

# Nepalese Minority Groups

*Struggle for Identity & Representation*



**SUPPORT NEPAL**

..for social justice, rights & inclusion

## **Minorities and Nepal**

*Struggle for Identity and Representation*

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## Acronyms

BPFA	Beijing Platform for Action
CBS	Central Bureau of Statistics
CEDAW	Convention on the Elimination of all forms of Discrimination against Women
CPN	Communist Party of Nepal
DDC	District Development Committee
EFA	Education for All
GDI	Gender Development Index
GEFONT	General Federation of Nepalese Trade Unions
GEM	Gender Empowerment Measures
HDI	Human Development Index
HDR	Human Development Report
ICPD	International Conference on Population and Development
IEC	Information, Education and Communication
IMR	Infant Mortality Rate
INGO	International Non-governmental Organisation
LSG	Local Self-Governance
LSGA	Local Self-Governance Act
MDGs	Millennium Development Goals
MWCSW	Ministry of Women, Children and Social Welfare
NFEC	Non-Formal Education Centre
NHRC	National Human Rights Commission
NGO	Non-governmental Organisation
NHDR	Nepal Human Development Report
NLSS	Nepal Living Standards Survey
NPC	National Planning Commission
PRSP	Poverty Reduction Strategic Paper
PSC	Public Service Commission
SLC	School Leaving Certificate
SPA	Seven Party Alliance
UN	United Nations
UNDP	United Nations Development Programme
VDC	Village Development Committee

## Acknowledgement

For minority civil society to be able to play an active role in a modern democracy, civil society organizations need to have a deep knowledge of the international human rights framework, of the national legal system, and of the best strategies to interact with authorities and decision makers. This is even more crucial and big concern for the communities which so far have been excluded from political participation, such as minorities people.

For almost one decade, SUPPORT Nepal's engagement with issues of social inequalities, disadvantage, and deprivation of minority groups always questioned about marginalization of certain minority groups in spite of the fact that four caste/ethnic groups have been marginalizing over remaining ninety-seven plus groups. I have tried to understand how the Nepal's state's differential approach and policies towards the caste and ethnicity based disadvantage relative to the deprivation of women, *Dalits*, *Madheshi*, religious and linguistic minorities affect the welfare, well being and representation of these groups. Evidently, deprivation, discrimination and exploitation of these groups are widespread and not confined to particular party or system.

Minorities and Nepal; *struggle for identify and representation* is an attempt to going deep and exploring the status of minorities, the challenges they've been facing and suggesting appropriate recommendations. This analytical paper is expected to provide the minority and non minority civil society to understand dynamics of exclusion and marginalization and that will help obtain the visibility on the minority issues.

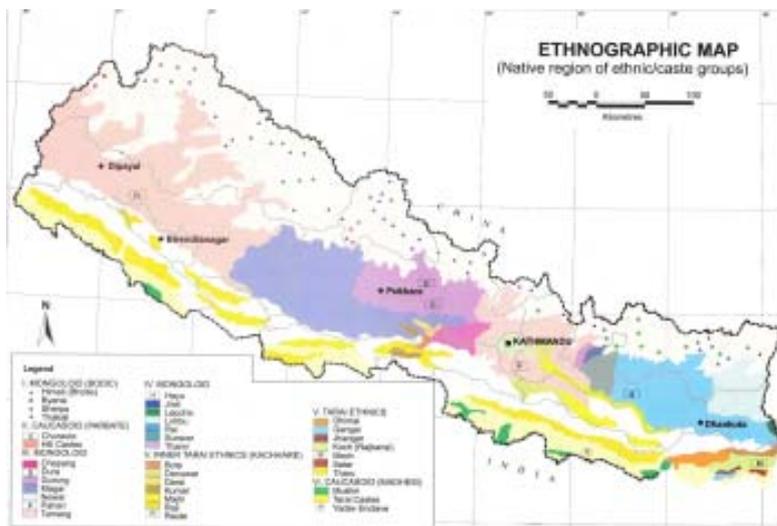
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Ganga Prasad Sah  
President

## I. Executive Summary

Nepal has experienced a series of remarkable changes over the past few years as it has evolved from being a Hindu Kingdom with a Maoist insurgency to a secular Republic with a Maoist-led government. The people's movement of April 2006, the November 2006 Comprehensive Peace Agreement to end the armed conflict, and the April 2008 Constituent Assembly election all marked critical steps towards the establishment of a peaceful and democratic Nepal. Yet, significant challenges remain ahead including addressing the exclusion of Minority and Indigenous Peoples (MIP). The country is a mosaic of communities: there are 22 Dalits groups, more than 59 Madhesi groups, around 60 Indigenous nationalities, 102 caste and ethnic groups, 11 religious groups and more than 92 linguistic groups in Nepal. Exclusion, marginalization and exploitation of many of these communities had initially fueled the 10 years armed conflict that affected the country.



Map 1: Ethnographic Map of Nepal. (Source: Harka Gurung)

Nepal, after the “triumph of people’s power” in April 2006, the country is poised to draft a new, more representative constitution. How will it address the challenge of transforming the system of institutionalized exclusion that has produced a disproportionate dominance by 16 percent of Nepal’s upper caste Hindu hill elite (Bhattachan 1999 and Lawoti 2005)? Will it provide for sharing power with the excluded *Janjatis* (indigenous peoples), Dalits, Madhesi<sup>1</sup> and women through a policy of reservations? Will it make changes in

the electoral law, making for community (identity)-based parties? How many of the 61 indigenous nationalities (*janjatis*), 59 *Madhesi* groups, 11 religious groups and 125 languages spoken in Nepal will be recognized?

Nepal’s 1990 constitution refused to recognize that the Hindu kingdom was home to Muslims, Buddhists, Kirants, Christians, Bahai, Tajpuria, and others. Will the new constitution enshrine secularism as a principle that cannot be revoked by legislation? How will it deal with institutionalized gender-based discrimination that has resulted in 173 instances of discrimination in 83 laws in Nepal?<sup>1</sup> The unitary structure of the polity, which had marginalized the regions, braided together inequalities and exclusions across different dimensions—regional, ethnic, linguistic, rural, and class. What kind of autonomies will be negotiated in a federal restructuring of the polity?

Such choices will determine whether the new Nepali state will reproduce a majoritarianism that will end up pushing some minorities onto the warpath and some into sullen submission. Culture and cultural values are not by themselves a source of conflict, but exclusion, suppression of socioeconomic and cultural rights, and denial of voice and dignity will lead to political mobilization that increasingly tends to focalize grievances along cultural-ethnic lines. Still, the Maoist insurgency in Nepal is a critical reminder of the relevance of class as a significant axis of conflict intersected by the variables of ethnicity, caste, language, and religion.

Nepal illustrates how inequalities and exclusions across different dimensions—regional, ethnic, urban-

1. The *Madhesbis* are the indigenous “non-hill origin” inhabitants of the Tarai.

-rural, and class—can create conditions for violent conflict. At the start of the insurgency in 1996, the poverty rate was 72 percent in mid- and far-western regions, but 4 percent in Kathmandu. Overlying these regional disparities were disparities in human development status, with the human development index (HDI) of upper-caste Nepalese being 50 percent higher than that of hill-ethnic, *Madheshi*-ethnic, and occupational caste groups. Whereas indigenous peoples constitute 36 percent of the population, and Dalits 15 percent, they hold 8.42 and 0.17 percent of government posts, respectively. In the strongholds of the Maoist insurgency, poverty braids with inequality, and regional and ethnic discrimination (UNDP 2005). Moreover, this area has the smallest political voice in Nepal. The 1990 pro-democracy movement which mobilized ethnic communities also produced an elite compromise between the palace and the upper-middle classes, creating a widening chasm between democratic expectations and democratic practice (Goodhand 2001). The fault lines of poverty and inequality, urban-rural, indigenous-upper caste, metropolitan-periphery, and inequitable gender roles, all feed the conflict.

Nepal is undoubtedly one of the world's most diverse yet unequal societies. Social inequalities revolve around the axes of class, caste, ethnicity, status, religion, language, geographical location and gender. Inter-group disparities are sharply marked, with major contrasts of social conditions and chances of sharing in society's material, cultural and natural resources,- that is income, employment, education, health and so on. These inequalities are rooted in the caste system, property, income, wealth and employment relations. Brahman (hill), Chhetri, Thakuri and Newar (BCIN) are the most advantaged and dominant groups in Nepal and rest of the caste and ethnic groups can be divided into the most disadvantaged and disadvantaged groups. Dalits are exploited for centuries and have suffered from worst forms of discrimination. Madheshis are excluded from all government sectors and have treated as 'outsider' and 'second class' citizen in own country. Women, although more than half of the population, have always been discriminated and exploited from patriarchic society. 'One nation, one language' policy of the state led to extinction of some of the languages in Nepal. Non-Hindus were seldom faced religious tension; however, *Hindunization* of country could not secure equal status for non-Hindus in Nepal. Indigenous nationalities have always sacrificed to the aspirations of the kings and leaders but are forced to live in severe marginalization.

Although representatives of MIP communities are participating to the Constituent Assembly, their voices have been poorly heard in the constitution drafting process. The system of mixed election adopted for the Constituent Assembly (CA) has crystallized 25 political parties of multiple sizes and produced a new distribution of power in society. The voices of MIPs are influencing very little to the traditional decision making arena of the political parties which are influenced by few dominant caste and ethnic groups; mainly non MIPs. Especially, the domination of 3 larger parties has caused political polarization among other political parties leading to Nepali politics moving from consensus to competitive politics. As a result, the risk of confrontation and possible instability still remains. Similarly, the commitments to include MIP rights and demands in the Constitution appear to be only a short term strategy and more long term efforts and action through policy and programs are needed to guarantee the protection of MIP rights and to empower MIP communities .

Finally, Nepal is a country of diversity and a country of minorities. Nepal was divided into 22 and 24 principalities and other independent nation-states and was unified by Prithvi Narayan Shah. During the course of unification of small nation states and different principalities, internal colonization was planned

and implemented by the rulers of Nepal over the past 240 years. *Nepalization* of Nepal with a slogan of ‘one nation, one language and one dress’ was a great weapon for internal colonization which suppressed the indigenous traditions and cultures of the non-*Khas*<sup>2</sup> population in Nepal. Women, *Dalits*, *Madheshi*, indigenous peoples, religious groups, non-Nepali speaking linguistic groups and many others have been suffering from centuries of oppressions and discrimination<sup>2</sup>.

There are genuine issues of indigenous nationalities, sexual minorities such as lesbian gay bisexual and transgender (LGBT) in Nepal. This report, however, has attempted to focus on five minority groups which, somehow, touch the issues of all minority and indigenous people in Nepal. The report does have five chapters namely Madheshi, Dalits, women, religious and linguistic minorities and each chapter does consist of general background of the specific minority group, geographical presence, constitutional provisions in particularly the provisions made in the Interim Constitution of Nepal 2007, key challenges and the recommendations.

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<sup>2</sup> *Khas are the mountain dwellers living in the south shadow of the Himalayan range from [Kashmir](#) to [Bhutan](#), but mostly in [Himachal Pradesh](#), [Uttarakhand](#), [Nepal](#), [North Bengal](#), [Sikkim](#) and [Bhutan](#), (especially the parts of then [Greater Nepal](#)). This [Indo-Aryan tribe](#) is believed to have settled a vast expanse of the western, central, and eastern Himalayas as early as the 2nd millennium B.C. They are supposed to be descendants of Kashi, an ikshvaku clan which rose to prominence following the rise of Buddhism. In Nepal, there are more than 200 surnames of Khas people. Most of the surnames of Bahun and Chhetri are similar.*

<sup>3</sup> *Bhattachan, Minority and indigenous peoples of Nepal, 2008.*

**Chart 1: Classification of the 2001 Census Identity Groups**

Classifying the 100 Identity Groups in the 2001 Census		
7 Main Groups		14 Ethnic/Caste Groups (6 disadvantaged groups highlighted in grey)
Caste Groups	1. Brahman/Chhetri	<b>1.1 Hill Brahman/Chhetri (Non-Disadvantaged)</b> 1.1.1 Brahman 1.1.2 Chhetri, Sanyasi, Thakuri  <b>1.2 Tarai/Madhesi Brahman/Chhetri (Non-Disadvantaged)</b> Kayastha, Madhesi Brahman, Nurang, Rajput
	2. Tarai/Madhesi Other Caste Groups	<b>2.1 Tarai/Madhesi Other Caste (Non-Disadvantaged)</b> Badhai, Baniya, Barai/Barae, Haluwai, Jain, Kalwar, Kanu, Koiri, Kumhar, Kurmi, Sudhi, Teli, Thakur/Hazam, Yadav  <b>2.2 Tarai/Madhesi Other Caste (Disadvantaged)</b> Bhediyar/Gaderi, Bing/Binda, Dhuniya, Kahar, Kamar, Kewat, Lodha, Lohar, Mallah, Mali, Nuniya, Rajbhar, Sonar
	3. Dalit	<b>3.1 Hill Dalits (Disadvantaged)</b> Badi, Damai/Dholi, Gaine, Kami, Sarki, Unidentified Dalits  <b>3.2 Tarai/Madhesi Dalits (Disadvantaged)</b> Baantar, Chamar/Harijan, Chidimar, Dhobi, Dom, Dushad/Paswan, Halkhor, Khatwe, Musahar, Tatma
Janajatis	4. Newar	<b>4. Newars<sup>7</sup> (Non-Disadvantaged)</b>
	5.1 Hill/Mountain Janajati	<b>5.1.1 Hill/Mountain Janajatis (Non-Disadvantaged)</b> Bhote, Bhujel/Gharti, Byansi, Chhantyal, Dura, Gurung, Hyolmo, Jirel, Lepcha, Limbu, Magar, Rai, Sherpa, Thakali, Walung, Yakha  <b>5.1.2 Hill/Mountain Janajatis (Disadvantaged)</b> Baramu/Bramhu, Bote, Chepang/Praja, Danuwar, Darai, Hayu, Kumal, Kusunda, Majhi, Pahari, Raji, Raute, Sunuwar, Tamang, Thami/Thangmi
	5.2 Tarai Janajati	<b>5.2.1 Tarai Janajati (Non-Disadvantaged)</b> Dhanuk, Dhimal, Gangai, Kisan, Koche, Kusunda, Meche, Munda, Pattarkatta/Kuswadiya, Rajbanshi, Tajpuriya, unidentified Adivasi  <b>5.2.2 Tarai Janajati (Disadvantaged)</b> Jhangad, Santhal/Satar
Other	6. Muslim	<b>6. Muslim (Disadvantaged)</b> Madhesi Muslim, Hill Muslim (Churaute)
	7. Other	<b>7. Other (Non-Disadvantaged)</b> Punjabi/Sikh, Bengali, Marwari, Unidentified Others

As discussed above, women of even advantaged social groups have had very limited opportunity in the public domain. While greater effort has to be made to improve the participation of women from the excluded social groups, women of the advantaged social groups need to be provided increased opportunities too.

## CHAPTER I: WOMEN



## CHAPTER 1: WOMEN

### A. Background

Nepal is a multiethnic and multicultural country with more than 50 spoken languages and cultural traditions. For analytical purposes they have often been classified into two broad groups, the Tibeto-Burman, populating mostly the midhills and mountains, and the Indo-Aryan, living in the Terai Genetic plains and the midhills. Women from the Tibeto-Burman communities are socially less constrained than their Indo-Aryan sisters in terms of mobility, marriage/remarriage options, and, most importantly, income-earning opportunities. In the Indo-Aryan groups, traditionally, women have fewer social and economic options. Social discrimination against women is felt to be more severe in the Terai communities and in the Mid- and Far-Western Development regions in general.

Nevertheless, in both these groups land and property inheritance has been patrilineal, the residence pattern patrifocal, and early marriage the rule rather than an exception. Culturally, marriage is seen as the best socially acceptable option for women for gaining access to property and land. Therefore, once women are out of marriage, such as divorce or widowhood, they become more vulnerable to poverty. However, once women marry, legal provisions deny them inheritance rights to parental property. Women in both cultural groups lag far behind men in access to property, credit, and modern avenues of education, skills development, technology, and knowledge.

**Table 2: Population of caste/ethnic groups by sex**

Caste/ethnic group	Male	Female	Total	%
Population of Nepal	11,359,378	11,377,556	22,736,934	100%
Chhetri, Brahman (hill), Thakuri, Sanyasi	3,464,273	3,558,947	7,023,220	30.89
Indigenous people	4,090,839	4,181,136	8,271,975	36.31
Dalits	1,614,238	1,619,210	3,233,448	14.99
Madheshi high caste	1,475,884	1,326,303	2,802,187	12.30%
Other	134,767	130,954	265,721	1.16%

*Source: Census of 2001, Table 16: Population by caste/ethnic group and sex: (HMG N 2002:72-3)*

Discrimination against women by way of religious principles was historically supported through provisions in the law of the country. The 1854 Civil Code did not provide any protection for women concerning their property rights. Furthermore, it required purity of their body and endorsed a lower ritual status for the upper-caste widows, if they remarried. Prior to the *Rana* regime being overthrown in 1950, no other laws were formulated to amend those provisions. However, the government of post-Rana period replaced the 1864 Civil Code with a new one in place, in 1963.

Then the constitutions formulated during that period accepted the right to equality in the application of laws to all categories of citizens. Nepal also ratified the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) in 1991. In 1990 and in 2007, both constitutions have emphasized at equal rights to women, there are still many provisions that discriminate against women.

Studies carried out on the legal provisions of the country regarding women have shown that the laws of the country discriminate against women in numerous ways. The main areas in which women are discriminated against by these provisions include their rights in relation to nationality and citizenship, property, trafficking and sexual abuse, education, employment, health including reproductive rights, marriage and family and legal and court proceedings.

The patriarchal values established by the prevailing ideologies of society have received legal support through the above mentioned discriminatory provisions. As a result, the legal system of Nepal has relegated women to such a position that they are unable to fight for their rightful claim of equality to rights. The impact of these forms of discrimination resonates in all spheres of their social, political, and economic life, including access to resources such as ownership of land, educational attainment, employment status, and participation in decision making activities in both public and domestic sectors of their life.

Though women comprise 50.05% (CBS 2001) percent of the total population, gender discrimination prevails in the society from the family to the national level. Status of women in Nepal with regards to their access to knowledge, economic resources, political power, and personal autonomy in decision making is generally desolate. Owing to gender based discriminations that have restricted their access to the state's resources (such as markets, productive services, education facilities and health care) and decision making structures, they face multiple discrimination and human rights violations.

## **B. The Interim Constitution of Nepal 2007 and women**

### **Part 3: Fundamental Rights**

- *Article 13 Rights to equity (2)* - No discrimination shall be made against any citizen in the application of general laws on grounds of religion, race, sex, caste, tribe, origin, language or ideological conviction or any of these.
- *Article 13 (3)* - The State shall not discriminate among citizens on grounds of religion, race, caste, tribe, sex, origin, language or ideological conviction or any of these. Provided that nothing shall be deemed to prevent the making of special provisions by law for the protection, empowerment or advancement of the interests of women, Dalit, indigenous ethnic tribes, Madeshi, or peasants, laborers or those who belong to a class which is economically, socially or culturally backward and children, the aged, disabled and those who are physically or mentally incapacitated.
- *Article 13 (4)* - No discrimination in regard to remuneration and social security shall be made between men and women for the same work.
- *Article 18 Right regarding Employment and Social Security (2)*: Women laborers, the aged, disabled as well as incapacitated and helpless citizens shall have the right to social security as provided for in the law.
- *Article 20 Right of Woman (1)* - No one shall be discriminated in any form merely for being a woman.
- *Article 20 (2)* - Every woman shall have the right to reproductive health and other reproductive matters.
- *Article 20 (3)* - No physical, mental or any other form of violence shall be inflicted to any woman, and such an act shall be punishable by law.
- *Article 20 (4)* - Son and daughter shall have equal rights to their ancestral property.
- *Article 21 Right to Social Justice (1)*: Women, Dalit, indigenous tribes, Madheshi community, oppressed group, the poor peasant and laborers, who are economically, socially or educationally backward, shall have the right to participate in the state mechanism on the basis of proportional inclusive principles.

- *Article 33 Responsibilities of the State (d):* To carry out an inclusive, democratic and progressive restructuring of the State by eliminating its existing form of centralized and unitary structure in order to address the problems related to women, Dalits, Indigenous tribes, Madheshis, oppressed and minority community and other disadvantaged groups, by eliminating class, caste, language, sex, culture, religion and regional discriminations.
- *Article 35 State Policies (8) -* The State shall pursue a policy of encouraging maximum participation of women in national development by making special provisions for their education, health and employment.
- *Article 35(9) -* The state shall pursue a policy of making special provisions of social security for the protection and welfare of single women, orphans, children, helpless, the aged, disabled, incapacitated persons and the disguising tribes.
- *Article 35 (17) -* The State shall pursue a policy to make legal provision to provide allowance to the aged, incapacitated women and the unemployed.

### **Part 7 Constitutional Assembly**

- *Article 63 (4) (4):* The principle of inclusiveness shall be taken into consideration while selecting the candidates by the political parties pursuant to sub-clause (a) of clause (3) above, and while making the list of the candidates pursuant to sub-clause (b) above, the political parties shall have to ensure proportional representation of women, Dalit, oppressed tribes/indigenous tribes, backwards, Madheshi and other groups, in accordance as provided for in the law. Notwithstanding anything contained in this clause, in case of women there should be at least one third of total representation obtained by adding the number of candidature pursuant to sub-clause (a) of clause (3) to the proportional representation pursuant to sub-clause (b) of clause (3)

### **Part 17 Form of State and local self Governance**

- *Article 138. Progressive Restructuring of the State: (1)* Inclusive, democratic and progressive restructuring of the state shall be made to bring about an end of the discrimination based on class, caste, language, sex, culture, religion and region by eliminating the centralized and unitary form of the state.

### **Part 18 Political Parties**

- *Article 142. Registration Required for Securing Recognition for the Purpose of Contesting Elections as a Political Party (3):* Political parties shall have to fulfill the following conditions while filing an application pursuant to clause (1) above: - (c) in the executive committee of all levels, there should be the provision for the inclusiveness of members from neglected and suppressed regions including the Women and Dalits,
- *Article 142 (3) (c):* in the executive committee at all levels, there should be the provision for the inclusiveness of members form neglected and suppressed regional including the women and dalits.
- *Article 142 (4):* The election commission shall not register any political party if any Nepali citizen is discriminated against by becoming a member of the political party on the basis of religion, caste, tribe, language or sex or if the name of the objectives, insignia or flag of such political parties is of a nature to rules are for the purposes of protecting and promoting a party less or single party system of government.

## C. Key Challenges of Women

Despite these achievements, there are persistent problems combined with emerging issues, such as increasing female trafficking and the feminization of agriculture. In the health sector, the general immunization, health, and nutrition situation of women in Nepal is still acute, particularly in rural areas.

### Underdevelopment

Nepalese women remain at the lower end of the scale in South Asia in terms of the human development index and the gender development index. The rugged, mountainous topography makes access to services difficult in remote areas. A general lack of awareness about health and sanitation, inappropriate childcare and feeding practices, and poor environmental conditions including lack of clean water are primary causes of such a situation. Women's limited control over fertility, combined with the unavailability and poor quality service of health facilities, makes it difficult for them to access reproductive health services and contraceptive devices.

The key issues in the social sectors remain unequal access of various groups of the population to educational and health facilities, geographically unequal spread of services to remote areas, and the low quality of services supplied by the government sector. Women in the high mountains and remote hills and economically disadvantaged groups face greater accessibility problems than women in the better-off households, urban areas, and the Terai in general. Gender insensitivity of educational materials, teaching procedures, and the whole educational system is a pressing issue.

### Access to education

Nepal has made significant gains in education. Literacy levels have increased significantly, particularly during the last two decades. Male literacy in six years and above age group reached 65 per cent in 2001 from 34 per cent in 1981. Similarly, the female literacy rate more than trebled, from 12 per cent in 1981 to 43 per cent in 2001<sup>4</sup>. The progress in literacy levels of the younger group is quite significant. The difference in male/female literacy levels has declined by half than the 15 -19 age group. However, in the younger age group the progress seems to be much slower. This difference has declined by only 2.4 per cent between 1991 and 2001.

In education, both the low level of women and the gender gaps in literacy rate, enrollment rates, and attainment rates are staggering. Household income, workload for girls, and the level of concern of parents with the purity of the female body which leads to their early marriage, are important variables in decision making regarding sending girls to school. When resource constraints arise in the household, the first casualty is the female child's education.

Gender plays a major role in the unequal access of girls and women to education. Girls face much more discrimination in access to quality education. Boys everywhere are given better educational opportunities by parents, who send them to private schools or to cities while the girls, particularly those from villages, have few such opportunities. Families usually send their boys to India or overseas for further education, but few girls get such opportunities. The primary reason behind this is the social obligation for the natal household to marry their girls off preferably late in teens or early 20s. The social obligation of marriage and the expectation of bearing children are major impediments to women's advancement in education

<sup>4</sup> NLSS 2004 reported a lower rate in 2003/4, but the differences are slight

and career jobs. In the Indo- Aryan communities it is a matter of honor for families to have their daughter married. In Hindu communities natal households must give dowry in a daughter's marriage.

### **Gender disparity**

Gender disparity in educational and health status is still increasing, with more and more men getting access to modern avenues of education and health care facilities, leaving women far behind. Consequently, male life expectancy at birth increased by 15 years between 1975 and 1993 while female life expectancy increased by just 11 years. Gender based disparity in health care is also evident by the infant mortality rate (40.2 for girls as against 27.8 for boys); and under 5 mortality rate (112.4 for girls as against 104.8 for boys). Disparities can be observed even in the immunization of children. The proportion of female children not immunized is more than proportion of not immunized male children.

Women's heavy work burden and illiteracy have a direct impact on their health. The limited spread of the modern health care system and low utilization of health services contributes to high maternal and infant mortality rates. Women neither have the freedom of marital choice nor do they have the fertility choice. Many women still go through unwanted pregnancy and childbirth due to lack of choice and decision-making. The fertility rate of Nepalese women is 3.1. This is higher in rural areas (3.3 births per woman) in comparison to the urban (2.7 births per woman) areas<sup>5</sup>.

### **Poverty**

In terms of women in the economy, a substantial proportion of Nepalese women (40 percent) are economically active; most of them are employed in agriculture. They work primarily as unpaid family workers in subsistence agriculture with low technology and primitive farming practices. They carry the double burden of work in the family and the farm and have to work long hours. With more men entering other non-farming sectors, agriculture is becoming increasingly "feminized". Women participate on a large scale in tourism and related sectors. Their employment in organized manufacturing is also expanding. But in all these sectors they are concentrated at lower levels due to educational disadvantages and management biases. Their working conditions are poor and trade union activism low. These issues are aggravated by a lack of gender-disaggregated data on employment and wages.

The feminization of poverty in Nepal is not visible in terms of size of landholdings and income of female-headed households. It is visible more in terms of their impact on women's access to food, education, and health facilities, and their long working hours. Children, especially girls, have to start working early. Child labor involves many more girls than boys. Lack of training at appropriate levels, dangerous working conditions—environmentally and in terms of health and wage discrimination are the major gender problems faced by workers in the manufacturing sector. Child labor, especially young girls, is believed to be extensive in the textile sector, particularly carpets. Women entrepreneurs also face various problems, including access to credit, marketing networks, and technology, and their mobility and risk-taking capacity are restricted.

### **Gender based violence**

The social attitude towards women, backed by their low socioeconomic status in general, has led to many cases of gender-based violence, both in the domestic as well as in the public arena. 95% of

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<sup>1</sup> *Nepal Demographic Health Survey, 2006*

women surveyed reported firsthand knowledge of some kind of violence. This violence may range anywhere between light teasing to rape and trafficking.

Violence against women is persistent, systematic, and widely tolerated, if not explicitly disregarded. The social attitude towards women, backed by their low socio-economic status in general, has led to many cases of gender-based violence, both in the domestic as well as in the public arena. Ninety-five percent of women surveyed reported firsthand knowledge of some kind of violence of which 77 percent was from their own family members. Such violence was reported across all ethnic, caste, and income group<sup>6</sup>. Domestic violence is manifested as wife battering, neglect and physical abuse of the girl child, female infanticide, early marriage, and dowry related violence, sexual abuse in the household, polygamy and marital rape. Violence in public arena is manifested in rape, sexual abuse and sexual harassment in the workplace, trafficking of women and girls, forced prostitution and traditional harmful practices such as *Denki*, *Badi* and *Jhuma* and witchcraft. It is reported that 43% of women faced sexual harassment in the workplace but could not complain due to lack of complicated legal procedure<sup>7</sup>. A total of 5,000 to 7,000 girls/women of 10 to 20 years of age are estimated to be trafficked every year. Majority of the trafficked victims are sold for forced prostitution<sup>8</sup>. All these widespread cases of violence remain unaddressed owing to lack of women's bargaining power, under-reporting of violence, scarcity of comprehensive data and the low level of government's commitment to address this issue.

Gender-based violence is not only committed physically, psychologically, and emotionally, it is also committed in the name of culture and tradition. Such manifestations include polygamy, polyandry, *denki/badi*, bonded labor, *jari*, widowhood, child marriage, witch hunting, dowry-related violence, etc. Cultural violence such as seclusion and banishment to cow sheds, forcing women and their newborns to live in inhuman conditions and risk their lives (*Chaupadi*), is widely practiced in the Mid-West and Far Western regions, especially among the high castes.

## Exclusion

Women's access to political and administrative decision-making positions have been minimal (less than 10 percent and 5 percent, respectively), due to the lack of access to education and economic resources, social expectations for exclusive household responsibilities, and restricted mobility, as compared to male counterparts. In the political arena, matters have improved significantly at the grass roots level since the 1996 Ordinance on Local Elections required that all contesting parties to the election must have at least one woman candidate among the five ward member contestants. At least 100,000 women contested the last local election in 1996. This ordinance has also made provision for nominating at least one woman to village development committee and district development committee executive committees and also to the municipality boards.

Legal equality is a necessary condition for empowerment and political equality. Therefore legal reforms have been one of the main planks of the women's movement. CEDAW has committed Nepal to reforming

<sup>6</sup> Country Briefing Paper, Women in Nepal, Asian Development Bank, Programs Department West, Division 1, December 1999- M. Acharya, P. Mathema, & B. Acharya (citing SAATHI and the Asia Foundation -1997)

<sup>7</sup> Bhadra C. Nepal Country Gender Profile, JICA 2006 (citing: FWLD & TAF -2003. Implementation Status of the Outcome Document of Beijing Platform for Action. Kathmandu: Forum for Women, Law and Development (FWLD) & The Asia Foundation).

<sup>8</sup> Bhadra C Nepal Country Gender Profile, JICA 2006 (citing: Gautam, B. (2002). "Girl Trafficking in the Perspective of Poverty". Information Bulletin: Social Sector Economic Discussion Group, Vol. 4, Dec. 2002. Kathmandu: World Bank, UNDP, UNICEF, HDS.

those laws, but very little has been achieved. A few discriminatory provisions of law have been amended by the Eleventh Amendments (September 2002) to the Country Code of Nepal (1963).

Women's access to political and other positions of power has not improved much in the last 10-15 years except at the grassroots level, as a result of the 20 per cent reservation by the Local Self-Governance Act 1999. Women's representation in government administration is still miniscule, though compared to 1978 their overall representation has almost trebled and at officer and higher levels it has doubled. Still, women constitute less than 10 per cent of the total government staff.

In parliamentary elections, often political parties have not put up many more than the constitutionally required 5 per cent female candidates. Further, the electoral constituencies allocated to women candidates have often been those the party considered difficult to win. The cabinets formed in the last decade have not included more than two women or given them important positions, barring one or two exceptional cases. One female member among 20-45 ministers has been the rule. In 2005, women constituted less than 10 per cent of the Central Committee members of the major political parties.

#### **D. Recommendations**

Deprived and marginalized section of women such as Madheshi women, Dalit women, and women from Himalayan region should benefit from women empowerment programs. To empower these groups programs like education, micro credit, health and sanitation, income generation, legal education should be implemented.

Women voices in the local government to central government should be institutionalized. Political parties should increase the number of women in their respective political parties' central committee. The total budget allocated for females was around 2.05 per cent of the total development budget in the 2004/05 fiscal year. So practice of gender friendly budgeting should be exercised from grass root level to ministerial level.

Women face multiple inequities. They are discriminated against in laws, acts, and regulations; socially by the patriarchal value systems; and economically by limitations on their access to resources. Although they formally enjoy equal political rights as citizens, they are discriminated against regarding citizenship and nationality. Legal rights of women such as citizenship rights, property rights etc should be granted to the women. All discriminatory legal provisions should be replaced with gender friendly policies and provisions.

MWCSW and gender divisions/sections/units and gender focal points must of the state institutions should be strengthened to fulfill their responsibilities effectively. This requires raising the status of gender focal points, relieving them from other responsibilities, and building their capacity in gender mainstreaming through continuous training. The emphasis on gender training of teachers and the education community should be continued. Better efforts are needed to make the curricula more inclusive and to completely eliminate gender, caste, and ethnic stereotypes from the curriculum and textbooks, particularly to break the gender barrier to education in Terai areas. Textbooks should also include consequences of social and cultural malpractices such as dowry/tilak, *Chaupadi* and knee-burning of women.

Implementation of scholarships and other incentive programmes must be made more effective by plugging leakages and ensuring adequate resources for the allocated number of scholarships.

Issues of exclusion must be addressed both at the structural level (state and governance structure, language policy, etc.) and by specific policies to increase the access of women, dalits, and other disadvantaged Janajatis to resources, education, and state decision-making positions. Affirmative action supported by empowerment and/or reservation for a certain period is necessary to deal with the chronic problem of under-representation of women and other disadvantaged groups in the political power structure and administrative decision-making.

The parliamentary declaration of May 2006 on these issues must be incorporated fully in the forthcoming constitution and the laws, and implemented properly. Whatever state structure emerges in the future, women's representation must be 40 per cent at the grassroots level. Moreover, in all elected institutions, women also must be elected and not nominated, as is currently the practice in VDC, DDC executives, and the Municipality Boards.

Laws against domestic violence and violence in the workplace should be promulgated and an effective machinery to implement these and other anti-violence laws should be created and strengthened where necessary (e.g., a women's cell in police units). Strict enforcement of the laws should also be a priority. Interventions from above in policy, laws, regulations, and institutional arrangements must be accompanied by training for awareness, behavioral change and counseling.

Compulsory and regular counseling to the victims of violence, and about the physical, psychological, emotional, and hormonal changes during pregnancy and their consequences for the mother's and child's health should be an immediate priority.

## CHAPTER II: DALITS



## A. Background

Caste-based discrimination derives its legitimacy from the ancient scriptures of the Hindu religion. These scriptures believed that the God produced people from four separate parts of its body and attributed them with different types of character assigning four different roles and responsibilities. The four different social groups were identified as *Brahmans*, *Chhetris*, *Vaishyas* and *Sudras* respectively, otherwise known as 'Four *Varnas*' in Hindu social structure. These legendary ideas about differences in the origin, differences in roles and responsibilities of people are the basis for institutionalization of *Varna*, a model of social organization as well as caste-based division and discrimination in the society.

In the last 14<sup>th</sup> century, caste-based discrimination was a direct consequence of the prevailing traditions. The formation of *Muslim* hegemony in *Mogul* India and the expansion of Christian faith in this region, after it came to be a part of the British Empire, motivated the then Hindu rulers of Nepal to provide state level protection for this religion and the practices based on the religious definition. During that process, *Jayasthiti Malla* (1382-1395) divided the *Newars* of Kathmandu valley into 64 castes. Later, *Ram Shah* of Gorkha implemented some strict regulations, prescribing different qualities of garments for different castes, prohibiting low caste people from living in *Pakka* (concrete) houses, and requiring them to settle in areas close to riverbanks or in rural areas. During the *Malla* period and, consequently the *Sen* rulers of *Palpa* provided their support to the caste-based organization of the society. The Nepali state attempted to universalize these regulations for all categories of people living in all parts of the nation through the introduction of the *Muluki Ain* (Civil Code) in 1954.

Table 3: Caste hierarchy set out in the National or Civil Code 1954

SN	Hierarchy	Meaning	Caste groups
1.	<i>Tagadhari</i>	Sacred thread wearing or Twice-born	Brahmins, Rajputs, Jaisis and Chetris/Kshatriyas
2.	<i>Matawali</i>	Liquor drinking (Un-enslavable)	Magars, Gurungs, Sunuwars and some Newar castes
3.	<i>Matawali</i>	Liquor drinking (Enslavable)	Bhote, Chepang, Kumal, Hayu, Tharu and Gharti
4.	<i>Pani nachalne choi chhito balnu naparne</i>	Caste from whom water is not acceptable and contact with whom does not require purification by sprinkling of water.	Muslims, Dhobi, Madheska Teli, Kulu, Kasai, Mleccha, Kusle and Cudara
5.	<i>Pani nachalne choi chito balnu parne</i>	Caste from whom water is not acceptable and contact with whom requires purification by sprinkling of water	Sarki, Damai, Kami, Gaine, Sunar, Badibhad, Cunara <sup>14</sup> , Pode, Hurke and Cyamakhalak

The Civil Code redefined the *Varna* model in order to comply with Nepal's social environment. It classified the caste groups into 'pure' and 'impure'. The fourth and fifth categories were considered as containing 'impure' population. People were divided into two groups; touchable and untouchable. The Civil Code also approved some differences in the privileges provided by the law to people belonging to these different caste categories. The code governed the pattern of social relation until its provisions were amended and replaced by the New Civil Code (*Naya Muluki Ain*) in 1963.

A political movement launched in 1950 replaced the prevailing system of oligarchic rule with a multi-party system of government. Accordingly, constitutional procedures were introduced into the system of rule of the country. These constitutions, including the constitution of the Kingdom of Nepal 1990, guaranteed the right to equality. Practice of untouchability was declared illegal in Nepal. The Civil

Box 1:

Article 6 of the ICERD states, “state parties shall assure to everyone within their jurisdiction, effective protection and remedies through the competent national tribunals and other state institutions against any acts of racial discrimination, which violate his/her human rights and fundamental

Rights Act 1995 and the Defamation Act 1963 also supported the principle of non-discrimination and elimination of untouchability. In 1971, Nepal ratified the provision in Article 6 of the International Convention on the Elimination of All Forms of Racial Discrimination and Untouchability (ICERD).

However, the practice of untouchability still occurs despite the laws declaring it illegal. Bhattachan et al (2003) investigated the existing practice of caste-based untouchability and identified 205 areas in which *Dalits* are discriminate against by non-*Dalits*.

These practices can be divided into nine categories as follow;

- I. *denial of entry* into houses, restaurants, temples;
- II. *inability to perform important religious service* because wearing a sacred thread is not permitted, etc.;
- III. *access to common resources* such as using water from tap or pond used by upper caste is denied;
- IV. *denial of participation in public activities or entry into public places* such as religious functions, government functions;
- V. *forced labor or discriminatory practice of labor*;
- VI. *dominant behavior towards Dalits* such as *Jadau* system (practice of obeisance);
- VII. *atrocities* such as more rape cases among Dalit women than others;
- VIII. *social boycott* – if a ‘high caste Hindu’ member marries with a Dalit of either sex, he or she is banned from the society;
- IX. *Attitudinal untouchability* such as if one sees a *Kami* (blacksmith) early in the morning it is considered inauspicious, or if there is a Dalit teacher then children of high caste groups will not attend the school.

They concluded that discrimination is inherent in the denial of entry, denial of services, denial of access to common resources, denial of kinship and/or social relationships, denial of participation, forced labor, dominance, atrocities, social boycott, attitudinal untouchability and discrimination to name but a few.

National Dalit Commission (NDC) defines *Dalit* community and cast based untouchability as “community who have been left behind in social, economic, educational, political and religious sphere and deprived of human dignity and social justice due to the cast based discrimination and untouchability.” “Cast based untouchability’ refers to those community, who have been discriminated against as water polluting or touching whom requires purification, untouchables or any community that was identified as untouchable before the promulgation of the new Civic Code, 1963.”

Based on these definitions, NDC tentatively identified 22 *Dalit* castes, including 5 from the Hill and 17 from the Terai.

**Table 5: Dalit population in Nepal by sex**

SN	Dalit group	Male	Female	Total	%
	<b>Dalit population in Nepal</b>	<b>1,356,634.00</b>	<b>1,393,493.00</b>	<b>2,751,975.00</b>	<b>14.99</b>
<b>A.</b>	<b>Hill Dalits</b>	<b>894,557.00</b>	<b>948,745.00</b>	<b>1,843,302.00</b>	<b>7.11</b>
1	Kami	432,937.00	463,017.00	895,954.00	3.94
1.1	Sonar	72,331.00	72,757.00	154,088.00	0.64
1.2	Lohar	42,270.00	40,367.00	82,637.00	0.36
2	Damai/Dhobi	188,329.00	201,976.00	390,305.00	1.72
3	Sarki	153,681.00	165,308.00	318,989.00	1.40
4	Gaine	2,857.00	3,030.00	5,887.00	0.03
5	Badi	2,152.00	2,290.00	4,442.00	0.02
<b>B.</b>	<b>Madheshi Dalits</b>	<b>377,014.00</b>	<b>356,410.00</b>	<b>735,272.00</b>	<b>3.24</b>
1	Chamar/ Harijan/ Ram	138,878.00	130,783.00	269,661.00	1.19
2	Musahar	88,041.00	84,393.00	172,434.00	0.76
3	Dusadh/ Paswan/ Pasi*	82,173.00	76,352.00	158,525.00	0.70
4	Tatma	39,606.00	36,906.00	76,512.00	0.34
5	Khatbe	38,643.00	36,329.00	74,972.00	0.33
6	Dhobi	38,350.00	35,063.00	73,413.00	0.32
7	Bantar	18,139.00	17,700.00	35,839.00	0.16
8	Chidimar	6,516.00	5,780.00	12,296.00	0.05
9	Dom	4,631.00	4,300.00	8,931.00	0.04
10	Mestor/ Halkhor	1,848.00	1,773.00	3,621.00	0.02
11	Kuswadiya/ Patharkatta^	286.00	266.00	552.00	-
12	Kakahiya	-	-	-	-
13	Kalar#	-	-	-	-
14	Khatik	-	-	-	-
15	Kori	-	-	-	-
16	Pasi*	-	-	-	-
17	Sarvanga/Sarbariya#	-	-	-	-
<b>C.</b>	<b>Unidentified Dalits</b>	<b>85,063.00</b>	<b>88,338.00</b>	<b>173,401.00</b>	<b>0.76</b>

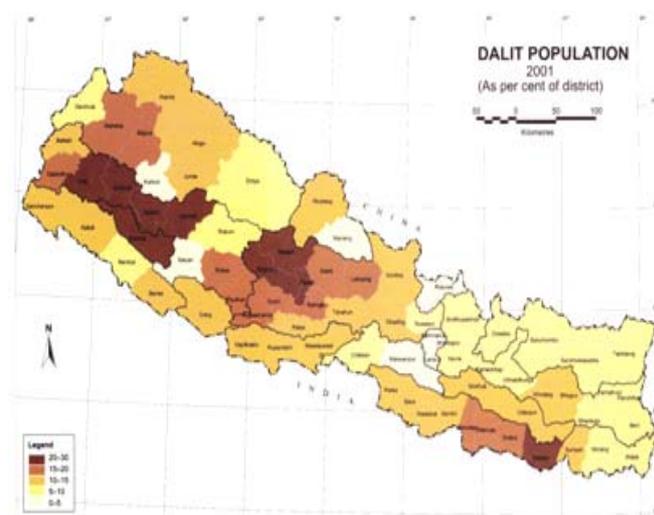
Source: National Census Report 2001, Table 16: Population by caste/ethnic group and sex (HMG N 2002:72-3)

\* Pasi does not have separate population data in census, they are mixed with Dusadh & Paswan. However, National Dalit Commission has identified Pasi as a separate Dalit caste.

^ Kuswadiya is listed as one of 59 indigenous nationalities.

# Sarvanga, Sarbariya and Kalar are the same Dalit caste.

## B. Geographical distribution of Dalits



Map 2: Dalit population (CBS 2001)

*Dalit* communities have scattered all over Nepal. However, the Central and the Western Development Regions, which comprise 27% and 24% of the total *Dalit* population, have more *Dalit* population than other development regions. Likewise, *Dalit* population is denser in the *Terai* region than the hill and mountain regions. The population density of *Brahmin* and *Chhetri*, who are spread in the mountain and hill regions in all the development regions, is more pronounced in the mid and far western development regions. They comprise more than 27.8 percent and 39.2% of the population in Mid Western and Far Western Development regions respectively.

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In 31 districts, the *Dalits* population is higher than 12 percent. But in eight districts in the west (*Baglung, Jajarkot, Dailekh, Surkhet, Kalikot, Achham, Bajura* and *Doti*) *Dalits*' presence is in the range between 21 to 30 percent. 11 *Terai* district from *Jhapa* to *Parsa*, *Dalits* together comprise a larger proportion of the district population than *Yadavs* in eight districts. The VDC wise distribution of caste/ethnic population show that there only 12 VDCs in Nepal with an absolute majority of the *Dalit* population.

**Table 6: Majority of *Dalit* population in VDCs**

SN	District	VDC	SN	District	VDC
1.	Morang	Bhaudaha, Baijnathpur	5.	Baglung	Khunkhani, Bobang
2.	Rauthat	Malahi	6.	Surkhet	Manitara, Mahelkuna, Ghatgaun
3.	Parbat	Phalamkhani	7.	Achham	Chaphamandaun
4.	Myagdi	Lulang	8.	Kailali	Godawari

Source: CBS 2001

## C. The Interim Constitution of Nepal 2007 and *Dalits*

### Part 3 fundamental Rights

- *Article 13 Right to Equality (2)* – No discrimination shall be made against any citizen in the application of general laws or grounds of religions, race, sex, caste, tribe or ideological conviction or any of these. The state shall not discriminate among citizens on grounds of religion, race, sex, caste, tribe or ideological conviction or any of these. Provides that special provisions may be made by law for the protection and advancement of the interests of women, *Dalit*, ethnic groups, *Madhesi* or agricultural person, layman, Children, the aged or those who are physically or mentally incapacitated or those who belongs to a class which is economically, socially or educationally backward
- *Article 14 Rights against the untouchable and racial discrimination (1)* – No person shall, on the ground of caste, descent, community or occupation, be subject to racial discrimination and untouchability of any form. Such a discriminating act shall be liable to punishment and the victim shall be entitled to the compensation as provided by the law.
- *Article 14 (2)* - No person shall, on the ground of caste or tribe, be deprived of the use of public services, conveniences or utilities, or be denied access to any public place, or public religious places, or be denied to perform any religious act.
- *Article 14(3)* - No person belonging to any particular caste or tribe shall, while producing or distributing any goods, services or conveniences, be prevented to purchase or acquire such goods, services or conveniences; or no such goods, services or conveniences shall be sold or distributed only to a person belonging to a particular caste or tribe.
- *Article 14(4)* - No one shall be allowed to demonstrate superiority or inferiority of any person or a group of persons belonging to any caste, tribe or origin; to justify social discrimination on the basis of cast and tribe, or to disseminate ideas based on caste superiority or hatred; or to encourage

caste discrimination in any form.

- *Article 14(5)* - Any act contrary to the provisions of sub-clauses (2), (3) and (4) shall be punishable in accordance with law.
- *Article 21 (1) - Right to Social Justice:* Women, *Dalit*, indigenous tribes, *Madhesi* community, oppressed group, the poor peasant and laborers, who are economically, socially or educationally backward, shall have the right to participate in the state mechanism on the basis of proportional inclusive principles.

#### Part 4: Responsibilities, directive principles and policies of the state

- *Article 33 (4)* - To carry out an inclusive, democratic and progressive restructuring of the State by eliminating its existing form of centralized and unitary structure in order to address the problems related to women, *Dalits*, indigenous tribes, *Madhesi*, oppressed and minority community and other disadvantaged groups, by eliminating class, caste, language, sex, culture, religion and regional discriminations.
- *Article 35 State Policies (10)* - The State shall pursue a policy which will help to promote the interest of the marginalized communities and the peasants and laborers living below poverty line, including economically and socially backward indigenous tribes, *Madhesi*, *Dalits*, by making reservation for a certain period of time with regard to education, health, housing, food sovereignty and employment.
- *Article 35 (14)* - The State shall pursue a policy of making special provision based on positive discrimination to the minorities, landless, squatters, bonded laborers, disabled, backward communities and sections, and the victims of conflict, including women, *Dalits*, indigenous tribes, *Madhesi* and Muslims.

#### Part 18: Political Parties

- *Article 142 Registration required for securing recognition for the purpose of contesting elections as a political party (3):* Political parties shall have to fulfill the following conditions while filing an application pursuant to clause (1) (c) - in the executive committee of all levels, there should be the provision for the inclusiveness of members from neglected and suppressed regions including the Women and *Dalits*,

#### Part 22 Miscellaneous

- *Article 154. Formation of Commissions:* The Government of Nepal may form necessary commissions to safeguard and promote the rights and interests of different sectors of the country including women, *Dalits*, indigenous ethnic groups, *Madhesi*, disabled, laborers or farmers. The provisions for the formation, functions, duties and powers of such commissions shall be as determined by the law.

### C. Key Challenges of Dalits

*Dalits* are far more vulnerable to the prevailing economic, social, political and educational conditions in comparison to other excluded communities. The poverty index for *Dalits* is 47% compared to the national average of 31%. During the period, 1996 and 2004, poverty in Nepal was reduced by 11 percent.

Indicator	National Average	Dalits
Below 5 years child mortality rate	104/1000	171.2/1000
Infant mortality rate	75.2/1000	116.5/1000
Fertility rate	4.0	4.07
Literacy rate	54	33
Average years of schooling	3.62	2.1
High school graduate & above	17.6%	3.8%
Poverty	31	47
Landlessness		
<i>Madheshi Dalits</i>		44%
<i>Hil Dalits</i>		15%

*Source: 3 year Interim Plan (2008/09 to 2010/11), NPC/ GoN*

During this period, the poverty of *Brahmins* and *Chhetriyas* had been reduced by 46 percent, while that of *Dalits* by 21 percent. In total, 44 percent of *Dalits* in the *Terai* are landless and 44.6 percent of the *Dalits* of the hills are marginalized farmers (owning 0.18 to 0.40 ha. of land). Altogether, *Dalits* own just one percent of Nepal's arable land, while only three percent of *Dalits* own more than a hectare of land<sup>9</sup>.

## Landlessness

In the past land yielded power and power yielded land. Even now land is the main capital asset in Nepal. Landlessness is high among the *Dalits*. Dr. Shiva Sharma, an expert on labour, estimated that 85 to 90% of *Madhesi Dalits* are landless. Among the *Musabar*, only 3 to 5% of them may have a piece of land. Ownership of both irrigable and dry land is highest among the "high caste" (5.63 *Ropanis* of irrigable and 6.64 *Ropanis* of dry land) and least by the *Dalits* (2.05 *Ropanis* of irrigable and 4.76 *Ropanis* of dry land).

44.2% of *Doms* are landless, followed by *Gandarva* with 41.2%, and *Dusadh* and *Dhobi* with 33.3% each. A survey done by the National Dalit Commission among the *Dalits* in six districts shows that 74.14% of *Dalit* households do not own land. *Dalit* households who live in government land, popularly known as *Ailani jagga*, ("public land") is highest in *Kailali* with 50.03% and lowest in *Mabottari* with 19.36%.

## Illiteracy

In Nepal, *Dalits* lag behind other social groups in terms of educational attainment. Whereas the national average for people 6 years and above who had never attended school is 44%, the figure was 76% for *Madheshi Dalits* and 43% for hill *Dalits*. These figures show that, historically, the *Dalit* community has had limited access to schooling. The literacy rate of *Dalits* was 17% in 1991 census and it has doubled to 33.8% in 2001 census. The national average of SLC education and above education is 17.6% but *Dalits* average is 3.8% only. National average of Bachelor and above degree is 3.4% but of *Dalit* is 0.4%. Problems for low enrollment and drop out of *Dalits* include caste based discrimination and prejudice against *Dalits*.

## Gender issues

Since the *Dalit* society is also systematically integrated in the patriarchal mode of the Hindu caste system, in Nepal, the social and economic status of women is much lower than that of men. This is manifested in the lower health and nutritional status of *Dalit* women, as well as in the political representation of *Dalit* women, which is negligible<sup>10</sup>. However, as compared with the high caste women, *Dalit* women have greater mobility. This is due to the economic need to go out and seek for employment and income for their families.

*Dalit* women are constantly denied their fundamental human rights and face caste and gender based discrimination. Male members of *Dalit* families often leave women to head households while searching for work. Sexual harassment by landowners, moneylenders and hired thugs is common. *Dalit* women experience more discrimination than *Dalit* men, firstly as a women who are treated as subservient in the

<sup>9</sup> Three Year Interim Plan (2008/09 to 2010/11), GoN

*Hindu* patriarchal system, which is prevalent in the country regardless of the religious practice of the family and secondly as *Dalits* bearing the discrimination of the caste system. Dalit women show the lowest composite empowerment and inclusion index across Nepal's population (0.21 compared with an all Nepal female index of 0.34)<sup>11</sup>

Dalit women are frequent victims of trafficking and sex work. Women from the Badi (Dalit) community, mostly from Western and Mid Western and Far Western parts of the country, are the most marginalized group amongst the *Dalit* community and are looked down upon as sex workers, though many of them are not involved as sex workers.

### Poverty

Dalits are poorer than most other social groups in Nepal. While the proportion of the population below the national poverty line is 31% nationally, 47% of *Dalits* live below the national poverty line. 86% of *Dalit* households have an income lower than the national average.

Multiple regression analysis of Nepal Living Standards Survey (NLSS) II data also found: a) per capita consumption of Dalit households is about 46% lower than that of the Brahmin and Chettri (the highest Hindu caste groups); and b) the 'social penalty' for being a Dalit translates to Rs. 4,853 less per capita consumption<sup>12</sup>. Since the average national consumption per capita is Rs.15,484, this difference is significant.

As child labor is prohibited by the Child Act 1991, NLSS II found that the proportion of children aged 5–14 who are working and not attending school is highest among the poor (21% in the poorest quintile) and decreases for the richer quintiles. The costs of schooling for poor families are significant. Many Dalit families also make a precarious livelihood, earning their income in the informal sector<sup>13</sup>, through daily wage labor, often involving seasonal migration<sup>14</sup>. This insecurity deters families from making longer term investments by educating their children.

### Variation in number

According to the census of 2001, the total population of Nepal was 22,736,934 (now estimated to be 26,427,39925, 51.1% of them female). The census had no data on six Dalit castes, namely, *Kakabhiya*, *Kalar*, *Khatik*, *Kori*, *Pasi*, and *Sarvanga/Sarbaraiya*. The census data are not entirely accurate because many Dalits hide their identity due to fear of backlash from so-called high caste people, confusion of caste identity due to identical family names, lack of awareness among Dalits about their caste identity, and lack of representation of Dalits in technical committees, trainers, supervisors and enumerators in the Central Bureau of Statistics.

Some local surveys carried out by *Dalits'* organizations, including Dalit NGO Federation and NNDSWO, in some selected villages revealed that *Dalit* populations are higher than in the census. The figure usually given for the census is 13% or 13.8%, or at the most 14.99%, lower than the estimation of the Dalit leaders and scholars, i.e. 20% to 25% of the total population.<sup>26</sup>

### Disparity within Dalits

Dalits comprise a diversified social group in terms of intensity of practices of caste based discrimination,

<sup>10</sup> Bennett (2006), *op. cit.*; Acharya (2005).

<sup>11</sup> *Unequal Citizens*, 2006, World Bank /DFID

<sup>12</sup> Bennett (2006), *op. cit.*

<sup>13</sup> *The Informal Economy & Workers in Nepal*. ILO. *Decent Work for all Women and Men in Nepal*, Series 3. 2004. p. 21.

<sup>14</sup> *Seasonal Labour Migration in Rural Nepal: A Preliminary Overview*, Gerard J. Gill, *Overseas Development Institute Working Paper 218*.

including untouchability, and forms of discrimination, including regional, linguistic, religious, cultural, gender and class based discrimination.

- Hill Dalits and the *Madhesi* Dalits have rather different experiences. Socio-economic status/condition of *Madhesi Dalit* is even worse than that of hill *Dalits*.
- In some regions, districts or villages, non-Dalits do not practice caste based untouchability against Dalits. For example, untouchability is non-existent in communities of the mountain region, and communities mostly untouched by the national legal codes and/or the process of *Hinduization* and *Sanskritization*.
- In communities affected by caste based discrimination, some non-Dalit communities such as *Sattar/Santhal*, *Jhangad/Dhangad* are treated as “untouchables” in the Terai region.
- Socio-economic condition of *Dalit* women and girls is worse than that of men and boys.
- Among all Dalit caste groups, *Kami*, *Damai* and *Sarki* are relatively better off than other *Dalit* caste groups; however, 65-68% of *Kami*, *Damai* and *Sarki* each live below absolute poverty line, meaning those who eat less than 2,200 calories of food in a day.
- Illiteracy is rampant and very few have received higher education.
- The whole *Badi* community is wrongly implicated as a community that relies on sex work.

### Exclusion from decision making bodies

In spite of declarations<sup>15</sup> by the state that Dalits would be represented at all levels of civil and political life, in proportion to their representation in the population (13% minimum). Section 7(3) of the Constituent Assembly Member Election Act 2007 has mandatory provision for all political parties to ensure proportional representation of Dalit (13%). However, only 8.1% *Dalits* are represented in the current Assembly. Situation is more desperate in civil service, security forces, judiciaries, and in constitutional bodies where *Dalits* are being underrepresented despite various provisions of *Dalits* inclusion.

The main problems of lower participation of Dalits in decision making bodies include predominant control of political parties by “upper” caste people, lack of substantial initiatives by political parties to eliminate untouchability, caste based discrimination and to increase participation and representation of the Dalits and predominance of Brahmanism in all almost all sectors of the decision making in Nepal.

### Untouchability and slavery

*Haliya*,<sup>16</sup> *kehalo partha*,<sup>17</sup>, *Khan partha*<sup>18</sup> and *Balighare*<sup>19</sup> are some of the forms of traditional slavery still practiced in Nepal. The practices are based on caste and descent. The Nepali State has proclaimed the end of those traditions but there are no laws and bylaws to implement the declaration or to redress the consequences for the victims of the traditions.

There are two main reasons for existence of the *Haliya* system. These are:

- (1) caste based division of labour, and
- (2) debt bondage. Robertson and Mishra lists ten reasons for perpetuation of bonded labourers including *Haliya*. These are: the feudal legacy, *Birta* land, *Jagir* and *Rakam* land, *Jamindars*, failure of land reform, marginalization and landlessness, indebtedness, debt farming, discrimination and division.

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<sup>15</sup> Civil Service Record, 2006

The *Hindu* version of untouchability also has a racial basis as the impure status is based on birth and religion. There is strong evidence that the practice of “untouchability” continues; behaviour intended to avoid bodily contact between *Dalits* and non-*Dalits*. Exclusion of *Dalits* from temples and from access to water based on the notion of “untouchability”<sup>20</sup> continues and is regularly reported in the press. Inter-caste marriage is generally followed by extreme and violent community and family reactions to it graphically illustrate the depth of feelings with regard to untouchability and purity.

#### D. Recommendations

Dalit is a condition characterized by caste-based discrimination including untouchability. Therefore, the term should be used as long as such discrimination exists. There is no need to use this term when such a condition no more exists.

Result-oriented and scientific policies, strategies and programs should be formulated to effectively address the decade long issues of *Dalits* in Nepal. Policies strategies formulated in the past did not have measurable impact in changing the lives of *Dalits*. The government should review its position and allow wider discussion among the stakeholders to recommend appropriate strategies that could lead to formulation of new strategies and design programs ensuring change.

These recommendations could be divided into three parts;

- i) how efficiently Nepal can implement the national and international instruments to address the issues of untouchability, discrimination and slavery in modern Nepal,
- ii) review the existing mechanism to implement these instruments. If not, suggest the more effective ones and
- iii) take affirmative measures to ensure *Dalits* are represented and are partnered with in policy strategies formulation and program implementation. Among the *Dalits*, preferences should be given to women and *Madhesi Dalits*.

Likewise, *Dalits* should be included proportionately in all walks of life. State and non-state actors should develop special provisions to ensure *Dalits* are taken onboard, especially in constitution writing process and peace building activities which, in return, heal the wounds of *Dalits* badly affected during armed conflict in Nepal. Their aspiration and commitment for playing dominant role in making *New Nepal* should be capitalized.

*Dalits* rights and issues should also receive high priority in the constitution and government’s interim and fiscal year planning process. Trafficking of *Dalits*, discrimination against *Dalits*, and other forms of human rights violation of *Dalits* should be immediately taken into consideration and justice should be provided to the victim. Citizenship issues, especially among the *Madhesi Dalits* should be eased. Election

<sup>16</sup> *Haliyas* are Bonded labourers under the UN definition: they are bound to their employer by a loan which they, their family and often heirs to work for another.

<sup>17</sup> Various services of *Dalits* are supplied in the context of an ongoing relationship between a client and craftsman, a system also known as patron-client relationship. These relationships are known by different names in different parts of country such as *Bali Ghare Pratha* (Eastern Nepal), *Khalo Pratha* (Western Nepal), and *Khan System* (in Tarai).

<sup>18</sup> See note 27

<sup>19</sup> *Balighare* is a form of forced labour in which *Dalits* provide occupational serviced to so-called high caste in exchange for food grains.

<sup>20</sup> In the Hindu caste system *Dalits* fall outside the four-fold caste system consisting of the Brahmin, Kshatriya, Vaisya and Sudra. Those who fall outside the caste system are considered “lesser human beings”, “impure” and thus “polluting” to other caste groups. They are known

commission must ensure that the political parties are meeting its criteria to represent *Dalits* as provisioned in the election law and code of conduct.

The Dalit problem cannot be resolved overnight. Its solution requires a combination of action on the part of the Dalit communities, the government, and the political parties. The Dalit issues should now be treated as political issues that deserve the attention of government bureaucrats and politicians. Laws against discrimination of the Dalits should be properly enforced, and government programs for uplifting the economic and social status of the Dalits should be fully implemented.

**CHAPTER III:  
MADHESHI**



I. Introduction

There are two geographical definitions in Nepal; one that extends to a trans-national region, the other specifically limited to Nepal. The first and more general definition includes the long and narrow strip of plains abutting the Himalayan foothills at the way from Uttar Pradesh through Nepal. The second definition includes only the plains region adjacent to the foothills within Nepal’s national boundaries. This foothill is called the *Sivalik* or sometimes *Churia* range.

*Terai* (also known as *Tarai*) stands for ‘a strip of undulating former marshland that stretches from the *Yamuna* River in west to the *Brahmaputra* River in the east<sup>21</sup>. It is used to refer to the region of marshy



grasslands, savannas, and forests at the base of the Himalayan range, in India, Nepal, Bhutan, and Bangladesh. Etymologically, the word *Terai* is presumed to be derived from Persian language, meaning “damp”, and various Hindu and Urdu dictionaries also define it as land at the foothills of mountains, often damp and swampy<sup>22</sup>. From *Tharu* language point of view, as claimed by some authors, it is assumed to be derived from “*Tar*” meaning “low” thus rendering the meaning of “*Terai*” as “low-lands”, though the transnational, trans-ethnic and trans-lingual usage of *Terai* may put this etymology into question. But all the existing etymologies of *Terai*, defines it in terms of terrain features and has geographical connotation.

Map 3: Terai districts in Nepal

In 1963, the government established 75 districts in the country and the previously 17 districts in Terai were restructured into 20 districts which also included part of *Sivalik/ Churia* range and hills. All the *Terai* districts have varying proportion of *Sivalik* and mid-mountain areas, the highest being 77.5% in *Navalparasi* district, 51.5% in *Chitwan* district, 50.8% in *Banke* district and 41% in *Kailali* district to the lowest 8.9% in *Sunsari* district and about 7% in *Jhapa* district; the average being 32.4% for the 20 Terai districts.

The total land area in the 20 *Terai* districts is 34,109 sq km which accounts for 23.1% of the country’s total land area. In 2001, 48.4% of the country’s total population of 23.2 million lived in *Terai* districts with a density of 329 persons/sq km.

*Madhesh* refers to the Terai region specific to Nepal, approximately 25 to 35 kilometers wide broad belt of alluvial and fertile land stretching from *Mahakali* River in the west to *Mechi* River in the east between Indian boarder in the south and *Sivalik/Churia* range in the north. Etymologically, *Madhesh* has been claimed to be derived from the word “*Madhyadesh*” (mid-country), or “*Matsyadesh*” (fish country) whose capital is said to be in *Biratnagar*. With the evolution along time, along with its historic values and

<sup>21</sup> *Encyclopedia Britannica*.

<sup>22</sup> *Gaige 1975: Regionalism and National Unity in Nepal, pp.2, University of California Press.*

usages, the word *Madhesh* has acquired cultural aspects into it that today it represents a way of life and different aspects of life-styles of people living specifically in the region.

Its historical significance, historical usages, cultural and better representative connotation, representation of specific national locality, and freedom from colonized connotation are some of the factors that enrich the word *Madhesh*. The word *Terai* refers to terrain features rather than cultural space and does not represent any aspects of people living there. *Terai* refer to region and was popularized by the state's policy of what some claim as "internal colonization" and thus carries derogatory colonial connotation. Madheshi experts claim that the word *Terai* has been a symbol of colonial mindset of some dominant groups in Nepal resulting from what Dr. Fredrick Gaige referred as a process of "*Nepalization*" of *Madhesh*.

From the time of formation of New Nepal there have been literally uncountable usages of word "*Madhesh*", both authoritative and general. Prithvi Narayan Shah's letter to Bhagavanta Nath<sup>22</sup> mentioned, "...boundaries have been extended to the *Kankai* river in the *Madhesh* and.." or the administrative establishments such as "*Madhesh Bandebast Adda*" or "*Madhesh Report Niksari*" or "*Kumarichok Madhesh Pabila Phant*", or "*Bhot, Parbat and Madhesh*" in *Birta Confiscation Act*<sup>23</sup>. In pre-1950 era, word *Madhesh* was always preferred in authoritative and legal documents.

The *Madheshis* are the indigenous "non-hill origin" inhabitants of the Tarai. Madheshi includes indigenous ethnic nationalities as the *Tharus, Rajbanshis, Meches, Koches, Dhimals* and other tribes as well as peoples of different Hindu caste groups whose religious traditions, languages, social lifestyle and customs, food and clothes are similar to those of the people living in the Indo-Gangetic plains of India<sup>24</sup>. *Madheshis* are residents of *Madhesh* sharing the correlated regional, cultural and lingual space of *Madhesh*.

**Table 8: Population of Tarai based on social groups**

	Population	% in Terai	% in Nepal
Nepal	23,151,000		100.0
Terai	11,213,000	100.0	48.5
a) Janjati	2,038,103	18.2	8.8
b) Dalits	888,280	7.9	3.9
c) Tarai Castes	4,588,098	40.9	19.8
d) Hill Origin	3,698,519	33.0	16.0

Source: CBS, Population Census, 2001.

The *Madheshi* community is composed of the traditional *Hindu* caste hierarchy such as *Brahmin, Kshatriya, Baisya* and *Dalits*, and indigenous *Janjati* ethnic groups, other native tribes and *Muslims*<sup>25</sup>. Gaige (1975) used the terms 'hill people' and 'plains people' living in Tarai districts, and defined a) "plains people are those who speak plains languages as their mother tongues or first language, whether they were born or live in the plains or hills"; the

plains languages being *Maithili, Bhojpuri, Awadhi, Urdu, Hindi* and *Bengali*, and dialects of these languages used by *Janjati* groups, and b) "hill people whose mother tongue or first language is one that predominates in the hill region of Nepal such as *Nepali, Newari, Magar, Gurung, Rai* and others.

The Madheshi community is composed of the traditional *Hindu* caste hierarchy such as *Brahmin, Kshatriya, Baisya* and *Dalits*, indigenous *Janjati* ethnic groups, and other native tribes and *Muslims*. According to the National Census of 2001, 59 castes and ethnic groups are identified in Madhesh. *Baisya, Yadav* and other *Hindu* caste group share 44.3% of the total Madheshi population followed by *Indigenous* (27.5%), *Muslims* (13.2%) and *Dalits* (11.9%).

<sup>22</sup> Published in *Purushartha*, December 1949.

<sup>23</sup> Burghart 1984: *The Formation of the Concept of Nation State in Nepal*, pp.107, *The Journal of Asian Studies*, vol. 44, no.1.

<sup>24</sup> Dr. R.P. Yadav, *Madheshi Issues*, December 2006.

<sup>25</sup> Dr. S.G. Sah, *Social Inclusion of Madheshi Community in Nation Building*, paper presented in *Civil Society Forum Workshop for Research Program on Social Inclusion and Nation Building in Nepal*, February 2006.

*Tharus*, living in *Madhesh* and sharing the correlated regional, cultural and lingual space, are Madheshis<sup>26</sup>. Neither all Madheshis are Tharus nor all Tharus are Madheshis. Tharus have significant settlements in Naini Tal and Champaran area of India as well. Madheshis constitute dozens of other groups (ethnic/caste/aborigine/religious groups) in addition to *Tharus*. However, Tharu community is one of the aborigine *Madheshi* communities, said to be inhabited in the region for centuries. Among the total Madheshi population, only 59 caste/ethnic groups have been identified. The following table shows that of the total population of Madheshi caste/ethnic groups in the Terai (7,256,384), the Tharus have 21.13% share followed by the Muslims (13.38%), Yadav (12.33) and Teli (4.19%). Only these four groups form 51% of the total Madheshi population in the Terai.

Other Madheshi caste groups in Terai, include Chamar/Harijan/Ram (3.71%), Koiri (3.46%), Kurmi (2.93%), Dhanuk (2.59%), Musahar (2.37%), Dusadh/Paswan/Pasi (2.18%), Sonar (1.99%), Kewat (1.88%), Brahman (1.85%), Baniya (1.74%), Mallah (1.60%), Kalwar (1.59%), Hajam/Thakur (1.35%), Kanu (1.35%), Rajbanshi (1.32%), Sudi (1.24%), Lohar (1.14%), Tatma (1.05%), Khatwe (1.03%) and Dhobi (1.01%). Those Madheshi caste/ethnic groups whose share is less than 1% in Terai constitute Nuniya, Kumhar, Danuwar, Haluwai, Rajput, Kayastha, Badhae, Santhal/Sattar, Jhangar/Dhagar, Bantar, Barae, Kahar, Gangai, Lodha, Rajbhar, Bin/Binda, Bhediyar/Gaderi, Nurang, Tajpuriya, Chidimar, Mali, Bengali, Dom, Kamar, Meche, Halkhor, Punjabi/Sikh, Kisan, Koche, Dhuniya, Jaine and Munda, Kuswadiya/Patharkata.

SN	Madheshi Caste/ Ethnic Groups	Total	Terai	SN	Madheshi Caste/ Ethnic Groups	Total	Terai
1	Tharu	1,533,879	21.13	31.	Badhae	45,975	0.63
2.	Muslim	971,056	13.38	32.	Marwadi	43,971	0.60
3.	Yadav	895,423	12.33	33.	Santhal/Sattar	42,698	0.58
4.	Teli	304,536	4.19	34.	Jhangar/Dhagar	41,764	0.57
5.	Chamar/Harijan/Ram	269,661	3.71	35.	Bantar	35,839	0.49
6.	Koiri	251,274	3.46	36.	Barae	35,434	0.48
7.	Kurmi	212,842	2.93	37.	Kahar	34,531	0.47
8.	Dhanuk	188,150	2.59	38.	Gangai	31,318	0.43
9.	Musahar	172,434	2.37	39.	Lodha	24,738	0.34
10.	Dusadh/Paswan/Pasi	158,526	2.18	40.	Rajbhar	24,263	0.33
11.	Sonar	145,088	1.99	41.	Dhimal	19,537	0.26
12.	Kewat	136,953	1.88	42.	Bing/Binda	18,720	0.25
13.	Brahman(Terai)	134,496	1.85	43.	Bhediyar/Gaderi	17,729	0.24
14.	Baniya	126,971	1.74	44.	Nurang	17,522	0.24
15.	Mallah	115,986	1.60	45.	Tajpuriya	13,215	0.18
16.	Kalwar	115,606	1.59	46.	Chidimar	12,296	0.16
17.	Hajam/Thakur	98,169	1.35	47.	Mali	11,390	0.15
18.	Kanu	95,826	1.32	48.	Bengali	9,860	0.13
19.	Rajbanshi	95,812	1.32	49.	Dom	8,931	0.12
20.	Sudi	89,846	1.24	50.	Kamar	8,761	0.12
21.	Lohar	82,637	1.14	51.	Meche	3,763	0.05
22.	Tatma	76,512	1.05	52.	Halkhor	3,621	0.04
23.	Khatwe	74,972	1.03	53.	Punjabi/Sikh	3,054	0.04
24.	Dhobi	73,413	1.01	54.	Kisan	2,876	0.03
25.	Nuniya	66,873	0.92	55.	Koche	1,429	0.02
26.	Kumhar	54,413	0.74	56.	Dhunia	1,231	0.02
27.	Danuwar	53,229	0.73	57.	Jaine	1,015	0.01

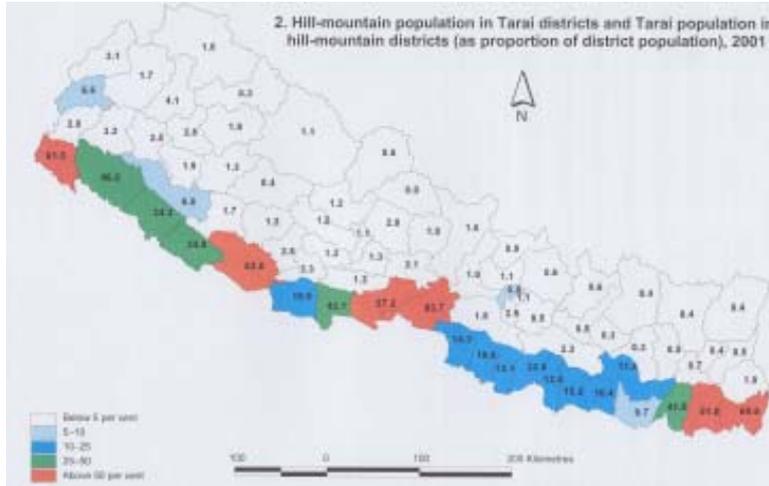
<sup>26</sup> Vivaswan Kumar, *Madhesh or Terai and Tharus or Madheshis: New Frontier of Etymopolitics in Nepal*, March 2007.

29.	Rajput	48,454	0.66	59.	Kuswadiya/Patharkata	552	0.00
30.	Kayastha	46,071	0.63				
	<b>Total</b>					<b>7,256,384</b>	<b>100.00</b>

Source: CBS 2001

## II. Geographical distribution of Madheshi

Madheshi people tend to be less migratory in nature compared to hill people and they prefer to remain



closely in their traditional settlements. About 95.4% of the Madheshi people live in Madhesh region while the remaining 4.6% live in hills and mountain regions. The population dynamics significantly change in 1981 increasing the percentage of hill people from about 6% in 1952 to 43% in 1981. The population of Madheshi people increased over two fold from 2.5 million to 5.3 million over the last fifty years whereas population of hill people increased many fold merely 142,000 to 4.1 million in 2001.

Map 4: Madheshi population in Terai and in hills.

There are six Terai districts where the hill/mountain caste/ethnic population forms the majority. These are Jhapa (69%), Morang (51%), Chitwan (83.7%), Nawalparasi (57.2%), Dang (62%) and Kanchanpur (61.5%). In contrast, Madheshi caste/ethnic population constitutes over 5 percent of the population of only four hill districts. These are Udaypur (11.4%), Baitadi (6.6%), Surkhet (6.6%) and Kathmandu (5.5%).

Table 10: Population distribution of Madheshi people in Terai districts.

SN	District	Population	% of dist pop	SN	District	Population	% of dist pop
<b>A. Districts with more than 70% of Madheshi Population</b>							
1	Siraha	500,230	87.8%	6	Parsa	416,186	83.7%
2	Saptari	501,511	87.9%	7	Bara	453,169	81.0%
3	Mahottari	479,446	86.6%	8	Kapilvastu	381,273	79.1%
4	Rauthat	471,762	86.5%	9	Sarlahi	483,360	76.0%
5	Dhanusha	565,062	84.2%				
<b>B. Districts with more than 40 % of Madheshi Population</b>							
10	Bardiya	247,247	64.6%	14	Kailali	295,189	47.9%
11	Banke	243,586	63.1%	15	Morang	395,054	46.9%
12	Rupandehi	399,719	56.4%	16	Nawalparasi	236,910	42.1%
13	Sunsari	351,396	56.2%				
<b>C. Districts with less than 40 % of Madheshi Population</b>							
17	Dang	168,893	36.5%	19	Jhapa	179,770	28.4%
18	Kanchanpur	112,656	29.8%	20	Chitwan	74,144	15.7%

(Source: CBS 2001)

## III. The Interim Constitution of Nepal 2007 and Madheshi

### Part 3 Fundamental Rights

- **Article 13: Right to equality**

- (1) All citizens shall be equal before the law. No person shall be denied the equal protection of the laws.

- (2) There shall be no discrimination against any citizen in the application of general laws on grounds of religion, race, gender, caste, tribe, origin, language or ideological conviction or any of these.
- (3) The State shall not discriminate among citizens on grounds of religion, race, caste, tribe, gender, origin, language or ideological conviction or any of these.

Provided that nothing shall be deemed to prevent the making of special provisions by law for the protection, empowerment or advancement of women, Dalits, indigenous ethnic tribes [Adivasi Janajati], Madhesi or farmers, labourers or those who belong to a class which is economically, socially or culturally backward, or children, the aged, disabled or those who are physically or mentally incapacitated.

- **Article 21: Right to social justice:**

Women, Dalits, indigenous ethnic groups [Adivasi Janajati], Madhesi communities, oppressed groups, the poor farmers and labourers, who are economically, socially or educationally backward, shall have the right to participate in state structures on the basis of principles of proportional inclusion.

#### **Part 4: Responsibilities, Directive Principles and Policies of the State**

- **Article 33: Responsibilities of the state:**

The State shall have the following responsibilities:

- (d) to carry out an inclusive, democratic and progressive restructuring of the State by eliminating its existing form of centralized and unitary structure in order to address the problems related to women, Dalits, indigenous tribes [Adivasi Janajati], Madhesi, oppressed and minority communities and other disadvantaged groups, by eliminating class, caste, language, gender, cultural, religious and regional discrimination,
- (d1) to enable Madhesi, Dalits, indigenous ethnic groups [Adivasi Janajati], women, labourers, farmers, the physically impaired, disadvantaged classes and disadvantaged regions to participate in all organs of the State structure on the basis of proportional inclusion,

- **Article 33: State policies**

- (10) The State shall pursue a policy which will help to uplift the economically and socially backward indigenous ethnic groups [Adivasi Janajati], Madhesi, Dalits, as well as marginalized communities, and workers and farmers living below the poverty line by making provisions for reservations in education, health, housing, food security and employment for a certain period of time.

- **Article 33: Formation of the Constituent Assembly**

- (3) In accordance with the law, there will be the following members of the CA, elected and nominated according to the mixed electoral system, taking account of the equality of population, geographical convenience and special characteristics, and, in the case of Madhesh on the basis of percentage of the population —...
- (3A) Notwithstanding anything contained in Sub-clause (a) of Clause 3, while determining the number of constituencies according to this Clause, the number of constituencies in

each administrative district prescribed by the laws prevailing during the elections for the then House of Representatives in 2056 [1999], shall not be reduced, but the number of constituencies in the hilly and mountainous areas shall be increased on the basis of percentage of population growth, and, then in determining the constituencies in Madhesh, the number of constituencies in the administrative districts in Madhesh shall be increased in order to ensure that those constituencies are in proportion to the percentage of population.

- (4) The principle of inclusiveness shall be taken into consideration by political parties while selecting candidates pursuant to sub-clause (a) of clause (3), and, while making the lists of the candidates pursuant to sub-clause (b), the political parties shall ensure the proportional representation of women, Dalits, oppressed communities/indigenous groups, backward regions, Madhesis and other groups, in accordance with the law.

## Part 22: Miscellaneous

- **Article 154: Formation of Commissions**

The Government of Nepal may form necessary commissions to safeguard and promote the rights and interests of different sectors of the country including women, Dalits, indigenous ethnic groups [Adivasi Janajati], Madhesi, disabled, labourers or farmers. The provisions for the formation, functions, duties and powers of such commissions shall be as determined by the law.

## IV. Key Challenges

Many challenges of the *Madheshis* are as old as the emergence of Nepal's democratic movement in 1950s. The major grievance of that time was the imposition of Nepali language as medium of education. In the mid-1970s and 80s, the issues of citizenship and 'work permit' were the major problems for the *Madheshi*. For the last fifty years, *Madheshi* have been raising their voice against alleged 'discrimination' by the state, yet their problems remained unsolved.

It could be said that more than 240 years of exclusion of a majority of people is the main reason of social conflict in the country. *Madheshi* communities have a long history of living in Nepal but have practically considered "outsiders" and have been marginalized and excluded from the decision-making and policy planning process. Moreover, they face serious problems, i.e. of their true identity in their own native land. The *Madheshi* feel highly discriminated against and have almost lost "the sense of belonging to this nation." As said by Dr. Harka Gurung in his article on *Trident and Thunderbolt; Culture Dynamics in Nepalese Politics*, "Basically, there are three main social groups in Nepal that have been marginalized by the state's monopolistic policy. They are *Janjati* (ethnic groups) on the basis of culture, the *Dalits* (untouchables) on the basis of caste, and the *Madheshi* (Tarai) on the basis of geography."

## Underdevelopment

About 45% of the 20 Tarai districts have the worst poverty rankings and only 25% are ranked as 'best' compared to districts in hills and mountains where 35% are ranked as 'best' and 29% are ranked as 'worst'. The Tarai districts, having good access to transportation marketing systems, cultivated land, and rich natural resources are endowed in their rankings. Siraha, Dhanusha, Mahottari, Sarlahi and Rauthat districts, where about 78-94% of the total populations are Madheshi, are ranked as having

worst poverty cases; the poverty ranking index ranges from the lowest 4 in Rauthat to 13 in Sarlahi district. The poverty level is reported to be very low in Jhapa, Chitwan and Morang where majority of the people are of hill origin<sup>27</sup>.

Similarly, about 90% of the Tarai districts have a large number of educationally deprived populations compared to only 13% in hills and mountain districts. Siraha, Dhanusha, Mahottari, Sarlahi, Rauthat and Bardiya have the largest number of educationally deprived people. 50% of the Tarai districts have 'worst ranking' for child literacy rates compared to 29% in hills and mountain districts. Rauthat, Sarlahi and Mahottari are the worst in child literacy index values. Again 40% of Tarai districts have lower overall literacy rates compared to 31% in hill districts<sup>28</sup>.

Nearly 40% of the Madheshi population is Dalits and indigenous Janjati who are inherently disadvantaged in many social and economic aspects. Again, poverty is very high among the Muslim population living in rural areas; they have average low rate of literacy and their socio-economic development voices have reached nowhere; they share 13% of the total Madheshi population. There is vertical marginalization and deprivation within Madheshi community; about 53% of the populations belonging to indigenous Janjati, Dalit and Muslim community have very little access to socio-economic development opportunities. Investment from donor agencies has been nominal in Madhesh region particularly where Madheshi population is dominant, and very few numbers of donor agencies have reached to Janjati, Dalit and Muslim settlements with socio-economic program.

## Exclusion

Over the period of almost 55 years from February 17, 1951 to 2005, the representation at the ministerial level, the national planning commission level, important ministers and secretary levels has been dominated by Brahman, Chhetri and Newar in the country. The representation of Madheshi and Hill social groups has been disappointingly low. The above three castes which constitute only 35 percent of the total population in the country occupied 65 percent of ministerial posts while only less than 35 percent of ministerial posts have been occupied by remaining 65 percent of the population in the country. The Hill Social Groups which constitute 29 percent of population occupied only 17.4 percent of ministerial posts, and their participation in governance in relation to their proportion in the population is represented by the factor of 0.6 only. Similarly Madheshi which constitutes 33 percent of population occupied only 15.2 percent of ministerial posts, and their participation in relation to their proportion of population is the lowest over the period of 54 years as represented by the factor of 0.46 only.

Situation is even interesting in international agencies in Nepal. A survey that covered 12 bilateral agencies including embassies, 3 multilateral agencies, and 15 UN agencies in Nepal<sup>29</sup> revealed that 88.2 percent of the staff in those agencies come from three identity groups - Hill Brahman/Chhetri, Newar, and Hill Janajati - whose population percentages are 30.9, 5.5 and 21.9 percent respectively.

People from Hill-origin communities currently occupy 92.2 percent of the positions within the participating agencies (as compared to their 66.2% of the national population). Staff from Madhesh/Tarai-origin communities occupies 7.8 percent of the positions in the participating agencies (as compared to their 32.8 % of the national population). Women of Madhesh/Tarai origin comprise only 1.6 percent of the total staff.

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<sup>27</sup> Sharma and Shah, 2002, ICIMOD, 1997

<sup>28</sup> Sharma and Shah [2002]- New Era, ICIMOD, 1997

<sup>29</sup> Workforce Diversity in International Agencies in Nepal, SIAG, April 2008.

## Politics of caste and ethnicity

The Hindu caste structure among Madheshi, like in northern India, rests on a hierarchical principle with so-called 'upper' castes like *Brahmins*, *Rajputs*, *Bhumihars*, *Kayasthas* constituting only a miniscule proportion of the population but having a dominant share of power, and economic advantages. *Yadavs* comprise a sizeable demographic block and have formed the core base of the Madhesh movement. Unlike in India, *Yadavs* in Nepal do not see themselves as a so-called 'backward' community and land-holdings and access to political power has given them greater opportunities. The non-*Yadavs* intermediate and backward communities voted for *Madheshi* outfits, but have now started organizing themselves as the Other Backward Classes (OBC) Federation to demand special status and rights from the government. The *Dalits* remain at the bottom of the ladder and are mostly landless laborers.

The contradiction between the interests of the upper castes and *Yadavs*, who are competing for the same state patronage and opportunities, and between *Yadavs* and *Dalits*, who share a land-holder-landless laborer relationship. Similarly, a feeling of insecurity among *Pahadis* in Terai went up considerably as they also became vulnerable to extortion especially after the second Madhesh uprising. During the first Madhesh uprising, Tharus expressed their solidarity and participated in it in large numbers. But as they're not entertained in sharing opportunities after the movement comparing to their population size in Terai, many Tharu leaders felt a sense of fear that Madheshis were trying to impose their own hegemonic identity, without respecting the distinct Tharu identity.

## Federalism

One of the main demands during first Madheshi uprising was the introduction of federalism in the interim constitution. The main achievement of the second Madheshi uprising was the commitment by the government to an autonomous Madhesh province. The notion of self-rule in the Terai and shared rule at the centers lies at the heart of the movement. Madheshi parties have adopted the slogan of 'one Madhesh, one Pradesh', with a logic that this comprises a common cultural-geographical region as people living in Madhesh share a history of oppression and exclusion by Kathmandu. However, slogan of 'one Madhesh, one Pradesh', have received widespread criticism from different groups in the region, such as the Tharu.

State restructuring is one of the most complex challenges of the constitution making in Nepal which determines the fate of sustainable peace in the country. Unfortunately, there are very few discussions held in this course. Different groups and parties have different proposal for federalism. The 'ultra-nationalist elite' oppose federalism in principles and feels that federalism is not feasible in Nepali context.

## Citizenship

The notion of political equality and citizenship rights are fundamental in any democracy. However, despite constituting a sizeable share of the population and being the mainstay of the national economy by contributing to Nepal's agriculture and industry, and also being part of progressive political movements, the Madheshis have never been considered politically equal in Nepal. Crisis of Identity is one of the main issues of Madheshi.

Nepal has traditionally seen itself as a hilly and mountainous country. Nepali nationalism has revolved around the notions of one language and one dress, at the cost of excluding Madheshis and other ethnic

communities. Madheshis are seen, and often derisively dismissed, as Indians.

Structural causes in the issue of citizenship in the Madhesh remain right from the time of the annexation of the Terai to the greater Nepal established by the *Gorkhali* kings in the 18th century. The royal directives to control the *Madheshi* land and deprive the *Madheshi* population of their basic human rights to be called Nepali rendered the *Madheshis* stateless subjects in their own lands. Such harsh policy was introduced to buy unconditional loyalty to the crown. The state policy during both the Shah and Rana regimes for Madheshis to acquire entry permits to visit Kathmandu further alienated them in the nation building process.

Even the state policy of successive elected governments in Kathmandu since 1950 formulated and implemented its draconian citizenship laws under which each and every Madheshi is required to produce his land ownership certificate to acquire citizenship. Thus, millions of Madheshis still continue to remain in a state of statelessness in their own land, a situation that has not changed for more than two centuries since their land was usurped by hill rulers and their elites. Only those people who had acquired legal titles as Zamindars (landlords) and had the legal rights to manage such land on behalf of the ruling elites were able to obtain citizenship papers in due course while the majority population who worked for the same landed gentry as disinherited farm workers or sharecroppers could not get their citizenship rights.

Citizenship is one of the major issues among the Madheshi Dalit community as it is not just a legal identity but significant for ensuring accessibility to resources. However, ownership of citizenship certificate does not guarantee citizenry rights. Most are ignorant of the fact that the citizenship certificate has any such rights for an individual<sup>30</sup>.

### Security

Politics of Madhesh is fragmented to unmanageable level. Government of Nepal has signed many agreements with Madheshi groups and parties but is not sincere in implementing the agreed points. Likewise, Madheshi parties also lack commitment to force the state to implement the agreements, although they claim so. This recklessness and unresponsiveness have created a vacuum in Madhesh leading to emergence of dozens of groups. Most groups have a semi-militant character and there are allegedly 109 armed groups operating in Terai alone. Many armed groups operate in the belt, with close ties with criminal networks across the border in India.

With multiple armed groups-where the line between politics and crime is intersected- operating with total impunity, the fear among residents in Terai has increased dramatically. The state continues to be weak; its structures are dominated by people from hill-castes; and the government has not been able to carve a response to the armed groups- vacillating from engaging in talks to a solely security-centric approach that has seen increased extra judicial killings in the past two years.

### Nepalization of culture

There has been a long history of cultural politics in Nepal. It particularly started when Drabya Shah initiated his unification strategy, defeating the Magar kings in the Gorkha empire. The Khas (which is

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<sup>30</sup> Uddav Sigdel, *Citizenship Problems of the Madheshi Dalits*, SIRF, 2006

popularly known as Nepali) speakers, were complacent with the reign of unification, led by Prathvi Narayan Shah. Under both the Shahs (1722-1846) and Ranas (1846-1950) regimes of the Khas, Nepali language were protected, promoted and recognized as the official language in Nepal. This was used as the *lingua franca* for great majority of the population during the *Panchayat* regime (1971-1990). The *Panchayat* system introduced the “one nation, one language and one dress” policy that marginalized ethnic and cultural languages and traditions.

Art and culture naturally determine the direction of social change and development. Madhesh boast ancient art and culture like *Mithila*, *Kashi* and *Kaushal*. Traditional feasts and festivals of Madheshi were overshadowed by *Nepalization* process.

### Landlessness

Landlessness has become a major problem among the Madheshi community. The recent report indicates a grave situation particularly in Dalit, Janjati and Muslim ethnic communities; about 37% of Dalits, and 32% of Janjati households do not own agricultural land while 41% of Muslims are landless. About 79% of Mushar, a Dalit community, do not own land; they have the lowest literacy rate of 7.3%.

## V. Recommendations

Madhesh holds very important place in today’s transition in Nepal. It has got immense strength and commitment to play decisive role in making New Nepal that is peaceful, inclusive and ideal for modern democracy. In spite of few negative consequences of the Madheshi revolt such as human rights violation, extortion, kidnapping, displacement and caste/ethnicity based politics, Madheshi are still among the best citizen of the country and are eager to sacrifice for nation building if given opportunity and treated as ‘citizen’ similar to non-Madheshi citizens of Nepal.

The state should recognize Madheshi as its citizen equally eligible to join hands with other non-Madheshi countrymen in paving way of sustainable peace. Representation of Madheshi in government organs can be a very effective measure to reflect that the state is sincere in fulfilling its commitments. A serious effort to have roundtable with Madheshi stakeholders about implementing the agreement can not only help the state to deal the issues in package but also win the support of democratic-actors in Madhesh thus gaining huge appreciation and credibility in Madhesh to maintain law and order in the region.

Wider discussion among Madheshi political parties and groups is required to discuss the various proposal of state restructuring. Kathmandu-centered discussion can’t help in bringing the Madheshi people onboard in such an important issue. Civil society and media can play bridging role in revitalizing the connection between Madheshi people and their leaders to join hands in tackling with decade long social, economic and cultural challenges in Madhesh.

Madheshi and non-Madheshi political parties should build clear understanding about the citizenship, landlessness, and marginalization of Madheshi people. Commitment from all political actors is a must for holistic development of Madhesh. The state should formulate appropriate interim policy and programs targeting poor and most excluded Madheshis such as Dalits and Muslims to come out of vicious cycle

of poverty and marginalization. Farmers, landless, small entrepreneurs, laborers and women should get maximum space in state's welfare programs.

International communities should review their strategies and policies in favor of the poor and excluded populations and areas of Madhesh. Representation of Madheshi in mid and senior position, research and study of Madhesh, partnership based on Madheshi organization, physical presence in Madhesh districts and capacity building of Madheshi civil society could help in great amount to understand the magnitude of underdevelopment and design suitable measures to empower the Madheshi people.

The political parties should review the agreements done with Madheshi groups and form a monitoring committee representing all stakeholders to follow the progress. Groups in Terai should be called for dialogue and clear strategy should be developed to address the demands. Political parties must remain responsible for its affiliate bodies and cadres and should not influence the state's endeavor to maintain law and order in Madhesh.

In short i) maximize public discourse in Madhesh to understand the scopes and limitations of state restructuring so that people's issues get addressed and aspirations get entertained, ii) empower Madheshi population to participate meaningfully in constitution writing and peace building process, iii) improve basic service delivery systems in Madhesh to regain trust and legitimacy and maximize the usage of government budget for local development, iv) take appropriate measures to deal with land issues, irrigation system, economic migration and impact of climate change in Madhesh. Madheshi should not be the recipient of these efforts rather a partner in peace, development and prosperity of the country.

## CHAPTER IV: RELIGIOUS MINORITIES



**A. Background**

Nepal is a country cradled in the southern slopes of the Himalayas with an enchanting variety of topographical features which are responsible for its unique culture and religious environments. The Terai region of Nepal is a strip which merges into the plains of the India. The Terai is bounded on the north by the gentle ridges of the Siwaliks or Churia ranges followed by the higher Mahabharat hills. All along the north side of the Kathmandu valley the vast panorama of snow-covered Himalayan ranges stands in full view. Nepal is thus nestled in the lap of the Himalayas between India on the south and China on the north. This geographical and geo-physical environment resulted in turning Nepal into a variety of reservoir of cultural currents that flowing from both groups of people who migrated from India and China. Nepal, however, assimilated the cultural crosscurrents and transformed them into something original which getting blended with its own cultural tradition and heritage became distinctly indigenous to Nepal. Thus, a cultural synthesis took place which is evident in all spheres of Nepalese life including religion.

Religion occupies an integral position in Nepalese life and society. In the early 1990s, Nepal was the only constitutionally declared Hindu state in the world; there was, however, a great deal of intermingling of Hindu and Buddhist beliefs. Many of the people regarded as Hindus in the 1981 census could, with as much justification, be called Buddhists. The fact that Hindus worshipped at Buddhist temples and Buddhists worshipped at Hindu temples has been one of the principal reasons adherents of the two dominant groups

**Table 11: Religious Groups in Nepal**

Religion	Total Number			Percentage		
	In 1981	In 1991	In 2001	In 1981	In 1991	In 2001
Hindus	13,445,787	15,996,953	18,330,121	89.5	86.5	80.62
Buddhists	799,081	1,439,142	2,442,520	5.32	7.78	10.74
Muslims	399,197	653,218	954,023	2.66	3.53	4.20
Jains		7,561	4,108		0.18	0.02
Christians	3,891	31,280	101,976	0.03	0.17	0.45
Kirantis		318,389	818,106		1.72	3.60
Sikhas			5,890			0.03
Garaunte			1,480			0.01
Tajpuria			2,187			0.01
Bahai			1,211			0.01
Others	374,883	26,416	78,979	2.49	0.14	0.32
Not stated		18,138			0.1	
Total	11,022,839	18,491,097	22,736,934	100	100	100

*Source: Central Bureau of Statistics.*

in Nepal have never engaged in any overt religious conflicts. Because of such dual faith practices (or mutual respect), the differences between Hindus and Buddhists have been in general very subtle and academic in nature. However, in 2001, approximately 80.62 percent of the Nepalese people identified themselves as Hindus. Buddhists and Muslims comprised only 10.74 and 4.20 percent, respectively. The remainder followed other religions, including Christianity that comprises of 0.45 percent of the total population.

In Nepal, as a result of immigration of Aryan tribes from India and of Mongoloid tribes from Tibet, a new settlement group resulted with the intermixing of the two. Though, these tribes were rigid in early stages later their consummation came under each other's influence. Thus, a fusion of Aryan and Mongoloid cultures occurred. At the same time, the natural barriers of resistance that the communities never cared to put up paved the way for synthesis. Consequently, a new and strong spirit of national solidarity developed out of the inter-influences of Animism, Hinduism, Buddhism, Tantricism, etc. A Hindu becomes a devotee of Buddha and a Buddhist worships Hindu Gods in temples with equal reverence. Besides Muslims were allowed to settle in Nepal in the fifth century with all freedom to

As most parts of Nepal are not easily accessible to each other, the compulsive localization made the people live together in harmony though in isolation from other cultural groups. These different communities, however, follow their own distinctive cultures but they are yet appreciative of each other. They were not overshadowed by the strong influences of either India or Tibet. This strange genius for the eclectic nature has greatly fostered and nurtured the culture of Nepal which combines norms and rules for social adjustments with pursuits of spiritual enlightenment.

### Ethnic groups and their religions.

Nepal is a mosaic of several ethnic groups which find parallel only with the variegated topography of the country. There are different ethnic groups differentiated on the basis of dialects, locale, costume, religion and other subtle factors. People can be divided into two distinct groups: Indo-Aryan or Caucasoid and Tibeto-Burman or Mongoloid.

The following division in Table 12 has been made only on a loose form as: highland, mid land and low land and here religion is dealt with in a much broader sense.

<b>Highland</b>	
<i>Ethnic group</i>	<i>Religion</i>
Sherpas	Exclusively Buddhism, mostly of Nyingmapa sect (Red-Hat Sect) of Tibet.
Lopas	Lamaist Buddhism
Dolpos	Lamaist Buddhism
Lhomi	Shaminism and Jhankrism
Thudam, Topke Gola People, Olangchung, Baragaunle, Manangba, Larke, Siar people	Buddhism not very refined.
<b>Midland</b>	
<i>Ethnic group</i>	<i>Religion</i>
Brahmans and Chhetris	Hinduism
Kirantis	A mixture of Animism, Buddhism and Shaivism
Tamangs	Mainly Buddhists with Bon and Hindu influences. Also worship Durga.
Magars	Hinduism with effects of association with other ethnic groups. Some practice Buddhism.
Gurungs	Lamaist Buddhism with influence of Hinduism.
Thakalis	Hindu Jhankrism, mixture of Buddhism, Hinduism and Bon.
Newars	Originally Buddhists, but have the influence of Hinduism.
Jirels	Lamaist Buddhism.
Sunwars	Hinduism.
Chepangs	Animism, belief in spirits.
Panchgaunles	Buddhist, Bon and Jhankrism.
<b>Lowland</b>	
<i>Ethnic group</i>	<i>Religion</i>
Brahams, Rajputs and occupational castes	Hinduism
Thaurs	Animism, Hindu influence also.
Satars	Polytheists but worship Super God.
Bhangars	Hinduism.
Danuwars, Majhis, Darais	Hinduism, worship home and village deities.
Dhimal, Bodos	Worship local and tribal gods, influence of Jhankri and Hindu priests.
Rajbansis	Hinduism. Some practice Islam also.
Musalman	Islam.

## B. Geographical distribution of religious groups

The geographical distribution of religious groups revealed a preponderance of Hindus, accounting for at least 87 percent of the population in every region. The largest concentrations of Buddhists were found in the eastern hills, the Kathmandu Valley, and the central Tarai; in each area about 10 percent of



the people were Buddhist. Buddhism was relatively more common among the Newar and Tibeto-Nepalese groups. Among the Tibeto-Nepalese, those most influenced by Hinduism were the Magar, Sunwar, and Rai peoples. Hindu influence was less prominent among the Gurung, Limbu, Bhote, and Thakali groups, who continued to employ Buddhist monks for their religious ceremonies.

Map 5: Observers of religion (G.N.Rimal)

Kailali	97.4 9	1.45	0.55	0.02	0.34	0.15	Solukhumbu	42.9 1	29	0.05	26. 8	0.82	0.4
Kalikot	99.7 8	0.05	0.07	0	0	0.15	Sunsari	77.0 9	4.06	11.06	6.7 3	0.76	0.3
Kanchanpur	97.5 6	1.3	0.1	0	0.95	0.09	Surkhet	91.2	7.53	0.43	0	0.75	0.1
Kapilvastu	81.0 6	0.68	18.17	0	0.02	0.06	Syangja	86.0 7	12.47	0.58	0	0.07	0.82
Kaski	81.7 1	15.88	0.69	0.04	0.79	0.88	Tanahu	83.1 6	15.01	1.02	0.0 1	0.3	0.49
Kathmandu	75.4 9	21.66	1.11	0.7	0.79	0.24	Taplejung	36.5 2	18.68	0.02	43. 5	0.54	0.77
Kabhrepalanchok	64.7 7	34.69	0.05	0.01	0.29	0.18	Terhathum	51.2 7	11.35	0.06	36. 6	0.46	0.29

### C. The Interim Constitution of Nepal 2007 and Religion

The constitution of Nepal recognize the country Nepal as a multiethnic, multi lingual, multi religious and multi cultural country. Nepal is a common ground to entertain all the religious practices. Following the CBS census 2001, total ten different types of religion are identified, represent the major percentage of the total population of Nepal and very few numbers belonging to others. Major constituent goes to Hindu followed by Buddhist, Islam, Kirat, Jain, Christian Sikh, Garaute, Tapjura, Bahai and others respectively.

The Interim Constitution of Nepal 2007 provides for freedom of religion and permits the practice of all religious groups; however, there are some restrictions. The Interim Parliament declared the country a secular state in the Interim Constitution in January 2007. The previous constitution described the country as a “Hindu Kingdom,” although it did not establish Hinduism as the state religion. Article 23 of the Interim Constitution protects the rights of all religious groups by guaranteeing the individual the right “to profess and practice his/her own religion as handed down to him/her from ancient times having due regard to traditional practices.” It also states “no person shall be entitled to convert another person from one religion to another and shall not take actions or behave in a way that would create disturbance in another’s religion.”

#### Part 1 Preliminary

- *Article 3 Nation:* Having common aspiration of multiethnic, multilingual, multi religious, multi cultural characteristics and having committed and united by a bond of allegiance to national independence, integrity, national interest and prosperity of Nepal, the Nepalese people collectively constitute the nation.

#### Part 3 Fundamental Rights

- *Article 13 Rights to Equity (2)* - No discrimination shall be made against any citizen in the application of general laws on grounds of religion, race, sex, caste, tribe, origin, language or ideological conviction or any of these.
- *Article 13 (3)*- The State shall not discriminate among citizens on grounds of religion, race, caste, tribe, sex, origin, language or ideological conviction or any of these.

#### Part 4 Responsibilities, Directive principles and Policies of the state

- *Article 33 Responsibilities of the state (1,d)* - To carry out an inclusive, democratic and progressive restructuring of the State by eliminating its existing form of centralized and unitary structure in

order to address the problems related to women, Dalits, indigenous tribes, Madhesi, oppressed and minority community and other disadvantaged groups, by eliminating class, caste, language, sex, culture, religion and regional discriminations.

- *Article 34 Directive principles of the state (5)* - The social objective of the State shall be to establish and develop, on the foundation of justice and morality, a healthy social life, by eliminating all types of economic and social inequalities and by establishing harmony amongst the diverse castes, tribes, religions, languages, races, groups and communities.

#### **D. Key Challenges of religious minorities.**

Tibetan Buddhists faced various restrictions on their celebrations. Local authorities generally restricted celebration of Tibetan religious festivals to private property. Police in Kathmandu prohibited Tibetans celebrating the New Year from carrying pictures of the Dalai Lama around an important Buddhist temple as part of religious ceremonies. The Government also restricted all other non-religious local Tibetan celebrations (Tibetan New Year, the Dalai Lama's birthday, and Democracy Day) to private property. On March 10, 2007, however, the Tibetan community was allowed to march freely in the street, demanding "freedom and justice for Tibet."

The law prohibits converting others and proselytizing; these activities are punishable by fines, imprisonment, or, for foreigners, expulsion. However, personal conversion is allowed. Some Christian and Muslim groups were concerned that the ban on proselytizing limited the expression of non-Hindu religious belief. NGOs or individuals were allowed to file reports that individuals or organizations were proselytizing, and the Government investigated these reports.

Madarsa, but not mosques, are required to register with local district administration offices (part of the Home Ministry) and supply information about their funding sources to operate; they receive no government funding. Some Muslim leaders criticized the move as discriminatory; however, the registration requirement has not been enforced. Muslims were not restricted from participating in the Hajj, although the government did not subsidize the pilgrimage.

The Constitution prohibits discrimination on the basis of caste; however, the caste system strongly influences society. While the Government has stressed that caste-based discrimination is illegal and temple access for "lower castes" has improved in some areas, caste discrimination was frequently practiced at Hindu temples, where Dalits were forbidden from entering by some Hindu priests.

Adherents of the country's many religious groups generally coexisted peacefully and respected places of worship. Most Hindus respected the many Buddhist shrines located throughout the country; Buddhists accorded Hindu shrines the same respect. Buddha's birthplace is an important pilgrimage site, and his birthday is a national holiday. However, some Christian groups reported that Hindu extremism increased in recent years, especially since the Parliamentary declaration of the country as a "secular state" instead of a "Hindu Kingdom." Of particular concern were the local affiliates of the India-based Hindu political party and its affiliates in Nepal. This group was accused of playing a role in the violence in the Terai, the southern area of Nepal along the border with India, in late 2006 and early 2007. In 2008 and in 2009, bomb blasts in public places including a Christian church in Kathmandu valley are the recent threatening to religious minorities.

Some citizens were wary of proselytizing and conversion by Christians and viewed the growth of Christianity with concern. Those who chose to convert to other religions, in particular Hindu citizens who converted to Islam or Christianity, were sometimes ostracized. They occasionally faced isolated incidents of hostility or discrimination from Hindu extremist groups. Some reportedly were forced to leave their villages. While this prejudice was not systematic, it was occasionally violent. Nevertheless, converts generally were not afraid to publicly admit their new religious affiliations.

## **E. Recommendations**

The Government had no formal policy on interfaith understanding. A number of NGOs are active in promoting interfaith dialogue and understanding in the country. These types of interreligious forums should be encouraged to initiate and continue the dialogue among various religious minorities from grass root to central level in order to promote understanding of issues of different religious groups and advocate for affirmative action by the government.

Given the out of proportion representation of Hindu Brahmin and Chhetri in executive, legislature, and judiciary and also in media, minority religious groups, including Kirant, Buddhist, Muslim, Christian, Sikha, Bahai, Tajpuria and Panjabi, have been systematically marginalized by the dominant Hindu religious group. The government should develop a policy to mainstream the religious minorities in different organs of the state machineries.

Religious minorities should also be specifically targeted by the government to have say in the constitution drafting process. Interim policy and program should be developed to build capacity of these religious minorities to ensure their meaningful participation in governance and peace process. Women, children and other most excluded within these excluded religious minority groups should be the key beneficiaries of these actions.

## CHAPTER V: LINGUISTIC MINORITIES



### A. Background

Nepal is home to four language families (Indo-Aryan, Tibeto-Burman, Austro-Asiatic and Dravidian), although the latter two families are spoken by numerically insignificant populations. It is a popular and widespread misconception that a one-to-one parity between ethnicity and language exists. Reliable nation-wide linguistic data does not exist, but published surveys focusing on specific regions give scholars reason to trust the higher estimates. The National Census of 2001 reports 92 known languages and a handful unidentified ones, while the experts offers a total figure of 120 languages in Nepal. Aside from Nepali, the ‘language of the nation’ and the only ‘official language’, which is reportedly spoken as a mother tongue by 48.61% of the total population (CBS 2001), and Maithili (another Indo-Aryan language) spoken as a mother tongue by 12.3% of Nepal’s citizens, Nepal’s ‘national languages’ all have speakers numbering under 10% of the total population. The most numerous mother tongue languages spoken by indigenous peoples are Tamang (5.19%), Newar (3.63%) and Magar (3.39%), as reported in the 2001 census.

According to census data collected in 2001, Nepal’s 92 languages belong to four language families; Indo-European, Sino-Tibetan, Austro-Asiatic and Dravidian. Kusunda is a language isolate and its genetic affiliation is yet to be determined. The Indo-Aryan group of the Indo-European language family is the largest group in terms of speaker numbers in Nepal, at around 80%. The genetic affiliation of some Indo-Aryan languages such as Tharu, Bote, Majhi, Kumal, Darai, and Danuwar are yet to

**Table 14: Key Language Families of Nepal**

SN	Language Family	Population	Speaker %
1.	Indo-Aryan group of Indo-European	17,982,769	79.1
2.	Tibeto-Burman group of Sino-Tibetan	4,183,995	18.4
3.	Austric of Austro-Asiatic	40,260	0.2
4.	Dravidian	28,615	0.1
5.	Others	28,615	0.1
6.	Not stated	503,295	2.2

*Source: Census 2001. CBS.*

be identified. The Tibeto-Burman group within the Sino-Tibetan family of languages is represented by more than 57 languages in Nepal, the largest number of distinct mother tongues of any linguistic grouping, but with noticeably less speakers than the Indo-Aryan group. Two other language families are also found in Nepal: the Austric branch of the Austro-Asiatic family and the Dravidian family, each represented by a small number of languages in the southern belt of the country. The Austric languages comprise Santhali of the northern Munda group and Khariya of the southern Munda group.

In connection to multilingualism, the relationship between indigenous peoples and the languages which they speak are highly varied and naturally diverse. These relationships can be divided into three categories:

- (1) A one-to-one correspondence exists between an indigenous community and their language, as among the Magar, Tamang, Gurung, Limbu, Sherpa, Rajbhanshi, Sunuwar, Kumal, Majhi, Danuwar, Chepang, Thami, Thakali, Bhote, Dhimal, Lepcha, Byansi, Raute and Raji.
- (2) A single indigenous people speak several languages, for example the Rai-Kiranti are considered to constitute a single ethnic group, but they speak a range of at least 15 mutually unintelligible languages such as Bantawa, Puma, Chamling, Chulung, Thulung, Kulung, Sampang, Dumi and Athphare.
- (3) Several indigenous peoples speak what is seen to be a single language, such as Newar.

The one-to-one correlation facilitates the development and preparation of textbooks which include information and examples relevant to the indigenous ethnic culture. Situations (2) and (3), as described above however, are more complex when conceiving of culturally-appropriate pedagogical materials.

All but eight of the many languages spoken in Nepal as mother tongues by indigenous peoples have no literate tradition. The lexicalization of a language and the development or resurrection of a suitable script or set of orthographical conventions are prerequisites for introducing a language into education as the medium of instruction. From this perspective, the minority languages spoken in Nepal as mother tongues by indigenous peoples can be grouped under the following three headings:

**Box 2: Mother tongue by indigenous peoples.**

<b>Languages with literate traditions:</b>	Newar, Maithili, Limbu, Bhojpuri, Awadhi, Hindi, Urdu, Bhote (Sherpa).
<b>Languages in the process of standardizing literate traditions:</b>	Tharu, Tamang, Magar, Gurung, Thulung, Bantawa, Chamling, Khaling, Kulung, Thakali, Sherpa, Rajbhanshi, Bahing, Thami.
<b>Languages without literate traditions:</b>	All the remaining minority languages

Of the languages possessing literate traditions, only Maithili, Newar and Tibetan (the latter largely for refugees resident in Nepal) have been in vogue as a subject of study at various educational levels. These three languages also have rich literary traditions, poetry and written folk tales.

**B. Geographical distribution of linguistic groups**

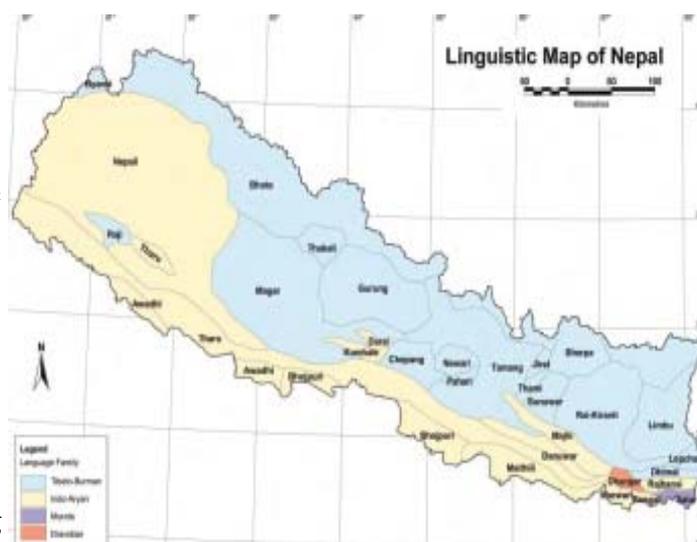
Geographical distributions of languages can be divided into three parts as spoken in the same geographical locations of a particular language and those most adjacent to particular languages:

**I. Mountain region**

Nepali is the primary language in 9 districts of mountain region in Nepal. Byansi, Tamang, Rai, Gurung, Thakali, and Sherpa are other major languages of the region.

**I. Hill region**

Nepali is the primary language as it is spoken in 39 hill districts of the hill region. Tamang is the second major language in the region followed by Magar and Newari. Rai, Limbu, Gurung are the major languages in the eastern development region. Tharu is spoken widely in Surkhet and Chepang in Dhading district.



Map 6: Linguistic map of Nepal

Sunuwar in Ramechhap, Okhaldhunga and Sindhuli, Kumal in Arghakhanchi and Gulmi, Majhi and Danuwar in the east-south regions of Kathmandu and Sindhupalchowk, Thami in Ramechhap, Dolakha and Sindhuli are other major languages spoken in the hill region.

## II. Terai region

Maithili is the major language in the Terai region, based on the number of speakers (2,797,582). Tharu is spoken from Jhapa to Kanchanpur whereas Awadhi, Urdu, and Rajbanshi are other major languages of Terai region. Tamang, Limbu, Magar, Satar are also spoken in few Terai districts.

Out of 79 languages, 48% languages are spoken in the hills, 28% in the Terai, 11% in both Terai and hill regions, 9% in both hill and mountain regions and 4% in the mountain region. Jhapa has 34 linguistic groups whereas Kalikot has got 4 linguistic groups only. Similarly, 16 out of 92 languages are spoken by 97% of the total population whereas more than 75 languages are spoken by about 3%, of which half of the languages are spoken by populations under 1000 and another half by less than 1000. (Noonan 2005)

S N	Mother Tongue	Number	%	S N	Mother Tongue	Number	%	SN	Mother Tongue	Number	%
	<i>Nepal</i>	<i>22,736,934</i>	<i>100</i>								
1	Nepali	11053255	48.61	32	Sangpang	10810	0.05	63	Chinese	1101	0
2	Maithali	2797582	12.3	33	Bhujel/ Khawas	10733	0.05	64	English	1037	0
3	Bhojpuri	1712536	7.53	34	Darai	10210	0.04	65	Mewahang	904	0
4	Tharu	1331546	5.86	35	Khaling	9288	0.04	66	Sanskrit	823	0
5	Tamang	1179145	5.19	36	Kumal	6533	0.03	67	Kaike	794	0
6	Newar	825458	3.63	37	Thakali	6441	0.03	68	Raute	518	0
7	Magar	770116	3.39	38	Chhantyal/Chhantel	5912	0.03	69	Kisan	489	0
8	Awadhi	560744	2.47	39	Nepali Sign Language	5743	0.03	70	Chaurauti	408	0
9	Bantawa	371056	1.63	40	Tibetan	5277	0.02	71	Baram/Maramu	342	0
10	Gurung	338925	1.49	41	Dumi	5271	0.02	72	Tilung	310	0
11	Limbu	333633	1.47	42	Jirel	4919	0.02	73	Jero/Jerung	271	0
12	Bajjika	237947	1.05	43	Wambule/Um	4471	0.02	74	Dungmali	221	0
13	Urdu	174840	0.77	44	Puma	4310	0.02	75	Oriya	159	0
14	Rajbansi	129829	0.57	45	Yholmo	3986	0.02	76	Lingkhim	97	0
15	Sherpa	129771	0.57	46	Nachhiring	3553	0.02	77	Kusunda	87	0
16	Hindi	105765	0.47	47	Dura	3397	0.01	78	Sindhi	72	0
17	Chamling	44093	0.19	48	Meche	3301	0.01	79	Koche	54	0
18	Santhali	40260	0.18	49	Pahari	2995	0.01	80	Hariyanwi	33	0
19	Chepang	36807	0.16	50	Lepcha/Lapche	2826	0.01	81	Magahi	30	0
20	Danwar	31849	0.14	51	Bote	2823	0.01	82	Sam	23	0
21	Jhangar/Dhangar	28615	0.13	52	Bahing	2765	0.01	83	Kurmali	13	0
22	Sunuwar	26611	0.12	53	Koi/Koyu	2641	0.01	84	Kagate	10	0
23	Bangla	23602	0.1	54	Raji	2413	0.01	85	Dzonkha	9	0
24	Marwari(Rajasthani)	22637	0.1	55	Hayu	1743	0.01	86	Kuki	9	0
25	Manjhi	21841	0.1	56	Byangshi	1734	0.01	87	Chhintang	8	0
26	Thami	18991	0.08	57	Yamphu/Yamphe	1722	0.01	88	Mizo	8	0
27	Kulung	18686	0.08	58	Ghale	1649	0.01	89	Nagamese	6	0
28	Dhimal	17308	0.08	59	Khariya	1575	0.01	90	Lhomi	4	0
29	Angika	15892	0.07	60	Chhiling	1314	0.01	91	Assamise	3	0
30	Yakkha	14648	0.06	61	Lohorung	1207	0.01	92	Sadhani	2	0
31	Thulung	14034	0.06	62	Panjabi	1165	0.01	93	Unknown	168340	0.74

Source: Census 2001, CBS

## C. The Interim Constitution of Nepal 2007 and Linguistic Minorities

The constitution of Nepal recognizes Nepal as a multiethnic, multi lingual, multi religious and multi cultural country. The great biological diversity of present- day Nepal is matched by its cultural and linguistic diversity. The disparity between the language total published by the ethnologic, which records 123 languages, and by the Government of Nepal, which lists only 92.

The Interim Constitution of Nepal has emphasized on protecting the rights of cultural and linguistic minorities. Article 5 of Part 1 of the interim constitution addresses the issue of language as follows:

- (1) All the languages spoken as mother tongues in Nepal are the national languages of Nepal.
- (2) The Nepali language in the Devanagari script shall be the language of official business.
- (3) Notwithstanding whatever is written pursuant to clause (2), the use of mother tongue in local body or office shall not be considered a barrier. The state shall translate the language used for such purpose into the language of official business for record.

While the interim constitution is a step towards greater recognition of and support for linguistic diversity, including enshrining the preservation of one's mother tongue as a fundamental right, questions remain about how change will be effectuated.

### Part 1 Preliminary

- *Article 5 Language of the nation (1)* - All the languages spoken as the mother tongue in Nepal are the national languages of Nepal.
- *Article 5 (2)* -The Nepali Language in Devnagari script shall be the official language.
- *Article 5 (3)* - Notwithstanding anything contained in clause (2), it shall not be deemed to have hindered to use the mother language in local bodies and offices. State shall translate the languages so used to an official working language and maintain record thereon.

### Part 3 Fundamental Rights

- *Article 13 Rights to Equity (2)* - No discrimination shall be made against any citizen in the application of general laws on grounds of religion, race, sex, caste, tribe, origin, language or ideological conviction or any of these.
- *Article 13 (3)*- The State shall not discriminate among citizens on grounds of religion, race, caste, tribe, sex, origin, language or ideological conviction or any of these.
- *Article 17 Education and cultural rights (1)* - Each community shall have the right to get basic education in their mother tongue as provided for in the law.
- *Article 17 (2)* - Every citizen shall have the right to free education from the state up to secondary level as provided for in the law.
- *Article 17 (3)*- Each community residing in Nepal shall have the right to preserve and promote its language, script, culture, cultural civility and heritage.

### Part 4 Responsibilities, Directive principles and Policies of the state

- *Article 33 Responsibilities of the state (1,d)* - To carry out an inclusive, democratic and progressive restructuring of the State by eliminating its existing form of centralized and unitary structure in

order to address the problems related to women, Dalits, indigenous tribes, Madheshi, oppressed and minority community and other disadvantaged groups, by eliminating class, caste, language, sex, culture, religion and regional discriminations.

- *Article 34 Directive principles of the state (5)* - The social objective of the State shall be to establish and develop, on the foundation of justice and morality, a healthy social life, by eliminating all types of economic and social inequalities and by establishing harmony amongst the diverse castes, tribes, religions, languages, races, groups and communities.
- *Article 35 State Policies (3)* - The State shall, while maintaining the cultural diversity of the country, pursue a policy of strengthening the national unity by promoting healthy and cordial social relations, based on equality and 16 coexistence, amongst the various religions, cultures, castes, groups, communities, origins and linguistic groups, and by helping in the equal promotion of their languages, literatures, scripts, arts and cultures.

### Part 18 Political Parties

- *Article 142. Registration Required for Securing Recognition for the Purpose of Contesting Elections as a Political Party (4)*: The Election Commission shall not register any political party if any Nepali citizen is discriminated against becoming a member of the political party on the basis of religion, caste, tribe, language or sex or if the name, objectives, insignia or flag of such political parties is of a nature that it would disturb the religious or communal harmony or of the nature to divide the country, or such party constitution or rules are for purposes of protecting and promoting a party-less or single party system of governance.

In compliance with the constitutional and legal provisions which have been in place since the restoration of democracy (as outlined above), separate curricula and textbooks have been designed and prepared to teach eleven minority languages at the primary level of education. These eleven languages are: Maithili, Newar, Limbu, Bhojpuri, Awadhi, Bantawa, Tamang, Tharu, Magar, Sherpa and Urdu.

### D. Key Challenges of linguistic minorities.

The disparity between the language totals published by the Ethnologue, which records 123 languages, and the National Census of the Government of Nepal in 2001, which lists only 92, as well as the noticeable difference between the number recorded ethnicities and mother tongues, is worth reconsidering. There is no one-to-one correlation between ethnic and linguistic indicators, illustrated by the simple fact that Maithili in Central and Eastern Terai is the regional language of the Madheshi castes.

The challenge of scientific census-making in Nepal is highly affected by weak information infrastructure, the extremity of the physical terrain, poor access of road transportation and political influence and manipulation. The first census of Nepal was conducted in 1911 with the aim of surveying population growth, migration, and social structure. Thereafter, the first systematic census was conducted between 1952 and 1954, and there have been regular census enumerations every decade since then.

There is a surprisingly high variation in the number of languages reported in the censuses of Nepal since the 1950s: 44 languages were reported in 1952-1954, 36 in 1961, 17 in 1971, 18 in 1981, 32 in 1991, and 92 in 2001. This massive oscillation is not indicative of the actual state of languages spoken in

Nepal, but reflects rather the changing political ideologies of the nation-state over the last half century and a top down perspective on the acceptability of linguistic diversity. Census statistics are routinely conscripted to argue for both monolingual and multilingual visions of Nepal, even when each side agrees that the data remain unreliable.

Many of Nepal's indigenous mother tongues, particularly those belonging to the Tibeto-Burman language family, are both poorly documented and in danger of disappearing. Descriptive linguists categorize languages according to levels such as safe, at risk, endangered and extinct, and most of Nepal's indigenous mother tongues are believed to be endangered. While some of Nepal's languages are thriving, most notably Nepali, which is an official language, many of Nepal's minority languages lie at various stages on the continuum towards eventual extinction. The key measure of a language's viability is not the number of people who speak it, but the extent to which children are still learning the language as their native tongue.

More prosaic, if far more influential, reasons for the decline in usage of Nepal's mother tongues, include decades of state neglect towards poor, rural ethno-linguistic communities, and the effectiveness of the Nepali language media in cultivating a sense of national Nepali identity at linguistic, religious, and cultural levels. While state policy makers may speak of 'language shift', for example, from a minority mother tongue to the national language, members of the affected community may interpret this rather as encroaching 'linguicide'. The value judgment lies in the frame of reference and perspective. Changes to linguistic forms and decreased competence in mother tongues are thorny and political issues.

From the emergence of Nepal as a modern nation-state in 1769 till the date, 'one nation, one culture, one language' mindset of the policy makers and ruling elites in Nepal have always made planning and integration difficult, and minority causes have historically been marginalized or even discarded in the name of national unity. In Nepal, a principal vehicle for such cultural integration and political unity has been the Nepali language.

Between 1952 and 2001, according to official census statistics from Nepal, the number of mother tongue Nepali speakers inside Nepal almost trebled from 4 million to 11 million (Yadava 2003, p. 141). Revealingly, while 49% of the population returned Nepali as their mother tongue in the 2001 census, 53% of respondents stated that Nepali should be the only official language, compared to 31% who felt that other languages should also be recognized as official languages, and 16% who reported that they

**Box 3: Language conflict:**

Between August and November 1997 – the Kathmandu municipality, Dhanusha District Development Committee, and Rajbiraj and Janakpur municipalities – decided to use the locally dominant languages of Newari and Maithili, respectively, as official media of communication in addition to (and not instead of) Nepali. This right, it was argued, had been enshrined in the Local Self-Governance Act of 1999 which deputed to local bodies the right to use, preserve, and promote local languages. However, the decision by these local bodies to use regional languages was legally challenged and cases were filed in the Supreme Court, after which an interim order was issued on March 17, 1998, prohibiting the use of local and regional languages in administration. This order led to wide discontent and public resentment among minority communities, and a number of action committees were promptly formed to address the ruling.

On June 1, 1999, the Supreme Court nevertheless announced its final verdict and issued a certiorari declaring that the decisions of these local bodies to use regional languages were unconstitutional and illegal. The court's verdict raised serious questions about the sincerity of the government's commitment to the use of minority languages in administration and led to further frustration among minority language communities.

would like to see minority languages used as official media of communication at the level of local governance (Hachhethu 2004, p. 187).

There is widespread concern among ethnic activists and rural villagers alike that despite the countless legal provisions towards their fundamental rights, an institutional inertia exists regarding the emotive issues of mother tongue education and the access of minority communities to positions in government and administration. Indigenous people, particularly in rural areas poorly serviced by state infrastructure, have very limited access to existing legal provisions to defend their rights, and are often intimidated by the very institutions which are meant to represent and protect them.

Around 42% or 476 million of the world's illiterate people speak minority languages and live in countries where children are for the most part not taught in their mother tongues (UNESCO 2003a). Nepal is one such country. The issue of mother tongue education is highly politicized in Nepal, in part because many assumptions about the role of the Nepali state are attached to the various positions on this topic.

Mother tongue education means different things to its supporters and detractors: the former see it as a way to make schools more inclusive and receptive to the needs of children from non-Nepali speaking backgrounds, while the latter fear that mother tongue medium instruction would be the first step towards eventual federalism and the end of a united Nepal.

## **E. Recommendations**

In the UNESCO Universal Declaration on Cultural Diversity (2001), languages are recognized as forming an integral part of a people's cultural and historical identity. In Nepal, linguistic and cultural identities are closely interwoven, and many of the country's indigenous peoples define themselves in large part according to the language they speak. Language is often used as a symbolic badge of membership in a particular community, and is a prominent emblem of pride in one's social or ethnic identity.

Linguistic diversity is an integral component in sustainable peace and stability and the delicate fabric of cultural life, and languages, like species, adapt to and reflect their environment. The preservation of a language in its fullest sense entails the maintenance of the speech community. Reversing language death therefore requires the preservation of the culture and habitat in which a language is spoken. Supporting minority languages and halting linguistic decline must become an integral element in respecting the rights of linguistic minorities in Nepal. Most indigenous languages in Nepal have not developed their own standard forms. Two types of planning should be done as follows to resolve the linguistic issues and challenges:

- I. corpus planning (i.e. intervention in the forms of a language): This is required to carry out linguistic survey for precise identification of Nepalese languages and their dialects and their genetic relationships through a definitive standard and
- II. status planning (deliberate efforts to allocate the functions of languages and literature within a speech community): In the context of the envisaged federal structure of the country there is a need for designing Nepal's language policy to preserve and/or promote all local, regional, and national languages.

## References

Acharya Meena (2005) “*Empowerment under Globalisation –Making Markets Work for Women*” Paper presented in the International Conference on Engaging Communities, August 14-17, 2005 Organised by UNDP and Queensland Government, Brisbane, Australia.

Acharya Meena (2003b): *Towards Conflict Transformation in Nepal: Recent Trends in Government –Maoist Dialogue in Conflict Resolution and Governance in Nepal*, NEFAS/FES , Kathmandu.

Acharya Meena and Puspa Ghimire (2005), “*Gender Indicators of Equality, Inclusion and Poverty Reduction for Measuring Programme/ Project Effectiveness*” Economic and Political Weekly, Vol.XL, No 44and 45, October.

Adhikari Nava Raj (2005) *Multiple vulnerabilities of dalit women and their effect on trafficking and unsafe migration* SARI/Equity Research Fellow June-November 2005

Bhadra Chandra (2004), “Gender Mainstreaming in the Population Perspective Plan”, a report submitted to Population Division, Ministry of Population and Environment.

Bhasin Kamala and Sunita Dhar (1998), *Joining Hands to Develop Women Power*, A Report of a South Asian Workshop on Gender and Sustainable Development, Koitta, Bangladesh.

Bhatta S. ( 2005), “*Development process of women’s education*”, In Women’s Education Bulletin 6:6 (2062 B.S).

Bista Min Bahadur (2001), “Institutional A nalysis: Ministry of Education and Sports”. Kathmandu, DANIDA.

Bista Min Bahadur (2005), “Female Teachers” (draft report prepared for UNESCO) CBS/NPC/HMG (2003), “Population Monograph of Nepal” vol.I Kathmandu, Nepal.

Bhattachan, Krishna B. (2008): *Minorities and Indigenous Peoples of Nepal. Kathmandu: National Coalition Against Racial Discrimination (NCARD).*

Bhattachan et, al (2007) *Caste-based discrimination in Nepal: NNDSWO, DNF, HDS-Delhi, IDSN, Copenhagen- December 15, 2007*

Bhattachan et. al (2003) *Existing Practices of Caste-Based Untouchability in Nepal and Strategy for a Campaign for its Elimination.* Action Aid Nepal: Kathmandu.

Bishwakarma Bimal (2001): *Reservation Modality for Dalit Community in Nepal: Research Report 2061. DNF 2001*

Bista, DB (1967). *The people of Nepal*. Ministry of Information and Broadcasting, HMG, Kathmandu, Nepal, 1967.

Bista, DB (1991) *Fatalism and Development Nepal’s Struggle for modernization*, Patna Orient Longman, 1991.

Byrne, D (1999). *Social Exclusion*. Open University Press, 1999.

Bandhu, C.M. (1989) ‘The Role of the Nepali Language in Establishing the National Unity and Identity of Nepal.’ In Kailash - Journal of Himalayan Studies, 15(3-4)

CCD (2008) *State and Religion*. Kathmandu

CBS/NPC/HMG (1995), “Population Monograph of Nepal” Kathmandu, Nepal.

CBS/NPC/HMG (2003/04) & (1995/96), “Nepal Living Standards Survey”.

CBS/NPC/HMG (2001), “Population Census 2001” National Report in Collaboration with UNFPA Nepal.

CBS/NPC/HMG (1999), “Nepal Labour Force Survey”, Kathmandu.

Central Department of Home Science and Women’s Studies Programmes, Tribhuvan University (2003), “*Study On The Effectiveness Of Programmes Targeted To Women*”, submitted to National Planning Commission, Kathmandu, Nepal.

Collymore, Yvette (2005) "PRB Policy Brief", Population Reference Bureau, Washington DC USA.

Centre for Policy Research and Analysis (2003), "Gender Assessment Studies and Gender Budget Audit of MWCSW", submitted to MWCSW/MGEP/UNDP.

CTEVT (1999), "National Policy on Technical and Vocational Training".

CBS (2002). *Statistical Pocket Book Nepal*. Central Bureau of Statistics, Kathmandu, Nepal.

Chaudhary, B (2004). Proud to be Madheshi? The Telegraph Weekly, 25 August 2004

Clark, TW (1963). *A First Year language Course*. Cambridge: Heffer, 1963

Dastider, M. (1995) Religious Minorities in Nepal. New Delhi.

Dahal, DR (1996). *Madhesiya Pahadiya Antar Sambandha (Madheshi Pahadi Inter-relationship)*. Himal, Kathmandu, September 1996.

Dahal et. al (2002): *National Dalit Strategy Report, Part I, Situational Analysis of Dalits in Nepal*. Action Aid, CARE, SC US, NPC, HMG N, May 2002

Deuba-Rana Arzu (2005), "A National Study on Changing Roles of Nepali Women due to Ongoing Conflict and its iImpact" SAMANATA, Institution for social and Gender Equality, Kathmandu, Nepal.

Devkota Sumi and Prava Chhetri (2002), "HIV/AIDS Assessment Nepal", an unpublished report. DFID/WB (2005) "Citizens With (Out) Rights: Nepal Gender and Social Exclusion Assessment", Summary Report, Kthmandu, Nepal.

Dahal, R.K. (2000) 'Language Politics in Nepal.' In Contributions to Nepalese Studies, 27(2)

DOHS (2004), Annual Report, Kathmandu, Nepal.

DOHS (2003), Annual Report, Kathmandu, Nepal.

DOHS (1998), "Second Long term Health Plan: 1997 – 2017", ibid

DOHS (undated), "Safe Motherhood Plan of Action: 2002 –2005", ibid

Devkota Madhu Dixit (2005), "An Assessment on Impact of Conflict on Delivery of Health Services", His Majesty's Government of Nepal, Ministry of Health, Kathmandu, Nepal.

Education Journalists' Group (2003), "Girl's Education in Nepal", A study report Kathmandu: UNICEF.

FFP (2004) , " Peace Activities Carried Out in Bardiya and Kanchanpur District : A Study", Friends for Peace, 117/36, Pooja Pratisthan Marg Old Baneshwor, Kathmandu, Nepal.

FWLD (2005) "*Concluding Comments on Second and Third Periodic Report (combined) on CEDAW Convention of Nepal*".

FWLD (2006), An Update: Discriminatory Laws in Nepal and Their Impact on Women , FWLD, Kathmandu, Nepal.

Government of Nepal (2002), "Muluki Ain" Eleventh Revised Edition 2058 B.S.,

Asish Pustak Bhandar, Bagbazar, Kathmandu, Nepal.

Gautam, I. (2005), "Evaluation Report of Girls' incentive Programmes", Kathmandu:WFP.

GDS/FES (1997), "Women in Garment Industries, Kathmandu, Nepal.

GEFONT (2001), "Women Participation in Nepali Labor Movement, Kathmandu, Nepal.

GTZ, Desk study (2004) "Armed Conflict and Trafficking in Women", Sector projects against trafficking in women.

GTZ, (undated) The Emergence of Small Farmer Cooperative Limited in Nepal Gurung Jeannette D. (1999), " Searching for Voice in the Hindu Kush Himalayas", ICIMOD, Kathmandu, Nepal.

Gurung, Harka (2006) Nepal Atlas and Statistics. Kathmandu: Toni Hagen Foundation, Nepal.

Gaige, FH (1975). *Regionalism and National Unity in Nepal*. Vikram Publishing House, Delhi, India, 1975.

Gupta, J (2004). *Madhesh: Social Demography and Discrimination*. Madheshi Human Rights Conservation centre, Kathmandu, Nepal, 2004.

Gurung, H (1982). The Sociology of Election in Nepal: 1959-81, Asian Survey, Vol XXII, p.313, March 1982

Gurung, H. (ed) (2006) Nepal: Atlas and Statistics. Kathmandu: Himal Books

- Gurung, H.; Gurung Y.; Chidi C.L. (2006) Nepal Atlas of Ethnic and Caste Groups. Kathmandu: National Foundation for Development of Indigenous Nationalities
- Gurung, H.; Gurung Y.; Chidi C.L. (2006) Nepal Atlas of Language Groups. Kathmandu: National Foundation for Development of Indigenous Nationalities
- Hachhethu, K. (2004) State of Democracy in Nepal. Kathmandu: SDSA/N and International IDEA
- HMG National Planning Commission Secretariat (2003) Population Monograph of Nepal, Volumes I and II. Kathmandu: Central Bureau of Statistics
- HMG (1995), "COUNTRY REPORT NEPAL", The United Nations Fourth World Conference on Women (September 4-15, 1995) Beijing, China.
- HMG/UNDP (2000), "Millennium Development Goals"
- HMG-UNFPA (2005), Report of the Semi-annual Programme Review 2005, Kathmandu, Nepal.
- HMG-UNFPA (2004), Mid Term Review, 5th country Programme Assistance to HMG of Nepal (2002-2006), Kathmandu, Nepal.
- ICIMOD (1997). *Districts of Nepal: Indicators of Development*. International centre for Integrated Mountain development, Kathmandu, Nepal, 1997.
- ISRSC (2004) *District Development Profile of Nepal 2004*. Informal Sector Research and Study Centre, Kathmandu, Nepal, August 2004.
- ICIMOD (2003) Mapping Nepal Census Indicators 2001 and Trends. Kathmandu: ICIMOD, CBS.
- Jha., HB (1993). *The Tarai Community and national Integration in Nepal*. Centre for Economic and Technical Studies/ Friedrich Ebert Stiftung, Kathmandu, Nepal, 1993.
- Karna, R. R. (2007). *Issues of Madhesh*. SUPPORT Nepal, June 2007.
- LDTA (1994), "Annual Report 2060/61", Kathmandu, Nepal.
- Lawoti, M (2001). *Racial Discrimination toward the Indigenous peoples in Nepal*. Non-government Report for the Third World Conference Against Racism (WCAR), Kathmandu, Nepal, 2001.
- Lawoti, M. (2003) Inclusive Democratic Institutions in Nepal. Paper presented at 'The Agenda of Transformation: Inclusion in Nepali Democracy' conference, 24-26 April, 2003, Social Science Baha, Kathmandu
- Majupurias (2008) Religions in Nepal. Kathmandu.
- Mahbub ul Haq Human Development Center (1999), "Human Development in South Asia", The Crisis of Governance, OXFORD University Press MOAC/HMGN/LSTED (2004/05), "Livestock service training and extension directorate 2061/62". Kathmandu: Author (2061/62 B.S).
- MWCSW/HMG (2003), "National Plan of Action On Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)", 2060 B.S., Kathmandu Nepal.
- MWCSW/HMG/MGEP/UNDP (2002), "Gender Assessment Study of the Agricultural Sector", HMG/N, Ministry of Women, Children and Social Welfare, Mainstreaming Gender Equity Programme (MGEP), UNDP, Kathmandu, Nepal.
- MWCSW/HMG (1997), "Laingik Samanata Tatha Mahila Shasaktikaran, Rastriya Karya Yojana", HMG/MWCSW/CCO, Kathmandu, Nepal.
- MWCSW/HMG (1999), "Beijing Plus Five: Country Report", Ministry of Women, Children and Social Welfare, Kathmandu, Nepal.
- Nayak, P (1998). *Economic Development and Social Exclusion in India*. Delhi School of Economics, University of Delhi, India, 1998.
- Panday, DR (2001). *Corruption, Governance and International Cooperation: Essays and Impressions on Nepal and South Asia*. Transparency international, Kathmandu, 1998.
- Rana, P (1982). *The Evolution of Nepalese Nationalism in Contemporary Nepal*, pp 83  
The Fourth Parliamentary Election, IIDS, Kathmadu, Nepal
- Rimal, G.N., (2007): *Infused Ethnicities: Nepal's Interlaced and Indivisible Social Mosaic*, Institute for Social and Environmental Transition-Nepal and Action Aid Nepal, Kathmandu.
- Shrestha, Anita, *Dalits in Nepal: Story of Discrimination*, FEDO

- Shah, S (2001). *The Politics of Exclusion*. A paper presented at the American University in Washington DC, USA, March 2002.
- Shah, SG and Singh, GN (2001). *Irrigation Development in Nepal: Investment, Efficiency and Institution*. Research report Series No. 47., Winrock International, Kathmandu, Nepal, December 2001.
- Sharma, S. and Shah, SG (2002). *Nepal report: The Link between Poverty and Environment – Situation Analysis and Strategy for Change*. New ERA, November 2002.
- Singh, A. (2003) *Restructuring of Nepali State: A Madheshi Perspective*, New Delhi, 2003.
- Spate, OHK and Learmonth, ATA (1967). *India and Pakistan: A General and Regional Geography*, 3d ed., London, 1967.
- TPAMF (2005), “Analysis of Caste, Ethnicity and Gender Data from 2001 Population Census in Preparation for Poverty Mapping and Wider PRSP Monitoring” Report Submitted to DFID, Kathmandu, Nepal.
- Toba, S.; Toba, I.; Rai, N.K. (2002) UNESCO Language Survey Report: Nepal. Kathmandu: UNESCO
- Turin, M. (2003) ‘Ethnobotanical Notes on Thangmi Plant Names and Their Medicinal and Ritual Uses.’ In Contributions to Nepalese Studies, 30(1)
- Turin, M. (2005) ‘Language Endangerment and Linguistic Rights in the Himalayas: A Case Study from Nepal.’ In Mountain Research and Development, 25(1)
- Udhog Bibhag (2004), “Audhaugik Prabardhan Thathyanka 2058-2061”, Gharelu Thatha Sana Udhog Bibhag, Udhog, Banijya Tatha aapurti Mantralaya, Singh Darabar, Kathmandu, Nepal.
- United Nations (1994), “Programme of Action”, adopted at the International Conference on Population and Development, Cairo, 5-13 September 1994.
- United Nations (1996) “The Beijing Declarations and Platform for Action”, United Nations, New York.
- UN/ICPD (1994), “Programme of Action”, International Conference on Population and Development, Cairo 5 - 13 September 1994
- UNDP (2000), “Beijing +5 Review Nepal”, United Nations Development Programme, Pulchowk Lalitpur, Kathmandu, Nepal.
- Upreti, BR (2002). *Nepal: A Nation in search of Peace and Development*. A Country Assessment Report, Swiss Agency for development and Cooperation, Berne.
- UNESCO (2002) Universal Declaration on Cultural Diversity, Cultural Diversity Series Paris: United Nations Educational, Scientific and Cultural Organization
- UNESCO (2003a) Education Today: The Newsletter of UNESCO’s Education Sector, Number 6 (July-September) 2003
- UNESCO (2003b) Sharing a World of Difference: the Earth’s Linguistic, Cultural and Biological Diversity. Paris: UNESCO, World Wild Fund for Nature, and Terralingua
- World Bank (2005). *Citizens With (Out) Rights: Nepal Gender and Social Exclusion Assessment*. Summary Report, The World Bank, Kathmandu Nepal, June 2005.
- Yadav, U (1997). *Nepalko Madheshi Samudaya: Yek Bibechna*. Research and Development Centre for Indigenous and Ethnic People, Nepal, August 1997
- Yadav, R. P. (2006). *Caste/Ethnic Representation in His Majesty’s Government at policy level in Nepal*. March, 2006
- Yadava, Y.P. (2003) ‘Language.’ In Population Monograph of Nepal, Volume I. Kathmandu: Central Bureau of Statistics.
- Yadava, Y.P.; Bajracharya, P.L. (eds) (2006) *The Indigenous Languages of Nepal (ILN): Situation, Policy Planning and Coordination*. Kathmandu: National Foundation for Development of Indigenous Nationalities.

SUPPORT Nepal works strategically to restore imbalance and inequalities being faced by minority groups, especially women, Madheshi, Dalits, religious and linguistic minorities.

Development of training, networking, models of effective development practice, research and influencing policy has been the focus of this work. The increasing focus of SUPPORT has been on providing support to communities and to develop processes that promote the inclusion of the minority groups.

### **Strategies Goals (2008-2010)**

SG # 1: To act as a focal point for information, coordination and dialogue on policy and practice in the Nepalese NGO sector especially on minority issues.

- 1.1 To provide quality advice and information services to stake holders.
- 1.2 To promote dialogue within the NGO sector on strategic issues related to minority rights.

SG # 2: To advance social, economic and political status of minority groups.

- 2.1 To increase participation and capacity of minority groups in public decision-making process.
- 2.2 To raise public consensus and advocate the issues of minority groups in the constitution-making process.
- 2.3 To increase the opportunities in the development and implementation of social and economic program policies and strategies, so as to more effectively utilize the capacity of minority groups and their organizations.