserved for Dalit women.
- Traditional institutions should be restructured as per the principle of democracy.
- The state should build special mechanisms to support full political participation of Dalit women.
- Dalit women should be free of political fear and threat.

2. Equality

Equality is the main principle of our Charter. All our rights are based on the principle of equality. We believe that there should be equality between men and women and also between Dalit women and non-Dalit women. During the upcoming restructuring of state, disparities between different women should be identified and a special system should be implemented to eliminate the problems of ethnic discrimination, gender discrimination and sexual exploitation that Dalit women have been facing. The demands put forward in the course of our struggle for equality are based on the fact that Dalit women are behind in all spheres of life and are discriminated against. We believe that in the present economic and political context, only superficial equal behaviour towards Dalit women, other women and men cannot (actually) maintain equality. Therefore, in order to promote equality in the real sense, special provisions are necessary for Dalit women for the time being.

Equality is essential in every aspect of life. We demand that we are treated equally in every aspect of life, from family and workplace to state affairs, and an atmosphere be created to ensure equality. Therefore, we demand that the following legal provisions be made to provide directives, so that all the policies, regulations and legal provisions made by the government reflect equality.

- Public places are still not accessible to Dalits. To end this, it should be defined as a crime, which might even lead to invalidation of citizenships of those who engage in discriminatory behaviour in public places.
- Special legal provisions should be made to establish the rights of Dalit women in the future restructured state. We demand that special arrangements be made to ensure their equal proportional participation in the decision-making levels of state restructuring. Apart from this, there should be just participation of Dalit women in social, economic, political, cultural and civil life. Special arrangements should be made so that everyone is able to equally reap the benefits of development.
- By focusing on the provisions of the convention regarding uprooting all kinds of violence against Dalit women, the Civil Act should be amended to allocate a 20 percent quota for proportional participation of Dalit women in government services. There should be provisions for positive discrimination, to increase Dalit women's participation at the decision-making level.
- The participation of Dalit women in nation's security agencies, such as Nepal Police and Nepali Army, is important. This is not possible without making special arrangements for Dalit women and without the amendment of Acts regarding Nepal Police and Nepali Army. Therefore, the Acts pertaining to the Nepali Army and Nepal Police should be changed, and a 20 percent quota should be allocated for Dalit women.
- A separate high level commission should be formed to provide suggestions to the government to ensure and promote participation of Dalit women at all levels of the nation, to investigate as necessary and to monitor whether or not provisions for equal participation exist within government agencies.
- From within the 33 percent, which is reserved for women, proportional participation should be ensured for Dalit women on the basis of population.
- Everyone should strictly follow national laws, based on general conventions, to uproot discrimination based on caste, gender and other criteria. A commission should be formed for its implementation.

3. Rehabilitation / Reunion

Dalit women who were part of the agitating army have been affected in various ways by the 12 years of armed movement in the country. Some are mutilated, some were

raped, some are living the lives of a displaced (person) and some have been forced to spend their lives as a widow. Similarly, the children of hundreds of Dalit women have run away because of the conflict, they were forced to embrace various risky jobs and were made to disappear. Focusing on this, we demand that the current government prioritise and carry out the following activities.

- A countrywide investigation should be carried out to gather accurate information about war-affected Dalit women.
- Proper medical treatment, counselling and suitable compensation should be provided, as needed, to Dalit women, who were mutilated, raped and sexually exploited.
- Appropriate investigation of disappeared Dalits should be carried out and their status should be made public. Appropriate compensation and help should be provided to the families of the disappeared and an environment should be created, where internally displaced people can return home with dignity.
- All Dalit children below the age of 18, who were forced to engage in risky jobs, inside and outside of the country, should be rescued and proper arrangements should be made to improve their lives.
- Rehabilitation/reunion is not possible without justice. Therefore, suitable investigations should be conducted about the crimes that were committed during the conflict and appropriate actions should be taken against perpetrators.
- Special legal provisions should be implemented to end impunity.

4. Law and Justice

We have all accepted the fact that law guided by feudal and patriarchal thinking has not been able to provide necessary justice to Dalit women. Therefore, we demand that the following provisions be made for the development, usage and explanation of laws, based on the principles of equality:

- Appropriate training should be organized to explain gender and ethnic perspectives to all legal practitioners and judges and the restructuring of the judicial administration is absolutely necessary.
- Special policy, incorporating special legal provisions, should be formulated for participation of Dalit women in judicial services. For this, the social, economic and political conditions of Dalit women should be analysed while formulating, using and interpreting policies and making laws.
- Dalit women's rights for legal assistance should be ensured through the creation of family courts and close court system.

- Equality for Dalit women should be guaranteed in every aspect of law.
- Legal provisions should be made to ensure the rights of Dalit women to own property buy and sell (property), their land rights, ancestral rights and equal rights over paternal property.
- Legal provisions should be made to guarantee participation of Dalit women in the decision-making levels of public, government and non government sectors.
- Necessary new laws should be created, through a human rights perspective, to end different types of violence that are done to or could be done to women because of their status as Dalits and women, due to the weak structure of the country.
- Laws against rape should be promulgated and an implementation mechanism should be immediately built.
- Provisions should be immediately made for a victim-oriented justice system. Policy framework has to be prepared for capacity building of all sectors that are required for this.
- Laws should be created to ensure participation of Dalit women at all levels, from members to employees, in high level independent commissions like the Human Rights Commission, Women's commission and Dalit Commission.
- Laws should be formed to guarantee proportional participation of Dalit women at all levels, from members to employee, in constitutional commissions like the Election Commission, Commission for the Investigation of Abuse of Authority and Public Service Commission.
- Laws should be created to guarantee participation of Dalit women in all commissions and committees, which are formed by the government to serve any purpose.
- Laws should be formed to ensure participation of Dalit women in judicial services, from the Supreme Court to the Appellate Court, district courts and special courts. Along with this, laws with special arrangements should be created to provide access to Dalit women to every level of judicial services.
- If any Dalit woman is found to be a criminal, provisions should be made to punish her equally, based on the nature of the crime.

5. Economic System

The economic rights of women are of great importance for empowerment and equality of Dalit women. The prevailing economic system and economic policies have not assessed women's work. There is a stronghold of men and non-Dalit women in

strategic places of the economic sector. Participation of Dalit women is limited due to different social, economic and ideological impediments prevailing in the economic structure. Similarly, Dalit women don't have social security in workplaces. Even minimum facilities, such as child care, treatment and special arrangements during menstruation are not available. The working environment is not safe for them. Dalit women are exploited in different offices, compelled to leave their job or take risks because of these reasons. Therefore, we would like to put forth the following demands for equal participation of Dalit women in the economic sector.

- The state should implement special programme packages to modernise indigenous occupations and skills of the Dalits.
- The practice of classifying work based on gender and ethnicity should be immediately stopped. To discourage the trend of such classification, division of work on the basis of gender should be made punishable by law.
- Policy based arrangement should be made for (providing) pension, safe accommodation, and medical services at places where Dalit women work. In addition, perpetrators of ethnic discrimination should be punished by the law and arrangements should be made to dismiss registration of such offices and make them pay penalty.
- Statistics of single women, widows and Dalit women who are sole bread earners should be collected and arrangements should be made for (providing) special employment and facilities to them. The government should make provisions for special concession cards for Dalit women who are sole bread earners of the family.
- Health facilities (should be made available) and safe environment should be created for Dalit women working in the informal sector. Their jobs should be evaluated and employment should be guaranteed for them.
- The trend of arbitrarily providing minimum wages to Dalit women in the informal sector, practicing different forms of exploitation and compelling them to work against their will should be ended. Necessary legal and administrative provisions should be made to end exploitation in the informal sector and to maintain justice.
- Provisions should be made to allow women, working in the informal sector, to form trade unions.
- The state should play a supportive role in providing collateral-free loans to Dalit women, in identifying businesses and in market management, so that they (Dalit women) can initiate new economic enterprises.
- Mechanisms should be developed to ensure participation of Dalit women at all levels, from the Ministry of Finance to policy formulation for economic transactions, discussions for economic development of country, plan formulation and development of implementation mechanisms.

6. Education and Training

Education is a basic human right. Education is the most essential element for the 21 st century human being. However, majority of the Dalits in Nepal are deprived of education. The education provided by the current education system especially schools, colleges and vocational training (institutions) does not incorporate the experiences and needs of Dalit women. Thus, we put forth the following demands.

- The current education (system) in Nepal is patriarchal and everyone does not have access to it. Further, it is unpractical and discriminatory. Thus, people-oriented and practical education policy should be implemented.
- Compulsory education with (full) scholarship should be provided to Dalit women from primary to higher level education, in both technical and non-technical fields.
- Rapidly increasing commercialisation of the education sector should be stopped and discriminatory education should be abolished.
- Education institutions with special facilities and materials should be organized for child care centres and for differently-abled people.
- The materials that are in the curriculum and portray ethnic discrimination should be immediately removed and the curriculum should be reformed in a way such that it respects the ancestral occupations of Dalits.
- Educational materials that eliminate ethnic and gender discrimination and raise awareness should be included in the curriculum from primary to higher level education.
- The needs of the working, rural, differently-abled, single and adult Dalit women should be identified and provisions should be made to provide accessible quality education to them.
- Compulsory provisions should be made to include one female Dalit teacher in each school.

7. Development, Physical Infrastructure and Environment

Women take major responsibility in the community and the household. Despite this, majority of Dalit women are deprived of essential basic facilities that are required for management of household, family and society. We are still deprived of an environment for healthy and productive life. Dalit women have not even been able to enjoy the fruits of basic development, which is essential for life. Slowly increasing encroachment of land, forest and water at the community level and privatisation has made the lives of landless settlers, squatters and farmer Dalit women, residing in rural communities, more difficult. Realising these facts, we demand that the following tasks

be accomplished for (the establishment of) new Nepal. The following task needs to be accomplished to make legal provisions for physical development environment and its implementation [*tr.* Nepali unclear].

- Commitments should be made and implementation mechanisms should be developed to execute each development programme from the perspective of Dalit rights.
- While implementing the development projects, it should be ensured that Dalit women also benefit from possible employment opportunities at such projects.
- Policies should be formulated and budget should be allocated for providing safe drinking water and latrines in all places, including Dalit villages and settlements.
- Arrangements should be made to render electricity and telephone available in Dalit settlements and villages through prioritisation.
- Safe shelter is the right of all Dalit women. Understanding that women are exposed to different types of violence in the absence of safe houses, arrangements should be made to develop rural shelters for Dalit women and arrangements should be made to provide loan to Dalit women for safe shelters in an easy manner.
- Dalit squatters should be guaranteed safe shelters.
- Special health, education, entertainment and social welfare facilities should be made available to Dalit women.
- Policies and programmes for conservation and utilisation of natural resources should be implemented in a way such that it ensures Dalit women's rights and the benefits from it should be equally distributed.
- Dalit women play a vital role in management and conservation of natural resources. Therefore, Dalit women's right of participation at the decision-making level should be ensured while taking decisions on management and mobilisation of natural resources at the community level.

8.Social Services

Social service is a right, not a facility. The following provisions should be made to provide social services in a manner accessible to Dalit women.

- The state and private sector should provide social welfare services to Dalit women as per the principle of social justice, equality and access.
- Social service should specifically incorporate the needs of differently-abled, single and widowed Dalit women residing in rural and geographically remote areas.

- Provisions for economic and social security should be guaranteed for Dalit women, on the basis of equality.
- All social services should be made easily available and accessible to Dalit women.

9. Family and Conjugal Life

There are many families in our society who have not been able to utilise equal rights, responsibilities and reap the benefits. Dalit women have unequal responsibilities in household chores. They have very limited rights to make decisions. To change this, the current democratic government should guarantee the following provisions and rights for Dalit women.

- All types of families should be entitled to equal recognition and treatment.
- Dalit women should have equality in family matters, marriage and cordial relationships.
- Dalit women should get equal property rights as husbands and brothers.
- During the process of marriage and divorce, Dalit women should be guaranteed the right to equal participation.
- Arrangements should be made to ensure Dalit women's equal access and control over economic resources of the family.
- There should be provisions for Dalit women to receive guardianship of their children.
- Inter-caste marriage should be legally recognised and the state should initiate programmes to further encourage it.

10. Customs, Culture and Religion

Hindu customs, culture and religion, which prevails in our society and is followed by the majority, discriminates against and looks down upon Dalit women. Gender biased activities and roles are imposed upon Dalit women. The burden of untouchability, on the ground of ethnicity, has been imposed on Dalit women by women themselves. Dalit women have been side-lined from the decision making process and leadership and participation in various religious and cultural traditions and customs. This type of discriminatory tradition and behaviour should be ended. The following provisions are necessary for this.

- Dalit women should be established in society in a respectful manner by ending traditional superstitions and age-old negative traditions, including untouchability, *chhaupadi*, dowry, treasure digging, *balighare* [tr . exchanging skill for harvest] and

sexual exploitation of Badi women, and by providing security to couples of inter-caste marriage.

- In laws regarding human rights, custom, culture and religion should be incorporated under the glossary of equality.
- All Dalit women should be allowed to freely practice their religion, culture and customs, without any kind of discrimination.
- The cultures, traditions, and customs that adversely affect, discriminate against and harm Dalit women in some way or other, should be changed.
- An action plan should be formed to guarantee elimination of all kinds of systems and traditions that harm Dalit women, keep them in isolation and abuse their human rights under the guise of religion, custom and culture.

11. Violence against Dalit women

Violence against Dalit women is being practiced in Nepali society on the basis of discriminatory social, cultural, economic, religious and political tradition and beliefs. The following provisions are necessary to end such violence.

- Dalit women should be guaranteed security at home, in the community, workplace and public places, and their rights to be free from all kinds of violence should be ensured.
- The state should take responsibility of enforcing issues like dignity, morality and equality of human being in the form of public education.
- There should be appropriate provisions for protecting Dalit women from sexual misconduct, violence and exploitation.
- Centres where Dalit women can register their complaints against rape, beatings and sexual misconduct, and get necessary treatment and counselling services, including medical tests, should be established and they should be staffed with trained personnel.
- Necessary education and training should be provided to police, doctors, surgeons, lawyers and judges to register, inquire about and investigate cases like rape, beatings and sexual misconduct.
- Efforts should be made to form laws that provide full justice to victims, and the capacity of implementation mechanism for such laws should be increased, so that they can work from a human rights perspective.
- The state should immediately organize shelters and counselling centres for Dalit women who have been victims of rape, beatings and sexual misconduct. Such

counselling centres should be established in all districts. The state should allocate separate budgets for safe shelters, counselling centres and institutions, which are sensitive towards the rights of Dalit women, should be responsible for managing such centres.

- A high level commission should be formed to end violence and discrimination against Dalit women.

12. Health

Health services and consultation has become a dream for rural Dalit women. Most Dalit women have lost their lives in the absence of basic health services. The mortality rate in Nepal is highest among Dalit women. Along with this, Dalit women are plagued with more health-related problems than people of other castes. Dalit women are even unaware of the fact that health care is their right, thus they are unable to raise their voices to demand it. That is why, to establish health as a human right, the following provisions or tasks need to be immediately implemented.

- Because of increasing privatisation and commercialisation of health services, such services are beyond the reach of Dalit women. Thus, such privatisation and commercialisation should be discouraged and health service should be made easily accessible.
- The special health needs of Dalit women should be addressed through easily accessible and free health service.
- Standard health service and benefits should be ensured for Dalit women from the village level to the national level.
- Family planning related education, information and material should be made available to Dalit women and men free of charge.
- The state should make arrangements to ensure sufficient nourishment for Dalit women.
- The problem of uterine prolapse is predominant among Dalit women. The main reason for this is; they face violence from birth, unequal behaviour toward them, their work load and lack of proper support during child birth and immediately after child birth. These facts should be thought about and policies should be formed, implemented and budget should be allocated to solve problems related to uterine prolapse and treatment should be provided to those suffering from it.

13. Media

The reach of Dalits in media, such as newspapers, television and computers is not currently ensured. Through the following provisions, opportunities should be provided for Dalit women to be well-informed and well-educated.

- Participation of Dalit women should be ensured in all media.
- Policies should be formulated for broadcasting and publishing, in all forms of media, the contributions of Dalit women in public as well as private sectors.
- With the goal of solving the current caste-based and gender-based discrimination, the media should advance activities that encourage equality.
- Participation of Dalit women should be ensured in both government and private media sectors.

14. Dalit Women and Agriculture

Nepal is a country where most depend on agriculture. More than 75 percent of those in the agriculture sector are women. Among them, the participation of Dalit women is highest. Many Dalit farmers in Nepal are landless because of the patriarchal and feudal land-ownership rights system. Dalit women are not even defined as farmers because they don't have land rights. Similarly, hundreds of thousands of Dalit women in the country are surviving by working as agricultural labourers. Thus, we put forward the following demands.

- The right to eat is interlinked with the right to live. Both these rights have to be ensured and implemented by the constitution as the fundamental rights of women.
- Revolutionary land-reform programmes should be immediately implemented and necessary land should be made available to Dalit women.
- Legal provisions should be enforced to grant women equal land rights as men.
- Access and control of local communities, especially Dalit women, to local seeds and saplings, biological diversity and natural resources should be guaranteed .
- Food security should be guaranteed for Dalit women.
- The widespread disparity in daily wages paid to women and men should be immediately brought to an end and an equal wage system should be implemented.
- Infant care should be organized and toilets should be made available for the children of women working as agricultural labourers.

15. Conclusion

This Charter reflects the experiences, perspectives and expectations of common Dalit women. We are ending our silence, and through this Charter we request that the expected changes and state restructuring be implemented for respect of human values, to end discrimination and for social, economic, cultural and political equality. During the restructuring of the state, special provisions should be guaranteed for ensuring the reproductive role and related rights of Dalit women and the principles of international documents on human rights should also be fully guaranteed. Dalit women are marginalised by the state because of various reasons. They are compelled to endure different types of violence, discrimination and harassments. Bearing this in mind, legal provisions should be made to include women in the decision making levels and to end differences between Dalit and non-Dalit women. New Nepal should guarantee proportional representation of Dalit women, who have for centuries been left behind from all levels of the state. Reiterating that such atmosphere is impossible as long as the unitary regime prevails in the country, we demand a fully democratic republic state.

We would like to remind, the establishment of sustainable peace in the country is not possible until these demands are fulfilled. We also declare that our struggle will continue until our demands are met.

Annexure-4

Dalit Organizations

S.N.	Organizations	Established	Address
1	Vishwa Sarvajjan Sang	1947	Baglung
2	Tailors Union	1947	Kathmandu
3	Nepal Samaj Sudhar Sangh	1947	Dharan
4	Nepal Harijan Sangh	1950	Tanahu
5	Nimna Sanaj Sudhar Sangh	1951	Dharan
6	Jat Tor Mandal	1951	Kathmandu
7	Samaj Sudhar Sangh	1952	Kathmandu
8	Pariganit Nari Sangh	1955	Kathmandu
9	Nepal Rastriya Pariganit Parishad	1957	Kathmandu
10	Achhut Mukti Morcha	1958	Kathmandu
11	Rastriya Achhut Mukti Parishad	1958	Kathmandu
12	Nepal Rastriya Dalit Jana Bikash Parishad	1967	Kathmandu
13	Samaj Sudhar Manch	1979	Kathmandu
14	Panchhoute Jati Sudhar Sangh	1980	Morang
15	Nepal Atipichhadiyako Jana Bikas Parishad	1981	
16	Nepal Rastriya Dalit Samaj Kalyan Sangh	1982	
17	Chhuwachhut Mukti Sangthan	1983	Kathmandu
18	Jatiya Bivedh Unmulan Manch	1987	
19	Utpidit Jatiya Uthan manch	1988	Kathmandu
20	Jatiya Samata Samaj	1989	
21	Nepal Rastriya Mukti Morcha	1990	Jhapa
22	Utpidit Jatiya Mukti Morcha	1990	Rupendehi
23	Vikasahnmukh Samaj Sangh	1991	Kathmandu
24	Nepal Dalit Utthan Sangh	1991	Kathmandu
25	Nepal Utpidit Dalit Jatiya Mukti Samaj	1993	Kathmandu

26	Rastriya Prajatantrik Utpidit Jan Uthan Sangathan	1993	Kathmandu
27	Nepal Dalit Shramik Morcha	1996	Kathmandu
28	Utpidit Jatiya Chetana Sangh	1996	Kathmandu
29	Nepal Dalit Sangh	1997	Kathmandu
30	Nepal Utpidit Jatiya Mukti Samaj	1998	Kathmandu
31	Nepal Dalit Mukti Morcha	1998	Kathmandu
32	Prajatrantik Dalit Sangathan	1998	Kathmandu
33	Nepal Dalit Uthan Manch	2000	Kathmandu

Source: Dhruba Raj Bishwakarma (2010), Caste based Discrimination in School: A Study of Dalits in Ramechhap.

Annexure-5
Total Number of Honorable Women Members (Party-wise)

S.No.	Political Party	Total Number
1	Unified Communist Party of Nepal (Maoist)	79*
2	Nepali Congress	39
3	Communist Party of Nepal (UML)	38
4	Madheshi Janadhikar Forum, Nepal (Loktantrik)	7
5	Madheshi Janadhikar Forum, Nepal	6
6	Terai Madhesh Loktantrik Party	6
7	Rastriya Prajatantra Party	4
8	Communist Party of Nepal (ML)	3
9	Communist Party of Nepal (United)	2
10	Sadbhawana Party	2
11	Rastriya Prajatantra Party Nepal	2
12	Rastriya Janashakti Party	1
13	Rastriya Janamorcha	1
14	Nepal Worker Peasant Party	1
15	Communist Party of Nepal (Unified)	1
16	Rastriya Janamukti Party	1
17	Nepal Sadbhawana Party (Ananda Devi)	1
18	Nepali Janata Dal	1
19	Sanghiya Loktantrik Rastriya Manch	1
20	Communist Party of Nepal (ML-Socialist)	1
	Total	197

Source: IDEA Report

***One member died on 14 August 2010**