

**The *Janajati* Movement in Nepal under
Multi-party Democracy, 1990-2010**

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DECLARATION

I declare that the dissertation entitled "THE JANAJATI MOVEMENT IN NEPAL UNDER MULTI-PARTY DEMOCRACY, 1990-2010" submitted by me in partial fulfilment for the award of the degree of MASTER OF PHILOSOPHY of Jawaharlal Nehru University is my own work. The dissertation has not been previously submitted for any other degree of this university or any other university.

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**This work is dedicated to
my parents**

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Abbreviation

ADB	Asian Development Bank
BASE	Backward Society Education
CBO's	Community Based Organizations
CHHE	Caste Hill Hindu Elite
COSAN	Community Support Association of Nepal
CPN (M)	Communist party of Nepal (Maoists)
CPN	Communist party of Nepal
CPN-UML	Communist party of Nepal (Unionists- Marxists- Leninists)
DFID	Department for International Development
FAO	Food and Agriculture Organisation
FDNF	Federal Democratic National Forum
FPTS	First past the post electoral system
ILO	International Labour Organisation
INGOs	International Non-Governmental Organisations
IPOs	Indigenous people's Organisations
JEP	Janajati empowerment Project
LSGA	Local Self-governance Act
MOLD	Ministry of Local Development
MP	Member of the parliament
NBA	Nepal Buddhist Association
NC	Nepali Congress
NCDN	National Committee for the Development of Indigenous Nationalities
NEFIN	National Federation for the Development of Indigenous Nationalities
NFP	National People's Front
NGO	Non-Governmental Organisation

NGO-FONIN	NGO Federation of Nepalese Indigenous Nationalities
OECD	Organisation for Economic Cooperation and Development
RIM	Revolutionary International Movement
SSNCC	Social Service National Co-ordination Council
UK	United Kingdom
UNDP	United Nations Development Programme
USAID	United States Agency for International Development
WB	World Bank

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CHAPTER 1

Social composition of the Nepalese Society

The multi party democracy in Nepal witnessed the rise of identity politics. Different groups have started asserting their own identities under the more open environment of democracy. One group among them is the *Janajatis* or the so called indigenous peoples of Nepal. Thus, before embarking on a study of the *Janajati* movement, it becomes imperative to know as to who are these *Janajatis*?

The word '*Janajati*' is of recent origin to Nepal. This word was adopted by the different ethnic groups mainly in the late 1980's when they started to organize themselves under various ethnic organisations (Hangen 2007: 19). Earlier, under the *Muluki Ain* (country code) of 1854, the different ethnic groups were clubbed under the category of '*Matwalli*' or alcohol drinkers and sometimes they were also called as *Sano Jats* (low Category) (Hofer 1979: 39). This term came to be used most commonly to describe the different ethnic groups until 1962 when the earlier *Muluki Ain* was replaced with a new one that legally abolished the caste system. Thus, in the words of Fisher, the term '*Janajati*' came to be adopted by the ethnic groups order to represent themselves as different 'nationalities' rather than the most frequently used word 'tribals' (Fisher 1993: 12).

The *Janajati* movement started after the commencement of multi-party democracy in Nepal. During the pro-democracy movement many of the ethnic groups also participated and two months later after the end of the movement, they formed an umbrella organisation called the *Janajati Mahasangh* which became the foremost organization in the future to raise the issue of the *Janajatis* (Gellner 1997: 20). One of its main agendas was the restructuring of the state to provide indigenous nationalities with regional autonomy with the right to self determination (www.Nefin.org). Although the history of ethnic organization and activism dates back much earlier, at least since the 1950's but due to the strict restrictions that was put on these organizations by the government during

the *Panahayat* period most of them remain dormant. Certain umbrella organisations like *Magurali* and the *Seta Magurali* came to surface during the time of referendum but most of them remained underground.

The restoration of democracy ensured a more liberal environment and along with the provisions of basic human rights, it favoured the marginalized and excluded groups like *Janajatis* to raise their voices against the state for their numerous issues and grievances. Moreover, along with it, the new environment also provided a platform for ethnic activism which led to the formation of many ethnic organizations along with the *Janajati Mahasangh* (Hacchethu 2003: 232). Meanwhile, the *Janajati* movement also got support from the global discourse on indigenous people. In this regard, the declaration of 1993 by UN as the Year of Indigenous People (which was later extended to a whole decade 1993-2003) was very important. This had a profound impact on the *Janajati* movement whereby the ethnic activists from the country began connecting themselves with the other indigenous movements of the world. Thus NEFEN changed its name to Nepal Federation of Indigenous Nationalities in 2003 in order to incorporate the key term *Adivasi* (Indigenous) to it (Gellner 2011: 53). Meanwhile, main demands of the *Janajati* movement in its initial stages included constitutional reform, state assistance in implementing the acknowledged right of every community to run schools in the primary level, equitable representation through different measures including restructuring of the state.

The mainstream political parties such as the Nepali Congress and Communist party of Nepal (Unionists- Marxists- Leninists) ignored the ethnic grievances. Most of them were engaged in internal dissension and internal split among themselves which failed to fulfill the ethnic aspirations of the people. The government failed to adopt any successful program for ending the grievances of the *Janajatis* in the initial period of the movement (Acharya 2002: 69). As the leadership remained with the high caste Brahmin, no concrete steps could be taken. It was only till the Maoists started raising the issues of the *Janajatis*, that the political parties became conscious (Hangen 2007: 30.). It was in 1998 that the CPN (UML) established the *Jatiya Mamila Bibhag* (Ethnic Issues Department) and the

Nepali Congress established an organization called the Nepali Indigenous Nationalities Association in 2001 (Hangen 2010:44). Certain ethnic parties also emerged after 1990 such as the Rastriya Janamukti Party but they failed to garner sufficient votes in the elections. As most of these ethnic parties were formed after 1990 where else the major parties with whom they are competing are three to five decades old (Lawoti 2005: 70)

Meanwhile, *Janajati* movement had gained a new momentum and strength because of the growth of the Maoists from 1996. The Maoists have raised different ethnic issues of the *Janajatis* in their agendas and programmes. This was followed by the declaration by the formation of different autonomous regions for the ethnic groups along with establishment of several ethnic liberation fronts'. On the other hand, large numbers of *Janajati* population participated in the Maoists war (Hangen 2010: 44). Many *Janajati* whoing to deep frustration have joined the Maoists in large numbers during the course of the war.

Moreover, there is a strong opinion prevailing among the different scholars at present that the Maoists have played the 'ethnic card' in order to capitalize on the frustration and alienation suffered by the excluded groups such as *Janajtis*, Dalits and women (Hachhethu 2003: 233) This view point has been supported by Gellner who mentions that the Maoists concept of autonomy is different to the concept of *Janajatis*, He gives the example of Magarant Autonomous Council which was declared in 2001. According to him, the council is below the state. In a similar vein, Gellner claims that the Maoists could have avoided the ethnic conflict in Tarai if it would not have encouraged multiple autonomy movements in the region (Gellner 2007: 1825)

The Civil Society also played an important role in the growth of *Janajati* movement. The arrival of multi party democracy lowered the curbs on the civil society organizations. During the *Panchayat* period, critical writing on state was objected but after the restoration of democracy, there has been a lot of writings and research done on *Janajatis*. Scholars such as Harka Gurung with his numerous statistics had shown the wide disparities in Nepal and this have helped to revive the ethnic debate (Hacchethu 2003: 219) .Non-governmental Organisations (NGO's) also played an important role in this

regard. Within a year of restoration of democratic system, there was a boom in the number of NGO's, most of which were ethnicity, gender or language based. As these NGO's started advocating their own agendas, the *Janajati* movement received an impetus (Pakhurel 2007: 83) Along with foreign NGO's, many local ones such as the Backward Education Society (Base) is playing an important role in generating unity among the Tharus. NGO federation of Nepalese Indigenous Nationalities (NGO-FONIN) has also played an important role in the growth of the *Janajati* movement.

Meanwhile, government's response in the beginning of the movement was very lukewarm. It was only in the Eighth Plan that various programmes aimed at increasing the welfare of the socially backward groups such as Dalits and indigenous groups were raised (Pokhrel: 2005: 17). Meanwhile, on the recommendation of task force formed in 1996, the government established the National Committee for the Development of Nationalities (NCDN). The Committee for the first time gave a definition to the term '*Janajati*' and came out with a list of 61 *Janajati groups*. In 2002, the government formed National Foundation for the Development of Indigenous Nationalities (NFDIN) which became the foremost government organization created for development of Indigenous nationalities (NFDIN 2002: 34).

On 2006, after the downfall of the monarchy, a comprehensive Peace accord was signed between the Maoists' and seven party alliances which also brought an interim government. Meanwhile an interim Constitution was promulgated in January 2007. On 7 August, prior to the Constituent assembly elections, a 20 point agreement was signed between the interim government and NEFIN (NFDIN outdated and Obsolete 2003: 55). One of the main points of the agreement was the proportional reservation of seats for *Janajatis*. The new Act of the election of the members of the Constituent Assembly had allocated 70 percent of the seats to the excluded groups, *Janajati*, Madheshi and Dalit in proportion to their population size (Hacchhethu, 2010: 127). Meanwhile, the Government of Nepal also ratified the International Labour Organization (ILO)'s Convention on the Indigenous and Tribal Peoples (1989) (no.169) in September 2007 being the first Asian country to do so. So, as a signatory to that convention, it has taken

up the responsibility for protecting the indigenous population of the country as one of its foremost concerns. This was followed by adoption of the UN declaration on the Rights of Indigenous Peoples in the UN General Assembly (Tamang 2009: 14).

During the 2008 Constituent Assembly election, with the acceptance of proportional reservation system by the interim government, a large of *Janajati* members succeed to win seats in the seats. In the Constituent Assembly elections of April, 2008, a total of 218 members from the *Janajati* groups were elected out of total of 601 members. Out of which 82 won the first past the post system and the rest through proportional system and nomination processes.

The UPCN (Maoists) had bagged the maximum number of seats in the elections. After several rounds of talks, Nepal has not been able to form a constitution of its own. The biggest hurdle that stands in the way is the issue of ‘ethnic federalism’, which forms one of the main demands of the *Janajati* groups. There has not prevailed a consensus among the political parties on the proposed nature of Federalism.

In order to embark on a study of the *Janajati* movement, it becomes very essential for us to understand the social composition of the Nepalese society and Status of *Janajatis* .

Social composition of the Nepalese Society and the Status of the *Janajatis*

In 2001, the Central Bureau of Statistics (CBS) has provided data on 100 caste /ethnic groups in Nepal and cited 92 different languages. The CBS came up with a list 43 groups of *Janajatis* with a total population of 37.2. It missed out the remaining 16 indigenous groups for several reasons including the lack of awareness of these groups who live in remote areas (Bhattachan 2003: 6)

Meanwhile, NFDIN came out with list of 59 *Janajati* groups in 2003. Moreover, it has categorized the *Janajati* groups into different ecological regions. : It includes 18 groups from the Mountains, 23 from the hills, 7 groups from inner Tarai and 11 groups from Tarai. (World Bank-DFID 2005: 63). NEFIN in 2004 has classified further the *Janajati*

groups into five different categories comprising of endangered, highly, marginalized, marginalized disadvantaged and advantaged, (See Appendix 1). This list 10 as endangered, 12 as highly marginalized, 20 as marginalized, 15 as disadvantaged and 2 as advantaged. Thus barring two *Janajati* groups namely Newar and Thakali, most of the other *Janajati* groups suffer from different kind of problems. As the root cause of *Janajati* movement lies in history, it becomes necessary to analyse it from the past (NFDIN: 2003: 12).

Socio Cultural status of *Janjatis*

A large number of *Janajati* groups were the owners of communally held *kipat* lands which they have lost in due course of time. The *Kipat* land tenure system is essentially a form of common tenure which provided a distinct identity to the many hill tribals in eastern Nepal. (Regmi 1976:88) .Land became a major source of conflict between the Gorkhas and the ethnic groups. King Prithivi Narayan Shah used to grant lands to reward his soldiers, officers and for winning men of influence to his side (Stiller 1991: 276). This lure for land had driven the Gorkhas into conflict with the ethnic groups. Thus, after the unification of the country, the Shah and later the Ranas adopted different land tenure policies with an aim to bring maximum land under state control in order to grant them as *Jagirs* and *Birtas* to the numerous officials and royal households. When the Gorkhas conquered the eastern region of Pallo Kirant (Limbu), the Limbus was guaranteed with their *Kipat* lands by Prithivi Narayan Shaha who declared through a royal order in 1774.

“We hereby confirm all the customs and traditions, rights and privileges of your country. Join our nobles and help them. They care for the country as you did when it was being ruled over by your own chieftains. Enjoy it from generation to generation, as long as the land remains in existence” (Baral 1993: 54).

The promise which was given by Prithivi Narayan Shah was not followed by his successors. In a later period, numerous policies were adopted for settling new immigrants to the eastern Kirant areas to reclaim these people economically, politically and socially along with the hope that the immigrants would employ new agricultural techniques which

would increase the production of the region (Sagant 1996: 128). The most successful in deriving the benefit of this policy were the Brahmin of the hill areas due to their large numbers, literacy and government service. As most of the land transactions, property division and disputes were settled by literate Brahmins, the Limbus had suffered due to their lack of education (Caplan 1970: 60-62). In a course of hundred years, most of the Kipat lands were lost by the Limbus. In 1951, they revolted against the Rana regime by attacking a lot of settlers and even killing some of them. The *Kipat* land holdings of the ethnic groups were completely abolished under the land Reform Act of 1964. The poverty statistics of those ethnic groups who were displaced under this Act is much higher than other groups which stood at 71 per cent for Limbus, 59 per cent for Rai and 59 percent for Tamang (Erni 2007: 392).

A similar policy was adopted in Tarai, whereby methods were adopted to settle the hill population in the area. According to Gaige (1975: 146) “the Shah and the Rana prime ministers over the past several hundred years have given away large tracts of Tarai forests land as tax free grants to the family advisers and retainers”. As a result the Chettris, the hill Brahmins and Newars have become among the most influential landowners in the area. A new system called the *Jimmidari* (Zamindari) system was adopted in Tarai by Jung Bahadur Rana in 1861 which abolished the power of the earlier *Chaudhuris* (Revenue collectors) and replaced them with new *Jimmidars*. Until 1860’s the *Jimmidars* were appointed by the local authorities but from 1890, the role was taken over by the royal authorities at Kathmandu. This had led to settlement of hill population in the Tarai although in small numbers initially as the area was infested with malarial disease (Whelpton 1991: 223). But after 1950, the settlement of hill population in the Tarai took place mainly due to the success of the malaria eradication programmers. Landlessness in Tarai has been one of the foremost reasons for the enormous support received by the Maoists. Although, the high caste (Bahuns and Chettris) inhabiting the hilly areas of western Nepal have been in close contact with the local farmers since centuries but they have permanently settled in the area in large numbers only after the success of malaria eradication programmes in the 1950’s. The problem of landlessness is more in case of the

Tharu tribe, many of whom were bonded labourers until the end of 2000 when the government declared them free (McDanaugh, 1997: 282; Krauskoff 2011: 11).

Meanwhile, in 1854, the *Muluki Ain* (Country Code) was adopted with the objective of bringing the entire population under a single caste hierarchy. The entire population was divided into four categories and all the ethnic groups were placed under the category of 'Matwallis' or alcohol drinkers. The *Matwallis* were again divided into *Masine Matwallis* (Non-enslavable) and *Namasine Matwallis* (enslavable) (Andras Hofer, 1979: 39).

Under the *Mulukin Ain*, punishments were meted out on the basis of one's caste and social mobilisation was difficult to achieve. This label of *Matwalli* almost continued until the formulation of the new *Muluki Ain* in 1962) which legally abolished the caste system. Meanwhile, religious freedom during the Rana period was very limited. An example of this was the expulsion of Theravada monks in the beginning of 1920's from the country as it was considered a religious threat (David Gellner). Many new social organizations emerged at the later part and after the fall of the Ranas for the social upliftment of their respective ethnic groups such as the *Tharu Kalyan Karini Sabha* in 1949 and the Nepal *Tamang Ghedhung* in 1956.

The Forest Nationalization Act of 1957 had a profound impact on the lives of many ethnic groups. One important feature which created much resistance among the *Janajatis* was the government's decision leading to the nationalization of the bulk of the country's forest with some ethnic minority areas and communally held natural resources being transformed into national parks. This acted as a means to prevent numerous ethnic communities from continuing previous forms of livelihood and organization (Czarnecka, 1997: 436). The creation of different types of forest areas by the government has affected the *Janajati* groups. For examples the Tharus have been affected by the creation of the Shukla Panth wildlife reserve, Magars are affected by the Shey-phoksundo national park and the Rais and the Limbus are affected by the Makalu Barun National park and Kanchenjunga conservation area (Bhattachan 2003: 22).

The creation of Langtang National Park in 1976 had led to the eviction of a lot of Tamangs from their own land (Campbell, 2003: 85). The restoration of democracy after 1990 also didn't alter the conditions of the *Janajatis*. Hinduism was retained as the official religion and Nepali, the official language although with minor considerations in order to pacify the *Janajatis*. These provisions have led to the dissatisfaction among the different ethnic groups regarding the governments' failure to give equal recognition to their language and religion. The restoration of democracy also brought a number of ethnic organizations which started raising their voices for the demands of the different ethnic groups but there was no initiative from the government's side to improve the conditions of the *Janajatis*. It was only in 2002, that the government formed a foundation for the development of the indigenous nationalities (Hacchethu 2003a: 17). But the foundation suffers from different drawbacks such as lack of funds and personnel. The government's policies towards the upliftment of indigenous nationalities have not been successful due to the failure in the implementation of the projects.

Political and Economic Status of the *Janajatis*

Political inclusion is one of the solutions to avoid violent conflict in a multi-cultural society. But the makers of Nepal's 1990 constitution did not pay any interest in adopting a proportional system after the restoration of democracy (Lawoti 2005: 156). The first past the post system (FTPT) which was adopted ensured the rule of those people who were powerful and influential, particularly in the caste hierarchy thereby lowering the participation of marginalised sections such as *Janajatis*, dalit and women (Ibid.). This exclusionary policies of the government has led to growth of identity politics among these groups and out of them, one is the *Janajatis*.

Since the advent of democracy in Nepal in 1951, the Brahmin and Chettri have dominated the politics of the country. In the 1959 parliamentary elections, the hill Brahmin have acquired 31 seats and the Chettri have acquired 30 seats out of a total of 109 seats. Similarly, in the National *Panchayat* of 1967, the Brahmin had 30 seats and the Chettri had 47 seats out of a total 100 seats. On the other hand, low caste hill people were

represented by only one sit in both the parliament and 1967 National *Panchayat* (Gaige 1975: 164). Moreover, despite the presence of many poor members of the all social groups, the higher posts in the bureaucracy and the National Parliament *Panchayat* are dominated by the three groups namely the Brahmin, Chettri and Newars (Blakie et.al. 1980: 95)

All the prime ministers of Nepal in the past and the present, except Mr. Marich Man Singh Shretha, a Newar , were Brahmin- Chettris. Allmost, all the political parties are controlled by the Brahmin- Chettri and most of the workers and follower are from indigenous nationalities. The result of such an out of proportion of the dominant caste- Bahun and Chettri in the decision making bodies makes the minorities unable to take a part in the decision making apparatus (Bhattachan 2003: 20)

The trend continued to remain the same even after the restoration of democracy. Baral (1993: 104), claims that the sociology of political parties, especially the composition of leadership of the mainstream poltical parties are dominated by the upper castes. In the first three elections, politics in Nepal was dominated by mainly two parties- The Nepali Congress (NC) and Communist Party of Nepal (Unionist-Marxists-Leninists). These parties were mainly dominated by the high caste Bahun and Chettri and the much economically advanced Newar. He also holds the view that since 1991, the Bahun, Chettri-Thakuri and the Newar have held more than sixty percent of the seats in the national legislature. The restoration of the multi-party democracy after 1990 didn't alter the situation under the above mentioned conditions we could assess the low level of participation by the *Janajati* groups. Thus, the *Janajtis* have been able to participate fully and make political demands in the mainstream political parties and that has been one of the foremost causes of the *Janajati* movement (Hangen 2007: 30).

Mentioning about the Nepalese politics, Dahal (2001:30) claims that “the attitude of the majority of the Nepalese leaders is feudalistic, family bound and paternalistic rather than democratic and participatory”. This attitude of the politicians has led to the degeneration of the country's political system.

According to Baral (2003:19), the number of Brahmin in the House of Representatives (HOR) increased from 39 per cent in 1991-94 to 144.4 per cent in the second (1994-99), and 46.3 per cent in the third (1999-2001) where else the representation of the other hill ethnic groups declined from 16 percent to 11.7 percent to 12.2 per cent in 1991, 1994 and 1999 respectively. Under these conditions, the *Janajatis* had to resort to identity politics along with other groups who are equally less represented in the politics.

Janajati marginalisation in the country's politics even showed the same trend in 2006. Among the ministers in the cabinet in 2006, 70 percent were Brahmin or Chettri from the hills and the Terai while Tharus, Newars, Rais, Thakalis, Limbu and Kami were 5.0 percent each. In the judiciary in 2001, 87 percent consists of Brahmin and Chettri, 9.7 were Newars, Rai Tharu, Gurung, Tamang together were 3.6 percent (Pandey 2010: 43).

As far as the economic conditions are concerned, *Janajatis* are one of the most marginalized categories in Nepal. According to Upreti (1999: 113) 80 percent of the population of the indigenous groups are 'marginal cultivators (with less than 0.40 hectares) or small cultivators (having 0.40-0.80 hectares). This has led them to experience tremendous food insecurity. He, while referring to the UNDP Report claims that among the *Janajati* groups, some 2.8 percent of the Tharu, 0.32 percent of the Tamang, 0.76 percent of the Rai, and 0.63 percent of the Magar communities have self operated lands of more than 10 acres.

The employment rate is also very marginal in the case of *Janajatis*. Out of the total 3871 university teachers in 1991, 80.9 percent were drawn from the Bahun, Chettri and Newar castes and the Tarai group had 14.2 percent. The hill ethnic which accounted for one-fifth of the population had only 3.2 university teachers. Moreover, in 1990, the Brahmin, Chettri and Newars constituted 87 percent of permanent secretaries in the Nepali government, nearly 92.3 percent of additional secretaries, 88.9 percent of deputy secretaries, 94.5 percent of joint secretaries 96.2 percent of assistant secretaries and 92.6 percent of section officers. Moreover, 1990, the Brahmin, Chettri and Newar constituted 87 percent of permanent secretaries in the Nepali government, nearly 92.3 percent of

additional secretaries, 88.9 percent of deputy secretaries, 94.5 percent of joint secretaries 96.2 percent of assistant secretaries and 92.6 percent of section officers (Gurung 1998: 120-121).

In 2009, The HDI of Madheshi Brahmin/Chettri, Hill Brahmin and Hill Chettri were 0.625, 0.612 and 0.512 respectively. In the same year, the HDI of Hill *Janajatis* and Tarai *Janajatis* was 0.507 and 0.470 respectively. Madheshi Dalits recorded the lowest HDI at 0.383. (UNDP HDI, 2009: 84). Moreover, the 2001 census records *Janajatis* are also among the least urbanized groups in Nepal such as Gangain Chepang, Tajpuria Yehlmo, (Koche). Moreover, certain *Janajati* groups are on the verge of extinction. Their populations as per the National Census of 2001 were Kasuunda (164), Kushwadia (552), Yehlmo (579), Raute (658), Munda (660), Walung (1148), Dhuniya (1148), Koche (1429), Hayu (1821). An increasing concern has emerged among these groups to preserve their culture, language and heritage. Moreover, governmental help is being sought by them to preserve their culture and heritage (Dahal, 2002:102).

The political parties have at last responded to the demands of the *Janajatis* by agreeing to incorporate two voting system: proportional representation and first past the post in the 2008 Constituent Assembly elections. In the Constituent Assembly elections of April 2008, a total of 218 members from the *Janajati* groups were elected out of total of 601 members, The UPCN (Maoists) had bagged the maximum number of seats in the elections. The interim constitution has declared the constitution as 'federal democratic republic'. The present political discourse in Nepal is on the type of federalism whether ethnic, economic or geographic.

The present study seeks to understand the main causes of the *Janajati* movement. The study also seeks to test the hypotheses that the failure of multi-party democracy in Nepal has led to the growth of the *Janajati* movement. Further it will seek to prove that the Maoists had a tactical alliance with the *Janajatis* to further its own interests.

Definition, Rationale and Scope of study

The Nepal Foundation for Development of Indigenous Nationalities Act (2002) defines *Janajatis* as those ethnic groups or communities that have their own mother tongue and traditional customs, distinct cultural identity, distinct social structure and written and oral history. Many of the *Janajati* culture and language are on the verge of extinction. Discriminatory role of the high caste and the dominant groups have forced the *Janajatis* to face many severe conditions which has forced them to either join the Maoists or establish their own ethnic organizations in order to protect their distinct identity and culture. So, to understand the socio-economic and political conditions of the *Janajatis* after the arrival of multi party democracy in Nepal in 1990 has become very important for us. In other words, to analyse the various changes and developments that have taken place in the conditions of the *Janajatis* after the arrival of multiparty democracy in 1990 forms one of the basic objectives of the study.

In 2006, Nepal became a republic after King Gyanendra was forced to abdicate his powers. Constituent Assembly elections were held in 2008. The declaration of Nepal as a secular country was a landmark in the history of *Janajati's* struggle for the recognition of their religion, most of whom follow Animism, Buddhism and Shamanism. Meanwhile the 2008 Constituent Assembly elections accepted a proportional reservation system which was a major achievement for the *Janajatis*. The *Janajatis* demand for the establishment of a federation on the basis of ethnicity and language is a big controversial issue at present. How a proposed federation could be achieved when none of the ethnic groups holds a complete majority in the specified regions they are demanding is a very serious issue of debate?

Nepal has just emerged from a very turbulent phase of history due to the Maoists movement from 1996-2006. Most of the combatants or low rung guerillas were from these *Janajati* groups. An estimated one lakh people lost their lives. Their lack of faith in the political process made them take arms in their hands. After the abolition of monarchy in 2006, a new beginning has emerged for Nepal. It is very important now to

accommodate the demands of this *Janajati* groups or else there is a possibility that the country may plunge into further turmoil. The Constituent Assembly so far has neither been successful to frame a constitution for Nepal nor achieved great success to satisfy the raising aspiration of the *Janajatis*.

The rationale of the study comes from the fact that a huge number of ethnic organisations have come up after the arrival of multi- party democracy in 1990. A very less focus has been paid on these various organisations of the *Janajatis* which are both armed as well as unarmed. Hence, the proposed study will analyse the emergence of these organisations among the different ethnic groups. Meanwhile, the country has just come out of a civil war like situation which was started by the Maoists in 1996. Hence, the study is also important as it will focus on the various methods that the government is adopting to successfully accommodate the demands of the *Janajatis* and also to analyse how their failures could lead to further serious problems like a possible armed insurrection by certain ethnic groups.

As far as the scope of the study is concerned, it will focus on the ethnic discourse in Nepal since the arrival of multi party democracy in 1990 and how the *Janajatis* have been successful to be a part of the ongoing political process. We are in a very crucial moment of Nepal's history when the country is on the verge of adopting a federal system of government to satisfy the demands of the various ethnic groups. Differences among the various political parties have been delaying this process towards the restructuring of the State. There is every possibility that the country may plunge into further turmoil if the State fails to address the issues and grievances of the *Janajatis*- one of which is state restructuring. So, the result of the establishment of the proposed federalism is highly awaited by the *Janajatis*. Hence, it has become very important for us to study the methods adopted by the State to solve the issues of the *Janajatis*, the failure of which may lead to further ethnic turmoil.

The main objectives of the study will be to analyse and understand the problems of the *Janajatis*. It will also analyse the failure of the *Janajatis* to be a part of the decision

making process. Thirdly, it will also analyse the developments that has taken place in the *Janajati* movement after 1990. Fourthly, it will also analyse the role of ethnic political parties after the arrival of multi party democracy in 1990. The fifth objective would be to understand the convergence of interest between the Maoists and the *Janajati* movement. It will also analyse and understand how the adoption of an inclusive democracy can solve the issues of *Janajatis* in a multi party democracy? The study will also analyse the need for the restructuring of the state such as the adoption of a federal political system as well as the role of *Janajatis* in changing the political discourse in Nepal.

The study seeks to answer several research questions: What are the changes that have taken place regarding the condition of the *Janajatis* after the establishment of multi-party democracy in 1990? How the *Janajati* groups have been able to raise their issues in the present political scenario of Nepal? How effective has been the role of ethnic groups and associations? What role the ethnic political parties are playing to address the issues of *Janajatis* after the arrival of multi party democracy in 1990? How far the mainstream political parties as well the Maoists has been successful to realise the demands of the *Janajatis*. What has led to the growth of armed ethno-nationalist organisations among the various *Janajati* groups?

With regards to the aforementioned objectives and research questions, the study will be undertaken in order to test two hypotheses

- Nepal's failure to promote an inclusive democracy and address the issues of *Janajatis* has led to growth of the *Janajati* movement.
- The *Janajati* movement had a tactical alliance with the Maoists to further their political interests.

The research methodology adopted for the study will be a qualitative one based on a historical, analytical and descriptive nature. It will be based on primary as well as secondary sources. Primary sources will consist of the various reports of the Nepal government on *Janajatis*, the documents released on ethnic issues by the various *Janajati*

forums and organisations, non-governmental organisations and other independent forums. The secondary sources will consist of the various books and articles, anthropological and ethnographic works done by the various researchers, research journals and magazines/news-papers and Internet websites.

The research work comprises of five chapters. The first chapter will introduce the topic of study and deal with the composition of the Nepalese society. It will also discuss the social, political and economic status of the Janajatis from a historical perspective in comparison to the various other groups living in Nepal. It will also analyse the main causes of the Janajati deprivation. The second chapter focuses on how the arrival of multi-party democracy in Nepal after 1990 has led to the rise of the Janajati movement. It will discuss how the changed political scenario after 1990 gave the Janajatis an opportunity to raise their issues and grievances against the State. How a sudden change in the political system led to the rise of the Janajati groups will be dealt in this chapter.

The third chapter will discuss how the interest of the Maoists and the Janajatis converged with one another in carrying out a movement against the state. The Maoists has played the ethnic card properly by using the Janajatis to wage a war against the State. In their 40 point demand of 1996, certain ethnic issues were raised which drew the Janajatis closer to their movement.

The fourth chapter will deal with the role of the civil society in the success of the Janajati movement. It will also discuss the role of academicians, social and cultural organizations of the ethnic groups in the growth of the Janajati movement. This chapter will also deal about the role of international and local NGO's in the growth of the Janajati movement. Moreover, the role of donor agencies in the Janajati movement will also form an important part of the chapter.

The fifth chapter will deal with the State's response to the Janajati movement. It will study the various measures adopted by the government for the development of the indigenous nationalities. It will also study the role of institutions like NFDIN for the growth of indigenous nationalities.

Finally, the last chapter of the study will conclude by seeking to draw answers through the analysis undertaken in the previous chapters. It will test the hypothesis and will try to answer research questions.

CHAPTER 2

Historical Origins and Rise of the *Janajati* Movement

It is difficult to identify an accurate time in respect of when the *Janajati* movement began in Nepal. There are serious contradictions among the scholars more particularly the numerous social anthropologists regarding the exact date as to when the movement began. But for the sake of clarity, it needs to be mentioned that although different ethnic groups started organizing themselves since at least the beginning of 1950's but the word '*Janajati*' came to be utilized more commonly during the late 1980's (Hangen, 2007: 19) in Nepal . This was done in order to fit themselves with the global discourse on indigenous people. Thus, the *Janajati* movement started after the *Jana Andolan* of 1990 when the collective grouping of eight different organizations met in July 1990 and formed the *Nepal Janajati Mahasangh* (Gellner 2011: 47).

In order to understand the causes of the origin of the *Janajati* movement, it becomes necessary to dwell back to the situation which prevailed during the *Panchayat* period as it was during that period that many ethnic organizations emerged which played an important role during the beginning of *Janajati* movement in 1990. Thus, this chapter will study the main causes of origin and growth of the *Janajati* movement as well the factors that led to its rise in the coming years.

Historical Antecedent of the *Janajati* movement

Ethnic assertion and tensions had at least surfaced since the late 1920's In Nepal. During this period, the Ranas expelled a number of Theravada monks belonging to the Newar community as it considered it as a threat to the unity of the country (Gellner 2011; 55). Moreover, Newar intellectuals also sought to promote their language through publications and by establishing a Newari literacy association. Meanwhile, in the beginning of 1950-51, the Limbus of Pallokirant attacked a number of Brahmins and

many of them were killed. They were demanding the expulsion of settlers from the area and the restoration of their traditionally owned *Kipat* lands (Sagant 1996: 327). Again in the late 1960's, the Tamangs attacked a large number of settlers called *Jartis* or high caste groups in their area (Riaz and Basu 2010: 77). Moreover, a number of religious and social organizations came to be established since the late 1940's. In 1949, the elites of the Tharu community formed the *Tharu Kalyankarini Sabha* (Tharu welfare society). This was a social movement carried out by the Tharu elites with the aim of reforming their religious practices and modernizing their community. This was followed by the formation of the *Thakali Samaj Sudhar Sangh* (Thakali Social Reform Organisation) in 1954 which organised and managed community events such as festivals and life cycle rituals, operated rotating credit associations and attempted to alter the funeral and marriage practices of the community (Hangen 2010: 35). The *Nepal Tamang Ghedung* (Nepal Tamang Association) came to be established in the year 1956 by Santabir Lama. This organization later on became very active for the social development of the Tamang community (Whelpton 2005: 179). All these organizations sought to uplift their own communities through reformation of their cultural practices.

Moreover, some of the organizations that came in this period had more political aims. In 1956, the representatives of the Gurung, Tharu, Limbu and Magar Organisations formed a pan organization called the *Pichadieko Bargiya Sangh* (Back ward Class Organisation). They formed a working committee with two representatives from each of these organizations, and each member organization sent representatives to the other member organisations. This umbrella organization eventually expanded to include twelve ethnic organizations and was renamed as the *Samyukta Janajkalyan Sangh* (United People's Welfare Organisation) (Hangen 2010: 35). Meanwhile, most of these due to the organizations remained silent during the Panchayat period due to the strict curbs on them by the authorities.

Meanwhile, during the *Panchayat* period, the government tried to promote a uniform national culture through the school educational system (text books) and state run media and also through slogans such as "One King, One country, One language and One dress".

Moreover, in striving to promote cultural unity as a means of political control, the government used forceful tools at its disposal such as road and air transport, telecommunications, mass media (radio) and an education and administrative system where only Nepali language could be used (Czarnecka 1997: 433-444; Hangen 2010: 31). In this process, the state also published school text books which became the backbone of the national education curriculum that delivered nationalist ideas to the children. These books excluded the cultures, histories and languages of Nepal's ethnic groups (Ragsdale 1989: 119-120). Moreover, education system worked to assimilate the country's diverse population into a unified nation by using the Nepali (*Khas Kura*) language as the sole medium of instruction. In this regard, the National Education Planning Commission recommended that only Nepali shall be used in the schools, a plan that explicitly intended to reduce the currency of many other indigenous languages (Gaige 1975: 108-109). This process had played a role for the underdevelopment of the local languages.

Moreover, during the later part of 1970's a number of organizations came to be established such as the *Nepal Bhasa Manka Khala* formed in 1979 and the *Nepal Magar Langhali Sangh* and *Thakali Seva Samity* (Fisher 1993: 12). Meanwhile, certain pan ethnic organizations started to emerge before the 1980 referendum. The first one was the *Magurali*, an acronym for Magar, Gurung, Rai and Limbu formed in 1979. With the addition of Sherpa and Tamang, it became later known as the *Setamagurali*. Through these organizations, ethnic communities tried to organize themselves more politically during the *Panchayat* period (Baral 1993: 58) although most of these organizations remained underground during the *Panchayat* period. The *Nepal Sarvajatiya Manch* (Nepal-All People's Platform) was set up in 1982. Intellectuals from the Newar, Thakali, Tamang, Gurung, Rai, Limbu, Sherpa, Magar and Tharu communities formed the *Nepal Matribhasa parishad* in 1985 (Nepal Mother-Tongue Council) to demand for imparting education in their own languages (Basu and Riaz 2010: 78). In 1987, representatives of the lower *parbatiya* caste established the *Utpidit Jatiyo Uthan Manch* (Oppressed People's Upliftment Platform). In the 1980's itself, many ethnic activists concentrated in bringing out various cultural magazines which were devoted to the study of their own

groups. This includes the *Kongpi* of the Kirat group, the Tamu of the Gurungs, the *Khanglo* of the Thakalis and the *Tharu Sanskriti* of the Tharus (Sharma 1997: 483).

The late 1980's also saw the formation of certain extreme ethnic organisations such as the *Limbuan Mukti Morcha* (Limbu Liberation Front), which was founded by Bir Nembhang on 20 December 1986 to demand 'autonomy' for Limbus within the frame work of the nation state of Nepal. After the publication of its manifesto in 18 January, 1989, Nembhang was arrested but released soon (Subba 1999: 117). The *Nepal Rastriya Janajati party* (National Ethnic Liberation Party) was founded by Khagendra Jung Gurung. He advocated a much extreme position demanding the division of the country into a dozen ethnic regions (Reaper and Hoftun 1992: 171-172). Meanwhile, another party called the Mongol National Organisation was founded in 1989 by Gopal Gurung. The party was debarred from the contesting the elections of 1991 (Hangen 2010: 64).

The Causes for the growth of the *Janajati* movement after 1990

An early mention of *Janajati* movement can be found in Raepaer and Hoftuns' book "An Account of the pro-democracy movement in Nepal" whereby they mention that the pro-democracy movement had released another potentially stronger movement which had threatened the very fabric of the Nepali society'. This new movement was in the form of an ethnic and religious revolt (Raepaer and Hoftun 1992: 154). This, in fact was the beginning of the *Janajati* movement. Meanwhile, a demonstration consisting of around ten thousand people was organized by Nepal Buddhist Association (NBA) on June 30 1990 demanding a secular country which was also supported by the *Janajatis*, Christians, and Muslims, left, liberal and republican elements. But the constitution which was promulgated on 9th November 1990 failed to satisfy the minorities, more particularly the different ethnic groups (Hutt 1992: 33). Meanwhile, according to Parjauli (2004:185), "The *Janajati* movement that kicked off immediately after the restoration of democracy has been successful in changing the counterfeit identity of the Nepal state as one language, one religion and one culture country to a 'multicultural, multi lingual, and multi religious country'".

Constitution as a source of Exclusion

The Constitution became one of the foremost causes for the growth of the *Janajati* movement. Article 4 (1) of the constitution stated ‘Nepal is a multi-ethnic, multi-lingual, democratic, indivisible, sovereign Hindu, constitutional monarchical kingdom’. The terms ‘multi ethnic’ and ‘multi-lingual’ were intended to mollify the minorities who had been pressing for their demands on behalf of their languages and religions (Hutt, 1990: 43). Moreover, the government had put the total Hindu population of the country at 86.2 percent where else around 35.2 per cent of the ethnic communities could have been following another religion (Acharya, 2002: 33). Moreover, there was an excessive propaganda of Hindu religion by the Royal Nepal Academy, Royal Nepal Radio and other state religions thereby neglecting other religions (Lawoti: 2005: 116)

The issue of language became another cause of concern among the ethnic groups. Article 6 (1 and 2) declared ‘The Nepali language in Devanagiri script is the state language (*Rastrabhasa*) of Nepal. The Nepali language shall be language of workings of the government’ and (2) declared that ‘All Languages spoken as mother- tongues in the various parts of Nepal are national languages (*Rashtriyabhasa*)’ (Hutt, 1990: 43). Moreover, there was a constitutional provision for the teaching of non-*khas* Nepali native languages only up to the primary level, but not beyond it. Sanskrit was compulsory imposed in schools till 2003. Moreover, there was large and disproportionate state subsidy for the promotion of Nepali and Sanskrit and there was an unequal treatment between Nepali and other native language literatures and between Devanagiri and other native scripts. Ethnic groups demanding language rights demonstrated all parts of the country for parity of languages (Whelpton 1997: 63; Lawoti 2005: 7). Article 18(2) of the constitution mentioned that each community has the right to operate schools up to the primary level in its own mother tongue but such a provision restricts the right of education in mother tongues beyond grade five (Bhattachan 2003: 26).

Moreover, Article 112(8), the constitution failed to recognize any political party formed on the basis of religion, community, caste or region. This came as a setback for those

ethnic groups who desired to float their own party. Article 112 (8) prohibited the recognition of any political party formed on the basis of religion. Thus, the Mongol National Organisation and the *Nepal Rastriya Janajati Party* were refused recognition while the Limbuwan Liberation Front boycotted the elections (Whelpton 1997: 59). The election commission also restricted the registration of political parties formed on the basis of religion, community, caste, tribe or religion (Article 112.3). There was also a restriction on the freedom of opinion and expression whereby laws can be made to impose restrictions on ‘castes, tribes and communities’ (Article 12.2.3) (Lawoti 2005: 117).

Around five ethnicity based parties namely the *Limbuwan Mukti Morcha*, the *Khambuwan Mukti Morcha*, the Mongol National Organisation, the *Rastriya Janamukti Party* and the *Nepal Rastriya Janajati Party* decided to contest the 1991 elections. But the election commission debarred the Mongol National Organisation, the Khambuwan Mukti Morcha, Nepal Rastriya Janajati Party (National Ethnic Party) from contesting the election and Limbuwan Liberation Front announced a boycott of the elections in protest against the restrictions (Whelpton 1997: 59; Gellner 1997: 151; Sharma 1997: 484-485). The constitution also had discriminatory laws on distribution of citizenship. Citizenship was based on gender whereby acquisition from mother’s lineage is not allowed and foreign spouses of Nepali women are not eligible for acquiring Nepali citizenship (Articles 9.1, 9.2 and 9.5). It was also based on language whereby only those foreigners who learn *Khas-Nepali* language are eligible for citizenship (Article 9.4 a) and those foreigners who learn other native languages are not provided the same privilege. Moreover based on community identity (Application of article 8a), more than 3 million adult Nepalese are without citizenship certificates (Lawoti 2005: 117). In fact, the National Federation for the Development of Indigenous Nationalities have identified 26 provisions in the constitution of Nepal of 1990 and 49 legal aids that discriminate against indigenous nationalities (Bhattachan 2003: 25)

Ethnic Organisations and the *Janajati* movement

The restoration of democracy with the principles of popular sovereignty, equality, freedom and cultural rights provided a platform for the rise of ethnic activists and organizations. Due to more open space and liberty available after 1990, the excluded groups such as the *Janajatis* had succeeded to organize and mobilize themselves to promote their own interests. In fact ‘the origin and evolution of ethnic movements have been closely associated with the restoration of democracy in Nepal (Hacchethu 2003: 233). The foremost organization among them was the pan ethnic organization called the Nepal *Janjati Mahasangh* (National Federation of Nationalities) or NEFEN.

NEFEN was established in July 1990 as a federation of seven different organizations, out of which four represented Newar, Tamang, Magar and Gurung and the other three were Kiranti bodies, one representing Limbu, two Rai. (Gellner 1997: 26) In 1993, NEFEN formed a committee in response to the UN declaration of December 1993 which dedicated the year for the Indigenous Peoples’ (which later transformed into a decade). This was an opportunity for NEFIN to connect themselves with the global indigenous movements of the world. Meanwhile, by 1995, NEFEN was reorganized in such a way that there could be only one representative body for every single group (Ibid.). The main demands of NEFEN were- the state must provide mother tongue primary education in the schools, the removal of Sanskrit from the school curriculum and for the right to defend oneself in court in one’s language’ the formation of a secular state and for an ethnographic museum for Nepal’s indigenous people (Ibid.). Meanwhile, in 2003, NEFEN changed its name to Nepal Federation for the Development of the indigenous Nationalities with the incorporation of the key word ‘indigenous’ to it.

NEFIN as an organization initially focused on religious freedom, linguistic equality, and rights, and the promotion and preservation of culture. In recent years, it has also raised issues of governance, human rights, biological diversity, indigenous knowledge systems, conflict and nation building, constitutional reform restructuring Nepal’s political institutions including the electoral system, federalism, affirmative action and social

inclusion (World Bank /DFID 2006: 65). NEFIN's sources of funding have expanded dramatically over the years. Originally the funding used to come from modest expenditure donated by individual donors (Hangen 2007: 24). NEFIN in recent years have emerged as the most active organization among the ethnic organizations.

In March 2000, NEFIN while protesting against Supreme Court verdict of 1 June, 1999 that ruled out the use of ethnic languages like Nepal *Bhasa* (Newari) and Maithili language in government offices organized a National Conference on Linguistic Rights in which 75 other organizations also participated. The Conference adopted four resolutions. The first resolution was the adoption of a 'National Declaration on Linguistic Rights' (Kramer 2003: 189). The second resolution was the rejection of the Supreme Court verdict as undemocratic and against the universal norms and values of human rights. The third resolution was regarding the immediate realization of a language survey and the fourth resolution was the formation of a 'Language and Monitoring Committee under the convenorship of Padma Ratna Tuladhar (Ibid.). NEFIN has increased its base over the years. In 2005, the group had a relatively less number of linkages at the grassroots level but by the end of 2008, it had formed *Adivasi Janajati* Village Co-ordination committees in 2000 Village Development Committees (VDC's). Moreover, NEFIN has IP-DCCs in 57 of the 75 districts which co-ordinate the activities of IPO's and collectively work to influence decisions on state –resource allocation at the district level (Tamang 2009: 19) NEFIN is the largest organization among the *Janajatis* until 2010 with a membership of 58 different Associations (Hangen 2010: 39). It has played one of the foremost roles in the growth of the *Janajati* movement.

Moreover, along with NEFIN, there are a large number of ethnic organisations which have played an important role in the *Janajati* movement. These are referred mainly as Indigenous People's Organisations(IPO's), representing single ethnic groups such as the *Newa Khala* for the Newars, the *In the Kirant Yumthung Chumlung* for the Limbus and *Kirat Rai Tayokkha* for the Rais etc. A study of the some of the ethnic organizations is essential in order to understand the growth of the *Janajati* movement since its beginning

in 1990. Along with NEFIN, a large number of other organizations have promoted the cause of *Janajati* movement (Hacchethu: 2003:233).

Indigenous People's Organisations: Their role in the growth of the *Janajati* movement

Although most of the organisations under study were formed in the last two or three years of the end of the *Panchayat* regime due to loosening of government controls, certain organizations which were formed earlier also became much effective after the beginning of 1990's (Karki and Gellner: 2008: 106). Thus the study tries to understand the role of both the pre-1990 and post 1990 organisations in the growth of the *Janajati* movement.

The Magar which is the largest ethnic group according to the 2001 Census came to be organised under the *Nepal Magar Sangh* that was founded in the year 1971 (Whelpton 2005: 183). They also formed the *Newar Bhasa Manka Khala* (Newar Language Co-operative group) in early 1979 which since then has played an active role in the preservation and development of the Newari language and culture (Whelpton 2005: 182 Gellner 2010: 55). Moreover, in 1995, the Newars formed a nationwide organization called the *Newa De Dabu* (The Newar National Forum) with the aim of bringing the different Newar groups together (Gaenzle 1997: 403; Gellner 2003: 104). In 2004, the *Newa De Dabu* replaced the *Nepal Bhasa Manka Khala* as a member of NEFIN (Karki and Gellner 2008: 110). The *Newa De Dabu* has worked for the unification of the Newars who are divided by religion and caste hierarchy. Meanwhile, the Newars have also played one of the most active roles in the *Janajati* movement.

The Limbus have their own organization called the *Kirat Yakhtung Chumlung* (Kirata Limbu Council) which has become one of the most active groups in the *Janajati* movement. The KYC was established in September 1989 with the aim of promoting the Yakhtung language, literature and all round development of the community (Subba 1999: 118). Although, KYC initially had only 68 members, the organisation swelled to a membership of 12000 by 1985 and its activities also expanded (Hangen 2007: 27). The organisation conducts research on different topics and has worked hard for the

development of Limbu language, script and culture and uplifting the Limbu community. The KYC also supports other indigenous communities by sending representatives to attend their cultural and discussion programs. The KYC has also entered into long term plans with many foreign funding agencies (Ibid).

The Rais have an organization of their own called the *Kirant Rai Yayokkha* (Kirat Rai Organisation) that was established in 1991 (Subba 1999: 119). The KRO when it was formed had a number of objectives such as preservation and development of their language, script, religion, art, culture and co-operation with national and international organisations engaged in such activities (Ibid.) Meanwhile, The Tharus came to form the Tharu Kalyan karini Sabha (Tharu Welfare Society) in 1949. The Tamangs are organised under the Nepal Tamang Ghedung which was formed by Santabir Lama in 1956 (Whelpton 2005: 179)

The Gurungs had established the *Rastriiya Gurung Tamu Parishad* (Gurung Tamu National Council) in 2000 plays the leading role to co-ordinate the dozens of Gurung organizations that have presence in Nepal and abroad. Its main goals is to create uniformity with Tamu culture, facilitating mutually supporting relationships with Tamu organizations and to raise common issues (Hangen 2010: 43). Meanwhile, another Gurung organization called the Tamu Choj Di is also playing an important role in Gurung upliftment. The Gurung (Tamu National Council) seeks to serve the main body of the Gurungs. Moreover, Gurungs have their own cultural organization called the *Tamu Pye Lhu Sangh* which has worked for the promotion of Gurung culture and identity. Moreover, along with this, large number of ethnic activists has started promoting ethnic languages through different journals such as the *Tharu Sanskriti* (Tharus), *Tamun*(Gurungs) *Khanglo* (Thakalis), *Parauhang*(Kirants) and pan ethnic journals such as *Kiran* and *Chhahara* (Acharya: 2002: 67).

Ethnic Political Parties and their role in the *Janajati* movement

The first ethnic party that was established after the *Jana Andolan* was the Nepal Rastriya Janamukti Morcha (National Front for the Liberation of People) led by Gore Bahadur Khapangi. The party consisted of mainly Tibeto Burman people residing in the hills. Another party named the '*Janajati Party*' (Ethnic Party) which was led by Mr. Khagendra Bahadur Gurung was more violent in its mode of action. This party campaigned for the division of the kingdom into twelve autonomous ethnic states. The above two party tried to organize themselves nationally in the electoral politics of the country. Meanwhile in the Terai, the Nepal Sadhvabhana Party (Nepal Goodwill party) was formed in 1985 by Gajendra Narayan Singh who demanded the autonomy of the Madhesis and the recognition of Hindi as a national language of the country. The Party also seeks an end to political discrimination against the Madhesis or those who live in the Terai region of Nepal's southern plains.

The performance of the ethnic parties was also very dismal. A total of 20 parties were registered in the 1991 elections. Nepal Rastriya Janamukti Morcha (Nepal National People's Liberation Front) contested the 1991 elections for the cause of hill ethnic groups. It campaigned for a federal structure and for reservation of seats for economic and political opportunities. The main reason for the failure of ethnic political parties were created just after 1990 where else the other parties existed since a long period (Gurung 1997: 152-157). Ethnic parties fared badly in the elections. The RJP until 1997 didn't win a seat in parliament. Moreover, in none of the national elections did it secure the required 3 percent votes cast necessary to achieve the status of a national party. The Nepal Sadhbavana Party won 6 seats in the parliamentary elections in 1991, 3 seats in 1994 and 5 seats in 1999 (Lawoti 2005: 69). Ethnic parties failed to garner sufficient votes as well as seats in the elections as not even a single MP was elected from the ethnic organizations either in 1991 or 1994 but they could successfully mobilize a lot of people towards the different issues of the *Janajatis*. Despite the lack of electoral success, ethnic parties have made important contributions to the *Janajati* movement by rising awareness about ethnic grievances and mobilizing those people who are committed to ethnic issues. Their

participation in electoral politics was a form of protest as well a way for these parties to gain seats.

Meanwhile, in response to the growing demands of the *Janajatis* the government in 1992 formed a committee for the formulating a “National Cultural Policy”. The plan for the formulation the National Cultural policy was an attempt to preserve the culture and languages of the different ethnic groups. The National Cultural Policy failed to take off due to some problems in implementation (Acharya 2002: 69). Meanwhile, in the same year, the government of Nepal launched its eighth five year plan (1992-1997). The plan allocated funds for the first time funds towards the development of indigenous nationalities and marginalized groups. The Eight Plan aimed to uplift the indigenous nationalities by releasing a number of welfare programmes such as soft loans, economic packages to the poor and implementation of community forestry programmes (Pokharel 2005: 17). But due to the un-identification of a large number of *Janajati*, there were some problems in the implementation of the plan. In 1993, the government formed a task force for the identification and development of the indigenous nationalities (*Janajatis*). The reports of the task force couldn’t be implemented due to numerous problems. In 1994, Radio Nepal, the State owned broadcasts, started to air news in 12 ethnic languages and the criteria adopted was that the language must be spoken by more than 1 per cent of the total population (Acharya 2002: 69). In 1996, a task force was appointed for the identification of the diverse ethnic groups living in the country. On the basis of recommendations of the above task force, a National Committee for the Development of Indigenous Nationalities (NCDN) was formed in 1997. The NCDN identified a total of 61 *Janajati* groups in the country. Moreover, it was also for the first time, the government laid down a definition of the *Janajatis*. The NCDN had mainly five functions out of the main one was to prepare the profiles of 61 ethnic groups. But in most cases, the recommendations of the Committee couldn’t be implemented due to differences among the committee members (Ibid.)

Mainstream political parties and the rise of the *Janajati* movement

Meanwhile, it becomes very essential to understand the role of mainstream political parties during this initial period of the beginning of the *Janajati* movement. The mainstream political parties played a negative role in the growth of the *Janajati* movement. In the initial stage of *Janajati* movement, the demands were simple such as recognition of their identity, sharing of the natural resources and greater representation in the political structures but the government failed to pay any serious thoughts to those demands (Hacchetthu, 2003: 234). The *Janajatis* have not been able to participate fully and make political demands within the mainstream political parties as leadership of these parties, as seen in the composition of the central committee is dominated by the high castes (Hangen 2007: 30). There was a large scale disappointment among the marginalised groups as the political system experienced a long sequence of no confidence motions, frequent change in governments, supreme court disputes and deeply personalized internal party struggles and coalition hopping that came out mainly due to prudence (Rizal and Yokoto 2006: 265) This has affected the governance of the country whereby the conditions of ethnic groups remained unchanged.

The mainstream political parties such as the Nepali Congress (NC) and the Communist Party of Nepal (Unionists-Marxists-Leninists) CPN (UML) were very unresponsive to ethnic demands which further escalated the *Janajati* movement. The NC government in 1993 decided to make Sanskrit compulsorily in the secondary schools followed by the CPN (UML) government's decision to introduce newscasts in Sanskrit in 1995 (Gellner 1997: 9) Moreover, it was in 1998 that the CPN (UML) opened a *Jatiya Mamila Bibhag* (Ethnic Issues Department), while the Nepali Congress established an organisation called the Nepal Indigenous Nationalities Association in 2001 (Hangen 2010: 44). The attempts by the local authorities in the Kathmandu valley and in the east central Tarai to make their working languages Newari and Maithili respectively were ruled unconstitutional by the Supreme Court in 1998 and the demand for education in one's mother tongue till the primary level was not met although a government appointed commission recommended it (Whelpton 2005: 223). Moreover, the condition of the country was such that a handful of

corrupt politicians had amassed enormous wealth from corrupt activities and smuggling associated with the massive inflow of foreign aid. The attitude of the majority of the Nepalese leaders remained feudalistic, family bound and paternalistic rather than democratic and participatory (Dahal 2002: 30). This has weakened the democratic basis of the legislators' communication with and the accountability to the concerns of the constituency. Such a top down seemingly feudal political community is a hindrance for political participation whereby the majority of the ethnic groups were left out of the decision making process. Moreover, according to Pfaff-Czarnecka (2004: 178-179) the pronounced hierarchical orientations in most of the political parties still persists. She claims that local politics in Nepal is embedded in a larger political system which is dominated by the hierarchic, centralized and nepotistic orientations. Under such a condition, the ethnic groups have organised themselves under different groups to realize their aspiration.

An important factor for the rise of the *Janajati* movement was the low amount of representation, the *Janajati* groups had in the political and administrative institutions of the country. Almost forty per cent of the member of the parliament (MP) elected in the 1999 parliamentary elections were from the Bahun community and the remaining sixty per cent were from the Chetttri and some elite Newar castes, where else the ethnic groups were completely under represented although they had a population of nearly about 40 per cent at that period (Kramer 2003: 185). Thus, the political institutions in Nepal after 1990 were prone to violent ethnic conflicts due to its exclusionary nature. According to Lawoti (2005: 23), the political institution in Nepal is based on a first past the post electoral system (FTTP) and is unitary in nature. This has proved to be a reason for the state for not been able to fully embark on a policy of inclusive democracy. This failure of the state for not been able to embark on an inclusive democracy was used by the Maoists to overshadow the government and ultimately win the support of the ethnic groups.

Meanwhile, the rise of the CPN (Maoists) has given a momentum to the *Janajati* movement. The CPN (Maoists) and the *Janajati* movement had a complex mutually influential relationship with one other. It was the Maoists who have raised the issues of

the *Janajatis* with much force than any other mainstream political party (Hangen 2007: 37). The Maoists gave support to ethnic issues by taking various measures such as formation of the All Nepal Nationalities Association (ANNA) in 1994, adoption of an 'Ethnic Policy' in 1994 and ethnic right to self determination (1997) (Gurung 2005: 00). In this way, Maoists brought the ethnic movement to a new turning point, awakening the ethnic groups to seek their rights and articulate their demands (Upreti 2004: 282).

Moreover, the CPN (Maoists) also announced the formation of more than a dozen ethnic fronts in between 1998-2000 such as the Magarant National Liberation Front, the Tamang National Liberation Front, the Tamuwan National Liberation Front, and the Tharuwan National Liberation Front etc. Moreover, they declared the formation of nine regional autonomous governments and its leaders were deployed as head of the government in January and February 2004 (Pyakurel 2007: 91). Meanwhile, all the liberation Fronts' were placed under the command of the CPN (Maoists) Central Committee (Pyakurel 2007: 91)

But lately there has emerged various speculations as to whether the Maoists were totally interested in the autonomy and self determination of the ethnic groups or they simply used it as a ploy to get more cadres. According to Gellner (2003: 22), the Maoists have clearly exploited the ethnic issue by standing up for ethnic rights. Many ethnic activists disillusioned by the largely symbolic gains made since 1990, have decided to throw on their lot with the Maoists. But there has been a difference between the Maoists version of autonomy with that of the ethnic groups. Although the Maoists mention that autonomy will be given to the historically oppressed people but the principles will be based on communism. It has been clearly written in the "Policy and Programme of the Magarant Autonomous People's government that the Magarant Autonomous people's government is an autonomous body that is formed according to the general policy of the United Revolutionary People's Council which is based on the ideology of Marxism –Leninism-Maoism and 'Prachanda Path' (Ogura : 2008: 201) This can cause great controversy among the ethnic liberation fronts' and the Maoists especially in Tarai where many leaders of the Maoists have defected to other parties due to its failure on embark on a true

federalism (Pandey 2010 : 13) (The issues of difference between the *Janajatis* and the Maoists will be discussed more in details in the next chapter). But it is of no doubt that the Maoists were one of the first groups to have raised its voice for the ethnic groups.

Meanwhile, the civil society also played an important role in the growth of the *Janajati* movement. The restoration of democracy has provided more liberty and freedom to those intellectual/writers who are writing on ethnic issues¹. Intellectuals writing critically on Nepal were earlier banned. When Gopal Gurung wrote “Hidden Facts in Nepalese Politics” in 1985, he was jailed which led him to the establishment of the Mongol National Organisation in 1989 (Sharma 1997: 22). But the situation changed with the advent of democracy whereby the writers can far more independently express their views. One of the most notable among such personalities was Harka Gurung who with his different statistics has shown the domination of upper castes in different fields (Hachhethu 2003: 219). This has led to the revival of the ethnic debate in Nepal. Moreover, as a part of his contribution, NEFIN’s has put as one of the demands of to honour him in the twenty points agreement signed with the government in August 2007. Another scholar Mahendra P. Lawoti has come up with the concept of CHHE (Caste hill Hindu elite) showing the great disparity in Nepalese politics. He has shown how the high caste Brahmin and Kathmandu based Newars have traditionally dominated Nepalese politics. His writings also played an important role in the growth of the *Janajati* movement.

Meanwhile, coming back to the plans, the Ninth five year plan (1997-2002) included a special policy and programs related to the *Janajatis* with an aim to remove social disparities by improving their socio-economic condition and raising the overall cultural status of the nation by undertaking research works on their cultural heritages, which would also conserve their distinct cultures. The plan also aimed to enhance their capabilities through empowering them economically, socially and communally and

¹ The role of the civil Society will be dealt more in details in Chapter number 4.

involving them in the task of nation building and by ensuring access to resources by promoting knowledge and modernizing their traditional occupations (Pokharel 2005: 17).

In 2002, the government formed a permanent body for the development of *Janajatis* known as the National Foundation for the Development of Indigenous Nationalities (NFDIN), which replaced the earlier NCDN. The foundation was placed under the ministry of Local Development (MOLD) with prime minister of Nepal as the chairperson of the Foundation and the minister of local development as the secretary. The foundation also laid down a definition for the *Janajatis*. It mentioned the *Janajatis* as a tribe or community as mentioned in the schedule having its own mother language, traditional rites and customs, different cultural identity, distinct social structure and written or unwritten history (NFDIN of Nepal: Obsolete and Outdated 2007: 48).

As mentioned in the Charter, NFDIN had five different objectives. One of the main objectives of NFDIN was to make the overall development of the indigenous nationalities by formulating and implementing programmes relating to social, educational, economic and cultural development of the indigenous nationalities. Another objective included the preservation and promotion of traditional skills, technologies and special knowledge and provided education in the local language (NFDIN: An Introduction 2003: 12-13).

In 2004, NEFIN staged a street demonstration consisting of about 10,000 people to protest the royal takeover on October 1, 2002 (Hangen 2007: 25). In 2004, NEFIN received a multi-layer fund of UK pound 1.5 million from the Department of International Development (DFID) with the help of the British government for a three-year *Janajati* Empowerment project (JEP) (Hangen 2007: 43). The JEP project aims to strengthen the capacity of ethnic organisations to help the different ethnic groups to articulate their demands to the state. Moreover, the proposed activities of the JEP include strengthening institutions, raising awareness, increasing empowerment, influencing national policy formation and conducting advocacy and research (Ibid.)

In February, 2005, with the takeover of power by King Gyanendra and the declaration of emergency, NEFIN and other ethnic activists tried to press for their demands.

Meanwhile, a people's movement saw the ouster of King Gyanendra from power in April 2006. A Comprehensive Peace Accord was signed between the Seven Party alliance and the CPN (Maoists) after the commencement of the movement on November 8, 2006 (Tamang 2009: 3).

The Maoists and the Seven Party alliances decided to hold elections to a constituent assembly that will draft a new constitution and the elections would employ a mixed electoral system with 205 members to be elected from first past the post system and 204 members to be elected from proportional representation system and sixteen members would be appointed (Tamang 2009: 6) Meanwhile, the numerous ethnic organizations led by NEFIN pushed for greater inclusion in the subsequent promulgation of the interim constitution in January 2007 and before the election to the constituent Assembly in April, 2008. NEFIN drew attention to the limitations of the interim constitution and started advocating that Nepal should be declared as a 'federal' state along with a series of other demands (Hangen 2007: 45)

The Interim Constitution and *Janajati* Movement

The Interim constitution was promulgated on January 2007. The interim government has incorporated certain provisions in the hope to satisfy the indigenous groups. The interim constitution has vested the authority of the state on the Nepalese people and described the state as 'multi-racial, multi-lingual and multi-religious and multi cultural specialties collectively constitute the nation (Article 5) All languages spoken in Nepal as mother tongues are national languages (article 5(1) ' (Tamang 2010: 6). Article 21 of the interim constitution after the second amendment states that *Adivasis/Janajtis*, Madheshis, dalits women workers and farmers, the disabled and those from the backward classes and regions will be included at all levels of the state structure., on the basis of proportional representation (Ibid). But ethnic activists and NEFIN along with the Madhesis started demanding equitable resource distribution, the protection of the rights of the indigenous people' as enshrined in national and international instruments, the demand for a secular

and federal state. As a part of this process, it launched a series of general strikes and other protests in the capital (Pandey 2010: 7-9).

Strong protests from ethnic groups as well the Madhesis followed due the failure of the interim government to incorporate the word 'Federal' in the interim constitution. Thus under the first amendment undertaken in March 2007, the word 'Federalism was incorporated in the interim constitution along with the provision for inclusive restructuring and provision for use of all languages in the local bodies (Pandey 2010: 11). Moreover, owing to the demands of NEFIN, the first three year plan (2008-10), announced by the National planning commission in July 2007 sets specific targets and allocated a budget for the development of *Janajatis*. (Tamang 2009: 3 NEFIN was successful in getting the interim constitution to address some major issues and in concerns

A 20 point agreement August 2007, a 20 point agreement was signed in between NEFIN and the government of Nepal which ensures along many things proportional representation system. Before the elections on September 2007, the Governmental of Nepal also ratified the ILO convention on the Indigenous and Tribal Peoples (1989). Thus, as a signatory to that convention, it has taken up the responsibility for protecting the indigenous population of the country as one of their foremost concerns. This has brought great hopes among the *Janajati* people regarding the governments' serious commitments 'towards the development of *Janajatis* (Tamang 2009: 7).

The Constituent Assembly elections took place in May, 2008. A large number of *Janajati* members emerged victorious in the CA elections out of which 82 won from first past the post system, 120 from the proportional Reservation system and 16 were nominated. The CPN (Maoists) had the highest number of *Janajati* candidates at 72, while the Nepali Congress and CPN (UML) had 11 and 12 Janajati candidates which won the elections (Tamang, 2009: 12) Meanwhile, some new ethnic parties also emerged such as the Federal Democratic National Forum (FDNF), a new political party received 71958 votes bagging two seats in the Constituent Assembly elections of 2008 (Tamang. 2007: 207).

On 28 May, due to the pressure from large section of ethnic categories and minorities, the country was declared a secular republic on 28, May, 2008. But the main issue of establishing a federal structure remained unsolved.

The Issue of Federalism and the mainstream political parties

The Constituent Assembly committee on State restructuring and distribution of State power with 43 members was set up with representatives from all the parties and chaired by Lokendra Bista Magar. It has decided to introduce three tiers of political system- federal (Centre), Pradesh and local bodies. It also proposed 14 new autonomous states on the basis of ethnicity and capability. However no clear picture has emerged on the issue of federalism in Nepal. The view points of the different political parties are different on the issue of federalism (Thapliyal Asiansscholarhip: 7)

Firstly, the Maoists are the only main party with a strong sense of commitment towards federalism. The Maoists' draft constitution envisages a federal structure with twelve provinces to be established on the basis of caste language and religion. Moreover, the federal states will also include sub-units to provide autonomy to geographically concentrated ethnic or linguistic communities (International Crisis group 2011: 9). But the Maoists idea of restructuring, which is mainly based on ethnicity and geography in certain ways lack rational as no single groups holds a majority in those autonomous areas (Baral: 2008: 7). In the case of CPN (UML), federalism was not a policy goal of the party but it has focused more on decentralization. But after 2007, the party has focused on federalism (International crisis group 2011: 10) The Nepali Congress is not in the favour of ethnic federalism (Thapliyal Asiansscholarship: 9). Although NC include federalism in its CA election manifesto but the party is not clear about the proposed structure of federalism (International Crisis Group 2011: 12) Thus due to differences among the political parties on the issue of federalism and its subsequent failure has led to violence in many regions, more particularly in the eastern hills whereby the Limbuan Autonomous Concern Forum called a shutdown on 2006 (Hangen 2007:50). Similar kind of violence

has been reported from Tarai where the Madheshi factions have burnt buses and attacked the Maoists office (Pandey 2010: 13).

Chapter 3

The Role of the Maoists in the *Janajati* Movement in Nepal

The restoration of democracy after the *Jana Andolan* raised the aspirations of the different groups of people. The most vociferous among them were the *Janajatis* who made up to 35 per cent of the total population but the constitution drafting commission and later the government failed to incorporate their demands (Thapa and Sijapati 2004: 75). In other words, the state's response to the ethno political demands of the *Janajatis* was very lukewarm. Although in 1992, the government appointed a committee for formulating a 'national cultural policy' but hardly anything was done (Acharya 2002: 69).

Regarding the state of democracy in Nepal after 1990, Raj (2006: 13) mentions that "the power struggles between the Girija Prasad Koirala and KP Bhattarai/Sher Bahadur Deuba factions within the Nepali Congress and the Madhav Nepal and KP Oli factions in the post-divided UML had dominated Nepali politics. This has been the main cause of political instability, lack of effective governance, erosion of norms, values and pervasive corruption that have characterized post 1990 governments in Nepal". Under such conditions, Maoism started taking roots in Nepal. Meanwhile, describing the situation after the post 1990 period, Baral (2003: 13) mentions that "Democracy was turned into a 'Kleptocracy' that produced a new generation of nouveau rich and elites who paid no attention to minimizing the disparities of the society". Thus, the increase in the disparities forced the people to seek different alternatives and one among them came in the form of the Maoists.

Apart from adopting a few measures such as broadcasting news in ethnic languages, establishing a National Committee for the Development of Nationalities (NCDN), no

concrete measures were adopted to solve the genuine concerns of the *Janajatis* which were mainly language rights, under-representation in politics and administration and the proclaimed 'Hindu nature of the state'. In this regard, the Maoist were quick to identify the ethnic discontent and tried to utilize it for its own purposes, thereby taking advantage of the perceived co-relation between ethnicity and poverty (Thapa 2002: 77-99). A understanding of the Maoists movement will be incomplete without knowing the history as to how it emerged.

History of the Communist Movement in Nepal

The Communist party of Nepal (CPN) was established in September 1949 at Calcutta (India) under the leadership of Pushpa Lal Shrestha. In 1951, a National People's Front (NPF) was formed by the CPN which opposed the Rana Congress governments by calling strikes and processions. From 1952 to 1956, the CPN was banned by the government. Meanwhile, there was a jostle for power among the senior leaders of the party among them, which saw the rise of Man Mohan Adhikari as the general secretary replacing Pushpa Lal Shrestha in 1954 (Thapa 2004: 22-24).

The CPN contested the 1959 elections and won four seats out of 109. The party suffered its first split in the beginning of 1960 between the pro-royalist and anti-royalist faction when Mahendra seized power in a 'bloodless coup' (Lawoti 2010: 5). The leadership struggle of the CPN had shifted to ideological struggle which led to the division of the party into two factions in 1960. The first was led by Keshar Jung Raimajhi who welcomed the dissolution of the parliament. On the other hand, the other faction which constituted politburo members like Pushpal Lal Shrestha and Man Mohan Adhikari condemned the dissolution. In 1962, Raimajhi was expelled from the party because of supporting the King and replaced with Tulsi Lal Amatya at the party's third convention in Banaras (Pyakurel 2007: 61-64).

In 1971, some young communists under the leadership of Mohan Chandra Adhikari, Chandra Prakash Mainali and Radha Krishna Mainali broke away from the communist party and instituted what can be called as the country's first Maoists rebellion. Inspired by the Cultural Revolution in China and the Naxallites from India, they started a guerilla movement to eliminate the class enemies. This movement which came to be known as the Jhapa movement (Named after the place where it originated) was suppressed brutally by the *Panchayat* government. During the movement, the communists went on a killing spree by eliminating a number of local landlords. This has often been termed as the beginning of the Maoists movement in Nepal (Millard 2004: 283).

In 1974, the more extremist elements of the mainstream communist movement such as Nirmal Lama and Mohan Bikram Singh established the Nepal Communist Party (Fourth Congress) and the topmost leadership of the Maoists later on hailed from this group. This group advocated a hard-line position and favoured an armed revolution (Thapa and Sijapati 2004: 27)

In 1983, after a split between the CPN (Fourth Congress) leaders, Mohan Bikram Singh established his own party called CPN (Masal), which became one of the founding members of the Revolutionary International Movement (RIM), a worldwide grouping of Maoist parties. In 1985 after its Fifth Convention, CPN (Masal) further split into in two factions, the second one came to be known as CPN (Mashal) which was led by Mohan Baidya (Thapa 2003: 35).

On 23 November 1990, most of the hard-line Communist factions tried to unite under a single banner called the CPN (Unity Centre). The Unity Centre was a revolutionary forum; thereby they formed a political forum called United People's Front of Nepal (UPCN) which was headed by Baburam Bhattarai to contest the elections of `1991. In the elections, the UPFN won a total of 9 seats, making it the third largest party in the parliament (Upreti 2006: 38).

But before the elections of 1994, the UPFN got split in two factions, one led by Nirmal Lama and Nirajan Govind Vaidya and the other led by Baburam Bhattarai and Prachanda. As the party formed by the latter two didn't get recognition by the Election Commission to contest the 1994 elections, the CPN (UC) led by Prachanda announced the formation of CPN (Maoists) thereby deciding to start an armed insurgency (Lawoti 2010: 7).

The main objective of the CPN (Maoists) is to form a 'people's government' in each district under their control, which according to them would put an end to economic hierarchies and discrimination. In order to establish the above, they are ready to adopt Mao's tactics to dislodge the state and for that purpose they decided to raise a people's army. Moreover, the Maoists claim that their movement is not intended to topple the state power rather it is a class struggle waged by the communists revolutionaries and is based on the class character of Nepalese society (Upreti 2006: 38).

According to Gurung (2005: 45), the Maoists' (then CPN Unity Centre) began mobilizing oppressed ethnic communities in their struggle since 1991 when they adopted the twin agenda of secular state and linguistic/ethnic equality. Since then, they have taken various initiatives on ethnic issues such as formation of the All National Nationalities Association (1994), adoption of Ethnic Policy (1995), Ethnic right to self-determination (1997), establishment of an ethnic department at the central level and formation of 11 ethnic/regional Fronts(1998) etc. In this way, by adopting these different measures, the Maoists brought the *Janajati* movement to a new level as it awakened the rights of the different ethnic groups to seek their rights and articulate their demands (Upreti 2004 : 282 -283).

On 3 February 1996, CPN (Maoists) submitted its 40 point charter of demands to the government. Although, the communist ideology is against 'identity politics' but the Maoists tried to bring the issue of identity to the forefront. They started enlisting all sorts of groups such as the *Janajatis*, migrants, labourers, Dalits in their war against the state

(Pyakurel 2007: 69). In the forty point charter of demands, five demands were in consonance with the demands of the *Janajatis*. These include the demand for ethnic autonomy, devolution, secular state, ending ethnic oppression and equality of languages (Gurung 2005: 146).

When the CPN (Maoists) decided to abandon electoral politics, its main concern changed into developing ‘base areas’ at the ground level. The concept of developing ‘base areas’, served as an important and effective tool for the Maoists, to bring different groups of people into their fold. The first base areas were developed in Rolpa and Rukum in the year 2000, keeping in mind the Magar population from which the Maoists have derived their maximum cadres. The strength and reputation of the base areas in the west had put a large impact on the ability of the Maoists to extend their influence in the country, especially in the central west Nepal (Onesto 2007: 130).

The Development of a Tactical Alliance between the Maoists and the *Janajati* Groups

According to Muni (2003: 120), “The social groups that constitute the bulk of the Maoists are from the Magurali combination of indigenous people (*Janajatis*), i.e. Magars, Gurungs, Rais and Limbus. Besides them, the Kiratis, other Dalit groups and the Tharus of Terai have also joined the Maoists”. So it becomes clear that how the Maoists succeeded in enrolling the support of the *Janajatis*. But the basic question that needs to be answered is how the Maoists could have enrolled so many *Janajtis* in its ranks.

According to Whelpton (2005: 203), the Maoists have played the ‘ethnic card’ quiet early in 1974 when Mohan Bikram Singh laid special stress on minority rights in during the Fourth Convention of the communist party . The process started in the 1950’s when he had worked tirelessly to build up support in central-west areas. He was particularly successful in the village of Thawang in Rolpa and later Rukum, both of which are dominated by the Magar tribes. Thus after the start of the people’s war, the Maoists’ main

area of concentration was the Magar dominated districts of Rolpa and Rukum and from this region they launched many attacks on the government (Whelpton 2005: 203).

Meanwhile, when the 40 point charter of demands came, most of the *Janajatis* groups were not in a position to decide as to whether the ethnic associations or the Maoists could solve their problems. On the one side were the ethnic activists and organizations which pressed for action based on ethnicity and ethnic movements and on the other side were the Maoists which promoted class warfare (Tilouine 2008 : 128). As a result, certain *Janajati* youths felt that the armed warfare could be more effective than the ethnic organizations. Thus, some of them join the Maoists. The Maoists have cleverly exploited the ethnic issue, by standing for ethnic rights and holding out the prospect of autonomous regions. Thus many ethnic activists disillusioned by the largely symbolic gains made since 1990, started supporting the Maoists (Gellner 2003: 22).

Moreover, another cause of the increasing support for the Maoist was the failure of the ethnic political parties. The ethnic parties failed to garner sufficient votes in the 1991 and 1994 elections. For eg: The Rastriya Janamukti Party fielded 50 and 82 candidates in the 1991 and 1994 elections but it failed to win even a single seat in the National Parliament and managed to win only around 1 percent of the total votes in both the elections. As they failed to raise the issues of the *Janjatsis*, they started drifting slowly towards the Maoists.

Maoists' Methods of Recruitment

The lack in the basic needs of human development, illiteracy, poverty, lack of basic health services, gender discrimination, exploitation of women and children, caste hierarchy, superstitious belief, fatalism, unsociability and various other primitive values which exists in many parts of the country have helped in increasing the recruitment of the Maoists. As the low base economy and allocation remain far from adequate, together with a feudal nostalgia and lack of democratic commitment among the political parties,

the Maoists were able to recruit more from the marginalised communities like the *Janajatis*, Dalits and women (Rizal , Yokota 2006: 290).

The main objective of the Maoist revolution was to capture power through people's war and for its attainment, the party tried to influence the masses to join the war. So to attain the above, they tried to capitalize on the sentiment of the suppressed groups of people like Dalit, women and ethnic/native group (*Janajatis*). Moreover, regional backward groups like Tarai and Karnali people etc. have also been recruited in large numbers. This strategy played a vital role to strengthen the movement and also increased the number of recruitment (Pyakurel 2007: 100-102).

The Maoists also used its 40 point charter of demands as a ploy to reach to different sections of the population. Thus, the lists of demands contained something for all marginalized sections - the poor, women, *Dalits* and the *Janajatis*. In this regard, point number 20 is of particularly important for the *Janajatis* which mentions that "All Kinds of exploitation and prejudice based on caste should be ended and in areas that are having a majority of one ethnic group, that group should have autonomy over that area". As the *Janajatis* had suffered since long due to caste based policies adopted by the rulers and later the government. Thus, this demand acted as an important one in attracting the *Janajatis* towards the people's war. (Tilouine 2004:114).

The Maoists also developed very catchy slogans such as 'land to the tiller', 'women's right to property' in order to attract the large masses to its armed struggle. Moreover, with the incorporation of ethnic issues in the Maoists agenda, the Maoists wanted to expand its base of operations. Ethnic agenda along with other socio political and economic agendas of the Maoists was the main reason which has attracted a large number of ethnic youths towards the Maoists armed struggle (Subba 2006: 52). Therefore, their attempt to increase the support base among the *Janajatis* paid rich dividends. As a result, most of the cadres belong to the *Janajatis* communities such as Rai, Limbu Gurung,

Magar and Tamang communities. The Maoists image of being a representative of the *Janajatis* was a ploy to gain more cadres (Thapliyal 2006: 57).

De Sales also accepts the fact the Maoists have built up bases in the Magar heartland because of three reasons namely poverty, presence of forests and local population of Magar who are generally considered as naïve. The Maoists have used the Magar's dislike for Chettris who occupy the more fertile southern plains. Moreover, as the Chettris were more tended to support the Congress party, they started building more communist propaganda in the Magar districts (De Sales 2004: 75).

The Maoists also very soon realized the centre-periphery gap prevalent inside the country and started to attract the rural masses for the war. For instance, all forms of economic power are located in Kathmandu where the decisions regarding appropriation, distribution, and realization of surpluses generated by the production is made. As most of the decisions are made in the centre, the periphery gets neglected (Thapa and Sijapati 2003: 61). Thus, the Maoists main area of concentration was the rural areas. Thus, villages in the peripheral areas became the main recruiting ground for the Maoists. This became possible mainly because of the high levels of poverty in the villages. According to Domroes (2003: 6), 44 percent of the total population of the country can be identified as poor, whereby the percentage of poor in the rural areas is 44 percent and in the urban areas is 23 percent. Similarly, the rates of unemployment and underemployment are 45 percent in the country. This ratio is more in the case of *Janajatis*, which in turn has helped the Maoists in recruiting them.

Along with the above, poverty is one of the main reasons which have attracted a large number of youths particularly from the *Janajati* groups to join the Maoists movement. Poverty in Nepal is often blamed on the high rate of unemployment and underemployment. It is estimated that only 4.9 percent of the total labour force in Nepal is unemployed while 47 percent are employed. Agriculture is the main employer; service sector employs only 6 percent of the workforce and industry only 3 percent, that too

mainly in the manufacturing sector. The shift from the agricultural sector to the non-agricultural sector has not expanded much as was expected following the adoption of free market reforms in 1992 (Gurung 2003: 270).

Maoists' Initiatives on Land Reforms and Economy

Land has become as one of the major causes of conflict in Nepal. Around ninety per cent of the population lived in the countryside when the Maoists launched their war. The problem of landlessness is more in the mountainous area where the amount of cultivable land is less and the peasants had to struggle to feed their families. Thus, these mountainous areas which are more particularly in the west and central Nepal became the main bastion of the Maoists (Onesto 2005: 90).

Moreover, before the war, Nepal's economy was a feudal one. Only a few landed classes used to own most of the territories in Nepal. During the rule of the Shahs and Ranas, massive land grants took place which benefitted mainly the high caste groups. On many occasions, these lands which were granted to the military officers and the priests belonged to the *Janajati* groups. In many regions, particularly the hills and the mountains, land holdings are extremely small for the majority of the population and are only larger for those who at some stage of history had either received a land grant from the aristocracy, for religious purposes or military and administrative services (Gramer 2003 :29).

Even till the 1980's, there were semi feudal landlords who were given large tracts of forest land by the state, who maintained a large retinue of servants and tenants bound by extra-economic relations. This situation was more prevalent in the Tarai among the Tharus. Thus, one of the main tactics of the Maoists was to include the Tharus in their ranks. In July 2001, the Maoists captured around 30 bighas of land and planted paddy in the various vaillages, in Terai. This action was highly supported by the *Kimmaiyas* or the

bonded labourers. The vast majority of bonded labourers supported the Maoists land program (Kattel 2003: 53).

Shrestha and Chowdhury (2007) find that the economic liberalization in Nepal had worsened the incidence of poverty in Nepal. The impact of the liberal market economy in Nepal highlights the fact that the fruits of liberalisation have been shared unevenly by people living in urban areas. Perhaps the liberalization process created economic constraints for the Government and forced it to cut-off welfare programs in response to the structural reforms imposed by World Bank and the International Monetary Fund. But the burden of structural reforms was disproportionately shared by peasants in rural villages. This had increased the poverty levels in the rural areas and which in turn acted as a support for the Maoists (Joshi 2010: 97).

Maoists' policies on Autonomy and Right to Self-determination

Among all the policies of the Maoists, their policy on autonomy and right to self determination attracted most of the *Janajati* groups. In this regard, the Maoists in 1997 adopted the policy of ethnic right to self-determination. According to Subba (2006:44), the Maoists had portrayed the nationalities as ascribed collectivities with well-demarcated territorial homelands, distinct cultures, languages, religions, and a long history of self rule which instilled a sense of pride among them. The Maoists while recognizing the historical injustices and oppressions suffered by these nationalities proposed the formation of homelands for them. But according to B.R. Upreti, 2004: 282), it was a strategy of the Maoists to mobilize the ethnic frustrations and aspirations of the numerous ethnic groups. Thus, following the Mao's principle to have a party, people's army and united front, the Maoists in Nepal also tried to embark on a similar process although their policy on autonomy and self-determination is different than what most of the *Janajatis* thought and this have lately created many tensions

In between 1998 and 2000, the Maoists in order to enlist the support of the ethnic groups formed more than a dozen ethnic liberation fronts' such as the Magarant National Liberation Front, the Tamuwan National Liberation Front, the Tharuwan National Liberation Front, the Tamang National Liberation Front, the Thami National Liberation Front, the Majhi National Liberation Front, the Madheshi National Liberation Front, Newa Khala, the Dalit Liberation Front and the Karnali Liberation front. Moreover, in 2001 the Limbuwan National Liberation Front and the Khambuwan National Front was merged to form a new organization called the Kirat National Liberation Front. The Ethnic and Regional Co-ordination Committee of the CPN (Maoist) co-ordinates all these fronts' (Sharma 2004: 42). But, Pyakurel believes that it was Maoists "strategy to win the sentiment of the marginalized groups". The Maoists nominated all the heads of all these fronts from the same identity. Moreover, in order to lure the ethnic community, the Maoists also established an ethnic department at the central level in 2000 and placed it under the leadership of Dev Gurung (Pyakurel 2007: 91).

The tactical position of the Maoists is more evident from the fact that their ethno-religious and regional mobilizations proposals are far better articulated than their formulation on economy, class or state. The Maoists have very early realized the failure of the state in solving the issues of the *Janajatis*. Thus, they have embarked on a well laid out policy to absorb them in their war against the state (Shaha 2004: 218). But Muni believes that although Maoists claim the organized support of the ethnic and the Dalit groups but there are some observers who contend that the tribal and Dalit support to the Maoists is on and voluntary and individual basis. Moreover, those organizations representing the nationalities and officially recognized by the government have not politically and publically identified with the Maoists movement (Muni 2003: 14).

Concept of Autonomy: Issues of Differences between Maoists and the *Janajatis*

The Maoists and the *Janajati* groups differ on the concept of autonomy. The CPN (Maoists) have clearly mentioned in its “Common Minimum Policy and Programme of United Revolutionary People’s Council, 2001” that the oppressed nationalities shall exercise the right to self-determination and autonomous rule (national autonomy) within the frame work of national autonomy programme in the New Democratic/People’s Democratic system (Subba 2006: 49). Thus, the Maoist never mentioned about a full autonomy rather it was an autonomy which would be guided on the principles of communism.

A similar view point has also been presented by Ogura when he says mentions that there lies a contradiction between the Maoists concept of autonomy with that of that of the *Janajatis*. The Maoists seek to grant autonomy to the nationalities but on the principles based on communism. He further mentions that “it is clearly written in the ‘policy and programme of the Magarant Autonomous People’s Government that the Magarant Autonomous People’s Government is an autonomous body formed according to general policy of the United Revolutionary People’s Council, Nepal on the ideological basis of Marxism-Leninism-Maoism and Prachanda Path” (Ogura 2008: 201-202). This has raised further suspicions regarding the Maoists true agenda behind encouraging the concept of autonomy along with self-determination.

According to Baral (2009: 81), although the Maoists have raised the idea of converting Nepal into nine autonomous regions based on the distribution of ethnic population but they have never used the word ‘federalism’ in their agenda. The concept of federalism caught momentum only after the Jana Andolan 2, which was then also accepted by all the political parties. This has raised doubts whether the Maoists are seriously interested in ethnic federalism or was it a ploy to garner the support of the *Janajatis* (Baral 2009: 81).

The issue of federalism may have an external dimension also. In this regard, Tilouine mentions that the CPN (Maoists) chairman Prachanda in 2000 have said that they have solved the 'nationality' question by granting autonomy to the ethnic groups but the party's position on the 'nationality' question was highly protected by its Indian counterparts at a seminar organized by the All-India People's Resistance Forum in February, 1996. The main logic provided for rejecting the rights of self-determination for the oppressed nationalities was the low level of development prevalent among them (Tilouine 2004: 116-117). This particular views expressed by the Indian Maoists may have an adverse effect on the formation of federalism in Nepal as well.

Maoists Emphasis on Cultural Change

The Maoists tried to enroll those marginalized communities which have suffered from the oppressive structures of castes, gender and ethnic, religious and regional dominance (Mishra 2007: 108). In these regard, their low position in the social hierarchy came as an opportunity for them to change the status quo. The Maoists slogans of de-Hinduisation, anti-Brahminism, secular politics, and abolition of caste hierarchies were very appealing to the ethnic communities. Caste hierarchy has always been a cause of concern among the different *Janajati* groups. As a majority of them are followers of Buddhism or other tribal religions, thus these slogans attracted them more towards the movement (Upreti 2005: 39). Moreover, they also developed the concept of a new culture that attracted the ethnic groups. In their areas of control, the practice of teaching Sanskrit and singing the national anthem was stopped and the importance of festivals such as Dasain and Tihar have decreased in importance (Sharma 2004 : 46).

One of the most effective recruiting techniques the Maoists adopted was through various cultural programs (*Sanskritik Karyakram*).The cultural artists travelled to different corners of the country motivating the masses which in a way helped to increase the number of the Maoists cadres. This process was developed since the beginning of the

people's war in 1996. Most of these cultural programmes contained a revolutionary message (Mottin 2010: 53-55).

Now, what role culture and religion would play in the future if the Maoists come to power is highly speculated by the different ethnic activists. In this regard, Subba mentions that the *Janajatis* are at present advocating in favour of a multi-cultural democracy where diverse cultures are represented as equals in the public domain by ending culture-related discrimination and the diversity of cultures are promoted by enabling minority cultures to project themselves. On the other hand, the Maoists are in favour of a new democratic (*Janabadi*) culture where the place of religion will be decided by them. Thus in such a condition, there has developed a fear among the *Janajtis* that their traditional religion and culture may not be a concern for the Maoists (Subba 2006: 48).

Maoists Policies towards Women

The Maoists objective was to incorporate the concerns of all the groups in its forty point charter of demands. Thus as a result, the UPRC devoted a separate section for women. In this regard, point no. 19 is important which states that “All forms of patriarchal exploitation and discrimination against women shall be ended, and women shall be given all the rights equal to men. Like son, the daughter should enjoy equal right to parental property” (Gautam et al. 2003: 122). The Maoists through its women wing All Nepal Women's Union (Revolutionary) was able to bring more women especially from the ethnic communities to its ranks. It launched various programmes on anti-alcoholism and other social issues which attracted many of them to join in large numbers (Sharma and Prasain 2004: 154). Thus, the Maoists succeeded in channelizing generalized discontent by recruiting large number of women cadres from the marginalized ethnic communities, more particularly from the rural west.

As members of oppressed nationalities, most of the *Janajati* women are poor and illiterate. Mainly the combination of their situation and the facilities given by the Maoist led this section people to participate in the Maoist Conflict. Gender discrimination in Nepal has not fundamentally changed even after the restoration of democracy and still 23 discriminatory laws exist in the country (Gautam et.al 2003). This feeling of injustice and discrimination is also another factor for their participation in the armed struggle and it was the pragmatic need of liberation from inequality and discrimination which acted above the ideology of Maoism in case of these women.

Moreover, the change in the pattern of the society and the essence of the great saying by comrade Lenin that the participation of women is decisive in the success of revolution in Nepal motivates women to participate in the People's war. The *Janajati* women who are oppressed in a patriarchy dominated society were influenced by this concept and joined in the insurgency (Sapkota 69-71). The Maoist leaders found that the Janajati women are showing tremendous endurance, sacrifice and devotion without lacking knowledge about the movement which alternatively help them to use these weaker peoples. (Parvati n.d: 75-76) Most of the women from this *Janajati* groups have joined the Maoists in the hope that they will be emancipated from the clutches of deprivation, exploitation and poverty (Rizal and Yokoto 2006: 297).

Maoists Recruitment: Human Rights Violations and Gender Issues.

According to Gautam (2003: 95-98), the large majority of the women in the Maoists movement came from Nepal's disadvantaged Tibeto-Burman ethnic groups. They mainly formed the low rung cadres of the Maoists. Women directly involved in the conflict zones are from this *Janajati* groups where else most of the women leaders of the Maoists belong to the upper castes. Moreover, gender gap is also visible in the higher ranks of the Maoists. During the initial period of the Maoists war, there were more women at the top posts of the party but as the struggle got more militarized and more hierarchically structured, the participation of women at the top started diminishing. Moreover, despite

the Maoists rhetoric on gender equality, the gender based division of labour in the village continues to exist. Women's liberation is a much used phrase in the Maoists influenced villages, but there is hardly any clarity on what constitutes such liberation (Sharma and Prasain 2004: 163).

The Maoist insurgency also had a harmful effect on the lives of the *Janajatis*. Many people had to flee their villages as a result of violence or fear of violence. Among them women were the major affected groups due to the lack of access to rural areas are blocking attempts to educate and inform rural residents. So the Maoist has taken benefits of the circumstances of this weaker section for their own purpose (Crawford et.al 2007: 95). The Amnesty International reports that the *Jana Adalats* (People's Courts) have presided over trials and pronounced punishments including death sentences. Sometimes, even many innocent people have also been sentenced. Moreover, many children during the Maoists movement were kidnapped forcefully from their homes. The Maoists has created large scale human rights violations during the course of its war. (Thapa et al 2003: 291-296). Thus, the Maoists have systematically planned and structured before mobilizing the different groups of people.

Maoists and the Ethnic Groups: Emerging Problems

The Maoist rebels organized people not only on the slogans related to social concerns but also on the ethnic and geographical lines, which have developed a sense of distinct identities among them. According to Kattel (2003: 66), "Maoists have promoted 'ethnic liberation fronts' with parallel demands for the right to self-determination and regional /local autonomy in terms of governance, which in common parlance was based on ethnicity and governance system based on kinship and ethnicity". As these ethnic fronts have been mobilising their respective communities on the basis of ethnic lines, there is every chance of an ethnicity based insurgency in future. Thus, whatever he said then is proving to be right now. The Tarai region is in turmoil with violence perpetrated against each other mainly based on one's identity. Soon after the promulgation of the interim

constitution in 2007, there was severe protest from all sides as the new constitution failed to meet their demands, the most important of which was federalism or regional autonomy. The Madheshi People's Right forum burnt down a dozen buses and also attacked the Maoist party's office (Pandey 2010: 13).

In this regard, Gellner claims that "the current unrest and ethnic conflict in the Nepalese Terai would perhaps have been inevitable at some stage or the other, but the role of the Maoists in giving ethnic militancy a voice there has certainly been considerable" (Gellner 2007: 1827). The Maoists had promoted the concept of autonomous states and owing to their failure to provide the same in the interim constitution, violence has emerged. Moreover, in the Terai region, the Maoists launched a proposal to re-organise Terai into five different regions –Kochila Pradhesh, Mithila pradhesh, Bhojpur Pradesh and Awadhesh Pradhesh (Riaz and Basu 2010: 86). This proposal of the Maoists has been blamed by Madheshi leaders who consider it as a ploy to divide the region. In this regard, Tharu which is the largest ethnic group in Terai are against the lumping all the people together living in the region as Madhesis. They have resisted the proposal of Terai to be included in a single autonomous region. They launched an agitation in 2009 against the government proposal to include them in the single state of Madhesh (Pandey 2010: 52).

Certain liberation fronts' of ethnic groups are also dissatisfied with the outcome of the decisions of the interim government. In this regard, on 12 December 2006, the Limbuwan Autonomous Forum and two other organizations called a shutdown in nine districts in eastern Nepal to protests the fact that the Maoists ignored their demands for a Limbuwan Autonomous region before the constituent assembly election (Hangen 2007 : 50)

The Maoists have no doubt given a thrust towards ethnic federalism and autonomy. It was on the basis of these planks that many of the ethnic groups were mobilized. But after the formation of the interim government, they were not so active in implementing the formation of federal state. It was only after much violence that the word 'federal' was accepted in the interim constitution through the first amendment (Singh 2008: 113).

After the formation of the constituent assembly, there has been no unanimous decision on the part of the political parties to realize the dream of ethnic federalism in the new constitution. So, there is a legitimate apprehension that this situation may lead to political turmoil in the future on account of the ethnicity based clashes.

Maoist insurgency brought the ethnic movement into turning point as it awakened ethnic groups to seek their rights and articulate their demands. Though the ethnic movement had appeared earlier, it strongly emerged during the 1990's popular movement. However, the 1990s political change failed to properly address the aspiration of the ethnic populations. When Maoist started people war it has divided the ethnic movement into two lines, i.e.- pro-Maoist and Non Maoist line (Sharma 2002). Basically the pro Maoist ethnic movement focuses on rights to self-determination where as non-Maoist ethnic movement focuses on guaranteed autonomy with federal system (Upreti 2004: 282) .

CHAPTER 4

The Role of the Civil Society in the *Janajati* Movement in Nepal

Traditional definition of civil society mainly encompasses those element which stands between the government and the masses. This element in due course of time become the voice of the masses and pressurizes the government to be concerned to their issues and agendas. On the other hand liberal theory recognizes in broader terms, the triangle-like relationship between the state, the market and the civil society. Under this framework, civil society is said to encompass all institutions and individuals that constitute the part of the society which monitors and checks the excesses of the state. Many modern thinkers have referred civil society as a multitude of autonomous human associations, identities, networks and movements for the sake of protecting themselves from the arbitrary and unjust decisions of the holders of power and wealth and promoting their rational self-interest. According to a World Bank Report, Civil society organizations are the “wide array of non-governmental and non-profit organizations that have a presence in public life, expressing the interests and values of its members, based on ethical, cultural, political, scientific, religious or philanthropic considerations (World Bank Report 2008 :17)

When the state fell into relative disfavor among the powerful development, the non-governmental sector and the market were touted as magical options (Onta 2004: 142). That is the period, when the term civil society came to be used by the development experts. To ensure the success of the civil society, it must possess among other things, professional competence, and financial independence from the state, moral and intellectual integrity and should be active in checks and balances. A vibrant civil society helps to make the institutions and actors of governance accountable to the people and empowers the society to articulate the democratization of the human existence (Dahal 2001: 10-11). In other words, a sustained engagement of citizens in the institutions of governance through a vibrant civil society helps transcend the monopoly of economic and

political power by a certain class of society and enforce the accountability of leaders to the grassroots unit of self-governance.

Another main function of the civil society is to mediate between the general and the particular interests between the base and the superstructure and between the political and economic societies for the welfare of the majority of the citizens who are poor, powerless, deprived and alienated from the mainstream democratic and development processes (Dahal n.d). It tries to protect them from risks brought about by the growing dualism, facilitates collective action and underscores governance reform for well justified allocation of public resources. Civil society organizations may consists of a vast array of groups like community groups, women's associations, labour unions, indigenous groups, youth groups, charitable organizations, foundations, faith based organizations, independent media, professional associations, think tanks, independent educational organizations and social movements.

Civil Society in Nepal

In Nepal, where both the political society and economic society have a common motive of maximizing power and wealth, the non-profit sectors- a world of the weak, poor and the powerless are the ones that bear the costs. But, it is also here that the civil society can create a public space for the poor people's participation and collective action. People participate in social transformation through both intermediate political and civil societies which process demands, stimulate dissent and constrain the arbitrary actions of the government. Political societies include political parties, their sister organizations and state institutions while civil societies include professional, voluntary, community and civic bodies. Both help in shaping the direction of governance and development. Nearly all parts of Nepal suffer from a slow growth of vibrant civil society that is capable of initiating public discourse on policy issues and mediating among the state, the market and the international regime (Dahal, Uprety, Subba 2001: 20-21) .

The term, 'civil society', itself has emerged only recently in Nepal, especially since the restoration of democracy. Notwithstanding the terminology, in practice, civil society has

a long history in Nepal. P.P. Timilsna writes that: “the majority of the Nepalese have the tradition to work for public interest through community based organisation” (Timilsina n.d). Mr. Timilsna and Dr. Nepali cite Guthis, Bhajan groups and cultural groups as examples of civil society organisations, and date the written history of such groups back to the Kamadhenu Charkha Pracharak Guthi (the spinning wheel propagating trust in 1926). Civil society played an important role in the overturn of the Rana regime and raising the people's awareness in favour of democracy.

In the case of Nepal, a lot of factors led to the emergence and growth of the *Janajati* movement and the role played by the civil society is an important one among them. The *panchayat* period had created obstacles for the growth of NGO's and civil society organizations. Scholars tend to agree that this happened because of the suspicion that social organizations raised people's awareness levels, thereby creating a threat for the continuation of the autocratic political system. As a result, the growth of NGO's and civil society organizations in Nepal during 1961-1990 periods was very slow (Dahal, 2001:10-11).

There was a dramatic growth of numerous movements led by the more actively growing civil society which got more open space due to the arrival of multi-party democracy in the post 1990s. Regarding the growth of the civil society in Nepal, Dahal upholds that it was the constitution of Nepal which defined the chief objective of the state as to promote the conditions for the welfare of the citizens on the principles of “open society” (Upreti 2011), by establishing a just system in all aspects of national life, including social, economic and political life, while at the same time protecting the lives, property and liberty of the citizens. Under the new dispensation of the government, the Social Welfare Council which replaces the pre-1990 Social Service National Co-ordination Council (SSNCC) was reconstituted and the Social Welfare Act (1992) was promulgated with the mandate to facilitate, promote, mobilize and co-ordinate the activities of the NGO's (Dahal 2001). Due to the lack of a coherent Civil Society Act and the confusion of the government regarding its nature and function, civil societies of Nepal are being treated as NGO's and many of the non-governmental systems are still left un-constitutionalized.

Moreover, another landmark in the growth of the civil society in Nepal was the enactment of the Local Self-governance Act of 1998. The Act highlights the importance of the NGO and the civil society involvement in local governance and development process. The Act encourages the formation of NGO's and civil societies at the local level with the approval of the Village Development Committees or the municipality and invoke them in local development projects by allowing them to identify, formulate, execute, maintain and evaluate those projects.

Many academicians(intellectual centers), scholars, student's organizations, professional forums, voluntary groups, lawyers, mass-media, journalists, authors, women's organizations, ethnic organizations and international and local NGO's have played an important role in the growth of the *Janajati* movement particularly after 1990. This civil societies and NGO's got engaged themselves in conducting local dialogues, raising awareness among the citizens through social communication, mobilizing local citizens for priority setting and program execution, organizing users and consumers into groups for demanding and utilizing services, adopting an integrated approach in service delivery, encouraging local voluntary works and completing the programs at a low cost and in a short time by developing local capability (Dahal 2001: 43). But it was only in the first half of the 1990's that INGO's increasingly took up the issues of democracy and good governance, rule of law, human rights, women's empowerment, child welfare activities and services for the disabled.

Moreover, owing to the emphasis provided by the civil societies, the government of Nepal has crafted a policy framework to involve the Forest User's Group, women's organizations, *Dalit* Associations, indigenous people's groups (*Janajatis*), savings and credit co-operation community organization at the local level in planning and implementation. Hence, an important cause for the growth of the *Janajati* movement was the deep penetration of these civil society agencies in the far flung territories of the country which ultimately provided the *Janajatis* regarding their numerous issues of grievances and which ultimately made them embark on a movement against the state. Shakya (2008), while speaking on the role of NGO's maintains that the 1990's was a

decade of NGO's in the foreign aid, democracy and development. This chapter will deal with the various agencies of civil society although the prime focus will be on the role played by the international and local non-governmental organizations.

Role of Non-Governmental Organizations

Civil society organizations including non-governmental organizations (NGOs) are an increasing trend over the last 15 years in Nepal. These organizations could play a complimentary role in the promotion of good governance. A favourable policy pursued by the government of Nepal has increasingly been linked to simplification of the legal instruments for making NGOs responsible and committed to the canons of good governance (Dhakal 2007: 62).

Modern NGO's are considered as one of the major collective actors in the socio-economic process (Dhakal 2002: ix). Moreover, their roles as development partners particularly in the Southern countries, particularly Nepal are increasingly considered as an effective vehicle for social transformation, economic advancement, and for furthering democratic governance. They are also considered as potential alternative institutional framework for playing a catalytic role for micro-level social transformation and efficient mobiliser of local resources and effective delivery agents.

In the case of Nepal, the non-governmental organizations have played an important role in the emergence and growth of the *Janajati* Movement by providing various services such education, knowledge regarding their rights and livelihood improvement respectively. In fact, the term civil society has become synonymous with the non-governmental sector in Nepal In other words, NGO's are the chief agents of the civil society in Nepal although the customary voluntary associations could equally part of it. The NGO's engaged themselves into different functions through numerous user's groups, women's groups, and local indigenous groups which in turn gave an impetus to the growth of the *Janajati* movement. In these regard, numerous NGO's provided micro credit facilities to the poorest people, sometimes even without collateral. They have also been contributing towards their savings, helping to improve rural income and

employment opportunities, providing banking services and using instruments that can build their self-confidence, raise their living standards and sustainable livelihoods (Onta 2004: 143).

Modern NGO movement in Nepal mainly emerged after the middle of the twentieth century when the country became democratic in 1950 but it gained huge momentum only after the restoration of multiparty democracy in 1990 (Dhakal 2006: 112). After the establishment of democracy in Nepal in 1950, certain NGO's came up such as the Tuberculosis Control Association, The Rotary Club, The Nepal Red Cross Society and the Nepal's Children Organization. During the *panchayat* period (1962-1990), the growth of NGO's was dismal as the government didn't permit the functioning of various NGO's doubting that these social organizations may turn itself into political organizations thereby hampering the stability of the nation by encouraging democratic movements (Dahal, Uprety, Suba 2001). The 1962 Constitution prohibited the creation of political organizations and this effected the growth of NGO's as well. Numerous international NGO's particularly those belonging to the European Countries were not permitted to work inside the country as their efforts could have encouraged the democratic movement across the rural as well the urban areas. Another reason that could have been the responsible for not allowing foreign NGO's to enter the country was the government's doubt that they may engage in preaching Christianity. The constitution of 1962 declared Nepal as a Hindu country and so the government was reluctant in providing access to these international Non-governmental Organizations. So, due to the fear that these social organizations may suddenly transform into political organization and encourage the process of democracy, the government became very conscious in granting them permission which affected the smooth growth of democracy in Nepal.

In Nepal, NGO's made their debut mainly after 1980's and they flourished in the next decade. International NGO's are an important institutional mechanism for providing direct financial support, financing sector support institutions, increasing political space, creating feedback links from voluntary organizations to donors and building developmental partnership. Moreover, organizations have played an important role in the

process of improving the livelihood of the people, uplifting the economy and bringing political change. The government of Nepal has considered NGO's as development partners. Initially in Nepal, NGO's primarily served as local program implementers and welfare service delivery agencies for the development industry. During the latter part of the 1990's the conceptual category of civil society entered Nepal as a new form of social and political advocacy, organizing and mobilizing.

The dramatic growth of NGO's in Nepal particularly in the last decade of the twentieth century gave an impetus to the *Janajati* movement by successfully educating the masses regarding their condition of livelihood compared to the rest of the world as well as their basic rights as human beings. It was these NGO's which were responsible to educate the *Janajati* people regarding the other numerous movements of indigenous people that was going across the world, mostly in Latin America, Asia and Europe. The high growth of NGO's during these period was mainly due to a variety of reasons- Firstly the changed political situation and the global environment, increased development co-operation, funding strategy of the donor agencies such as the World Bank, OECD, ADB played an important role in the growth of NGO's . Secondly, the democratization of the political system and economic liberalisation also contributed to the proliferation of NGO's in Nepal. The liberalized legal provision related to registration, renewal and transfer of resources also from the donor agencies also help for creating more and more NGO' s in the country. Thirdly, the government has changed national development strategy and considered NGO's as development partners, which also encourages people for their participation in the national development activities through NGO's (Dhakal 2006: 218). All these factors provided a congenial environment for increasing both the international and national NGO's in Nepal during the 1990's.

In 2000, the NGO sector has become one of the fastest growing sectors in Nepal, mainly after the political change in 1990. The total number of registered NGO's across the country was over 25000 where else there were only 50 international NGO's and 220 national NGO's in 1990. In more accurate terms, there were 94 INGO's and 10475 NGO's registered with the Social Welfare Council as of 26 March, 2000. According to

the Finance Ministry, there are 30000 NGO's out of which 8000 are active in the various sectors of development. From 1990 to 2006, the number of NGO's most of them funded by the bilateral and the multilateral sources had increased in the country from 193 to 33000. This huge increase in the number of NGO's after the *Jana Andolan* gave an impetus to the *Janajati* movement. The main reason for the growth of these NGO's was mainly social, economic and political. As far as the economic factors were concerned, the educated people were attracted to the concept of establishing NGO's mainly for two reasons- Firstly, faster growth of the international NGO's in the country and the enactment of the New Social Welfare Act which made it mandatory for the international NGO's to take the local NGO's as a working partner to expand the number of NGO's. Moreover the Eighth plan (1992-1997) and also the local development agencies like the Village Development Committee Act 1992, District Development Committee Act 1992, Municipality Act 1992 gave enough space and recognition to these NGO's as development partners for carrying out development activities. Secondly, the main political reason for the growth of NGO's was restoration of multi party democracy after 1990. The restoration of multi party democracy in 1990 created an environment of addressing plenty of expectations and hopes especially among the youth. Leaders of political parties made assurances to provide employment to the unemployed voters and the party supporters. Certain NGO's were created only for election purposes as Parliamentary Election Area Development Fund has been distributed through such NGO's. Dhakal (2004) mentions that the expectation of money during the time of election and in order to build good relations with the leaders of the local people, mainly the youth became one of the strong reason for the rapid growth of NGO's in Nepal. The other reason for the rise of NGO's is mainly due to the rising self interests among the different social forces, environments created by both national and international socio-political interests.

The main effort of the NGO Federation of Nepalese Indigenous Nationalities is to claim the separate identity which states that more than 29 Kirati and other groups such as Karmarong, Ninwha, Tuchulung, and Ghale who have their separate identity with language, culture and history but not recognised as a separate indigenous nationalities

(NGO-FONIN n.d: 2064-65). NGO-FONIN has supported groups aspiring for separate identities, appealing to political parties and concerned authorities, and helping them to produce the documents required supporting their claims which works as a subsidiary the janjatis.

The *Janjati* movement is getting impulse due to the issues raised by NGO-FONIN and the affiliated organisations. The Adivasi Janjati organisations are sympathetic towards recognising Rai sub-groups as separate indigenous nationalities with their own unique language, culture and history (Tamang n.d: 24). Another member of NEFIN, the Kirat Rai Yayokha has reservation on this issue by considering the determination of the unity not only of Rai groups but also the indigenous nationalities.

There are both International and national NGOs in Nepal. BASE and Plan International are the International NGOs whereas CSD, COSAN etc. are few National NGOs.

Base is the largest NGO in Nepal. It has played an important role in the emancipation and unification of Tharus. It's most important work on the emancipation of *Kimaiya* labourers. It has provided various programmes like land distribution, legal support and agricultural development. It has played an important role in bringing a collective sense among the tharus about their identity and culture (Christian Mc Danaugh 1997: 278, Krauskopff, 2003: 211)

The main areas of work include formal and non-formal education, ensuring and sustaining rights for freed-kamaiyas, livelihood support, child labor elimination, support for sustainable democracy, human rights violation monitoring, conflict mitigation, water and sanitation, environmental sustainability, disaster preparedness and response, infrastructure support, the protection and promotion of traditional and indigenous cultures, and support for children associated with armed groups. It fights against illiteracy, poverty and social and political discrimination amongst all marginalized communities. (BASE Nepal: 2009) BASE leads the fight against the exploitative kamaiya system which was finally abolished on 17 July 2000. After this monumental event BASE

continued to work for the education and rehabilitation of the freed-kamaiyas, as well as people from other marginalized communities (BASE Nepal: 2009).

Plan International has been working in Nepal since 1978, helping poor children to access their rights to health, education, economic security and protection. Plan's strategy in Nepal covers 5 core areas, all of which are rooted in child rights: health, water, sanitation and hygiene; basic education; household economic security; child protection; child-centered disaster risk management. Plan Nepal reclaims children's rights through programmes and participatory activities that place children at the centre of their own development. Plan is also working with local organisations and government agencies to ensure that policies to protect child rights are central in the new constitution. (Plan Nepal n.d)

Centre for Self-help Development was started in August 1991. Since then, CSD has been effortful to raise awareness of the rural poor so as to help them to initiate their own institution building and carry out various programs generating both financial and social capital. It works for the promotion of the awareness and develop consciousness for the "new paradigm" of self-help development. The enhancement of the capacity among grassroots organizations/ community based organizations to identify, plan, implement and monitor & evaluate community development activities and build up the indigenous as well as induced self-help groups and organizations is one of the major objective of CSD (CSD Nepal n.d).

Community Support Association of Nepal (COSAN) is a non-political, non-religious, non-profit making, non-government development organization. It was founded in 1990 by a group of health and development professionals with the aim of empowerment of poor and socially excluded people living in rural villages of Nepal. The work of COSAN contributes to create a supportive environment for excluded groups of people to achieve more equitable access to resources and opportunities. The overall organizational purpose is to contribute to creating supportive environments for excluded groups of people in

order to achieve more equitable access to resources and opportunities in Nepal (COSAN Nepal).

Role of the Mass Media

The mass-media played an important role in the growth of the *Janajati* Movement. Nepal's nearly fifty plus private FM Radio Stations, Television channels and Newspapers were the major instruments in mobilizing different sections of people for the particular cause. These are the most effective means of spreading information in a largely illiterate and hilly country to mobilize the masses. Most of the *Janajatis* groups reside in the far flung hilly areas; most of them are inaccessible by roads. In addition to that, most of the *Janajatis* were only well versed with their native language. In such a condition the above means of communication were the only means to reach to the *Janajatis*. Moreover, different journals and magazines came out with issues dealing with the concerns of the *Janajatis*. Regarding the role of the journalists, Dahal (2001) maintains that the Federation of the Nepalese Journalists has been serving as a critical partner of citizens and playing its role of a guardian and watchdog which is vital to governance. It has been educating, informing, liberating, empowering them from docility thus giving them voice to be heard and heeded to in public and policy matters. An important aspect that could be noticed after 1990 was the encouragement of numerous indigenous languages by the different Television and Radio Channels. News bulletins were broadcasted in different languages which made the *Janajatis* aware of the existence of their languages. Unlike the *panchayat*, whereby the state promoted only one language and culture, the post 1990 phase was a totally different one. Due to the more liberal situation, local languages and traditional culture of the indigenous people which were suppressed during the earlier period got a new opportunity to revive itself. Moreover, numerous talk shows organized by these channels to debate and discuss the varied problems of the indigenous problems gave a massive impetus to the *Janajati* movement.

Mass media's role after 1990 is one of the most important in pushing forward the *Janajati* movement. Unlike the past, where almost all the newspapers, journals as well

the television channels were official mouth piece of the government, the situation changed completely. For the first time, the newspapers and journals were found expressing the grievances against the state by publishing various articles showcasing the failure of the state in protecting the rights of the indigenous peoples and improving the living conditions of the local masses. Along with the mainstream media, there was a growth in the publication of numerous *Janajati* Journals and literary works. Along with their respective language, many of the *Janajati* groups have their own written scripts which saw a revival after 1990. Certain groups such as the *Newars* and the *Magars* are in the forefront to revive their own language and they also claim to possess their own written script. These indigenous languages were discouraged during the past period whereby only the *Khas Kura* (Nepali) language of the Kathmandu people valley was promoted. Another important factor was the compulsory teaching of Sanskrit in the schools at the primary level at the cost of the indigenous languages. The works of numerous *Janajati* writers and activists went great lengths to revive these traditional languages. Along with it, most of the problems of the indigenous people were discussed and debated freely in their own language. All these

Role of Religious and social organizations

A lots of Religious and social organizations have given an impetus to the growth of *Janajati* movement. The *Nepal Bhasa Manka Khala* is an association of different organizations and individuals working for the development of Nepal *Bhasa*, literature and culture. It was established in 1979 at the initiative of Chakala Dabu, a cultural and social organization of Chhetrapati. The main objective is to seek equal rights for Nepal *Bhasa* and the Newar community under the principle of equal rights for all the languages and communities of Nepal. The Nepal *Bhasa Manka Khala* endeavors to preserve and develop the community, language, literature, art, culture and script (Nepal *Bhasa Manka Khala*, Nepal 2003). The Tharu Kalyan Karini Sabha which was formed in 1949 is playing an important role in the development of the Tharus. The Tharu Cultural Society (Tharu Sanskriti Samaj) was established in 1992. This organization has played an important role in the upliftment of the Tharus (Kraushkopff 2003: 211)

The Nepal langhali Sabha was formed in 1986 played an important role to increase the consciousness among the Magars (the largest population among the Janajti groups) in the initial years. The Langhali Sabha changed its name to Nepal Magar Association in 1993. It is an active organization among the Magars which have worked tremendously for the development of the community (Millard, 2003: 297).

Kirant Yakthung Chumlung was established for the necessity of the “promotion of Yakthung [Limbu] Language, literature, and all around development of the community”. This is functioning actively through seminars, talks and symposiums on various aspects of Limbu culture and tradition. It is in close association with various other Organisations like Mongol National Organisation, the Nepal Rastriya Janjati Morcha and the Mongol *Kirant Janjati Utthan Manch* (Subba 1999: 118).

The Kirat Rai Organisation was established in 1991 after the outcome of two days conference of the Rais in Kathmandu in 1990. This is working for the unity among Rais; Preservation and development of their language, script, religion, art, culture; and cooperation with national and international organisations engaged in such activities. One of the most important achievements so far has been the organising of an international conference at Jhapa in March 1992 (Subba 1999: 119).

Nepal Tamang Ghedung (NTG) is an autonomous and non-profit making Tamang Peoples' national organization. It was reorganized in 1988 and registered with His majesty's government of Nepal in 1990. The main objectives of this organization is to preserve, promote the language, scripts, arts, skill, literature, history, religion and culture, and socio-eco-political and civil rights of the Tamang Peoples in Nepal. It contributes a lot in the national and international standard setting processes for the establishment of the rights of indigenous and tribal peoples and marginalised communities who are historical victims of racial, ethnic or national, linguistic, religious and regional discrimination (Nepal Tamang Ghedung, Nepal).

Ethnic organisations played an important role in the growth of the *Janajati* movement. Although, certain ethnic organizations existed prior to the pre 1990 period, they could not

prosper fully owing to the curb of the *panchayat* government on any kind of political parties and on many times even on social organizations. But numerous ethnic organizations emerged after the restoration of multi party democracy in 1990 owing to the more open environment. Along with the ethnic political organizations which couldn't perform well particularly in electoral politics, the presence of a huge number of non-political civic associations among them which started to press forward the demands of the *Janajatis*. These social organisations laid emphasis on the *Janajati* movement by conducting a lot of activities like forming associations, conducting protests, submitting memorandums to the government and holding talks with them. On many occasions they have tried to pressurize the government to protect their indigenous culture, tradition and heritage. Hangen has mentioned these social organizations as Indigenous people's Organisations (IPO's). She claims that the IPO's have constantly focused on the revitalization of the religion, languages and cultures of ethnic groups. Moreover in order to achieve these goals, they have held seminars, publish magazines and books and held language classes, cultural programmes. These cultural programmes were meant for the indigenous people to express their ethnic identity through their traditional dresses, dances and songs (Hangen 2007: 40 -41).

The National Federation for the Development of Indigenous nationalities (NEFIN) was the foremost organization helped in the growth and emergence of the *Janajati* movement. NEFIN was formed with the aim of 'documenting, preserving and promoting the cultures, languages, religion, customs and traditions of the indigenous nationalities of Nepal to assist them in developing and obtaining equal rights. Currently, the main objective of NEFIN is to shape a new constitutional and political framework that ensures rights and the inclusion of the country's diverse ethnic groups. It is the conglomeration of 59 different ethnic groups that came into existence in 1990. It is the principal organisation which is carrying forward the demands of the *Janajatis*. In recent years, NEFIN's fund increased dramatically as it was funded by the external donor agencies. Along with NEFIN, numerous other *Janajati* groups came up with their own associations to press forward their demands. These includes the different *Guthis* or voluntary associations, the *Mithila Samaj* of the Terai inhabitants, The *Manka Khala*, The *Newa Khala* of the

Newars, the Nepal *Tamang Ghedung* (Nepal Tamang Association) of the Tamangs, the Tharu welfare society of the Tharus, the Kirant Yakthung Chumlung of the *Kirants* (Rais, Limbus and Yakha) and the Depressed People's Upliftment Forum of the Dalits. The Maoists also played an important role in encouraging these groups to raise their voices and demands against the government. Although, their objectives could be different, they provided an important platform to these *Janajati* organizations. They held the belief that the war against the government could not be possible without dealing with the ethnic concerns. The numerous liberation fronts' created and supported by them acted as a source of pressure on the government. Hence, they played their own role in bringing the issues of *Janajatis* in the forefront. It can be said that the Maoists movement was another platform for the Janajatis to embark on a strong movement against the state. These organizations played an important role in raising the consciousness of their own groups and constantly worked for the fulfillment of their demands. Before the *Jana Andolan*, the government of Nepal. One of the important areas where these organizations are working is the preservation of their language, traditions and culture. Many of the smaller ethnic groups are on the verge of extinction as the governments negligence persists. As a result, certain ethnic groups along with their respective organizations were in the forefront in the *Janajati* in order to protect their traditional language, tradition and culture.

Role of Academicians

Academicians played an important role in the emergence and growth of the *Janajati* Movement. Numerous literary forums provided support for the causes of the indigenous people in their writings and conferences. Unlike the *panchayat* period, when any criticism against the government led the scholars/ writers to jail, the situation changed dramatically after the *Jana Andolan* of 1990. For the first time in Nepal's history, scholars could write openly in support for the rights of the *Janajatis* due to the more open environment. Both Nepalese and foreign academicians played equally decisive roles in bringing out the issues of the *Janajatis* in front of the world. In this regard, the name of Harka Gurung is very important, who through his different statistics have revived the

ethnic debate in the country (Hacchhethu 2003:219). In this way, they acted as a voice for the *Janajatis* who were believed to have been oppressed and marginalized since quite a long time.

The great role played by the different scholars from the European countries is very noteworthy in this regard. The foremost among them were the numerous social anthropologists, political scientists and economists from the western countries. It is highly believed that they brought the *Janajati discourse* in front of the world and it is through them that the world came to know and understand the diversity and problems of Nepal. Scholars like Anne De sales and Marie Lecomte Tilouine has carried out an extensive work on the *Magars* and also their role and contribution towards the *Janajati* movement. Similarly, David Gellner has extensively worked on the *Newars* and Susan Hangen on the Mongol National Organisation. On the other hand, some of the classical works like Alan MacFarlane's work on the Gurungs, Haimendorfs work on the Sherpas, Lionel Caplan's work on Hindu-Tribal Relations and Frederick N. Gaige's work on Regionalism in Nepal went a long way in bringing the *Janajati* discourse in front of the world. Similarly, owing to the poverty situation in Nepal especially among the *Janajatis*, a lot of work has been carried out. Most of the scholars claim the caste system and feudal economy as the main responsible causes for the under-development of the *Janajatis*. As a result, most of the work has been done in this field to understand the reality. All their activities in one way or the other contributed towards the growth of the *Janajati* movement. Before 1990, a very few studies have been done on the *Janajatis*. The situation changed dramatically after the arrival of multi-party democracy. The more open situation gave the numerous academicians from these Western countries to do extensive research on Nepal, particularly on the *Janajatis* without any severe hassles that they countered in the past. The contribution many other Nepalese scholars are also significant in these regard. Dor Bahadur Bista's work *Fatalism and Development* (1991) comes out with the reasons for the present under-development in Nepal and the causes for the marginalization of the *Janajatis*.

The list of those who have raised the concerns of the *Janajatis* in their writings is a long one which includes scholars like Krishna B Bhattachan, Krishna Hachhethu, Om Gurung, Ghanysham Shah and many others. Some of the more active academicians who participated in the civil society movements included the economist Devendra Raj Pandey, Damanath Dhunguna, Padam Ratna Tulalishah, Hari Roka, Kanak Mani Dixit and others. All these intellectuals through their writings gave impetus to the *Janajati* movement in one way or the other. Owing to their contributions, the *Janajati* movement gained so much importance and support from across the world.

Role of the Students

Students are in the forefront and provide momentum to most of the movements waged in the world. The case is not different in case of Nepal. After the restoration of democracy after the *Jana Andolan* in 1990, students started coming openly against the government mainly in the form of street protests and demonstrations for a large array of reasons- be it for the support of the democracy or for the excesses committed by the security forces or for the rights of indigenous people. Nothing can prove this point better than the blood littered streets which were a normal scene after every protest which took place against the state in the years after the *Jana Andolan*. An important role was played by the students of Tribhuvan University who initiated various kinds of protests in Kathmandu, often forcing the police to resort to violence. These protests which got enormous media coverage in turn made the entire world come to know that certain issues are not being properly managed by the government.

Students were one of the foremost agencies who forced the government to accept the marginalised conditions of the *Janajatis*. The *Janajati* movement got enormous support from the student groups. Certain demands of the *Janajatis* were equally raised by the student groups. The first demand was concerning the restoration of democracy. *Janajatis* failed to effectively raise their demands during the earlier period particularly during the party-less *panchayat* period. Hence, the restoration of democracy gave them enough space to raise their issues. Moreover, the students have supported equally the *Janajati*

concerns which included the preservation of indigenous culture, language and traditions. The demand for the declaration of the country as secular, which was one of the foremost concerns of the *Janajatis* was equally supported by the student groups as well. The teaching of the Sanskrit in the primary level of Nepal's schools was hesitated by the students and the *Janajati* groups. Due to the pressure of the students along with the *Janajatis*, a three language formula was adopted by the government in the schools whereby the children of the indigenous groups could learn their native language.

Students belonging to the indigenous groups actively participated in the movement. One of the main reasons behind it was the discrimination that they suffered in the past years due to their language and religion. The *Khas Kura* language which is spoken mainly in the Kathmandu valley was the main medium of instructions in the schools and it was made compulsory. This affected the *Janajati* students who wanted to excel in their own native language. Moreover, all exams for government's posts were held in the *Khas kura* which proved to be a disadvantage for the ethnic minorities. Due to this reasons, most students supported and actively participated in the Janajati movement.

Role of the Donor Agencies and Foreign aid

The role of donor agencies in Nepal can be gauged from the fact that when the country launched its first five year plan in 1956, its entire developmental expenditure of the plan was financed by foreign aid. Donor agencies such as the World Bank, Asian Development Bank (ADB), United Nations Development Programme (UNDP), Food and Agriculture Organisation (FAO), United States Agency for International Development (USAID), the Department for International Development (DFID), different European Countries and others have played an important role in the emergence and growth of the *Janajati* movement. Foreign aid is not only the flow of funds, goods and technologies, but also the influence in policy and process. Foreign aid has played an influential role in translating development into local development process. The *Janajati* movement got massive impetus from the donor agencies as it has laid emphasis on a variety of issues which directly dealt with the concerns of the *Janajatis* as the marginalized section of the

society. From the beginning of 1990's, in line with global trends, many of Nepal's donors began to emphasize local ownership and people's participation as essential components for effective allocation of foreign aid. The numerous donor agencies have also laid stress on certain other essential conditions in front of the government for the availability of foreign aid. These conditions include achieving social inclusion as well as equity, gender justice, environmental sustainability, governance concerns focusing on democracy, human rights, decentralization, reestablishing and strengthening of civil society the basis for lasting peace and promotion of civil society. Secondly, donor countries have started monitoring the recipient government's efforts in utilizing the aid money towards empowering the poor at the grassroots level. In these regard, they have set different criteria's like social inclusion, good governance and special programmes targeting the poorest households and marginalized communities through participatory approaches. These measures went a long way in ensuring the *Janajatis* participation in the grassroots level governance which made them directly play an efficient role in the development process of the country for the first time. Moreover, many donor countries have started incorporating anti-corruption or transparency mechanism as conditionality in the working agenda. Due to high dependency of a recipient country like Nepal on foreign aid, there has been a constant effort on their part to accept the norms and conditions put up by these donor agencies. Hence, unlike the *panchayat* days, an absolute autonomy in national policy exercise is little likely now as it can evoke a fear of aid cut off from the donor agencies. This has made the government particularly from 1990 to pay serious attention to the development of the different section of the population, especially the marginalized groups like the *Janajatis* and *Dalits*. In this process, the *Janajati* movement caught momentum owing to the efforts of these donor agencies. The donor agencies have provided impetus to the *Janajati* movement by laying stress on good governance, transparency, decentralization and corruption control and also the participation of marginalized and indigenous people in the development process. They have also argued that foreign aid disbursements should focus on institutional strengthening and organizational development of local institutions.

Shah maintains that USAID, DFID, European Union, the World Bank, the Asian Development Bank, and the Scandinavian countries are making significant contributions to civil society/ NGO activities and have growing civil society portfolios. The international donor agencies have successfully used the NGO's as a channel of aid to the poor and far flung regions of Nepal. On many occasions, we could observe a paradigm shift in the donor's objectives whereby apart from their direct contribution of funds in project sites, they have engaged in capacity building of NGO's and local elected bodies. An effective collaboration could be seen in many areas whereby the donor agencies have collaborated with the international and local NGO's in dispensing aid to the indigenous people living in the very difficult and in accessible areas which in turn have made them aware of their rights.

Development in Nepal started mainly after the downfall of the Ranas in 1951. In the initial years after 1951, foreign aid couldn't play an effective role as the governmental was very apprehensive on many issues regarding the functioning of these donor agencies. From the period 1950's to 1970's, foreign aid was understood only as technology transfer and financial support in infrastructure building. In this regard, the *Panchayat* system which was introduced in 1963 defined development as government provision of services and infrastructure. Meanwhile, the "Back to the Village" campaign which was launched in the early 1970's for the involvement of local people in labour contributions to infrastructure building, became a tool for the undemocratic recruitment of the people's representatives and the suppression of political opponents (Shakya 2008: 265). After the popular referendum on the future of the *Panchayat* system in 1980, foreign- aided projects in community forestry and watershed management pioneered people's participation in development. Users groups which are popular forms of community organizations were promoted by forestry projects. Along with it, small irrigation and rural water projects followed working through these user groups. These approaches tried to promote participatory bottom-up planning. However, these approaches did not transfer the responsibility for implementing projects to the community. In the *Panchayat* period, government agencies controlled both resources and accountability and the ownership of the project activities remained with the government.

The role of foreign aid changed massively after the restoration of multi party democracy which in turn provided the indigenous people to raise certain genuine issues against the government. . The 'People's movement' of 1990 re-introduced multi-party democratic politics in Nepal. Foreign aid projects were allowed to work with NGO's and CBO's to create demand from the bottom up in the districts. Before 1990, foreign aid agencies only signed agreements with the Ministry at the central level. With the introduction of democratic form of government, the focus of donors shifted from the centralized delivery system of the government to that of NGO's and local bodies. This transformation which took place after 1990 created more space for increasing participation by local leaders and non-governmental developmental workers. So, aid could flow quickly and directly to a large number of beneficiaries, and bureaucratic delay and hassles of the central government could be overcome to a large extent. This shift also allowed for a more open and lateral relationship between the donors and the local players. After 1990, there was an upsurge in the number of NGO's from a handful to several hundreds to use the new liberal environment for the foreign agencies to work in various fields of development and human rights issues. Most of these agencies found it easy and cost-effective to work through local NGO's. As a result, some 50000 NGO's were registered as engaging over 500000 workers in different capacities. Hence, capacity building of the NGO's themselves become an important mission for foreign aid. The output of the growth of NGO's was the formation of thousands of community based organizations (CBO's). This mammoth growth of NGO's and CBO's aided by the funding agencies went a long way in educating the indigenous groups about their rights and their living conditions which ultimately made them contribute towards the *Janajati* movement.

Decentralisation was one of the foremost reasons that gave an impetus to the *Janajati* movement as the government's hold over the regions decreased. After the arrival of multi party democracy, due to the pressure of these funding agencies, the government passed the Local Self-governance Act (LSGA) in 1999 which has been considered as landmark event in the process of decentralization in Nepal. The act has provided local authorities with more authority at local level and hence contributed to participatory development and local governance. It has accelerated the pace of decentralization in terms of devolution. It

contains all the elements needed for ideal local governance, specially the transfer of authority, responsibilities, capacity and resources. Moreover, the act institutionalized the process of development by enhancing the participation of all people in mobilization and allocation of resources so as to ensure social equity and justice, to make local bodies capable of formulating and implementing programmes, and to promote local leadership in making decisions on matters of delivering services. The Act has thus created the legal base for the delegation of authority of planning to locally elected authorities.

One of the important areas where the donor agencies have given much importance is in the area social exclusion. The government was forced to implement various measures to include the different marginalized groups like the *Dalits*, indigenous groups and women in order to avail the schemes of these agencies. The donor agencies have raised various issues like gender equity particularly after 1980's.

In 2004, the British Government through the DFID funded NEFIN to carry out a three year Janajati empowerment Project (JEP). Meanwhile, a budget of UK pound 1.52 million was given to NEFIN. The JEP aims to strengthen the capacity of indigenous peoples' organizations to help ethnic groups develop and articulate their demands to the state (Hangen 2010: 43).

In February 2007, The UN sets social inclusion as one of the priorities in its development assistance programme. In the same year, the European Union funds projects, to work for highly marginalized *Janajatis*, for Action aid and Care Nepal, to be implemented jointly with NEFIN.

Role of the Women

Nepalese women played one of the foremost roles in the *Janajati* movement. In this regard, it should be understood that they are the worst sufferers of the severe conditions that Nepal has faced particularly in the last few years. The *Janajati* women face two kinds of discrimination – Firstly as belonging to the so called “weaker sex” and secondly as a member of the ethnic group in a society which is often believed to be controlled by

the higher castes. Meanwhile, compared to *Janajati* women, the women of the high caste *Bahun*s, *Chettri* and the Kathmandu based *Newars* are economically more well off but the *Janajati* women are more independent in their internal family domain than the high caste *Bahun*s and *Chettris* and *Newars*. . This was one of the main reasons which made them come out with their men folk demanding their rights. There are various reasons as to why the women of these *Janajati* groups actively participated in the *Janajati* movement. The *Janajati* women were one of the biggest victims of the corruption and under-development in the country. Social evils like alcoholism and wife battering is common in patriarchal society in Nepal whereby the women are considered as members of the second category. The work of the women is neglected although they do more work than the men. Due to the severe, economic condition, many girls are trafficked each year to India and the gulf. On the other hand many of them have joined the Maoists due to ideological reasons or just to escape the grim poverty across the countryside.

In order to incorporate the demands of the *Janajati* women, the Adivasi Janajati Mahila Loktantrik Manch (Indigenous Nationalities Women's Democratic Front) was established in 2006. The movement came as an opportunity for many of the *Janajati* women to escape the shackles of poverty and discrimination and a possible chance to raise their voice against a society which has always been unresponsive to their demands. This made them participate in large numbers as a member of civil society organizations and also in various other forms.

The monarchy has played a negative role regarding the growth of civil society organizations during the *panchayat* period whereby on many occasions it has obstructed different donor agencies from entering the country due to their suspicions that it may provide support to the pro- democracy movement in the country. Scholars tend to agree that this happened because of the suspicion that social organizations raised people's awareness levels, thereby creating a threat for the continuation for the autocratic political system. As a result, the growth of NGO's and civil society organizations in Nepal during 1961-1990 was very slow.

There exist some serious anomalies also regarding the functioning of civil society in Nepal. In the country the definitions offered in the realm of theoretical categories of civil society contain little merit whereby many NGO's and newspapers are merely the appendages of political parties and the occupants of the offices of the state. Thus, political and commercial sectors are not the only parts of Nepali society that are corrupt and duplicitous; the civil society is equally corrupt- financially, intellectually and morally. In most cases, due to massive corruption, the civil society sector has failed to raise certain genuine issues of the indigenous people. In addition to this, another issue which was noticed was the hierarchic nature of certain sections of population in the Kathmandu valley, particularly a few elites which has been the biggest obstacle towards the proper functioning of the civil society. They act as mediators between the INGO's, donor agencies and the local masses. On many occasions, they mismanage the resources provided by these donor agencies.

The civil societies role although limited was an important one for the growth of the *Janajati* movement. At the present moment, numerous local NGO's and citizens organizations at the grassroots level are thus becoming institutional partners in planning, interacting, monitoring, and influencing public policies on governance. At the same, the pattern of donor assistance is also shifting from aid to the state to aiding the NGO's and civil society organizations to strengthen their capacities. The new aid pattern has been justified by good governance imperatives which require a bolstering of the strength of local inter-mediary bodies. This change of pattern is expected to help set constraints on the state's tendency to resort to arbitrariness and work according to its own will in decision making and actions. In addition to it, some donors are even providing linkages to elevate the marginalized and deprived groups through a civil mechanism to enable them to defend their identity, cultural rights and properties. These particular efforts of the donor agencies have revitalized the *Janajatis* constant urge to revive their traditional languages, culture and indigenous rights.

At the present stage, the civil society in Nepal is very strong and effective. There are more than 25000 registered NGO's in the country which is playing a good role in

grassroots development. Although, government of Nepal tried to put barriers on various on International NGO's and had often charged them for supporting organizations which were secessionist, they failed to do so. A vibrant civil society will provoke the government to take the problems of *Janjatis* seriously and ensure their rights in future.

CHAPTER 5

State's Response to the *Janajati* Movement

The *Jana Andolan* of 1990 led to the establishment of multi party democracy in Nepal. The introduction of multiparty party democracy paved the way for the participation of numerous political parties in the elections. Since 1991, the process of elections continued but none of the political parties was able to address the issues of the indigenous groups. Politics in Nepal after 1990 was mainly dominated by the high castes such as Bahuns, Chettris and the Newars of the Kathmandu valley. According to Lawoti, this group is described as Caste Hill Hindu Elite (CHHE), which although constituted 36.37 percent of the total population in 2001, occupied more than 80 percent of the positions in the executive, parliament, judiciary and the top civil administration in 1999 (Lawoti 2005: 48-49). Hence, most of the mainstream political parties were led by this group and as the leaders of the mainstream political parties were mainly from the high caste groups, indigenous issues were not actively discussed or addressed by them. This has led to the marginalization of the indigenous groups which ultimately provided a momentum to the *Janajati* movement, especially after the arrival of the Maoists who have lend a voice to their cause.

Meanwhile, the constitution of 1990 has also played a significant role in the growth of the movement due to its exclusionary nature. The constitution of 1990 had many discriminatory provisions for the marginalized communities particularly *Janajatis* which made them raise their voice against the government. The main concern of the *Janajati* movement in the beginning of 1990 was regarding three basic demands of the *Janajatis* that is the recognition of their language religion and culture *Sanskrit* (Hangen 2007: 18). Initially, the state's response to the *Janajati* movement was very clumsy and hesitant but when the movement caught momentum, it had to resort to a number of concessions. One of the main reasons behind this was the emergence of the Maoists particularly after 1996. The Maoists seemed to have hijacked the issues of the *Janajatis*. They have used the

ethnic factor successfully to wage a war against the state. The political parties after observing the growing bonhomie between the Maoists and the *Janajati* groups started their own process of satisfying the demands of the *Janajatis*.

Since 1990, the government has adopted numerous measures to live up to the demands of the *Janajatis* but nothing concrete or substantial could be achieved in this direction. The constitution of 1990 for the first time accepted the multi-racial, multi-religious, multi-lingual character of the country. This was a significant step in the country's history as for the first time the government accepted the plural character of the country. This acknowledgement of the presence of numerous ethnic communities in Nepal gave scope to the *Janajatis* to raise their demands in front of the state.

Article 18 of the 1990 constitution had guaranteed the right to every community to preserve and promote its language, script and culture and also the right to establish and operate schools in order to educate the children in their mother tongue. However, as far as the role of the mainstream political parties were concerned, there were no substantial efforts from any of them to address the genuine grievances of the *Janajatis*.

The first main achievement for the *Janajatis* after the *Jana Andolan* was the introduction of Caste/Ethnic based criteria in the census operations by the government. Unlike the census operations of the past years, the national census of 1991 took into account the ethnic factors and thereby, identified the numerous ethnic groups inhabiting the country. This very development provided an impetus to the *Janajati* movement (Dahal 2002: 85-89).

Unlike the past governments which have been denying the existence of such varied diversities in Nepal, the census of 1991 brought into focus the numerous *Janajati* groups along with their issues and grievances. From 1993 to 1996, the government established five task forces or commissions in an attempt to address the issues of the *Janajatis*. Unfortunately, the government largely ignored the reports of these task forces/commissions and sometimes acted against its recommendations. However, the

government's five year plans since 1992 have increasingly addressed the issues of indigenous nationalities.

Eighth Five Year Plan

The Eighth Plan (1992-1997) was the first one which was formulated after the introduction of democracy in Nepal. This Plan aimed for the upliftment of indigenous nationalities through the implementation of numerous welfare programmes. It was also the first public document to address the caste/ethnic issues although indirectly. There was an attempt in this plan to target particular ethnic and caste groups under the somewhat vague and unspecified category of 'indigenous groups' (Bennet, 2005: 4). This thing mainly happened because the government didn't recognize the number of indigenous groups till this plan came into being. Meanwhile, the programmes formulated by the plan couldn't benefit the diverse range of indigenous nationalities present across the country. Thus, the government realized that in order to successfully implement the plan for the indigenous nationalities, indigenous ethnic groups need to be considered separately from group to group as well as from the mainstream groups (Pokharel, 2005: 17).

Ninth Five Year plan

Considering the drawbacks of the earlier programmes, the Ninth Plan included numerous special policies and programmes related to indigenous nationalities. This were launched with the aim of eliminating the social disparities by improving the socio-economic condition of the *Janajatis* and raising the overall cultural status of the nation by undertaking research works on their cultural heritages which would help them conserve their distinct cultures. The plan also aimed at enhancing the capabilities of the indigenous groups by empowering them economically, socially and communally, thereby involving them in the task of nation-building by ensuring their access to resources and by promoting their knowledge and modernizing their traditional occupations (Pokharel, 2005: 17).

The Ninth plan for the first time addressed *Dalits* and *Janajatis* by name and a section of one chapter was titled as “*Adivasis* and *Janajatis* in Development Programmes”. This discussed carrying out social, economic and cultural development programs for this group. The plan was called for a council that would co-ordinate the government’s programmes for indigenous nationalities and for the district level committees to carry out these programmes. Moreover, under this plan, a portion of Village Development Committee and District Development Committee grants were allotted for raising the income and skill development programmes for *Janajatis* and envisaged the founding of an autonomous *Janajati* council at the district level (World Bank and DFID, 2006)

Tenth Five Year Plan

The Tenth Plan’s (2002-07) main focus was on poverty alleviation. The long term vision of the Tenth Plan for the upliftment of indigenous nationality communities, is to boost indigenous peoples and ethnic groups to achieve their all round development in the areas of economic growth, education, social and cultural upliftment by mainstreaming ethnic diversity and mainstreaming them into national development on the basis of equality (Pokharel, 2005: 18). The Tenth Plan devoted an entire chapter to ethnic issues and called for many of the same initiatives that were outlined in the Ninth Plan such as promoting ethnic languages and ending poverty but the plan failed to quantify the objectives to be achieved. Although *Janajati* activists hailed the inclusion of these issues in the various plans as an achievement, the government utterly failed in fulfilling the plans (World Bank and DFID 2006).

National Committee for the Development of Indigenous Nationalities

In 1996, the government set up a task force for the identification and upliftment of the indigenous nationalities. On the basis of reports of the task force, the government took up a significant step by setting up the National Committee for the Development of Indigenous Nationalities (NCDN) in 1997. In the same year, the government gave a definition to indigenous nationalities or *Janajatis* which referred *Janajatis* as those communities who have its own mother tongue, traditional culture and those who do not

fall under the conventional fourfold varna of the Hindus (NFDIN 2003: 6). This new definition gave a new identity to the *Janajatis* because prior to 1997, the government considered them as tribal or *Matwalli* caste who were placed second in the four fold hierarchy of the Hindu caste system (Bhattachan 2005: 84).

The government formed the NCDN by issuing an ordinance with the singular aim of institutionally strengthening the nationalities and supporting them in the overall development efforts so as to steer them cohesively into the mainstream of the national life of Nepal whereby enabling them to contribute to the overall development of the nation (NFDIN, 2003: 6).

The committee which was formed was the first ever formed by any government in Nepal to enquire about the concerns and development issues of the *Janajatis*. NCDN for the first time identified and prepared a list of 61 *Janajati* groups but the national census of 2001 later on put the total number of indigenous groups to 43.

The Local Self –Government Act

In 1999, the Local Self-government Act (LSGA) was promulgated by the government of Nepal. The LSGA as stated in its preamble clearly lays stress on institutionalizing the process of development by enhancing the participation of all people, including the ethnic communities, indigenous people and downtrodden as well as socially and economically backward groups in bringing about social equality in mobilizing and allocating means for the development of their region and equal distribution of the fruits of development (Pokharel, 2005: 16). Moreover, the LSGA includes a provision for the nomination of indigenous nationalities in the council and the board of local bodies. This particular provision has led to the increased participation of indigenous nationalities in decision making at the local level. In a similar way, it also mandates the participation of indigenous nationalities in the formation of mediation committees in local bodies which further enhances the opportunity of this community to participate in the decision making process. The LSGA also has a provision for local bodies to give priority to projects that benefits women, children and marginalized groups like the indigenous nationalities while

formulating their development plans. Lawoti claims that although the LSGA that was although weak in political and fiscal decentralization, was a step forward and provided a legal framework for administrative decentralization of services. Over the years, the different governments transferred resources to the local government and provided it with more opportunities to act. The minority government of CPN-UML in 1994 provided block grants to the village development committees. The funds increased the local governments committees, as it helped them to conduct surveys of development activities, make plans, implement projects, keep accounts and mobilize communities to generate additional resources (Lawoti, 2007: 40).

In July 2000, the government abolished the bonded labour system (Kimaya System). Most of the *Kimayas* belonged to the Tharu indigenous community living in the Terai plains. The government freed the Kimayas from decade long loans and resettling them in the neighbouring areas, providing land and housing facilities to them¹. In 2001, the Central Bureau of Statistics (CBS) provided data on 100 caste /ethnic groups of Nepal and cited 92 different mother tongues. It also came out with a list of 43 ethnic groups and had put the total population of the indigenous population at 37.2 percent of the country (Pokharel 2005: 21).

National Foundation for the Development of Indigenous Nationalities

The National Foundation for the Development of Indigenous Nationalities was established according to the provision of the National Foundation for the Development of Indigenous Nationalities Act, 2002. In 2002, the Nepal Foundation for the Development of Indigenous Nationalities (NFDIN) (*Adivasi Janajati Utthan Rastriya Prasthan*) was established by the Government of Nepal under the National Foundation for the Development of Indigenous nationalities Act 2002 for social, economic and cultural

¹ The Kimayas are bonded labourers. They had no right over lands and were under the landlords control until the year 2000 when the government declared them free.

development and upliftment of various indigenous nationalities thereby ensuring their equal participation in the mainstream of national development (NFDIN 2003: 34-44).

The main objective behind the creation of NFDIN was the preservation of indigenous languages, promotion and development of indigenous people's culture and heritage and raising awareness among the indigenous people. The annual budget of NFDIN was NPR 30 million when it was established. The government also recognized a total of 59 indigenous groups (Pokharel, 2005: 24). The formation of NFDIN was an important landmark in the history of agreements between the state and *Janajatis*. NFDIN replaced the National Committee for the Development of Indigenous Nationalities (NCDN), which was established in 1997 on the basis of a recommendation submitted by a task force constituted by the government in 1996 (Acharya : 2002: 69).

NFDIN is a semi-autonomous body that acts as the state's focal point for indigenous policy with a mandate to make recommendations to the government on measures to promote the development of indigenous groups in the social, economic and cultural areas. The basic difference between NCDN and NFDIN is that the latter is a permanent body (NFDIN 2007).

Failures of NFDIN

NFDIN has not completely succeeded in addressing the issues of the *Janajatis*. Although, the foundation gave a definition to indigenous groups and prepared a list of 59 indigenous groups in the country, many of the smaller sub-groups were left out from the list. In this regard, Chandra Singh Kulung of the Kirat welfare society claims that at the time of adoption of the NFDIN Act, many Kirata sub-groups were not included in the official list of the indigenous peoples in Nepal. According to him, although sub-groups such as Limbu, Yakkha, Sanuwar and Hayu were recognized as indigenous people whose total population was 473477 in 2003; around two dozen Kirati sub-groups have still not been recognized as indigenous people. The excluded sub-groups are namely-Kulung, Chamling, Nachiring, Bahing, Lohuring, Bantawa, Yamphu, Thulung, Khaling, Sangpang, Atpahare, Tilung, Puma, Jerung, Mewahung, Koyu, Dumi, Dungmali,

Umbula, and Chattara. The total population of these excluded sub-groups is 8 lakhs. (NFDIN 2007: 15)

In 2004, the government approved the National Human Rights Action Plan (NHRAP). The programmes included in the NHRAP for indigenous nationalities comprise the enactment/re-enforcement of human rights for indigenous nationalities, compiling and updating data, increasing employment opportunities and protection and promotion of indigenous technology and knowledge. The Action Plan spells out the responsibilities of different agencies. The Ministry of Local Development is the implementing agency in this regard (Pokharel 2005: 25).

In July 2006, the government of Nepal established District co-ordination committees (2006) for indigenous nationalities in all districts of the country. On November 22, 2006, a Comprehensive Peace Accord/Agreement (CPA) was signed between the seven party alliances and the UPCN (Maoists).² The signing CPA between the Maoists and the seven party alliances brought an end to the decade old conflict between the Maoists and the government backed security forces. Along with that a unanimous decision was taken between the SPA and the UPCN (Maoists) with the signing of an eight-point agreement for the establishment of an interim constitution and interim legislature and the announcement of the date for constituent assembly elections.

Interim Constitution and *Janajati* Movement

On 15 January 2007, the government dissolved itself and an interim constitution was promulgated by the House of Representatives until the formation of a new constitution by the Constituent Assembly. An interim legislature-parliament was formed which consisted of 330 members-209 from the mainstream parties, 79 from the CPN (Maoists) and 48 from the marginalized groups and individuals. The interim government started to adopt

² The Seven Party alliances consisted of the Nepali Congress, Nepali Congress(Democratic), Communist Party of Nepal (Unionist-Marxist-Leninist), Nepal Sadhbhavan Party (Anandi Devi), Smayukta Jana Morcha Nepal, Nepal Workers and Peasants Party and United Left Front.

numerous provisions to facilitate the demands of the excluded groups, more particularly the *Janajatis*. The main objectives of the interim constitution are to achieve the progress restructuring of the state for the resolution of the problems of class, ethnicity, gender and regional differences, a commitment to democratic norms and values, including a system of competitive multi party rule, civil liberties, fundamental rights, human rights, adult franchise, periodic elections, freedom of the press, an independent judiciary and the rule of law, impartial, free and fair election to the Constituent Assembly in order to draft a new constitution and institutionalize the achievement of the democratic movements, peace, progress, socio-economic change and independence of the nation (Dahal 2010: 6).

The interim constitution has defined Nepal as multi caste, multi-lingual, multi-religious, multi-cultural and multi-lingual ideological nation³. It was for the first time that the country was accepted having numerous religious groups. The earlier constitution of 1990 recognised only one religion that is Hinduism. Thus, most of the *Janajati* groups following other religions like Animism, Bonism, Buddhism and Shamanism were highly discriminated. The interim constitution has also defined Nepal as a secular, inclusive and democratic country and guarantees social justice⁴. The state before the promulgation of the interim constitution recognized and protected only the Hindu religion. Secularization would mean the equal treatment to all religions. Hence, every community under this constitution has the right to follow his or her own religion. The interim constitution recognized the status of all mother languages as national languages thereby enabling their use in the governmental sector. But the ‘Nepali’ language was recognized as the only official language of the country⁵. It has also recognized the right of every community to get “basic education in their mother tongue as provided for in the law” and the “right to preserve and promote its language, script, culture, cultural civility and heritage”⁶.

³ Article 3 of the Interim Constitution promulgated in 15 January, 2007

⁴ Article 4 of the Interim constitution promulgated on 15 January, 2007

⁵ Article 5 of the Interim Constitution promulgated in 15 January, 2007

⁶ Article 17 of the Interim constitution promulgated in 15 January, 2007

Meanwhile, Article 21 recognizes the rights of indigenous peoples to ‘participate in state structures on the basis of proportional inclusion’. Article 23 guarantees the right of every individual to adopt any religion and follow one own culture. Article 3 further authorizes the state to implement special measures ‘for the protection, empowerment and advancement of indigenous nationalities (Ananya 2009: 11)The Interim Constitution has also made a provision for constituent assembly elections. Article 3 (2) stated that the date for the constituent assembly elections should be declared as early as possible. Moreover, Article 6 (3) stated the composition of the constituent assembly elections - 205 members will be elected through the first past the post system and 204 members will be elected on partial proportional system.

This number has been increased later to 240 after serious protests by the Madhesi parties in the Terai. Sixteen members will be nominated by the government. Thus, for the first time, the government accepted the proportional representation system whereby the *Janajatis* were allowed to participate in the decision making process. The seats were reserved on the total population of a particular ethnic group. This measure has gone a long way to ensure *Janajatis*’ participation in the constitution making process (Tamang 2009: 17).

Even though the interim constitution adopted numerous provisions, the *Janajati* organizations such as NEFIN realized the limitations of the interim constitution and soon started pressing for their demands, out of which the demand for federalism was the foremost. Due to violent protest from the Madhesi Jana Adhikar Forum in March 2007, the first amendment to the interim constitution declared Nepal to be federal in structure (Pandey 2010: 10).

Due to the pressure of *Janajati* activists, the interim government signed a twenty-point agreement with the *Janajatis* led by NEFIN. The twenty-point agreement between the *Janajati* activists and the interim government tried to address a number of issues of the *Janajatis*. The agreement formed the main bedrock for *Janajati* negotiations in the immediate future. The main points of the twenty-point agreement were acceptance of

proportional representation and while preparing a proportional list, all political parties participating in the elections must make arrangement to ensure representation of each of the listed *Janajati* groups. The government also set up a proposal for the establishment of a commission for indigenous *Janajatis* and agreed that the CA will make arrangements to give recognition to locally spoken mother tongues along with Nepali.⁷

In February 2007, the United Nations set social inclusion as one of the priorities in its development assistance framework (2008-2010). In July, 2007, the government appointed National Planning Commission put specific targets and allocated a budget for the development of *Adivasi/Janajatis* in the three year interim plan (2008-10). The interim government also signaled its commitment towards the development and the preservation of indigenous culture of the *Janajatis* by allocating funds and defining specific targets in the three year interim plan (2008-2010).

The three year interim plan (2008-2010) fixed a target to increase the Human Development Report (HDR) by 10 percent. In this regard, the interim government has allocated some NPR 15 million. The interim government has also implemented 39 targeted projects and programmes in the fiscal year 2006-07 with expenditure of more than NPR 4.5 billion. The expenditure is calculated to be 3.13 percent of the total budget or about 7 percent of the development-programme budget.

In August 2007, NEFIN and the interim government signed a twenty-point agreement following the nation-wide agitation carried out by *Adivasi/Janajati* activists for proportional representation in the constituent assembly elections and other issues. This was a great achievement for the inclusion of the *Janajatis* because in the earlier model i.e. the first past the post electoral system, Lawoti (2007) had claimed that the system gave more seats to the larger political parties than their vote share and also facilitated their concentration of power by creating artificial majorities. In August 2007, the civil

⁷Twenty-point agreement signed between the government of Nepal and the *Janajati* parties on August 7 2007. It can be accessed at the NFDIN website. <http://nfdin.gov.np>.

service act was amended to include provision for 45 percent reservation of seats for women, *dalits*, *Adivasi/Janajatis*, Madhesis and those from backward regions. In September 2007, the interim government of Nepal ratified the International Labour Organisation's (ILO) Charter no. 169 (1989) on indigenous and Tribal People. In the same month, it ratified the United Nations Declaration on the rights of indigenous people at the General Assembly. It is the only legally binding declaration on the protection of indigenous people until 2007 and by signing this charter it has become the first country in Asia which has taken up the responsibility to protect the indigenous peoples of its country. In November 2007, the three year interim plan was announced with specific promises for *Adivasi/Janajatis*.

In March, 2008, an agreement was signed between an *Adivasi/Janajati* party, the Federal Democratic National forum (FDNF) and the government of Nepal for the recognition of ethnicity based federal system in the new constitution. In April 2008, the constituent assembly elections took place in which 218 representatives were elected as members from *Adivasi/Janajati* communities. It includes 82 from first past the post system, 120 from proportional reservation system and 16 nominated ones (Tamang 2009: 12)

In May 2008, the Fifth Amendment of the interim constitution led to the declaration of the country as 'Republic' by abolishing the monarchy. The government adopted a three language formula at the primary level schools. In order to embark on a more inclusive policy, the government also reserved seats for the *Janajatis* during the Constitutional Assembly elections of 2008. It was a proportional system whereby seats were accorded according to the population of the ethnic groups (Pandey 2010: 33)

There has been criticism regarding the lists of indigenous prepared by NFDIN in 2002 which has listed 59 indigenous groups in Nepal. In this regard, the United Nations Committee on Economic, Social and Cultural Rights in its 2008 Report have criticized the official list of indigenous people prepared by NFDIN in 2002. Hence, the Interim government of Nepal has formed a task force called the "List Renewal Task force" composed of nine indigenous representatives which is currently being established by the

government of Nepal for the purpose of re-examining the official lists with the participation of the main indigenous organizations (Ananya, 2009: 7).

Unfortunately, the demand for the formation of the constitution could not be completed till the end of 2010. The constituent assembly has failed to frame a constitution within the stipulated time frame due to numerous differences among the political parties. The issues and grievances of *Janajatis* need redressal which has not happened due to the absence of constitution.

The Constituent Assembly Elections of 2008

The interim constitution vested the authority of the state on the Nepalese people and described the state as ‘Multi racial, multi-lingual and multi-religious and multi cultural specialties which collectively constitute the nation (Article 5) All languages spoken in Nepal as mother tongues are national languages (article 5(1) (Thapliyal AsianScholarsFoundation)

The Constituent Assembly election of April 2008 was a defining moment in the history of *Janajati* struggle, whereby the ethnic groups succeeded to get proportional representation on the basis of their population. In this regard, Dahal (2010) mentions that the Constituent Assembly of 2008 increased the representations of Nepal’s social diversity in political power, reduced structural conflict, legitimized the secular, federal and democratic republic and sought a peaceful settlement to democratic society. Altogether 3946 candidates contested the elections, out of which approximately 26 percent were from *Adivasi/Janajati* communities but from 40 different political parties. According to Tamang (2009), the *Adivasi/Janajati* political leaders didn’t leave their mother parties in order to form their own political groupings. Barring a few small *Adivasi/Janajati* parties, most of the indigenous leadership contested the election from the already established political parties. In the FPT system of direct election to the Constituent Assembly, out of the total 55 parties which participated, only 6 were drawn exclusively from the *Adivasi/ Janajati* communities. Unfortunately, none of the members from these parties could win even a single seat in the elections(Tamang, 2009:14). The Constituent

Assembly elections held on April 10, 2008, the UPCN (Maoists) bagged the maximum number of seats which stood at 220. It was followed by the Nepali Congress which won 110 seats. The CPN (UML) was at the third position with 103 seats. Most of the *Janajati* candidates who won seats contested for the UPCN (Maoists).

It was for the first time in Nepalese history that such a large number of *Janajati* candidates were successfully elected. In all, 218 out of the total 601 members (36.3 percent) were elected from the indigenous communities. Out of this, 82 were elected from First past the post system (FPS) and the rest from proportional representation and nomination. The overall representation is close to 37.2 percent of the total population. A majority of the *Janajati* candidates won seats contesting from the CPN (Maoists).

Among the indigenous parties, the Federal Democratic National Forum (FDNF) gained two seats in Constituent Assembly and also shared seats with affiliated state councils in Limbuwan, Khumbuwan, Tamsaling and Tharuhat. Out of a total of 59 indigenous groups recognized by the government, members of 30 groups got representation in the Constituent Assembly while the rest 29 which didn't have representations have very small populations.

After the elections, the *Adivasi/Janajati* Vrihat Morcha (Indigenous Peoples' Mega front) was formed on 21 November, 2009, with the aim to launch a powerful struggle in order to ensure the immediate implementation of the agreements signed between the state and the *Adivasi/Janajati* parties concerning the rights of the *Adivasi/Janajatis* in the new constitution that is being drafted by the Constituent Assembly. The main demands of the *Janajatis* included federalism, democratic rights, republic, right to self determination, ethnic autonomy, self-governance, secularism, poly national state, linguistic identity, distinct identity of the *Janajatis* along with their land, political preferential rights, gender equality on the basis of future restructuring of the state based on historic and ethnic, linguistic and regional grounds which has been ensured by documents like the United Nations Declaration on the Rights of Indigenous Peoples' and ILO's Convention No. 169 of which the state of Nepal is a signatory. The total number of registered parties in the

Constituent Assembly elections was 74. The Tamsaling Nepal Rastriya Janata Dal (The Tamsaling Nepal National party), which is a party of the Tamangs participated in the 2008 constituent Assembly elections.

Position of Different Political Parties on the Issues/ Demands of the *Janajatis*

The mainstream political parties after the restoration of multi-party democracy in 1990 failed to successfully address the numerous issues of the *Janajatis* which led to increase in the momentum of the *Janajati* movement. In this regard, Lawoti (2005) mentions that among the three political forces, i.e. the political parties, the Monarchy and the Maoists, the latter two have done much more in matters of inclusion of the marginalized socio-cultural groups in different positions of influences as well as raising the issues of marginalized groups after the restoration of democracy in 1990. The Maoists were the foremost to raise the issues of the *Janajatis* by declaring an opposition to the Hindu state and demanding the formation of ethnic autonomous states. On the other hand, the monarchy proved more inclusive than most of the mainstream political parties. The monarchy consistently appointed the members of marginalized socio-cultural groups to the Upper House (The King had a quota to appoint 10 members) and also a high proportion of indigenous nationalities, Madhesi as well as Dalit leaders, more particularly in the Lokendra Bahadur Chand cabinet formed in 2002 (Lawoti 2005 : 317). Thus, for the marginalized groups, the different political parties did not emerge as viable options as they failed to act as competitive political entities for them. Almost, all mainstream political parties failed to include this marginalized socio-cultural groups.

Altogether, mainstream political parties have a mixed record on ethnic issues. Although, the mainstream political parties have largely failed to address the ethnic grievances, they gradually began to deal with their issues through their party manifestos, other policy documents and specific party wings. This became more intensified after the Maoist tried to hijack the issues of the *Janajatis* in order to gain their support towards their war against the states. Hachhethu (2003) provides with the detailed provisions of the different political parties for the caste, regional and ethnic groups in their election manifestos of

1991, 1992 and 1993. The Nepali Congress (NC), Communist Party of Nepal-Unionists Marxists and Leninists (CPN-UML) and Communist Party of Nepal (Maoists) have taken different measures in this regard to deal with the demands of the *Janajatis*.

The CPN-UML in the 1991 election manifesto held the provision for the establishment of a secular state and abolition of constitutional and legal provisions of discrimination on the bases of caste/ethnicity, language, religion and culture. It supported the constitutional provision for the representation of backward *Janajatis* in the National Assembly and autonomy to elected local bodies for the promotion of caste/ethnic, language, religion and culture. It also proposed primary education to the numerous ethnic groups in their own mother tongue (Pyakurel2007: 85). Meanwhile, in 1994, the CPN (UML) government identified 16 deprived groups. In 1998, it opened the *Jatiya Mamila Bibhag* (Ethnic Issues Department). On the issue of federalism, the CPN (UML) supported the carving out of 15 provincial states, 5 in the Terai Madhesh and 10 in the hills and mountains.

The Nepali Congress prior to the 1991 elections, in its manifesto talked about the provision for the preservation and promotion of different languages, cultures and traditions existing in the country and elimination of regional and communal disparity in development. In 1994, it discussed about the provision for the inclusion of one's own mother tongue in education and communication and establishment of institutes relating to the culture of different communities. Again, in its 1999 election manifesto, it held provision for the setting up of cultural centers to promote songs, dance and cultures of different communities as well as setting up an independent council of *Janajati*. Moreover, the other provisions include the protection and promotion of knowledge, skill, art and culture of the indigenous groups as well as empowerment of indigenous groups in education and health programme (Pyakrue 2007: 85-86). Earlier, the NC had recognized 16 deprived groups in 1995. It also established an organization called the 'Nepal Indigenous Nationalities Association' in 2001. The Nepali Congress' position on the issue of 'ethnic federalism' is not very clear. The NC prefers five to seven federally carved states on the North-South basis.

The CPN (Maoists) has been the most responsive towards issues of *Janajatis*. In fact the CPN (Maoists) has also proved themselves to be a successful political party after being able to become a member of the interim parliament and bagging majority in the Constituent Assembly elections held in 2008. As early as 1994, the Maoists formed the All Nepal Nationalities Association and in 1995 adopted an ethnic policy. In 1996, the Maoists in their 40 point charter of demands presented to the Sher Bahadur Deuba government had included mainly five issues which deal with the ethnic problems of the *Janajatis*. Moreover, in 2001, it has come with the proposal for the establishment of nine autonomous regions, which most of the mainstream political forces did not even recognize. The main criteria for the establishment of such a federal set up will be the ethnicity and geography of the country. Out of the proposed nine autonomous regions, six were named after ethnic groups. They are Kirant, Tamang, Newa, Tamuwan, Magarant and Tharuwan. The other three proposed autonomous regions which would be formed on the basis of geography are the Madhesh, Bheri and Karnali. In 2001, the Maoists have declared a part of western Nepal as a special district of the Magars. In 2003, it has confirmed the formation of the Magarant Autonomous Council, an autonomous area of the Magars (B R Upreti 2004: 282)

What is more, the Maoists have also established numerous ethnic armed liberation fronts as a part of the people's army such as the Limbuwan Mukti Morcha, the Khambuwan Mukti Morcha, the Magarant Mukti Morcha, the Tarai Mukti Morcha, Rai Mukti Morcha and others. Thus, by adopting such measures, they promised the ethnic groups with 'regional autonomy' as well as the right of self-determination. Dahal (2010) meanwhile believes that the Maoists have recently proposed the creation of 11 autonomous and federal states and two other sub-states on the basis of ethnic composition, geography, linguistic base and economic viability. The proposed autonomous states to be formed on the basis of geographical appropriateness are SetiMahakali and BheriKarnali. The states to be carved on the basis of ethnicity are Magarant, Tharuwan, Limbuwan and Kochila and in the Madhesh it has proposed the creation of three states on linguistic basis-Mithila, Bhojpura and Awadh. These had created conflict between the Maoists and the Madhesi parties, which have claimed it as a ploy of the former to divide the Madhesi population

on linguistic and cultural lines (Dahal, 2010: 12). There is another big controversy in Terai between the Madhesis and the Tharus on the issue of proposed federalism. The Tharus led particularly by the Tharuhat United Struggle Committee (TUCS) have resisted to be clubbed as 'Madhesis' and opposed the idea of a single Madhesh province. They demand a separate autonomous region called 'Tharuhat' as well the recognition of their rights to use land, water and forests (Ibid: 14). One of the main factors responsible for the current volatile situation in the Terai is the Maoists' role in promoting two parallel 'autonomous movements' simultaneously. During the course of its war, the CPN (Maoists) have promoted on the one hand the Janatantrik Tarai Mukti Morcha which is an armed ethnic wing of the Maoists and on the other hand, it has supported the Tharus in their struggle for achieving autonomy which has created a bitter situation in the Terai.

The Nepal Sadhbhavana Party in its 1991 election manifesto had made provisions for the freedom of religion and primary education of the indigenous groups in their mother tongue. It has also demanded the autonomy of the Madhesis along with the recognition of Hindi as one of the official languages of the country.

Prior to the Constituent Assembly elections, almost all the major parties claimed in their manifestos that 'history, ethnicity, language and religion' would be taken as the basis for designating the eventual federal system. In this regard, the CPN (Maoists) has even published a detailed map of the 'proposed federation' in its election manifesto. But there are differences among the numerous political parties on the creation of the proposed federal system. Thus, it is mainly due to the lack of consensus among the political parties that the country has failed to get a new constitution. Among the various contentious issues, the most debated one is the proposed nature of federalism to be established. The *Janajatis* activists have always stood for ethnic federalism which has been rejected by some political parties. Meanwhile, NEFIN has stood for the establishment of a federal system with the right to autonomy.

State's / Government's failure in dealing with the demands of the *Janajatis*

The subsequent governments which were formed after the *Jana Andolan* have hardly taken any concrete steps to fulfill the demands of the *Janajatis*. The 1990 constitution declared the country as 'Hindu', thus harming the sentiments and beliefs of those *Janajatis* who were mainly Animists, Buddhists, Bonists and belonging to other religions. Secondly, the constitution debarred any political party to get registration if it raised ethnic or regional issues. Most of the ethnic parties were denied registration by the Election Commission (Kramer 2003: 180-182)

Moreover, none the mainstream political parties sufficiently raised the issues of the *Janajatis*. Most of the members in the central committee of the mainstream parties consisted of the Parbatia caste or a group which has defined as CHHE by Lawoti. Their failure to raise the issues of the indigenous groups in the party meetings and conferences has resulted in the marginalization of the *Janajati* communities (Lawoti 2005: 103).

As far as institutional failures are concerned, the first one was related with the 'national cultural policy'. There were no suggestions made and the implementation of the project failed owing to differences between the people (Acharya 2002: 69). NFDIN's failure has been attributed to the meager amount of budgetary allocation it receives from the government. Moreover the Governing council is too large to be effective. Again NFDIN can neither receives neither complain nor initiate any remedial action on its own in case of violation of human rights of Indigenous people (NFDIN 2007: 10-13). due to the lack of financial resources and workers

Maoists have used the ethnic factor to its advantage in its struggle against the state but differences have emerged among the Maoists and the different ethnic liberation fronts as well, more particularly in the Tarai. The CPN (Maoists) couldn't successfully push forward the demands of various groups in the Interim constitution of 2007. In the Terai, the Tharus are demanding an autonomous region known as Tharuhat, which is against the demand of the Madhesis. During the course of the war, the CPN (Maoists) had established the Madhesi National Liberation Front (Madheshi Rastriya Mukti Morcha) in

2000. On the other hand the Maoists have supported another parallel autonomy movement in the Terai, particularly of the Tharus who have questioned the Madhesis' efforts to club them in their group and the use of the term 'Madhesh' (Gellner 2007: 1826).

Despite the various steps taken by the government (political parties) after 1990, these measures were not successful enough to address the issues of the *Janajatis* as nothing could be achieved. Although, the bonded labour system was abolished in 2000, most of the bonded labourers are still landless. Therefore, issue like proper land resettlement in Terai in case of the bonded labourers such as the Tharus requires urgent attention. Moreover, the governmental efforts for the preservation of indigenous language, culture and tradition have not been satisfactory. The fund provided by the government for the preservation of the indigenous language and culture is very less. Many of the smaller indigenous groups are on the verge of extinction due to the ignorant attitude of the government. The government's failure to take care of the concerns and grievances of the indigenous population has led to the growth of the *Jana Andolon*. Although, they constituted 37.52 percent of the total population, there was not a single committee to look after them till 1997, when the NCDN was formed after the recommendation of a task force which highlighted the plight of the indigenous groups.

Among the numerous demands of the *Janajatis*, the demand for the creation of an 'ethnic federation' as per the proposed constitution is proving to be the most controversial. So far, there has been no clear consensus among the political parties on the proposal for the creation of a federal state. Even after so many years, the Constituent Assembly is not in a position to frame a constitution for its people. This has become a serious concern for all the people of Nepal, particularly the *Janajatis* who have hoped and desired for the fulfillment of their legitimate demands under the constitution as per their legitimate demands. Though a convergence of interests among the Maoists and the *Janajatis* was noticeable during the so called people's war (1996-2006), a lot of differences have emerged among the numerous *Janajati* groups and the Maoists since the end of the war. The biggest issue of disagreement is the proposed nature of federal set up which is to be

established under the new constitution. Federalism on the basis of ethnicity is a complicated issue. Gellner(2007) mentions that only in 15 districts out of Nepal's 75 districts, is there any single ethnic group which makes up more than 50 percent of the population. As an exception, ethnic group like Tamang can be found in almost all parts of the country, but in varying proportion. The creation of autonomous regions on the basis of ethnicity can complicate the matters. The government may be forced to take certain harsh steps which may lead to new uprisings for some minorities who will not be satisfied with the new administrative boundaries. Thus, the failure of the government to grant autonomy to certain ethnic groups already disappointed by the failure of government's policies may compel their ethnic organizations to resume an armed struggle. The emergence of various armed ethnic liberation fronts' shows that the *Janajatis* groups have little trust over the government. These armed groups were mainly formed by the Maoists, although some of them had their independent existence. Onta (2005) remarks that until the end of 2005, there was a total of fifteen such regional liberation fronts' such as the Limbuwan Mukti Morcha, Khambuwani Mukti Morcha, the Mongol National army, etc. Although most of these ethnic fronts were created or promoted by the Maoists during the people's war but they have kept their identities even after the war is over. These liberation fronts, which have boycotted elections, argue that each ethnic group should control a region of the country.

In the Tarai, a conflict has emerged between the Madhesi Janadhikar Forum (MJF) and the Maoists since the beginning of 2007 which saw around 100 people losing their lives in separate incidents of violence. Another problem has been the growth of mainly two groups namely the Madhesh Rastriya Mukti Morcha (Madhesi National Liberation Front) and the Janatantrik Tarai Mukti Morcha (Tarai People's Liberation Front) which are more violent. They are demanding the autonomy of the Madheshi people, which the interim constitution has failed to address properly (Pandey 2010: 11).

The biggest issue facing the political parties until the end of 2010 was the formation of a constitution. Many factors are acting as the stumbling block as far as the creation of constitution is concerned, the foremost being the issue of "proposed nature of

federalism". As discussed earlier, there is no consensus among the political parties on the issues of federalism. Meanwhile, many indigenous groups have lost hope in the constitution building process and have decided to embark on an armed struggle. Prominent among them are the Khambuwan Liberation Front, Mongol National Army and many others. Therefore, the current uncertainties prevailing in Nepal necessitate the political parties' to put up an honest joint effort in order to emerge successfully from the present chaos.

CHAPTER 6

Conclusion

The *Janajatis* have been able to change the political discourse in Nepal. They are one of the strongest voices in Nepalese politics at present. This has been possible due to constant effort of the *Janajatis* to raise themselves in the last twenty years of the *Janajati* movement. The *Janajati* movement caught a new momentum when King Gyanendra declared an emergency in 2002 citing the failure of the political parties to deal with the Maoists. In 2004, NEFIN while protesting against the royal takeover staged a street demonstration involving around 10000 people. During the April 2006, *Jana Andolan 2*, NEFIN has played an important role in organising, protesting and supporting the political parties in bringing down the monarchy. The signing of the comprehensive peace accord between the Maoists and the political parties in 2006 has also emerged as an opportunity for the *Janajati* groups to press forward their demands under the new interim government which was formed. In August 2007, the government signed a twenty point agreement with NEFIN which ensured among other things, the proportional reservation in the Constituent Assembly (CA) elections that was held in 2008.

The CA elections have proved to be a turning point in the history of *Janajati* movement due to the election of a large number of *Janajati* candidates. In altogether, a total of 218 out of the total 601 members (36.3 percent) were elected from the indigenous communities. Out of this, 82 were elected from First past the post system (FTPT) and the rest from proportional representation and nomination. The overall representation of the *Janajati* candidates was close to 37.2 percent of the total population. A majority of the *Janajati* candidates won seats contesting from the CPN (Maoists). Due to the large victory of *Janajatis* members, NEFIN have been able to pressurise the interim government in accepting most of its demands. Due to protests conducted by the *Janajatis* and the Madhesis, the interim constitution through the first amendment declared the country to be federal in structure. In addition to it, the country was declared as secular in the first meeting of the constituent Assembly in 2008. Although most of the demands of the *Janajtis* were raised during the interim

constitution but the issue of federalism remains far from being solved due the difference between the political parties.

The *Janajati* movement which started from 1990 has undergone through different stages in the last twenty years. The study mentions how the term '*Janajati*' came into prominence in in the late 1980s when the ethnic groups started organising themselves under various ethnic organisations. Earlier, in the *Muluki Ain* (country code) of 1854, they were referred to as '*Matwalli*' or alcohol drinkers and sometimes they were also dubbed as *Sano Jats* (low Category). This term continued to be used generally to describe the different ethnic groups until 1962 when the earlier *Muluki Ain* was replaced with a new one that legally abolished the caste system. Now, coming back to the *Janajati* movement, we find that although the history of ethnic organisation and activism dates back to 1950s, but because of the strict restrictions imposed by the government, most of the ethnic organisations remained dormant, it actually started after the commencement of multi-party democracy in Nepal in 1990. During the pro-democracy movement many of the ethnic groups actively participated and after the end of the movement, they formed an umbrella organisation called the *Janajati Mahasangh* (NEFIN). NEFIN until 2010 had an affiliation of more than 58 organisations and has played the most effective role in the growth of the *Janajati* movement.

While examining the causes for the growth of the *Janajati* movement after 1990, the study has found that the restoration of multi party democracy after 1990 didn't alter the conditions of the *Janajatis* as the constitution which was adopted had various discriminatory provisions such as the declaration of the country as a Hindu nation. Although, the terms 'multi ethnic' multi-religious and 'multi-lingual' were incorporated, they were mainly intended to mollify the minorities who had been pressing for their demands on behalf of their languages and religions. The total Hindu population of the country was put at 86.2 percent by the government which was a contentious figure, given that the population of the ethnic communities following different religion was estimated around 35.2 per cent. Moreover, the issue of language became another cause of concern among the ethnic groups, especially in view of the declaration of the Nepali language in the Devanagiri script as the state language (*Rastrabhasa*) of Nepal. Furthermore, failure of the government to recognize any political party formed on the basis of religion, community, caste or region, had caused

a setback for those ethnic groups who desired to float their own party. All these drawbacks have proved to be a failure for the *Janajatis* to embark on a good course of action to fulfil their aspirations. But the situation has changed after the formation of an Interim Constitution in 2007 and the Constituent Assembly elections in 2008. The new interim constitution had been able to incorporate numerous demands of the *Janajatis* such as the adoption of secular, republic and federal structure. All these organisations have played an important role in the

While locating the historical antecedents of the *Janajati* movement, the study had discussed the different organisations which came to be formed during the *panchayat* period such as the *Tharu Kalyankarini Sabha*, *Nepal Tamang Ghedung* etc. Although, these organisations were mainly social organisations but they played an important role in the development of their respective communities. Certain pan ethnic organisations with political aims also emerged in the late 1970's during the period of referendum such as the *Magurali* and *Sheta Magurali*. Most of these above organisations couldn't function freely owing to the restrictions put on by the *Panchayat* government. But the restoration of democracy after 1990 brought much freedom and liberty which led to the formation of many ethnic organisations. One among them was the Nepal Janajati Maha which played an important role in the growth of the Janajati movement after 1990. The *Janajati Mahasangh* along with the many other indigenous people's organisations (IPO's) was the main carriers of the movement. The role of Indigenous People's Organisations formed another important part of the study. The large number of indigenous organisations had played an important role in the growth of the movement. Almost all the ethnic groups have their own organisations. Prominent among them were the *Nepal Magar Sangh*, an organisation of Magars, the *Kirat Yakhtung Chumlung(KYC)*, an organisation of the Limbus, the *Rastriya Gurung Tamu Parishad* of the Gurungs. Moreover, ethnic parties too played an important role in the *Janajati* movement. Some main ethnic parties are namely the Nepal Rastriya Janamukti Morcha, the '*Janajati Party*', and the Nepal Sadhvabhana Party. Though the ethnic parties failed to garner sufficient votes in addition to seats in the elections of 1991 or 1994, they could successfully mobilize a lot of people towards the different issues of the *Janajatis*. For them, the participation in electoral politics was a form of protest as well as an opportunity to gain political leverage. As far as the mainstream political parties are concerned, they largely played a negative role in the growth of the

Janajati movement. The main political parties like the Nepali Congress (NC) and the Communist Party of Nepal (Unionists-Marxists-Leninists) CPN (UML) were very unresponsive to the ethnic demands which led to the growth of the *Janajati* movement. It was only in 1998 that the CPN (UML) opened a *Jatiya Mamila Bibhag* (Ethnic Issues Department), while the Nepali Congress established an organisation called the Nepal Indigenous Nationalities Association in 2001. But this gesture was at best mere tokenism. Moreover, the local politics in Nepal embedded in a larger political system which is dominated by the hierarchic, centralized and nepotistic orientations couldn't provide a favourable environment; rather it acted as the stumbling block to the rise of the ethnic groups. So, the *Janajati* groups could have disproportionate amount of representation in the political and administrative institutions of the country.

The study has also founded out that the CPN (Maoists) gave a much needed momentum to the *Janajati* movement. The CPN (Maoists) and the *Janajati* movement shared a complex mutually influential relationship with one other and it was the Maoists who raised the issues of the *Janajatis* with much vigour than any other mainstream political party. The Maoists (then CPN Unity Centre) began mobilizing oppressed ethnic communities in their struggle since 1991 when they adopted the twin agenda of secular state and linguistic/ethnic equality. Since then, they have taken various initiatives on ethnic issues such as formation of the All National Nationalities Association (1994), adoption of Ethnic Policy (1995), Ethnic right to self determination (1997), establishment of a ethnic department at the central level, formation of 11 ethnic/regional Fronts (1998) etc. In this way, the Maoists brought the *Janajati* movement to a new level and helped awakening different ethnic groups to seek their rights and articulate their demands. On 3 February 1996, CPN (Maoists) submitted its 40 point charter of demands to the government, out of which five demands were in consonance with the demands of the *Janajatis*. These include the demand for ethnic autonomy, devolution, secular state, ending ethnic oppression and equality of languages. But the large scale mobilisation of *Janajtis* by the Maoists raised many questions. Many scholars have meticulously responded to this issue and came up with some interesting explanations. One reasoning suggests that the Maoists have played the 'ethnic card' quiet early in 1974 when Mohan Bikram Singh laid special stress on minority rights during the Fourth Convention of the communist

party. The Maoists have cleverly exploited the ethnic issue, by standing for ethnic rights and holding out the prospect of autonomous regions. Thus, many ethnic activists disillusioned by the largely symbolic gains made since 1990, started supporting the Maoists. Another analysis attributes the increasing support for the Maoists to the failure of the ethnic political parties, especially their dismal performance in the 1991 and 1994 elections. As they failed to properly raise the issues of the *Janajatis*, people started drifting slowly towards the Maoists. Moreover, the Maoists meticulously used their 40 point charter of demands as a ploy to reach to different sections of the population. Thus, the lists of demands contained something for all marginalized sections - the poor, women, *Dalits* and the *Janajatis*.

The failure of the CPN (Maoists) to set up a federal structure after the CA elections of 2008 has raised many doubts among the ethnic organisations on the commitment of the Maoists towards the formation of an ethnic federalism. Some of the ethnic liberation fronts' such as the Khambuwani National liberation Front have decided to break away from the Maoists if their decisions are not fulfilled.

The study has also found out that civil society has also played a significant role in the *Janajati* Movement in Nepal. The term 'civil society' has emerged only recently in Nepal, especially since the restoration of democracy, nonetheless, in practice, civil society has a long history in Nepal. The *panchayat* period had created obstacles for the growth of NGOs and civil society organizations. Scholars tend to agree that this happened because of the suspicion that social organizations raised people's awareness levels, thereby creating a threat for the continuation of the autocratic political system. However, the arrival of multi-party democracy in the post 1990 period paved the way for a rapid growth of the civil society which organised numerous movements. Under the new dispensation of the government, the Social Welfare Council which replaced the pre-1990 Social Service National Co-ordination Council (SSNCC) was reconstituted and the Social Welfare Act (1992) was promulgated with the mandate to facilitate, promote, mobilize and co-ordinate the activities of the NGOs (due to the lack of a coherent Civil Society Act and the confusion of the government regarding its nature and function, civil societies of Nepal are being treated as NGOs). In case of Nepal, the NGOs have played an important role in the emergence and growth of the *Janajati* movement by providing a range of services to the poor people such as educating them regarding their rights, helping in improving rural income and

employment opportunities, providing banking services and micro credit facilities, raising their living standards and sustainable livelihoods etc.

Government response was lukewarm during the beginning of the *Janajati* movement. Although, it formed a committee in 1992 for formulating a “National Cultural Policy” as an important measure to preserve the culture and languages of the different ethnic groups but it failed to take off due to some problems in implementation. So, in 1993, the government formed a task force for the identification and development of the indigenous nationalities (*Janajatis*), though the reports of the task force could not be implemented because to numerous problems. Again in 1996, a task force was appointed for the identification of the diverse ethnic groups living in the country. On the basis of the recommendations of this task force, a National Committee for the Development of Indigenous Nationalities (NCDN) was formed in 1997, which identified a total of 61 *Janajati* groups in the country. This holds significance because it was for the first time that the government laid down a definition of the *Janajatis*. The formation of National Foundation for the development of Indigenous nationalities (NFDIN) was an important step in 2002 for the development of indigenous nationalities. It was the first permanent body which was set up for the development of indigenous nationalities. But the low level of funding which NFDIN receives have created speculations on the minds of many ethnic activists who claim that NFDIN is an unsuccessful organisation which have failed to satisfy the demands of the *Janajatis*.

Finally coming to conclude the study by testing the hypotheses, taking the first hypothesis; “Nepal’s Failure to promote an inclusive democracy and address the issue of *Janajatis* has led to the rise of the *Janajati* movement”.

This hypothesis is entirely proved by this study that the failure of successive governments after the restoration of multi party democracy has led to the rise of the *Janajati* movement. The low response of the successive governments towards the ethno political demands of the *Janajtis* became one of the main causes of the *Janajati* movement.

Now taking the second hypothesis, “*Janajati* movement had a tactical alliance with the Maoists to further their political interests”.

This hypothesis is also subsequently proved in this study that the *Janajatis* and the Maoists had a tactical alliance with each other to fulfil its own aims and objectives. The Maoists policy of promoting ethnic issues and forming several ethnic liberation fronts' along with the decision to establish a number of autonomous regions was a part of this tactical alliance.

To conclude, the *Janajati* movement which began after 1990 has been able to change the political discourse in Nepal.

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