

POLITICAL TRANSFORMATIONS IN NEPAL: DALIT INEQUALITY AND JUSTICE

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ABSTRACT

This thesis uncovers the underlying causes of Dalit inequality and the necessary institutional reforms required addressing the impact of institutional barriers and biases, with a view to formulating and implementing socially just policies. The central thesis is that Dalit requires special measures to achieve participatory parity and institutional reforms to change long-standing injustices. Recognition of the devalued identity of Dalit together with the redistribution of state power and resources are indispensable for Dalits' social and political equality. This thesis asserts the need for a group differentiated politics of recognition to counter the extant generalised understanding of Dalit assimilation in the society as their end goal.

To understand the causes and effects of the ongoing hegemonic caste hierarchy and required institutional reform, this research is grounded in a two-dimensional—redistribution and recognition—conception of social justice, drawing in particular on the work of critical theorist Nancy Fraser. The nature of extant injustices against Dalit as well the institutional barriers to Dalit in the recent political reform process is explicated through a phenomenological research methodology. Personal experiences of Dalit demonstrate that despite State anti-caste discrimination measures, changing the patterns of caste discrimination remains very slow, as evidenced by rampant everyday discrimination.

Furthermore, recent efforts to bring about political reform, including State restructuring and Federalism have been relatively ineffective in addressing Dalit issues. Due in part to their overemphasis on the ethnic identity discourse, fundamental issues faced by other marginalised groups like Dalit received inadequate attention. Nevertheless, Dalit demands have to some extent been recognised in the new constitution promulgated by the Constituent Assembly (CA) in 2015, and as such, Dalit now needs to achieve internal unity and strategic action to continue their struggle. By studying the dynamics of Dalit inequality, hegemonic socio-political structures and institutional reforms, this research study has generated new empirical perspectives for Dalit that can be widely utilised by policymakers as well as academics for further research and policymaking processes.

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Mom Bishwakarma

AUTHOR'S DECLARATION

This thesis is my work and does not incorporate, without acknowledgement, any material previously submitted for a degree or diploma in any university. It does not contain any material previously published or written by another person where due reference is not made in the text.

However, this thesis contains material published as [Bishwakarma, M. (2016). Democratic politics in Nepal: Dalit political inequality and representation. *Asian Journal of Comparative Politics*. 2(3), 261-272]. This is from Chapter 5, section 5.6 Political Inequality including its tables. I analysed the data and wrote the article for its publication.

This also includes material published as [Bishwakarma, M. (2015). Contentious Identity Politics in Federalism: Impasse on Constitution Writing in Nepal. *International Journal on Interdisciplinary Civic and Political Studies*, 9(2), 13-23]. This article includes some of the materials from Chapter 7. I analysed the data and wrote the article for its publication.

However, published chapter and sections are substantially revised and properly referenced in the aforementioned chapters.

Mom Bishwakarma

As a supervisor for the candidature upon which this thesis is based, I can confirm that the authorship attribution statements above are correct.

Danielle Celermajer

29 August 2017

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ABBREVIATION

AHRC	Asian Human Rights Commission
ADB	Asian Development Bank
BBC	British Broadcasting Corporation
BC	Before Christ
BK	Bishwakarma
CA	Constituent Assembly
CBS	Central Bureau of Statistics
CPA	Comprehensive Peace Agreement
CPN-UML	Communist Party of Nepal (United Marxist Leninist)
CESCR	Committee on Economic, Social, Cultural Rights
DCSOs	Dalit Civil Society Organisations
DNF	Dalit NGO Federation (DNF)
DWO	Dalit Welfare Organisation
FEDO	Feminist Dalit Organisation
FPTP	First Past the Post
GDP	Gross Development Production
GFACD	Global Forum against Caste Based Discrimination
GON	Government of Nepal
ICRC	International Committee of the Red Cross
ICCPR Rights	International Covenant on Civil and Political
ICDR	International Commission for Dalit Rights
ICERD	International Convention on the Elimination of Racial Discrimination

IDSN	International Dalit Solidarity Network
IMADR	International Movement against All forms of Discrimination and Racism
INSEC	Informal Sector Service Centre
ILO	International Labour Organisation
JMC	Jagaran Media Centre
JUP	Jana Utthan Pratisthan
LANCAW	Lawyers' National Campaign for Elimination of Caste Discrimination
MOFALD	Ministry of Federal Affairs and Local Development
MPs	Members of Parliament
NASO	Nepali-American Society for Oppressed Community
NC	Nepali Congress
NDC	National Dalit Commission
NGOs	Non-Governmental Organisations
NLSS	National Living Standard Survey
NNDSWO	Nepal National Dalit Social Welfare Organisation
NEFIN	Nepal Federation of Indigenous Nationalities
OHCHR	United Nations Human Rights Office of the High Commissioner
PR	Proportional Representation
ROSA	UNICEF Regional Office for South Asia
RPP	Rastriya Prajatantra Party
SCs	Scheduled Caste
SLC	School Leaving Certificate
SRC	State Restructuring Committee

SRDP	State Restructuring and division of State Powers
ST	Scheduled Tribe
TV	Television
UCPNM	United Communist Party of Nepal (Maoist)
UDHR	Universal Declaration on Human Rights
UK	United Kingdom
UN	United Nations
UNDP	United Nations Development Programme
USD	United State Dollar
VDC	Village Development Committee
WOREC	Women's Rehabilitation Centre

GLOSSARY

Nepali

Adivasi

Balighare

Bedah

Charuwa

Dalit

Dashain

Hajam

Haliya

Haruwa

Jaat

Janaandolan

Kami

Khalo

Manusmriti

Muluki Ain

Pagaleko Sisa

Panchayat

Rana

Rishimuni

Ritibhagne

Shilpi

English

A group of ethnic people

A system of bonded labour in which Dalit gets nominal grain wage instead of cash.

Hindu Religious Scripture

Cattle Herder

A group of people having prideful history

A major festival of Hindu people

Barber

Bonded labour who ploughs land in paying back loan

Land Tiller

Caste

Citizen Movement

A sub caste group of Dalit people in Nepal

A system of bonded labour in which Dalit gets nominal grain wage instead of cash.

Hindu religious scripture

Civil Code of Nepal

Liquid Brass

Party less autocratic political system

Former tyrannical rulers of Nepal

Hindu Saint

A system where Dalit gets nominal grain wage for their traditional profession

Skilful as proposed by some Dalit activist alternative to Dalit word

Tarai	Low Land (Southern flat area of Nepal)
Untouchability	Practice of discrimination based on higher and lower caste hierarchy
Varna	A form of colour and occupational division of people

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CHAPTER ONE

INTRODUCTION

I still recall one specific incident of caste discrimination that occurred at my village. We used to fetch water from a public well (*kuwa*) which was almost half an hour walking distance from my house in the village. When I was around 15 years old, my cousin and I went to fetch water as usual. On that particular day, as we were filling our vessel higher caste women yelled out and thrashed us because I accidentally touched her vessel. Being a lower caste, I was not allowed to touch the water vessels belonging to people of other higher castes.

This is just one story of caste discrimination that I have experienced and witnessed throughout my life. Being a member of the Dalit community, I have faced and seen my family and community face many incidents of caste discrimination, untouchability and injustice in Nepal. Growing up, degrading behaviour and hatred levelled against us, every day, were normal parts of our lives, and continue today. Like many Dalit, I am still not allowed to openly access public taps, temples and hotels in my rural village where people easily recognise me as a Dalit. The experience of higher caste students drinking water from the jug, and my waiting until they had all finished, at which point I hoped someone would pour water directly into my mouth (since I was not allowed to touch the jug) is still fresh in my mind. Bullying or degrading behaviour like other school children calling me *achhut* (untouchable), *tallo jaatko*

keto (lower caste boy) became normal for me. I simply had to tolerate such treatment as neither teacher, nor other children helped me to counter or confront such behaviours. Sitting separately during feasts and restrictions in entering temples, the houses of higher caste people or touching their water vessels (*gagri*) are just a few examples of the habitual way Dalit are treated in Nepal. Recently my neighbour, a lower caste man, was severely thrashed because he touched the vessel of higher caste people in my village.

I have encountered this type of discrimination not only in rural villages, where one might think less educated or exposed people reside. It is, however, also common in the urban setting of Kathmandu. The caste-based hatred and discrimination while renting a room in Kathmandu is an unforgettable incident in my life. During my college time back in 2000 in Kathmandu, I was thrown out of a rented room because I am a lower caste man. Even when I came to Australia to commence my doctoral studies, I experienced a shocking moment when a higher caste Nepali refused to share an apartment with me. Indeed, throughout my time in Australia, my family and I experienced various less direct forms of discrimination, such as higher caste individuals' reluctance to include us in group functions, cultural events or caste-based associations.

Because of such heinous forms of caste discrimination, from childhood, I always wished to act to change the situation and I realised the importance of education in doing so. Despite facing everyday discrimination and socioeconomic obstacles, I had a strong desire to undertake higher degree research that would produce empirical data, to provide material for evidence based advocacy for the rights of Dalit. In fact, this research is the result of my struggle, and I hope it will contribute to the larger struggle for the rights of caste affected Dalit in Nepal.

1. Overview of the Thesis

This thesis examines the underlying causes of the structural injustices that Dalit in Nepal face, and the institutional reforms currently being considered in the context of the social-political transformations occurring in the country. Specifically, it is concerned with the dynamics of hegemonic socio-political structures that cause and perpetuate the inequality and injustices that Dalit in Nepal experience, and with the institutional reforms that would be required to achieve social justice for this group. While the thesis is concerned with contemporary political transformations, because of the entrenched and historical nature of caste-based injustice, it deals with long-standing inequality in Nepal and against this background, tries to assess how well and in what ways contemporary efforts address or fail to address such inequality.

While the principal objects of study are formal political transformations, including state restructuring and federalism, the study includes a survey of the historical trajectory of Dalit resistance and the Dalit struggle for dignity and justice. This background is important for understanding how Dalit have been fighting, and how despite their attempts to bring about reform, their rights and freedoms have been limited and excluded from mainstream politics and democratisation processes in Nepal. Despite Dalits' consistent attempts to participate in the processes of political transformation, their voices have largely been unheard in broader processes of political contestation and transformation.

Dalit are suffering from deeply entrenched caste-based hierarchy and discrimination. Previous research (Kisan, 2005; Bhattachan et al., 2008; Ahuti, 2010; BK, 2013; Maharjan and Kisan, 2013) has identified Dalit as the group that experiences the greatest socioeconomic, educational and political exclusion and disadvantage in Nepal. These studies also indicate that even though anti-caste discrimination laws that formally protect Dalit from caste discrimination exist on the books, the implementation of these laws has been ineffective (Ahuti, 2010; Bhattachan et al., 2008). Such studies paint a stark picture, but they are often fragmented across different issues that Dalit face, and none explicitly explores the comprehensive institutional measures that would address social justice for Dalit in Nepal.

The persistence of this situation poses the question of what type of reform is required. In different parts of the world, other groups that have experienced entrenched injustice and marginalisation, including women, African Americans, ethnic minorities and Indigenous peoples, have been fighting for equality. One of the lessons from their experience has been that liberal theories of justice, which say that social justice is achieved through equality of opportunity, have not worked for them (Young, 1990:26). They also have demonstrated that formal laws outlawing discrimination are not sufficient. These experiences have given rise to some ideas about social justice – structural injustice, group and collective rights, and identity politics. Specifically, they have shown that because of the persistent effect of structural injustices, even if members of those groups are given equal opportunities, they are not able to compete against better-off groups, as they are systematically disadvantaged and consistently excluded from social benefits and opportunities (Young, 1990:41; Manderson, 2012:414). Because the structural foundation of injustice undermines the rights of members of particular groups, attending solely to individual rights will be insufficient to achieve social justice for them (Calhoun, 1982; Young, 1990; Williams, 1998).

Thus, an approach that recognises rights at the level of groups has been critical to addressing entrenched structural injustices. Group based structural interventions such as affirmative action and guaranteed representation for particular groups, collective rights such as protection of minority cultural rights and recognition of

group identity, as well as recognition of the rights of peoples to self-determination have been some of the alternatives to individual welfare approaches (Jones, 1999; Preda, 2013). Group based interventions such as affirmative action, also known as reservations or quotas in fields such as the public service, education and other sectors have been recognised as critical to ameliorating the socio-economic situation of marginalised groups. At the political level, different mechanisms have been developed to try to provide marginalised groups with political representation, including using proportional representation or race conscious districting, or more pro-actively, reserved or quotas (Williams, 1998:215). Moreover, as evidenced in contemporary new social movements, marginalised groups have specifically sought positive recognition of their distinctive identities (Buechler, 1995:452). For Dalit similarly, group rights based approach will be significant to rectify structural injustices and promote social justice.

For Dalit, the severe forms of caste hierarchy and its discriminatory practices manifest across their social, economic, education and political experience. From the Dalit perspective, social injustice is experienced as caste-based discrimination, caste-based violence, social exclusion, restriction of access to resources, and a range of human rights violations. Based on contemporary social theories concerning structural injustice, and empirical research on the situation of Dalit in Nepal, this thesis argues that there needs to be are the distribution of state power and resources,

and recognition of Dalit identity at a collective level. Multidimensional forms of structural reform, the substantive elimination of all forms of caste-based discrimination, and other programs in the fields of the economy, education and politics will be fundamental to creating equality and justice in the end. In institutional terms, this means that special measures and the recognition of group rights will be required to achieve equality and remedy long-standing injustices. To achieve such special measures, Dalit should, I argue, assert a group differentiated politics of recognition. The difficulty, as I show through the historical survey (Chapter Six) is that, despite long-standing Dalit resistance, they are still struggling to have their voices heard or registered in the mainstream. This situation has been exacerbated by a vicious cycle of internal division and a lack of strong leadership, perpetuating the ineffectiveness of Dalit movements to achieve substantial institutional reforms for justice.

Drawing on my analysis, three principal conclusions about the way forward are proposed. First, drawing on my analysis in Chapter Five, I conclude that status inequality is embedded in structural injustices, underpinning the extreme forms of oppression as exploitation, marginalisation, powerlessness, cultural imperialism, and violence that Dalit experience. As such, reform must be multidimensional, address the structural basis, and not only seek to redistribute resources. Second, drawing on my analysis of Dalit movements in Chapter Six, I argue that Dalit should be united

in their agenda and struggles, even though they may be divided by their political ideologies and internally along caste lines. Third, as I argue in Chapter Seven, Dalit should assert group differentiated politics of recognition to achieve participatory parity, even though to date they have been unable to use the process of federalism to establish separate Dalit political units or states.

In this Introductory Chapter, the research background and problem will be outlined, along with a brief survey of existing legal provisions concerning discrimination against Dalit. This chapter will also set out the key research aims and associated research question that the thesis seeks to address. It concludes with a brief overview of the structure of the thesis.

2. Background of the Research

Today, Nepal finds itself in the process of political transition with the aim of bringing about greater equality and justice. While much of the world has moved past the industrial age into the information age, and social movements contest capitalism, in Nepal, it is the semi-feudal nature of the socio-economic structure and a fragile political system that mostly contribute to socioeconomic and political

inequality.¹Underlying social ordering along the lines of caste, ethnicity, gender, religion, and region have resulted in poverty, illiteracy, and exclusion.

Nepal is one of the poorest countries in the world, with per capita income at \$US703, more than 35% of people are illiterate, and 25% of people living under the extreme poverty line (CBS, 2011). Poverty is higher in rural areas (27%) than urban areas (15%), and in the mid and far west, there is a higher incidence of poverty. Dalit have a much higher incidence of poverty, at 46%, compared to the advanced ethnic group Newar, at 14 % (CBS, 2011). As measured by the UNDP, Nepal ranks 144th in the human development rank, with a 0.558 index as its human development indicator (UNDP, 2017). To get a sense of how low this is, we can compare it with the first ranked country, Norway, with its index at 0.949. This index combines measures of health, education, income, inequality, gender equality, poverty, work, human security and other sectoral indicators (UNDP, 2017). Caste, ethnic and gender discrimination, violations of human rights, underdevelopment, the disparity between urban and rural areas, and the failure of state mechanisms to address these differences have been identified as significant factors contributing to political instability and inequality across different socioeconomic dimension (Bhattachan et al., 2008; Pyakurel, 2011).

¹This does not mean that Nepal is not affected by global capitalism or the global economy, as demonstrated by the extensive labour migration from Nepal.

Beyond such domestic considerations, Nepal has been caught up in the geopolitics of its neighbouring countries, specifically India and China. Historical relations, including socio-cultural proximity with India have been a key reason for Indian influence across a range of areas, from Nepali politics to the economy. India Nepal Treaty of Peace and Friendship, 1950 has been political issue for its timely reconsideration (Pandey, 2010). This treaty has wider implications for the Nepalese economy as it impedes Nepal's extending its trade relation to other countries except India. As a result of such factors, Nepal rarely acts outside Indian interests, and is tied to India, including for larger development projects. The evidences indicates, however, that the projects controlled by Indian companies, for example, hydropower and road building are often either not completed on time or cancelled altogether. The negligence upon the projects shows Indian domination to Nepal. It is considered that hidden interest behind not completing projects timely is to influence Nepalese politics by creating political and developmental transitions in Nepal (Pandey, 2010). India does not want to lose its grip in Nepal by increasing Chinese trade and development relations with Nepal. India has, for example, been cautious toward the Nepalese initiative to build up trade relations with China by engaging in Chinese initiatives such as the One Belt and One Road (OBOR) even though there is wider assumption that Nepal could benefit from this Chinese development initiative. Extending its rail network from the east to west range could assist in propelling Nepal's development.

However, the heavy influence of India in Nepalese politics and its economy has had an adverse effect on the development of Nepal.

A further contextual issues is that Nepal has adopted a liberal open market economic policy. Increasing privatisation including open market system has affected to the state owned industries (Raut, 2012). Several state owned industries have been closed and this has directly affected to the employment of local people and national growth. Nepal has few exports but is heavily rely upon the imports from India and other international markets. The impact of modernisation and the open market system is specifically marked for the most disempowered such as Dalit. For example, Dalit used to make leather shoes, but this source of income has been completely replaced by cheaper shoes produced in the mass production sector. As pointed out by Caplan (1972) in relation to the situation of Cobblers in the western hill district of Nepal, Dalit are now unable to continue their profession, as they cannot compete on the global and open market.

Despite the fact that Nepal has been going through political instability, sustained under development, and specific economic crises, the political changes and reform process has brought some hope in Nepali people. The abolition of autocracy in 1950, the reinstatement of democracy in 1990, and the removal of a 240-year long Monarchy and the declaration of a republic in 2008 are amongst the key political landmarks in

this long reform process. These changes were expected to significantly scale down all kinds of inequality and injustices (Hachhethu, 2011:2). Nevertheless, in many respects, the attempts to establish a democratic system did not bring substantial changes, especially for highly disadvantaged groups like Dalit, not least because of the tenacity of caste discrimination (Dahal, 2011:39). As evidenced by the parliamentary elections held after the 1990s, that failed to secure even a single Dalit representative in the parliament, despite the implementation of reform measures for Dalit and other minorities (Maharjan and Kisan, 2013), reforms to date have been insufficient. Moreover, despite having legal reforms, caste-based discrimination is still rampant all over the country because of deeply entrenched caste stratification and its multi-dimensional nature.

The recent political changes have brought some hope to the Nepali people. The promulgation of a new constitution has institutionalised a republican federal system. The recent election of local government which was due for almost 20 years, including the election of provincial and central government has aided the implementation of new constitution. The inclusive policy adopted by the new constitution has resulted in increased numbers women, Dalit and other marginalised groups being elected as the representatives at the local level. The Local Level Electoral Act 2017 had reserved two seats on each of the nearly 7,000 ward committees for women, one of which is for women of the marginalized Dalit caste. In addition, political parties that present

candidates for both the positions of Mayor and Deputy Mayor in municipalities, and Village Chairperson and Village Vice Chairperson in rural municipalities, have been mandated to include at least one-woman candidate among the two. This mandatory electoral policy resulted the 14339 women being elected as mayor, deputy mayor, and ward members, including 6567 Dalit women as a ward member in 753 local level government structures in Nepal (The Record, 2017).

However, there remain various other social stigmas, superstition, discrimination, which have not been significantly reduced in spite of the new constitution including its subsidiary laws condemning such behaviours and attitudes. There are evidences of killings, human rights violations and discrimination based on caste hierarchy. Dalit continue to suffer from the deeply rooted caste based discrimination as discussed in later chapters.

2.1. Genesis of Caste System and Untouchability

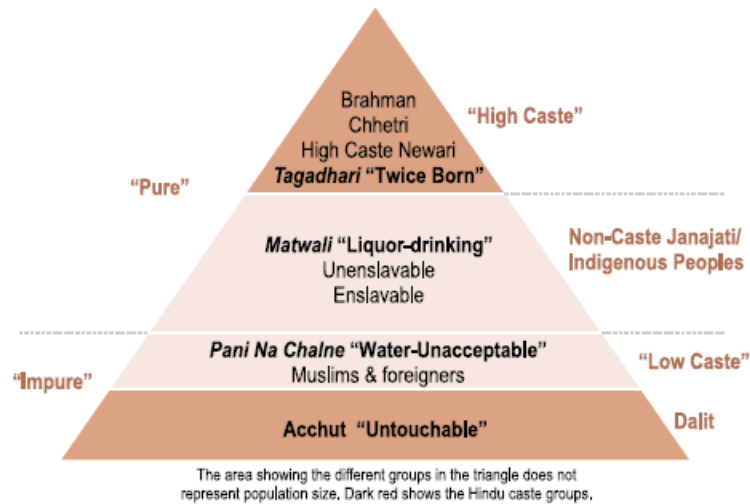
Caste hierarchy and discrimination are the primary reasons for inequality and disparity amongst the Nepali people. A caste is a form of social stratification based on the cultural notion of *purity* and *pollution* (Marglin, 1977:255). Caste systems maintain social hierarchies in Hindu societies that enforce *untouchability* behaviour against Dalit (Dumont, 1970; Ahuti, 2010). The foundation of Caste was developed in the *Varna* system. *Varna* was primarily originated on the Indian continent as a form

of so called 'colour' distinction amongst different groups of people (Prashit, 1999). As legend has it, about six thousand years ago, the people of *Dravid* and *Astrik* origins used to live in the humid, flat lands of the Indian continent and were said to be 'black', 'red' and 'yellow' in skin colour (Ahuti, 2010:8). Later, a group of people of Aryan origin said to be 'white', encroached and defeated the local inhabitants. The extent of colour discrimination later turned into the labour based division of the fourfold *Varna* system (Ahuti, 2010:8-10). The fourfold classification system came to refer to four castes: *Brahmin*, *Kshatriya*, *Vaishya*, and *Shudra*. *Shudra* were the slaves who were captured in war and the children of slaves, sold to provide services to other categories of *Varna* (Cameron, 1998).

Historically, there is no universally accepted date for the origin of the caste and practices of untouchability. It is believed that the Brahmin King Manu imposed untouchability against the Shudra in around 200 BC. However, this differs with the evidence of Buddhist religious manuscripts. The description of *Chandal* in Buddhist religious manuscript evidence the existence of *Untouchability* practice as far back as almost 2600-3000 years ago (Ahuti, 2010; Prashrit, 2015). It is said that when the *Vaishya* and *Shudras* protested against the massive repression they experienced, they were punished and excluded from society (Ahuti, 2010). The form of punishment and social boycott was subsequently developed as the practice of *untouchability*, meaning that they were considered impure and had to be excluded.

In Nepal, the *Varna* system, including untouchability was developed under the *Lichhabi* rulers in the 6th century (Prashrit, 2015). However, *Jayasthiti Malla* (rulers of the Malla dynasty) formalised the caste system around the 12th century, and it became law under Ram Shah in the 15th century. Later, the *King Prithvinarayan Shah* imposed the *Varna* system over the Indigenous ethnic people in the 17th century. Under the National Code of 1854, introduced by Janga Bahadur Rana, all caste and ethnic groups were incorporated within the fourfold *Varna—Caste—* structure and the law, with all forms of life regulated by the division, including legal punishments being based on who belongs to which of the four categories (Ahuti, 2010; Bhattachan et al., 2008). The legal code was discriminatory with lower caste individuals receiving severe punishment, as distinct from higher caste people who went either unpunished or receiving a lesser punishment for crimes that they committed. Unlike those of lower castes, Brahmins were not subject to capital punishment for their certain offences including incest, murder, and rape (Cox, 1994: 91). The following Figure 1 illustrates the hierarchical order of Nepali society established by the 1854 code, where Dalit fall at the bottom of the social structure.

Figure 1: The Caste Hierarchy in Nepal (1854 Civil Code-Muluki Ain)



Source: World Bank/DFID, 2006

Caste discrimination is a severe form of human rights violation based on caste hierarchical order of 'high' and 'low'. The perfect illustration of institutional rules and regulations that subjugate fundamental human rights of Dalit, and have done so for hundreds if not thousands of years across the South Asian sub-continent (Ahuti, 2010:1). Because of the manifestation of lower social status and structural injustice in social, economic, educational and political sectors, Dalit occupies the lowest rank according to various social indicators of human development in Nepal.

The forms of discrimination recorded in these incident records vary—including denial of access to public places, beating, verbal abuse, domestic violence, and violence about inter-caste marriages. For example, the Informal Sector Service Centre (INSEC) has

documented the persistence of caste discrimination—untouchability in the record of incidents that it keeps, set out in the Human Rights Year Book (2014). According to this yearbook, 88 Caste discrimination incidences occurred in Nepal in that year.

Untouchability is a key form of caste discrimination which refers to the humiliations imposed, from generation to generation, on a particular but sizeable section of the population that relates to impurity and pollution (Soorya Moorthy, 2008). It is the extreme and vicious aspect of the caste system, prescribing severe social sanctions against those placed at the bottom of the caste structure invoking terrible punishments, fatal attacks, and atrocities (Ibid). The major dimensions of the prevailing practices of untouchability are exclusion, humiliation-subordination, and exploitation as emerged by interview data. They—the untouchables—are excluded from much of social life, including from everyday activities like sharing sources of drinking water and participating in religious worship and festivals. The *prohibition into Temples and Cultural functions* is also another form of caste discrimination. Evidence of discrimination shows that even today, temples are not open for Dalit. Although they follow similar religious beliefs to members of higher caste groups, they are barred from entering and worshipping in temples. Dalit are alienated from the socio-cultural functions.

Moreover, the *restriction in intercaste marriage* is also manifestation of caste discrimination. Marriage between Dalit and dominant groups is de facto prohibited although there is no formal legal regulation to this effect. Couples who marry outside of their caste face social sanctions, economic hardships, societal disrespect, exclusion from religious and cultural events, exclusion from their families and villages, and they might face difficulties in obtaining birth and citizenship certificates. Similarly, *restriction in public services* fundamental problems faced by Dalit. Dalit are prohibited from freely using public services being lower caste in Nepal. For example, they are not allowed to use public water taps, wells, to enter temples or to access general health services. Most of the incidences of overt caste-based violence or harassment occur at public taps, wells or temples because these are the places Dalit access services they use, even in the face of the risk of being thrashed, scolded or dehumanised.

Dalit ghettoisation and restriction community participation occurs partly because of being Dalit. Dalit have their homes in fairly remote places, such as either at the top of a hill or slightly outside the main village in the rural hilly areas, and this lack equal access to basic resources such as electricity. In the Tarai, the pattern of Dalit settlement is determined by access to land. As most Dalit do not own land, they often reside on the side of riverbanks or near the jungle (Ahuti, 2010:26). This means that Dalit settlements lack basic infrastructures such as road access, tap water and

electricity. The geographical remoteness is exacerbated by the way in which caste hierarchy and access to power determine access to these forms of resources.

Untouchability is the most extreme and vicious aspect of the caste system, prescribing severe social sanctions against those placed at the bottom of the caste structure (Gorringe, 2006; Shah et al., 2006). The touch of untouchables was said to pollute others, invoking terrible punishments, fatal attacks, and atrocities. From the prevailing practice of untouchability, Shah et al., (2006) infer that exclusion, humiliation-subordination, and exploitation follow.

Dalit are excluded from much of social life that includes the sharing of drinking water sources and participating in religious worship and festivals. Humiliation-subordination is evident in the imposition of gestures of deference like carrying footwear in the hands, bending forward with a bowed head and not wearing clean or bright clothes. Impositions of forced, unpaid or underpaid jobs and confiscation of property are some forms of exploitation'

(Soorya Moorthy, 2008:285).

It is estimated that even today; caste discrimination affects around 260 million people worldwide, but largely in South Asia (UNGA, 2016:7). Among 170 million caste affected people in South Asia, a huge proportion of lower caste people lives in India. In Nepal, as claimed by Dalit leaders, there are around 4 million people affected by caste hierarchy and discrimination.

In the face of these inequalities, the struggle of Dalit movement has succeeded in influencing Nepalese governments to adopt anti-caste discrimination laws, including

proclaiming Nepal as free of caste discrimination. The new civil code, 1963 formally outlawed caste discrimination, which was progressively adopted by the Constitution of Nepal, 1990 and the interim constitution, 2007. On 19 March 2002, the Prime Minister, Sher Bahadur Deuba announced Nepal as a caste discrimination and untouchability free nation (LANCAW, 2006). Later, a meeting of the Parliament on 4 June 2006, proclaimed Nepal again as discrimination and untouchability free. By bringing Dalit and other so-called backward groups into the mainstream of the nation, this declaration was expected to act as a significant breakthrough in creating an equitable society (IDSN, 2013). As this thesis will demonstrate, this has not transpired.

Anti-caste discrimination laws, as described later, establish caste discrimination, and untouchability as serious social crimes and the level of punishment has been increased as compared with previous anti-caste discrimination provision. Nevertheless, as I will show in Chapter Five, the lack of effective implementation of existing laws, policies and programs, has meant that there have not been significant changes in the patterns of discrimination and injustice. The socio-cultural, political and institutional barriers negatively affect the effective implementation of existing policy provisions. The degrading forms of caste based discrimination—untouchability, exclusion, misrecognition, gender biases and violence, underdevelopment, poverty, illiteracy—persist in the society.

2.2. Dalit in Nepal: Injustice and Struggles

As indicated above, the term Dalit has been adopted to refer to the group of people who are at the lowest stratum of the society. Dalit is derived from the Hebrew root *Dal* meaning *broken or crushed* (Muthaiah, 2004:397). In *Sanskrit*, it means *downtrodden* and *oppressed or exploited* (Ibid). It was used in India as the Marathi translation *depressed class* to denote the untouchable groups and those broken from and living outside the society (Ibid). Dalit means *crushed underfoot, broken into pieces* or the *oppressed* (Ghose, 2003). Dalit are those who have been broken and ground down by those above them in a deliberate way (Zelliot, 1996).

The Dalit terminology emerged as a form of political identity in 1927 when renowned Indian Dalit leader Dr Ambedkar used it to address caste groups who were oppressed under the untouchability practices of the *Varna* system (Ahuti, 2010:31). The Dalit term entered into more formal and regular use during the emergence of the Dalit Struggle in India (Zene, 2010). There were some efforts to rename untouchable groups in India, for example, Mahatma Gandhi renamed them *Harijan* (children of God) (Shrestha, 2014:82). The term Dalit was increasingly used after the 1930s, and Dalit is the contemporary preferred term (Ahuti, 2010). However, there have been contestations regarding both terms *Harijan* and *Dalits* since 1917 in India (Shrestha, 2014:82). Although the term Dalit still refers to the group formally known as untouchable and oppressed, by taking on this formal name and identity, members of

these groups are taking up a collective identity for political struggle (Ahuti, 2010). Today, the term Dalit has become a site of resistance and a reason for the struggle (Zene, 2010:11).

Despite being a commonly used term in the Indian context since 1927, in Nepal, the term Dalit was not used for naming the organisation formed by these groups until 1966 (Ahuti, 2010:31). When the resistance movement began in 1947, simultaneous with the anti-Rana democratic movement, organisation occurred using terms such as *Pariganit*, *untouchable*, *Harijan*. However, the Dalit term was frequently used after the 1990spolitical transformation to democracy (Maharjan and Kisan, 2013; Kharel, 2007). Today, Dalit is a commonly known identity in the socio-political spheres, especially since the new constitution of Nepal has recognised this term.

Dalit identity remains disputed, particularly among the younger generation, because stigma and derogatory meanings have attached to it (BK, 2013:20). Some members of the group argue that using this term dehumanises them in the long term and one sees a quest for an alternative term. A Dalit wing of the *Sanghiya Samajwadi*, a relatively small political party, is advocating for replacing the word Dalit with *the term Shilpi* (skilful). Because Dalit lacks a separate culture and language and are part of the Hindu religion, there is also an argument that they should simply be

assimilated within Hindu social structure. Others argue that being a separate social group, due to distinct traditional professions, social inequality, and discrimination (Kisan, 2005, Ahuti, 2010, Bhattachan et al., 2008), the retention of a distinctive Dalit identity in the short term is required. As I will argue in Chapter Seven, Dalit leaders of the major political parties are against the idea of dissolving this collective identity, and argue that the common identity as Dalit is not imposed; rather it is assumed as a common identity for the movement.

Nevertheless, Dalit identity is distinct when compared with other forms of group identity. For example, using Kymlicka's (1995:12) definition of ethnic groups, Dalit are neither an ethnic nor a poly-ethnic group, but a national group that suffers from historical marginalisation. 'Antonio Gramsci's notion of subaltern subordinated groups, those excluded from any meaningful social, economic or political participation, and rendered incapable of speaking because of the hegemony of ruling classes is more illuminating' (Onazi, 2009:3). Thus, whereas recent discourses on identity politics emphasise the preservation of ethnic cultural and linguistic identity in the processes of state restructuring, the stakes for Dalit are different. Dalit identity is better understood within a short-term strategy to unify subordinated groups under an umbrella that is effective at this stage (Ahuti, 2010; Nepali, 2013).

In fact, Dalit of Nepal is not a homogenous group but is segmented into 26 separate sub-caste groups (see Table 1) as identified by the National Dalit Commission of Nepal, and they have a hierarchical caste relationship to each other. At the same time, Dalit are broadly categorised into two broad groups, Hill Dalit and Terai Dalit.

Table 1: List of Dalit Caste Schedule

A) Hill Dalit	B) Terai Dalit
1. Gandharba (Gaine) 2. Pariyar (Damai, Dargee, Suchikar, Nagarchee, Dholee, Hudke) 3. Badi 4. Bishwokarma (Kami, Lohar, Sunar, Od, Chunanra, Parki, Tamata) 5. Mijar (Sarki, Charmakar, Bhool) 6. Pode (Deula, Pujari, Jalari) 7. Chyame (Kuchikar, Chyamkhal)	8. Kalar 9. Kakaihiya 10. Kori 11. Khatik 12. Khatwe (Mandal, Khang) 13. Chamar (Ram, Mochi, Harijan, Ravidas) 14. Chidimar 15. Dom (Marik) 16. Tatma (Tanti, Das) 17. Dushadh (Paswan, Hajara) 18. Dhobi (Rajak) Hindu 19. Pasi 20. Bantar 21. Mushar 22. Mestar (Halkhor) 23. Sarbhang (Sarbariya) 24. Natuwa 25. Dhandi 26. Dharikar/Dhankar

Source: National Dalit Commission, 2017

Together, Dalit occupy 13.56% of the total national population (See Table 2). According to census, 2011 total population of Dalit is 3593825 this includes the population of unidentified Dalit groups.

Table 2: Dalit Population by Caste

S.N.	Dalit Caste	Total Population
A	Hill Dalit	
1	Kami	1258554
2	Damai/Dholi	472862
3	Sarki	374816
4	Gaine	6791
5	Badi	38603
B	Terai Dalit	

6	Chamar/Harijan/Ram	335893
7	Musahar	234490
8	Dusadh/Pasawan/Pasi	208910
9	Lohar	101421
10	Tatma/Tatwa	104865
11	Khatwe	100921
12	Dhobi	109079
13	Halkhor	4003
14	Kisan	1739
15	Pattharkatta/	3182
16	Kushwadiya	
17	Kalar	1077
18	Natuwa	3062
19	Dhandi	1982
20	Dhankar/Kharikar	2681
21	Kori	12276
22	Sarbaria	4906
23	Chidimar	1254
24	Bantar	55104
25	Dalit Others	155354
		3593825

(Source: CBS, 2011)

The practice of caste based discrimination and untouchability is not only imposed against Dalit but also found within and amongst these sub-caste groups. Moreover, the development pattern varies by sub-caste groups. According to the United Nations Human Development Report (2014) among identified castes and ethnic groups, the Madhesi Dalit have the lowest human development score at 0.400 as compared to the highest rate of Brahmans score at 0.557. The Hill Dalit are found to be more developed regarding education, economy and political representation relative to the Tarai Dalit. Hill Dalit, such as Bishwakarma and the Pariyar are more empowered

than other sub-caste groups of Dalit. As a result, they dominate the patterns of Dalit inclusion in different institutions (Sharma, 2011).

2.3. History of Political Transformation in Nepal

In Nepal, the period since 1950 has remarkable political changes. In pursuit of democracy, freedom, good governance, development and ending authoritarian rule, people or social movements in Nepal have significantly contributed to bringing about these political changes.

The authoritarian Rana regime governed Nepal until 1950, at which point it was abolished by a citizen revolt. During the almost 104 years long Rana regime, freedom of speech was highly restricted, and Nepali citizens were denied their fundamental human rights (Hachhethu, 2011, Parajulee, 2000:36). The challenge to this monarchical system occurred against the backdrop of the political changes around the world in the aftermath of the Second World War, including independence of India from British colonisation (Parajulee, 2000:179). After this change, however, a political stalemate remained until the first democratic parliamentary election in 1959.

King Mahendra began his autocracy by dissolving the first ever-elected government on 15 December 1960, declaring the party less Panchayat political system

(Hachhethu, 2011).²This regime continued for almost 30 years, also undermining the people's rights by, for instance, restricting political freedom, and implementing a unitary single language, single religion and single culture assimilation policy, which denied the linguistic and ethnic diversity and promoted exclusion by caste, gender, and region (Lawoti, 2007:9). The growing inequality induced underground political parties to protest against the Panchayat system. As a result, a referendum was held to choose between Panchayat and Multi-Party Democracy in 1980 (Khanal, 2007). The referendum retained the Panchayat system though it did not last long. The tyrannical reign was overthrown by the peaceful citizen protest in 1990, which reinstated democracy in Nepal.

The reinstatement of democracy in 1990 was one of the major political changes in Nepal. It established multi-party democracy and ushered in a new era, as well as raising hopes for change and development (Parajulee, 2000:75). The formal establishment of democracy provided a platform for an emerging social justice movement, which in turn expanded the space for excluded groups like Dalit, Indigenous nationalities, Madhesi and Women to find a political voice (Lawoti, 2007:2). Regrettably, the political leaders were heavily involved in power politics and corruption and despite their protests; the issues of the marginalised and local development were not a specific priority.

²Panchayat is a political system without parties in which the people could elect their representatives, while real power remained in the hands of the monarch.

The new democratic government did not fulfil People's expectations for change (Hachhthu, 2011:71; Baral, 2011:50; Lawoti, 2007:10). People were frustrated by the increasing political instability, lack of good governance and inequality in this period. Not a single party managed to sustain a government throughout its five-year term (Hachhethu, 2011). The intra-party feuds led to the collapse of the majority government and governments were charged with corruption, exclusion of marginalised groups, lack of good governance and underdevelopment (Baral, 2011).

Increasing corruption, discrimination, and political instability were key factors leading to an insurgency by the revolutionary communist party, known as the Maoists, in February 1996 (Onesto, 2007:120). The Maoists also raised systematic exclusion of marginalised communities as one of the key issues of their demands, and these issues gained some public sympathy in both the pre- and post-insurgency periods. Over-centralization of politics also contributed to the emergence and growth of the Maoist insurgency (Lawoti, 2007). 'Over centralization had political salience because it relates to the centralised and hegemonic state structure, domination of a few central leaders, power remaining in the hands of a small group of political elites (Brahmin and Chhetri) and exclusion of marginalised people' (Onesto, 2007:122). Within five or six years of its armed struggle, the Maoists had won significant popular support and gained control of much of the countryside (Ibid).

The government of Nepal attempted to resolve the conflict provoked by the Maoist insurgency through peaceful dialogues, but on various occasions, this failed (Upreti, 2006:45) and the insurgency rapidly expanded all over the country, impacting the socio-economic and political development of Nepal. In the end, the Maoist insurgency claimed the life of thirteen thousand people, destroyed physical infrastructure, caused mass internal migration and disappearances and devastated the lives of thousands of people during the ten years of its insurgency (Upreti et al., 2010).

Nevertheless, the Maoist insurgency provoked a significant political transition. In October 2002, King Gyanendra dismissed the Deuba government and appointed Lokendra Bahadur Chand as Prime Minister, who initiated peace talks with the Maoists. Following the failure of the initial peace negotiations, there was a further change of Prime Minister to Surya Bahadur Thapa, and again to Prime Minister Sher Bahadur Deuba in mid-2004, but none of these governments managed to resolve (Upreti, 2006: 46). In 2005, King Gyanendra took over the government by dissolving the democratically elected Prime Ministership (Hachhethu, 2011:1). This was hardly a solution to the deeper problems. Indeed, within the overall political ecology of Nepal, the monarchy had always been perceived as one of the key causes of repression and underdevelopment (Bill, 2015). Moreover, the royal coup against democracy in

2005 itself became a key catalyst for protests against the continued rule of the monarchy.

In 2006, a citizen protest and significant street demonstrations broke out, backed by a seven party alliance, consisting of the main political parties including the Maoists, forcing King Gyanendra to step down from his direct rule (Hachhethu, 2011:76). The reinstated parliament and the government led by Girija Prasad Koirala initiated peace talks with the Maoists, and on 21 November 2006 formally signed the Comprehensive Peace Accord (CPA), ending the ten years long insurgency in Nepal (Einsiedel et al., 2012:2). The CPA laid the foundation for the socio-economic and political reforms that were to follow, including the adoption of a policy of social and political inclusion, the enforcement of an interim constitution, the establishment of a Constituent Assembly (CA), and commitments to state restructuring (Hachhethu, 2011:2). Particularly important here was the interim constitution of Nepal, which set out progressive provisions for social transformation and formed the basis for the election of the CA in April 2008, delivering the first ever historically inclusive assembly. Among other several landmark policy decisions, the first meeting of the CA on 28 May 2008 decided to abolish the 237 years long monarchy formally and instituted a Republican system (Hachhethu, 2011:73). The process of reform continued to prove difficult though, and first CA failed to agree upon a new constitution as per its mandate. In 2013, a second Constituent Assembly also tasked

with writing and adopting a constitution was elected, and after two years of political wrangling, on 20 September 2015, it promulgated the new Constitution.

2.4. Key Legal Reforms for Dalit Rights

Although the situation of Dalit remains highly problematic and inequality remains trenchant, there has been a history of at least some formal legal reform. Legal reforms began with a new civil code in 1963, outlawing caste discrimination and untouchability. By this Act, King Mahendra amended the old country code of 1854 and introduced a new country code (Kisan, 2005; Bhattachan et al., 2008; Ahuti, 2010). Despite this momentous formal change, the implementation of the law was not effective (Bhattachan et al., 2008:61).

Further legal instruments in this journey include the Constitutions of Nepal—1990, 2007, and 2015. The 1990 Constitution of the Kingdom of Nepal included the first constitutional provision that abolished caste discrimination. The Interim Constitution of Nepal, 2007 also included several positive provisions directly or indirectly addressing issues of concern to Dalit. By this constitutional spirit, the *Caste-Based Discrimination and Untouchability Prohibition Act, 2011* was introduced and explicitly declared caste discrimination as a criminal offence and prohibited all forms of discriminatory practices. The latest effort on this legal road to abolishing

caste discrimination was a declaration of the new Constitution of Nepal, 2015. As discussed in Chapter Five, recent developments in anti-caste discrimination law have led to a strengthening of the sanctions against discrimination. In addition to domestic laws, Nepal has ratified a number of international human rights instruments, including the International Convention on the Elimination of Racial Discrimination (ICERD), 1965, which are relevant for Dalit and marginalised groups. Article 2 of ICERD, for example, specifically obligates state parties to eliminate all forms of racial discrimination.

Beyond the promulgation of formal laws to address discriminatory behaviour, particularly after 1990, governments have taken some initiative to use the law as an instrument to change the socio-economic, education and the political situation of Dalit. Among them are affirmative action policies in the public service, army and police administration and the abolition of bonded labour (*Haliya*). In the education sector, the latest amendment to the Education Act, 1971, is another initiative, which enshrines the rights of free school education for Dalit students. The government's three-year national plans guiding social and economic development in Nepal have also prioritised the inclusion of Dalit as part of national development. In the political sphere, the election of Members of Constituent Assembly Act, 2007, specifically addresses the representation of Dalit and other marginalised groups in Nepal.

Although positive, the above-mentioned legal provisions are in fact mostly confined to paper and are hardly put into practice (Bhattachan et al., 2008). What we see in practice is the absence of a comprehensive action plan and appropriate methods for the implementation of policies. The implementation of comprehensive and practical policies and practices remains the main hurdle to inclusive, sustainable development. Moreover, law enforcement mechanisms are not proactive in preventing caste-based discrimination.

3. The aims of this research

It is against this background that the current research takes place. As I will discuss at greater length in the next chapter, although the caste system and Dalit situation has been well studied in India, there has been less research on the social injustice experienced by Dalit in Nepal. Within the literature relating to Nepal, the caste system and practices of untouchability were not the objects of significant academic research until the 1990s, arguably then driven by political change. Where research has occurred, it has rarely been guided by Dalit themselves and has not adequately captured the voices of Dalit. Dalit scholars have mainly focused their research on Dalit identity and the discourse of federalism, but without the broad context of historical and persistent patterns of injustice.

The political transformations that have been underway in recent years, including state restructuring processes, have been perceived by many as the principal means for eliminating all forms of injustice, including against Dalit, Women and other minority groups (Khanal, 2007). For Dalit, the primary concern has been to influence issues to eliminate the injustices they suffer and establish their equal rights in a changing political context.

Accordingly, the core aim of this research is to work out the types of institutional measures that would be required to achieve social justice for Dalit in Nepal. To achieve this overall objective, the thesis aims to understand the underlying causes and nature of injustices against Dalit. It will also analyse contemporary political transformations, including state restructuring and federalism processes with a view to making specific findings on the required institutional reform measures.

The principal research question is: ‘*What institutional reforms would achieve social justice for Dalit in Nepal?*’ Within this large question, sub-questions include the following:

- a) What are the Dalit experiences of injustices and their struggles for justice?
- b) What State legal and institutional responses would be required to address Dalit injustices?
- c) What are some strategic ways forward for Dalit justice?

In line with my aim of ensuring the inclusion of Dalit voices, an in-depth phenomenological interview method has been employed to understand the deeply rooted caste-based discrimination and experiences of Dalit. Apart from interviews, secondary literature has been extensively used to substantiate the arguments. The details of the research methodology are discussed in Chapter Three.

The key significance of this research is to provide a comprehensive picture of Dalits' multi-dimensional exclusion, richly informed by what Dalit themselves say. Another key importance of this research is to evaluate current reform efforts from the perspectives of Dalit and to generate key policy recommendations. The findings on Dalit inequality should supplement and inform the contemporary restructuring process in Nepal. This study also arms Dalit and policy reformers with information and vision.

4. Thesis outline

Chapter One introduces the overall thesis, background of the research such as caste system, Dalit, history of political changes and key legal reforms for Dalit in Nepal. This also outlines the key aims and research questions including the significance of the research.

Chapter Two provides a review of the literature, principally focusing on research concerning caste stratification, the types of discrimination faced by Dalit and institutional reform processes in Nepal. Prominent studies on caste in India are reviewed to provide some background to the main discourse on caste in the South Asian context. I draw two key conclusions from this literature review. First, there has been a relative neglect of the voices of Dalit themselves, including Dalit scholars. Second, the analyses of contemporary reforms have not been sufficiently located against the background of a discussion of the types of injustices faced by Dalit or theorised regarding social justice.

The research methods employed in this study are described in Chapter Three. This chapter outlines the participatory and advocacy philosophical worldview that underpins the research and discusses how phenomenological interviews were used. The details of research sites and participant selection are included in this chapter. I also discuss data coding and analysis, research ethics, and the research limitations.

The theoretical framework that informs this study is elaborated in Chapter Four. The chapter examines classical liberal conceptions of justice and their emphasis on equality of opportunity and individual freedom and then analyses such approaches through a discussion of structural injustice. Drawing on Nancy Fraser's (2003) theory of redistribution and recognition for contemporary social justice, as well as Iris

Marion Young's (1990) politics of difference, I consider the importance of examining the structures and meanings that underline injustice. The chapter also considers debates concerning group and collective rights and identity politics. Some of the policy interventions that have been developed in response to calls for structural theories of injustice, such as affirmative action and political representation are also described. The chapter concludes that attention to individual rights is not sufficient to address the structural injustice, and an approach that attends to group rights will be necessary for rectifying the injustices faced by marginalised groups.

Chapter Five documents the different dimensions of the deeply entrenched social, economic, education and political inequality manifested in the life cycle of Dalit in Nepal. The first section of this chapter outlines caste-based discrimination and untouchability practices and their impact on Dalit in the socio-economic, education and political sectors. Practices of untouchability penetrate public and private spheres restricting Dalit from accessing public taps, temples, schools and other resources. Different forms of bonded labour including the *Balighare*, *Haruwa*, *Charuwa* systems imposed on Dalit are detailed in this chapter. Finally, the chapter focuses on political exclusion and how this contributes to the entrenchment of injustice in Nepal.

Chapter Six provides a historical survey of Dalit social and political movements. Here, I explore how the Dalit movement emerged and developed, and I trace the

impediments to this movement's achieving its goals. This chapter shows that Dalit movements are as old as the broader democratic political movement in Nepal, however, Dalit have not made substantial achievements, and have failed to annihilate the caste system and practices of discrimination and untouchability. The survey of the Dalit struggle for justice tracks how initially fragmented initiatives later became a united Dalit movement. Nevertheless, differences in caste line and political ideologies among Dalit have negatively affected the joint effort and struggle for Dalit justice in Nepal.

The last substantive chapter, Chapter Seven, is an overview of institutional reforms addressing inequality through political change in Nepal. Here I discuss the basic principles concerning the formation of federal units and various proposals of the Constituent Assembly as well as some of the dissenting Dalit rights proposals. Different models for federalism, including Dalit identity-based models, proposed by different experts, are described in detail. The chapter then considers debates concerning the improvement of Dalit inclusion and representation in state mechanisms and policies.

The Conclusion brings together the key findings and arguments of the research. I conclude that efforts to eradicate caste discrimination have largely failed due to the unresponsiveness of state mechanisms and the internal divisions and weakness of

Dalit movements. Although Dalit persistent efforts to bring reform to the 70-yearlong social movement have brought some changes, these are far from sufficient. Social justice will only be achieved through multi-dimensional institutional reforms that attend to formal and informal institutional rules and practices along the dimensions of distribution and recognition.

We are now living in a modern scientific age guided by technology and innovation; at the same time though parts of the world are still beset by age old stereotypes, a caste-based social order and discrimination as we see in Nepal. Given how irrational, unlawful and condemnable such systems are, this research aims to expose the human cries of those who experience caste-based violations, to build the solidarity required to annihilate caste discrimination and to create peaceful, just and equitable societies. The thesis is inspired by the commitment to the dream of equality being fulfilled for the millions of caste affected *untouchable* Dalit people of Nepal and other parts of the world.

CHAPTER TWO

LITERATURE REVIEW

2.1. Introduction

This chapter examines a range of scholarly debates on the caste system, Dalit identity and Dalit resistance and efforts to combat injustice with a specific focus on Nepal. A review of the relevant material, by both Nepalese and international scholars, reveals certain gaps in the research and literature. My research specifically seeks to supplement existing research by considering the multi-dimensional nature of the injustices experienced by Dalit in Nepal and, against this background, analysing the suitability of the institutional reform strategies that have been proposed to deal this persistent problem. A further gap is a scholarship from Dalit themselves, researching their communities and in their situation. As those who have lived experiences can bring a nuanced, complex, textured phenomenological understanding that is likely missing from the work of others precisely because of the—Dalit in this case—are closest to the injustices.

Similarly, existing research lacks phenomenological empirical research that captures Dalit voices and their first person experiences of injustice and views about reform. While there exists a significant body of research on Dalit, much of it remains fragmented because of the focus on distinctive issues, ranging from cultural and biographical research to research on Dalit identity formation. Existing research does

not explicitly explore the broad institutional measures that would address social justice for Dalit in Nepal. Drawing on existing research, this study then seeks to bring phenomenological research to explore the underlying causes of injustice, and on this basis assess what types of institutional reforms would be required to ensure sustainable social justice for Dalit in Nepal.

This chapter is organised into four sections that deal with different themes of scholarly research on Dalit. First, I consider literature on caste hegemony and how caste is related to the social stratification in South Asia. Second, I look at the literature on Dalit inequality and discrimination. Here I include both scholarly literature and policy research conducted by a range of other organisations. In the third section, Dalit identity and resistance are reviewed. The fourth section highlights the existing studies on political reforms in Nepal that have considered the Dalit issues during state restructuring and federalism debates in Nepal.

2.2. Studies on the Caste Hegemony and Dalit

This section examines the literature on caste hegemony of South Asia generally and Nepal specifically. As the literature on caste is vast, I focus here in particular on research that has considered how caste works to stratify South Asian societies.

The caste system and practices of discrimination are intertwined in South Asia, and have been deeply entrenched into Nepali society (Ahuti, 2010). The origins of caste stratification and discrimination in South Asia were as early as three thousand years ago (Ahuti, 2010:10). The principle of *purity* and *impurity* continue to prevail within the context of the caste system with a profound impact on those at the lowest rungs, especially Dalit who have historically been considered as ‘untouchables’ (Bhattachan et al., 2008:14). While the study of caste in India has been extensive, social issues arising from caste discrimination and the untouchability of Dalit in Nepal has drawn only limited academic attention from national and international scholars, and indeed only a few Dalit scholars such as Ahuti’s writing in 2010 and Kisan who published in 2005. Here, I include a brief discussion of research on the caste system in India and then move to look at work that has focused on caste and Dalit in Nepal.

As noted, given the extensive literature on caste in India, this review focuses on literature that has demonstrated how caste stratifies South Asian societies. While scholars have used a broad range of political, social and historical lenses to understand and interpret the caste system, and have had differing emphases and drawn particular conclusions about caste, there is universal agreement that caste functions as a principal form of social stratification and hierarchy in the society. In his sociological study of the caste system within India, Dumont (1970), demonstrates how the caste hierarchy principle divides different castes or social groups and places

them at certain levels within the hierarchy, placing Dalit at the lowest rank. His work indicates how inimical the presence of caste as a form of social organisation is to principles of democracy and social justice. Thus, he argues that the 'principle of equality and hierarchy is a contrasting form of social and political life' (Dumont, 1970:3). In an anthropological study, drawing on interviews and observations, principally conducted in Uttar Pradesh (North India), Harold (1987) explored the origin of the caste system. He confirmed the origins of caste as a Hindu cultural system and was interested in how this stratification operated in a complex pre-industrial society. Despite its Hindu origins, Harold's which relates to the 'occupationalisation' of the sacred order of caste system and social stratification in pre-industrial India. This research is a primarily anthropological study in North India mainly in Uttar Pradesh. This research is based on interviews and observation in this location. This finds that the caste system as a cultural phenomenon which is typically Hindu social system. This also depicts the nature of Indian stratified and complex pre-industrial society. His research also revealed that caste stratification had been practised across other religious and cultural groups, such as Muslims.

Beteille (1996), who argues that caste, class, and power are interwoven, with caste and class embodying the distribution of power, has drawn similar findings. In his research in the Tanjore District in India, he found that the caste structure divides

the population into groups who have highly unequal status. Specifically, caste is a determining factor for settlement patterns, with Brahmin segregated from members of other castes and Dalit are located in neglected geographical areas (Beteille, 1996:3). Also emphasising the pervasiveness of caste, Omvedt (1994) characterises the 'caste system as consisting of fragmented and unarticulated rules of behaviour employed to maintain hegemony in the society' (1994:21), creating inequality, injustice and precluding equal opportunity.

Other studies demonstrate the interaction between socioeconomic systems and caste, and how social and economic institutions reproduce caste hierarchies (Morton, 1980; Thimmaiah, 1993). Morton (1980) argues that the caste system is a by-product of the socioeconomic system intended to maintain differential access to resources and opportunities. Taking a historical lens, he concludes that 'the emergence of caste structure should be traced back in history to when the technique and rewards of agriculture production became available to the population in South Asia' (Morton, 1980:187). Arguing that this pattern of labour distribution and rewards then shape caste, he further characterised caste as 'social layers of classes characterised by status differences' in the economic system (Morton, 1980:162). Such scholars thus contend that caste structure sustains differences between social groups in the overall system of production and serves broader economic functions. To the extent that this is the case, caste as a principle of social organisation can be seen to present a serious

impediment to economic and social reforms based on equality of opportunity, equal access or social and economic rights.

As distinct from the extensive research on caste in India, there is relatively little research on the caste system in Nepal. Within the literature relating to Nepal, the caste system and the social and political implications of the practices of untouchability were not a central focus of academic research until the 1990s. Before this period, the principal focus was on the cultural life of Dalit, as well as biographical research (principally anthropological) focusing on specific Dalit castes in Nepal. The shift that we saw around this period was arguably driven by the political transition to democracy that took place in the 1990s.

Typifying earlier research, Hofer (1976) for example explores the ethnography of the Kami caste of Dalit people. His work focuses particularly on their social position, lifestyle and their participation in sociocultural practices in the villages of the Sindhupalchowk district of Nepal. Despite his primarily cultural focus, Hofer does articulate the hierarchical nature of the caste system and how caste maintains Kami at the lowest position of the hierarchy within the Nepali caste system. He argues, for example, that the exclusion of Kami from a range of social practices such as discrimination in cultural functions is mainly due to their caste status (Hofer, 1976:354).

Another early cultural study focuses on auspicious music in changing society. *The Damai Musicians of Nepal* (Tingey, 1994) is an ethnographical study that explores the sociocultural dimension of Damai musicians. This research examines Damai music as a form of entertainment and a significant aspect of Nepali culture. Again, however, this apparently 'cultural' focus nevertheless has importance for this study. It provides a vivid example of how different categories of traditional activity and employment are rigidly allocated across caste. In this case, Damai historically inherits and are compelled to continue a particular activity, despite pervasive discrimination and unequal wages attracted by this occupation. As I will argue in Chapter Five, the tight hold that associates particular Dalit sub-castes with low paying occupations continues to impede their economic and social progress.

Other scholars, Bech (1975) and Weisethaunet (1998), have studied the Gaine caste of Nepal. Both have explored a comprehensive account of the music and status of the Gaine caste, who are portrayed as beggars in Nepal. In her study *Nepal: The Gaine Caste of Beggar-Musicians*, Bech (1975) depicts the older Gaine as survivors who identify as the professional musicians in Nepal. The Gaine view of life is strongly religious, and the art of music is connected with their religion. Similarly, Weisethaunet (1998) studied the performance of the everyday life of Gainses of Nepal by exploring the life, songs, and stories of Gaine from rural and urban areas. He found that despite playing a prominent role in folk songs and music, Gainses is left relatively

unexplored by scholars. His study depicts the hardship of life for Ganes themselves although they make songs of pain and sorrow of soldiers and other tragic events.

Beyond the ethnographic cultural research, relations between Dalit and other castes and specific forms of discrimination faced by Dalit have been the main areas of research (see Cameron, 1998; Caplan, 1972; Borgstrom, 1980; Adhikari, 2011). Cameron (1998) is an example of a scholar examining caste and gender in complex hierarchical cultural relationships in the village of Bhalara in far western Nepal. She offers a comprehensive profile—often remarkably absent from ethnographic research—of the lives of people of lower caste throughout the remote western villages of Nepal. She proposes that explanations of social structures may vary between castes and between men and women, despite a commonly practised hierarchy (Cameron, 1998:159). This research shows the connections between caste hierarchy and gender relations. It reveals that lower caste women are more vulnerable and their rights are undermined in the unequal caste hierarchical relationships. She illustrates that there is the difference between high caste and low caste families regarding land ownership, family, and work relations. Other studies such as those by Caplan (1972) and Borgstrom (1980) have focused on inter-caste relationships in rural villages of Nepal. Both scholars examine the relationship between high and low caste in the context of political and economic shifts.

The reinstatement of democracy in the 1990s brought substantial shifts in the focus of research on caste and Dalit issues. During this period, pioneering research on the *Varna* (caste) system and manifestations of caste in Nepal were undertaken by the Dalit scholar Ahuti (2010). This comprehensive study covers the history of caste, including the original *Varna* system, then moving forward to an analysis of socio-economic developments and the political rights of Dalit. Furthermore, the socio-economic, educational and political problems of Dalit together with proposed solutions are outlined. Ahuti (Ibid) looks in detail at how untouchability is practised in Nepali society mentioning the caste practices in the Hill regions, Tarai regions and within the Newar community which is all different to each other.

The study examines contemporary debates on Dalit rights such as social, economic, education and political rights, considers the options for Dalit empowerment and the eradication of discrimination. It also analyses some of the gaps and failures of Dalit social movements and divisions by caste and political ideology. This scholarly work is a leading contemporary Dalit academic study that has had a significant influence on the strategy of Dalit social and political movements. Unambiguously categorising and including the evolution of the *Varna* system and caste discrimination in South Asia and Nepal, Ahuti asserts that 'caste discrimination and class division have been deeply entrenched in the Nepali society as the form of historical fixity of social position and limits to any social mobility, and Dalit requires special rights for their

justice' (Ahuti, 2010:20). Despite missing empirical facts in some sections, this work has been a reliable tool for Dalit advocacy in Nepal. For the first time in Nepalese history, the work of a Dalit scholar, Ahuti (2010) is incorporated in the sociology curricula of Tribhuvan University. Ahuti's work is close to my project, and what I seek to do in this research is to update and supplement his research with a phenomenological perspective, and an analysis of the multidimensional nature of discrimination. Also, whereas Ahuti's research lacks a specific theoretical framework concerning social justice, my work draws on contemporary social justice theory, in particular, emphasising structural understandings, the importance of group or collective rights and the need to combine recognition and redistribution to achieve social justice for historically disadvantaged groups.

2.3. Studies on Dalit Inequality and Discrimination

This section provides an overview of some of the studies related to Dalit inequality, injustice and efforts to eradicate such injustice in Nepal. The relevant literature on caste discrimination contributed by both Dalit and non-Dalit scholars, as well as the contributions of some non-government organisations are discussed here (see Koirala, 1996; Dahal et al., 2002; Gurung, 2005, Bhattachan et al., 2008; Pyakurel, 2010).

A small number of non-Dalit scholars within Nepal are also contributing to research on Nepali Dalit inequality themes, focusing in general on specific aspects of

discrimination. One of the non-Dalit scholar, Koirala (1996) studied schooling and Dalit in Nepal. Motivated by the widespread exclusion of Dalit from education in that particular period, the 1990s, this study explored the relationship between caste and education. Koirala studied the educational experiences of Dalit in the Bunkot village of Nepal. Through participant observation, individual and group interviews and discussion, the collection of life histories, and community surveys, he sought to build a detailed picture of educational experiences of Dalit. He found that schooling was beneficial as a way of enabling Dalit to understand their situation and question the status quo, but there are social and economic barriers for Dalit leading to their continued exclusion from schooling. He concludes that the existing school system does not significantly assist Dalit and that to do so, it would require substantial reform. Nevertheless, his study affirmed that where Dalit did have access to education, 'schooling began to ensure social mobility, economic betterment and other social awareness against discrimination' (Koirala, 1996:55).

Another non-Dalit scholar, Gurung (2005), has taken a broader focus on the overall situation of Dalit in Nepal, including an inventory of the nature of caste and its history. This study details the demography of Dalit and considers existing caste discrimination as well as efforts undertaken to eliminate it. Gurung's study considers the importance of having anti-caste discrimination law included in the Civil Code (*Muluki Ain*) and the impact of such laws on Dalit experiences in Nepal. Gurung

argues, however, that anti-discrimination laws are not sufficient, and that positive interventions such as affirmative action are required claiming that 'since Dalit are unable to compete economically and politically due to social exclusion, constitutional provisions about equality of opportunity remains a mere rhetoric' (Gurung, 2005:17).

Also, attending to the expressions of caste discrimination, Bhattachan et al., (2008) have explored the forms of discrimination and untouchability comprehensively. The research includes people from eighteen Dalit sub-castes from seven districts. Employing a range of qualitative research methodologies, the study reviews the situation of Dalit and explores the different manifestations of caste-based discrimination. Their findings show 205 forms of caste discrimination of Dalit in Nepal that includes social, economic, education and political forms of discrimination. While this study is in many ways comprehensive, it lacks attention to the different experiences of discrimination within the twenty-six extant sub-caste groups of Dalit. This is relevant since there exist an internal caste hierarchy and practices of discrimination within those twenty-six Dalit groups. At the same time, this study insists on the importance of a unified and effective effort from all stakeholders, including different parts of Dalit civil society, working in cooperation with state actors and international organisations to eliminate discrimination in Nepal.

Guneratne (2010) examined the contemporary situation of Dalit in Nepal. Based on his research, he concluded that through its failure to counter systematic discrimination, Nepal is 'wasting Dalit human resources, keeping them poor and uneducated and the political willpower to change the condition of Dalit is weak' (2010:1). Amongst the factors, he identifies as contributing to this situation is caste hegemonic institutional structures, the difficulty that Dalit faces in accessing legal protections and institutional biases in the enforcement of the law. These combine to keep Dalit poor, powerless and uneducated.

In a research report prepared by the Government of Nepal as part of an effort to create a national strategy for Dalit upliftment, Dahal et al., (2002) examined the situation of Dalit in Nepal and recommended a range of strategic programs such as educational scholarships, awareness raising of caste-based discrimination and modernization of Dalit traditional occupations. This research is important as it was conducted when the issue of Dalit inclusion was gradually gaining prominence, in the context of the changed political context following political activism during the 1990s. This report fleshes out the unequal social conditions Dalit face due to caste discrimination, illiteracy and poverty. The disadvantages and deficits Dalit face extend to their poor health and the complete absence of political representation. The report also briefly argued that the term Dalit is less sensitive than the term 'untouchable' in Nepal. In a similar vein, Pyakurel (2010) analyses the situation of

Dalit concerning their unequal socio-economic, educational and political status, as well as examining the efforts that Dalit have made to address persistent discrimination in the changing political context. This paper also considers the major demands of Dalit in constitution making processes such as needing anti-caste discrimination provisions, affirmative action and proportional representation of Dalit in Nepal. The concluding recommendation is that Dalit needs special rights to be recognised by the constitution of Nepal considering their situation.

The academic literature reviewed above has been supplemented by studies and publications from various non-governmental organisations, seeking to understand the Dalit problem and possible canvass solutions. Through working papers, position papers, policy papers and media publications various NGOs have contributed to raising awareness about the injustices faced by Dalit, and their work has frequently been taken up by Dalit as a tool for advocacy. Relevant publications on Dalit inequality and discrimination in this category include the Feminist Dalit Organisation's (FEDO), *Dalit in Nepal* (2005) and *Dalit access in public resources* (2012), as well as the; Nepal National Dalit Social Welfare Organisation's (NNDSWO) *Human Rights Situation of Dalit* (2011).

Examining the vicious cycle of non-representation, *Electoral System and Dalit Representation in Nepal*, (2011), is a policy paper published by the Samata

Foundation that explores Dalit inequality and their exclusion from political representation in Nepal. Focusing on the electoral system, this study provides an account of Dalit representation as well as offering recommendations for policy development, including details of Dalit political representation. It has mainly described the recent changes in electoral policies and their impact on Dalit representation. Although this paper covers the reality of Dalit non-representation, the research lacks primary empirical data.

The Human Rights Situation of Dalit of Nepal, 2011, is a publication of NNDSWO that has explored human rights violations against Dalit in contemporary Nepali society. This report highlights four forms of human rights violation and discrimination: abuse (physical and verbal); segregation and domination (denial, restriction, displacement, rape, false accusation, inter-caste marriage); forced labour (social boycott, physical attack, arson, attempt to murder); and atrocities plus extermination (homicide, suicide) (NNDSWO, 2011:21). It found that despite legal provisions, Nepal has not been able to effectively protect and promote the rights of the Dalit community. Nevertheless, it insists that there need to be a continued effort to document human rights violations, and the Dalit situation, to track the implementation of anti-caste discrimination legal provisions.

Dalits in Nepal: Issues and Challenges (2002) is a collection of thematic articles related to the Dalit context in Nepal published by the Feminist Dalit Organisation (FEDO). Published also in English, this report has specifically sought to draw international attention to the situation of Dalit and to raise international awareness about issues faced by this group. This book includes material examining the Dalit situation of caste discrimination, education, political and empowerment aspects written by different Dalit and non-Dalit scholars. Additionally, FEDO (2012) studied how well Dalit have access to public and government services. Based on a household survey conducted in four districts (Lalitpur, Kavre, Dhanusha and Bajura) with 600 households, the research demonstrated the importance of Dalit participation for the successful implementation of targeted public service programs. It suggests that government service delivery needs to become more focused to reach Dalit effectively and that to achieve this, a greater level of awareness will be necessary.

Dalit issues in Constitution: Struggle and Achievement (Sambidhansabhama Dalit Mudda: Sangharsha Ra Upalabdhi), is among the series of publications of the SAMATA foundation, and was one of the books setting out Dalit agendas that were raised and discussed during the first and second constitutional assemblies. This book has mainly raised the Dalit struggle for ensuring their rights in the constitution. There are accounts of Dalit issues guaranteed by the constitution as well as various issues such as additional compensation on Dalit political representation, Dalit

reserved seats for election, full proportional representation are not included during constitutional drafting process. It has made effort to accumulate information about Dalit struggle and their contribution in the lengthy debates and struggles in Nepal for the sake of a fair and inclusive constitutional assembly. It includes the commitments of leaders from the various political parties regarding a Dalit-friendly constitution. It also includes a discussion of the vicissitudes of Nepali politics and Dalit movements. This is collection of constitutional efforts made by Dalit leaders but it lacks the key concern of Dalit social justice.

The book *Affirmative Action and Social inclusion in Nepal: concept, experience and utility (Nepalma Sakaaratmak Upaye ra Samajik Samaawesikaran: awadharana, aanubhav ra upadeyeta)* is written by Dr. Yam Bahadur Kisan and published by SAMATA foundation. The first Chapter illustrates the concept of affirmative action and social inclusion in Nepal. It has also examines the global experience of affirmative action in particular in India and South Africa, which are relevant for Nepal. Other remaining chapters reflect the Nepali context like discourses on positive discrimination and social inclusion, and the provisions made in Nepalese constitutions and laws, etc. The final chapter explains the necessary policies, methods and the procedures for its effective implementation. Giving policy directives in relation to affirmative action policy, this is a strong tool for policy formation and has countered the argument against affirmative action.

Everyone Counts: Dalit children and rights to education in Nepal is a report published by Save the Children US. This report describes projects in Siraha Nepal and their effectiveness in improving education opportunities and success for children in excluded Dalit caste groups. This report finds that specific Dalit incentives have had little effect in improving the education of Dalit children. It shows that exclusion in schools, poverty and their lower social status all perpetuate low school participation. The data collected from 27 schools in this district is indicative of the status of Dalit children in Nepal.

Dalits and Labour in Nepal: Discrimination and Forced Labour published in 2005 is an important book published by International Labour Organisation (ILO). This book provides an introduction to the concepts of Dalit and ethnicity in Nepal and focuses on the situation of Dalit in the labour force. It has also highlighted the existing legal policy framework for Dalit including potential recommendations. One of the strengths of this book is that it provides statistical evidence of Dalit in different sectors. It has argued that caste-based discrimination is one of the key factors in the socio-economical marginalization of Dalit in Nepal. Its strength is its empirical research, being based on 1454 household surveys in 11 districts of Nepal. The survey data has been richly presented in this book; however, it lacks a basic theoretical orientation.

Another publication 'Human Rights Situation of Dalit in Nepal' is a situation update report prepared jointly by Dalit civil society organisations in Nepal. This is the most recent publication on Dalit human rights status and was prepared for submission to the United Nations, Human Rights Council to set out the condition of Dalit in Nepal. This includes the condition of Dalit in socio-economic, educational and political spheres and recommends various ways that the Nepal government should take action against human rights violation of Dalit. This report has been prepared based on some consultative workshops. Although this report covers the recent situation of Dalit, it is not clearly empirical research.

What we can see in this literature is that scholars in Nepal have undertaken thematic research primarily on the socioeconomic, educational and political status of Dalit, the state of discrimination and the effectiveness of anti-discrimination law and strategies to empower Dalit. Caste discrimination remains the key factor causing injustice to Dalit in Nepal. This body of research has also found that Dalit needs multidimensional strategies and programs for their empowerment and the elimination of caste discrimination. The strategies recommended range from sensitisation against caste discrimination programs to the reservation in public service for Dalit in Nepal. From a methodological point of view, this literatures show that there is still a lack of empirical ethnographic and phenomenological research on Dalit inequality and discrimination in Nepal.

2.4. Studies on Dalit Identity and Struggle

Beyond studies on Dalit inequality and caste discrimination, Dalit identity has been one of the key foci of recent research, particularly in the context of the recent upsurge of scholarly interest in identity politics. In the social and political sphere, this upsurge marked the moment, sometimes known as the moment of new social movements (Offe, 1985), to reclaim repressed identities and rights by social groups like Dalit, ethnic, indigenous and other minority groups. In the case of Dalit, there is still controversy whether the Dalit Social Movement can be considered a form of identity politics or not. There has, however, been no specific empirical research to find out whether Dalit movements in Nepal frame their politics around identity claims and if so, in what ways. There has also been a little scholarly reflection on whether their strategy should frame claims regarding identity or dignity politics, where identity politics seeks to reclaim devalued identities, and dignity-based approaches focus on eradicating discrimination imposed on the groups like Dalit. While dignity is an organising concept for claims concerning equality and justice of Dalit in Nepal, there are wider current debates on the politics of reclaiming identity. Such demands framed in terms of identity and the assertion of group rights indicates the need for further research and study.

Before turning to Dalit identity debates in Nepal, it is worth examining how Dalit identity has been researched and understood in India. Several studies on caste and

Dalit in India have pointed to the political significance of shifting from the identity category of 'untouchable' to the category of 'Dalit'. Scholars (see Muthukkaruppan, 2014; Muthaiah, 2004; Rao, 2009; Gorringer, 2005) have presented compelling political rationales for using the Dalit identity as the basis for political contestation in India. Muthukkaruppan (2014) outlines the historical background for how Dalit identity has become politicised and taken up as the foundation for political organisation. This research argues that the social leader Ambedkar brought the shift in the identification of untouchables from 'broken men' to 'Dalit' as the subject of recognition politics. At the same time, it demonstrated that Dalit continued to be identified by different labels within broader Hindu society, including outcaste and depressed class. Muthukkaruppan nevertheless claims that the political reconstruction of Dalit from 'depressed class' has had political significance for Dalit identity politics.

Similarly, Muthaiah's (2004) study deals with the Dalit struggle and argues that shifting identity to the unifying category of Dalit was a key factor in advancing advocacy for this group's rights. This study also demonstrates the various strategies adopted by Dalit to build coalitions with other minority groups (*Bahujan*) such as Scheduled Tribes (STs) and Other Backward Groups (OBCs). These coalitions contributed to the capacity of Dalit to successfully demand proportional shares in education, employment and politics in India (Muthaiah, 2004). In addition, Rao (2009) illuminates how 'untouchables' became Dalit in India by presenting a

historical and contextual discussion of being (or becoming) Dalit and the transformation of identity. She examines strategies utilised by Dalit arguing for their rights, which have produced Dalit as a particular political subject. Rao demands Dalit social recognition and protection of their rights. Gorringe (2005) demonstrates that although the Dalit movement is driven by factionalism and personalism, consistent with the character of Indian politics, the term Dalit nevertheless connects the dots for their movement (2005:329). This research, focusing on Dalit movements in the context of democratisation, provides an in-depth account of the Dalit movement in Tamil Nadu. It explores Dalit demands for self-esteem, shares of resources, human rights and meaningful political participation.

A number of studies also look at the Dalit Struggle or Dalit Social Movement in the Indian context (Guru, 1993; Puspendra, 1999; Rawat, 2013). Guru (1993) argues that Dalit protest is significant for Dalit rights because of the conservative Hindu tradition with its deep-rooted prejudices against Dalit. Guru claims however that 'the movement is limited to achieving the objectives of advance in socioeconomic, civic and political fields within the existing order, without seeking a transformation of that society' (1993:570). Guru also concludes that the Social Sciences must critically examine and attempt to study the Dalit movement from below. Some studies have also uncovered the shifting political priorities of Dalit in India (Puspendra, 1999; Rawat, 2013).

Puspendra (1999) has looked at Dalit affiliations with political parties and has traced their shifting loyalties. This study argues that the institutions have liberated Dalit from the role of the passive voter to actively shifting their traditional party loyalties to new parties. It has also shown that lower class Dalit are opting for exclusively scheduled caste-based parties to advance their rights (Pushpendra, 1999:2609). This shift is principally due to Dalit seeing that mainstream political parties have had nothing to offer them beyond traditional 'loaves and rhetoric' (Pushpendra, 1999:1617). Another reason is the constitutional recognition of scheduled caste and their identity politics at the local and national level in India. Pushpendra's research shows that the popularity of Bahujan Samaj Party led by Dalit is an example of Dalit active politics for advancing their rights in India. However, it concludes that even though Dalit scheduled castes effort, they are opposed stiff by physically and politically in India (Pushpendra, 1999).

Other scholars such as Rawat (2013) have considered how democratic institutions have affected the position of Dalit. His essay brightens the historical shades by bringing nuance to the current expansion of Dalit of Uttar Pradesh into the Indian political mainstream. While extending the argument of the evolution of Dalit identity, Rawat (Ibid) brings out the shifting account of caste-based political parties in which Ambedkar played a dynamic role as both an organiser and an ideologue.

In the Nepali context, despite the wider focus on identity politics recently, there are only a few studies that show the importance of Dalit identity and their current political efforts to gain political recognition (Cameron, 2007; Folmer, 2007; Pariyar and Lovett, 2016). Cameron (2007) demonstrates the importance of both identity politics, economic and social reform for justice. She has illuminated the contested identity politics of Dalit linking them to the local Dalit agency to resist discriminatory structures. Dalit agency as she understands it refers both to Dalit desire for equality and power sharing and to the way in which people engage in intercaste economic exchange through the *Riti Maagney* (interdependent farming and artisan) system (Cameron, 2007). She finds that the way in which Dalit has mobilised identity partially mirrors the discourse of modern identity creation. Consistent with the argument that I will make in this study, she argues that as well as identity politics and the claims for recognition, battles concerning rights for Dalit have also included demands for economic and social justice. The research does not, however, address how these demands can be located within broader political reforms and in particular, current restructuring processes.

Several researchers (see Folmer, 2007; Pariyar and Lovett, 2016) have explored how Dalit have used the Strategy of Anonymity to resist caste-based discrimination at the micro level. Anonymity here means concealing one's actual Dalit surname as a strategy to individually advance one's interests. The Strategy of Anonymity is a

process of hiding caste identity as a means of avoiding caste as a form of social and economic stratification (Folmer, 2007:50). One question not answered by this literature is, even if anonymity can be effective in certain contexts, and for individuals, how can it be effective for collective transformation in the long run, in the absence of broader challenges to identity. Anonymity can harm Dalit in their claims for affirmative policies in the long term. Thus, I argue that the Anonymity Strategy is not beneficial for Dalit specifically in the context of identity politics.

The everyday experiences of discrimination and identity formation amongst Dalit have been further explored by Pariyar and Lovett (2016). Pariyar and Lovett discuss the different processes of identity construction through religion and culture, shared social experiences, shared economic and power relation (2016:144). By asserting the importance of Dalit unification and acceptance of a common identity, Pariyar and Lovett's research gives us insight into Dalit efforts of identity formation at the local level. However, they also find that de-Dalitisation is a strategy at the local level. De-Dalitisation, as they define it (Ibid), is a process of excluding oneself from the one generalised Dalit group and rather identifying as part of a separate Dalit sub-caste group. They argue that this process of some sub-castes of Dalit withdrawing from the broad Dalit identity group has broader implications, mainly for affirmative programmes, and that this approach is likely to have long-term consequences for collective identity, weakening the collective bargaining positions of Dalit (Pariyar and

Lovett, 2016:144). Nevertheless, they recognise that despite the challenges posed by instances of de-Dalitisation, arising from the historical demotion of the lowest caste and a relatively new consciousness, the concept of 'Dalit' remains an identity, which is in the process of creation (Pariyar and Lovett, 2016).

In Nepal, there has been a persistent struggle by Dalit against caste hegemony, and that struggle aims to eliminate the foundation of caste stratification. The implication of this struggle regarding Dalit and the significance of identity for Dalit struggles for justice has been the subject of only a relatively small body of scholarship (Maharjan and Kisan, 2013; Kisan, 2005; Guneratne, 2010). These studies demonstrate the importance of Dalit identity for their unification and struggle as well as the history of identity formation. Maharjan and Kisan (2013) have documented the key events involved in Dalit struggles during the past seventy years. This is the only scholarly systematic study of the Dalit struggle, which encapsulates the history of Dalit resistance against oppression. The work highlights the effort of the Dalit Struggle, with its principal focus being on Temple Entry programs, constituting a form of symbolic cultural resistance for equal rights in public space. However, they question whether cultural resistance is adequate to achieve substantive social justice in Nepal. Different scholars have written separate chapters in this book mainly on historical events of caste-based discrimination in public places such as temples, hotels and public water taps, including the account of Bhagat Sarbajit who is known to have

begun the resistance to Dalit injustices. Sarbajit started the first initiative against caste discrimination and the Dalit Struggle to focus on Dalit rights in the constitution making process. Additionally, Kisan (2005) has documented Dalit social movements in Nepal. He emphasises the history of the evolution of Dalit social-political organisation in fighting caste-based discrimination. This account of how Nepali Dalit social movements organised into different social groups as far back as 1947 under the banners of the *Tailors Union*, *Peoples Association* and *Harijan Association* all of which later adopted Dalit as a unifying identity.

This body of literature demonstrates Dalit identity as both a key factor for Dalit struggle as well as a stigma for Dalit in Nepal. As claimed by Folmer (2007), at the local level, some Dalit adopted an anonymity strategy as a way of escaping short-term and immediate discrimination. At the same time, Dalit are collectively claiming that very identity as the basis for political claims. However, given the lack of comprehensive research particularly on the significance of Dalit identity and identity politics, it is difficult to assess the value of Dalit identity for advancing a united struggle.

2.5. Studies on Political and Institutional Reforms

The trend of publications on political transformation, mainly focusing on state restructuring and federalism, increased dramatically after the political change in

2006 in Nepal. As State restructuring and federalism brought important agendas for political change, in response, scholars expanded their studies into this area. There are several working papers, books and media pieces on federal design, identity politics and federalism. However, the federalism discourse has been driven by the ethnicization of politics in Nepal, and as such, there remains little academic research by non-Dalit scholars specifically into Dalit identity politics and the demands of Dalit in the federalism process. However, several non-academic working papers are instructive.

The literature on the reform process has primarily focused on state restructuring and federalism in Nepal, with the greatest emphasis lying on the federal restructuring process and debates surrounding this process (see Baral, 2007; Khanal, 2011; Hachhethu, 2011; Anderson, 2007; Singh, 2006). Baral (2007) seeks to lay out a detailed argument for why federalism is necessary for Nepal. Highlighting the importance of a federal system in Nepal, Baral argues that ‘federalism is a system which provides wider access to people in power and resources’ (2007:2). Federalism, he argues, is required for restructuring Nepal to address the concerns of diverse ethnic groups and to ensure that government becomes genuinely inclusive.

Similarly, Hachhethu (2011) discusses the political transformation, state restructuring and constitution building in Nepal. Since the constitution building

process represents a key landmark for institutionalising the change made available through political transformations, he argues that identity-based state restructuring is necessary to address the issues faced by ethnic minorities in Nepal. Khanal (2011) also highlighted the need for state restructuring in Nepal, considering the unequal pattern of development, historical discrimination and unequal power sharing. Other relevant research conducted by Anderson (2007) details the basic principles involved in federalism. It covers the meaning, types, functions and current functioning of federal states. This research also discusses the demarcation of federal, provincial and local governing powers, resources and inter-governmental relations management. Singh (2006) has addressed questions concerning state restructuring from the Madhesi perspective and argued for the need for a federal system in Nepal to address the issues of exploited Madhesi groups.

Some other scholars, predominately from the Dalit community, have put forward dissenting opinions on the formation of territorial provinces in the federalism debate in Nepal. While the federal structuring in Nepal directly affects everyone, it has particularly important implications for the rights of marginalised people including Dalit. Here, I note the key debates and return to the larger part of the discussion in Chapter Seven.

Dalit identity debates within the federalism process have focused on the creation of Dalit federal units. Among them, the scholars and activists (Bk, 2012; Nepali, 2012) have focused on Dalit territorial units. Some scholars have argued for Dalit federal identity-based territorial sub-units to recognise Dalit identity, even though this has not been politically endorsed. Contributing to this discourse, Bishwakarma et al., (2012) has proposed the possibility of both territorial and non-territorial provinces based on Dalit identity. This is a comprehensive analysis of the territorial and non-territorial model of federalism outlining contemporary discourse and Dalit perspectives. Included are discussions of financial development, natural resources and reservation concern in the federal system and Dalit concerns. Importantly the interests of Dalit women and prerogative political rights for Dalit communities are included. Another scholar (see Pyakurel, 2012) argues that as opposed to Dalit identity-based territorial units an alternative proposal for Dalit is non-territorial Dalit units. Such scholars make the argument that Dalit identity-based territorial units create a long-term untouchable identity.

Another study aimed to explore the possibility of a territorial, or non-territorial, federal province for Dalit (BK, 2012). BK argues that 'Dalit need both non-territorial and territorial mechanisms to address the historical problem they face. This further demonstrates the requirements of the holistic package for Dalit' (BK, 2012:119) and ranges from making Dalit viable federal units to providing special representation

rights. This research presents the data of Dalit in different districts and has served as the basis for the formation of a Dalit federal unit. Considering the particularly scattered nature of the issues faced by Dalit, this research also asserts the creation of a non-territorial federal mechanism, which can address problems at the national level. Similarly, Nepali (2012) also strongly argues for the importance of establishing a Dalit territorial, federal mechanism by demonstrating that ‘without recognition of Dalit identity, Dalit is not able to achieve their rights and cannot be free from exploitation’ (2012:64). He also claims that Dalit unity is essential for recognition and to avoid continuing domination and exploitation by elites (Ibid). A further conclusion from the author claims that a territorial federal Dalit unit would be claiming political power. Despite being a very provocative study, the lack of primary empirical data to support the argument is regrettable.

A range of approaches offers a non-territorial model of federalism. Pyakurel (2012) provides a non-territorial federal model for Dalit. Indeed, he strongly argues that there is no alternative for Dalit except demanding a non-territorial federal mechanism. The main reason behind this claim is that the federalism discourse has been dominated by the recognition of ethnic identity that does not relate to Dalit as they are geographically dispersed. Among the reasons offered that this model is unsuited to Dalit are included: the scattered nature of Dalit settlements, non-

territorial units provide a particular focus for Dalit, and there is an opportunity for Dalit power politics. He argues that

Dalit are spread all over the country, and the federal territorial unit is not viable rather non-territorial is most effective. This non-territorial can focus only Dalit legislation, and Dalit can exercise power politics since they are elected and have equal power as to other members of the territorial province' (Pyakurel, 2012:75).

Despite this is being a strong argument, this alternative was not discussed during the constitution making process.

In contrast to the debate of territorial and non-territorial federal units, Kisan (2012) proposes local autonomous regions for Dalit. He has highlighted the three most important agendas of Dalit communities in federalism as the elimination of caste-based discrimination and untouchability, issues of Dalit representation, access and control of state governance. The Kisan (2012) study reviews the possibility of creating a Dalit territorial and non-territorial federal model in Nepal. He argues that creating both territorial and non-territorial federal units for Dalit do not serve or solve the problem, rather there should be local autonomous regions for Dalit. However, the argument of creating local autonomous regions for Dalit was not discussed in the constituent assembly. Other proposals are neither for territorial or non-territorial federalism, but a mix of both. According to Ahuti (2010), Dalit problems will not be solved only by creating territorial or non-territorial units rather Dalit should seek multi-dimensional packages including special rights with additional compensation.

The core demand of Dalit in the federalism debate, as argued by Ahuti (Ibid), is proportionate representation with compensatory provisions and special rights. The literature relating to political transformation particularly relies on a proposal for designing Dalit federal units that contrast with each other.

There is also a broader literature on other types of institutional reforms, mainly focusing on affirmative action debates. Here, one finds a lot more literature on reservations and affirmative action in the public sector in India, but in Nepal, there is little relevant literature (see Kisan, 2010; Pyakurel, 2011; Deshpande, 2013; Galanter, 2011). Kisan (2010), a Dalit scholar, described the principles of affirmative action and its advantages for Dalit in Nepal. Through a detailed account of the history, principles and modalities of affirmative action, he concludes that the fast track approach for the implementation of affirmative action can be effective for Dalit inclusion in Nepal. The example of a South African fast track implementation model is relevant to consider while implementing the affirmative action. In the fast-track approach, targeted programs such as additional training is conducted for the targeted groups. Similarly, Pyakurel (2011) argues that the denial of equal access to education, jobs and political representation for marginalised groups is an endemic problem found in the unequal Nepali society and that to address this issue; affirmative action constitutes one of the positive measures to have been introduced in Nepal. He argues that caste is the main hurdle to overcome before making Dalit equal to their

counterparts. He argues, nevertheless, that affirmative action policies in the form of reservations and preferential treatment are necessary but not sufficient in annihilating caste's effects on society (Pyakurel, 2011:77).

A few international scholars such as Deshpande (2013) and Galanter (2011) have researched affirmative action in the context of Dalit. Deshpande's (2013) policy paper focuses on affirmative action in the private sector in India. In Nepal, there is a general understanding that affirmative action should only be applied in the public sector, but Deshpande's research has questioned this assumption and highlights the urgency of introducing affirmative action policies in the private sector also, as a significant number of Dalit are working in the private sector (Deshpande, 2013). As a contemporary debate about affirmative action, this research has argued that 'affirmative measures in the private sector are necessary to provide access to the economy' (Deshpande, 2013:25). Although this study is purely based in India, as noted, there are strong similarities with the situation of Dalit in Nepal. Indeed, this research is certainly a new perspective on the discussion of affirmative action in private sectors. Further expanding the debate on affirmative action, Galanter (2011) has contributed to thinking about the theoretical aspects of affirmative action—mainly considering its assumptions, different choices, and problems—thereby providing a conceptual understanding for and of, affirmative action in Nepal while exploring its institutional design.

2.6. Conclusion

There has been significant research documenting the impact of caste on access to basic rights and how caste stratification impedes social justice. Until the political transformations of the 1990s, an important part of the research on Nepal focused on the cultural life of Dalit. Nevertheless, research on Dalit in Nepal demonstrates significant discrimination and injustice across various dimensions of life, including in socioeconomic, educational and political sectors. Research also indicates that in India, in particular, the formation of Dalit as a political identity has been necessary for the effective political organisation.

Research on Dalit in Nepal has looked to some degree at how Dalit organised their social movements and politically. What is missing in the literature is a comprehensive analysis that draws together an empirically grounded multi-dimensional analysis of the types of injustices that Dalit faces with an analysis of contemporary institutional reform. Also missing is a discussion that considers Dalit experiences against theories of social justice. Moreover, there is insufficient scholarship by Dalit themselves that provides a rich phenomenological analysis of Dalit experience. To close the gap, as I will discuss in the next chapter, this research includes phenomenological interviews with Dalit to explore their experiences. Diverse Dalit representatives from parliament, political parties, civil society and community provided their insights into the caste discrimination, its implications and the required reforms in Nepal.

CHAPTER THREE

RESEARCH METHODOLOGY

3.1. Introduction

This chapter outlines the methods employed in this study to obtain data on the underlying causes of structural injustice, institutional bias and barriers experienced by Dalit community of Nepal. Included are details of the rationale for the methodology, sampling methods, and the strategy for inquiry, interviews and the limitations of this methodology. In the first section, I describe the advocacy and participation worldview as an underlying approach taken in my primary research. In the second section, I review some of the relevant literature on the phenomenological interview approach I adopted as my empirical research method. In the final section, I discuss the sampling approach, characteristics of participants, research ethics, and research limitations.

3.2. Research Approach

The empirical research for this study has been conducted utilising qualitative methods, guided by a 'constructivist' including 'advocacy and participatory' worldview' (Creswell, 2009:7). Within the constructivist worldviews, the social constructivist worldview is more frequently used in qualitative social science research, and here the researcher seeks to understand the worldview of the individual or group with which

the research is carried out (Creswell, 2009:8). In this approach, the researcher attempts to rely upon the personal meaning of participant experiences. Open-ended questions are employed in interviews, and the information is set within a cultural and historical context. It is mostly an inductive process to create meaning from the data. This constructivist research approach helped to generate meaning from the research data.

Creswell describes another worldview in social science research relevant to my study: the advocacy and participatory worldview (Creswell, 2009:7-9). This approach emerged in the 1980s to fill a gap in existing methods, which often did not prove effective in advocating for the agenda of marginalised people. It holds that the research should contain 'an action agenda for reform that may change the lives of the participants, the institutions in which individuals live and work, and even the researcher's life' (Creswell, 2009:9). This type of research addresses issues of empowerment, inequality, oppression, domination, and alienation, and seeks to produce a united voice between the researcher and the research subject for reform and change. However, this research has not specifically based on 'action research' as advocacy and participatory research worldview focus on.

The present study on political transformation in Nepal and Dalit inequality and justice has been guided by the advocacy and participatory worldview as described by

Creswell. As this study has been designed to propose institutional reforms required to achieve the social justice of Dalit in Nepal, this approach was the most appropriate. As I shall discuss below, consistent with the advocacy and participatory paradigm, I have used a qualitative phenomenological research approach to explore the lived experiences of Dalit in Nepal.

3.3. Overview of Research Methods

This study is based on qualitative descriptive types of research design. Descriptive types of design help to document and describe the phenomena of interest (Marshall and Rossman, 1999:33). Many qualitative studies are descriptive and exploratory because they build rich descriptions of complex circumstances that are unexplored or under-explored in the literature (Ibid). In this study, the combination of a critical literature review and phenomenological interviewing allowed me to form a substantive analysis of the socio-political context and experiences of Dalit.

Literature Review

The literature review, presented in Chapter Two, is an integral part of this research. As discussed in Chapter Two, the literature review uncovered various gaps in understanding the injustice experienced by Dalit in the Nepali context. A particular gap was research reflecting the voices of Dalit themselves. The literature review utilises an analytic approach known as critical literature review. As Grant and Booth

(2009) write, ‘a critical review provides an opportunity to take stock and evaluate what is of value from the previous body of work’ (p.93). It aims to establish the broadly studied literature and provide a critical perspective on that literature. A useful critical review, Grant and Booth continue, presents, analyses and synthesises material from diverse sources (Ibid). Hodges et al. (2008) further argue that ‘the use of critical analysis helps to encompass a wider sphere that includes all of the social practices, individuals, and institutions that make it possible or legitimate to understand phenomena in a particular way’ (p. 570). The use of a critical literature review, in this sense, is necessary to find out research gaps and the significance of these deficiencies. The critical literature review for this study helped to draw the theoretical and methodological gaps in the existing literature, which justify the significance of this research.

This study has used both interview data and secondary literature to analyse the nature and forms of injustices, current initiatives towards political reform, and the required measures. While my literature review included a range of scholarly materials, I have also incorporated non-scholarly literature, especially where there is a gap in scholarly research. Formal and informal types of documents from different organisations— meeting minutes, logs, announcements, formal policy statements, letters, reports—are all useful for developing an understanding of the setting and groups to be studied (Grant and Booth, 2009:97). In line with this use of non-scholarly

materials, I have used progress reports, papers, books, annual reports of different Dalit civil society organisations, national and international non-government agencies, United Nations organisations and government census. I have also used several government documents accessing from online sites. The working papers presented at the various seminars, conferences, and programs have been utilised to refer the Dalit injustices, state restructuring and federalism process in Nepal. Online sites such as opinion pieces, information on Dalit organisations, governments programs and discussion on Dalit issues have also been used. A broad range of secondary resources has been instrumental in building a rich understanding of the character and development of Dalit injustice in Nepal.

Interviews

A phenomenological interview method was employed to collect the data from the field. Phenomenology is the study of lived experiences and the ways those experiences develop a person's worldview (Marshall and Rossman, 1999:112). The fundamental crux of this method is to explain the meaning of a concept or phenomenon that several individuals encounter and share (Ibid). The phenomenological interview method was developed by Seidman (1998) and comprises in-depth interviews focusing on individuals' experiences. The interview method focuses on past phenomena of interest, for example, historical events or incidences, and can include discussion of forms of injustice or discrimination. The interview were more focused on exploring

their experiences of discrimination, implementation of laws and what they believe needs to improve on such policy. Thus, it was focused on phenomenological interviews.

The phenomenological interview provides a useful method to approach the issues of concern here because the phenomena of interest are based on individuals' experiences. The researcher relies broadly on the in-depth interview as a conversation with a purpose (Seidman, 1998:16). The interviewees' experiences are important to understand the contexts for injustice and discrimination. The primary advantage of this type of interview is that the researcher can use participant experiences as research data (Seidman, 1998:17). Participants' experiences and the meaning of social phenomena help to guide actions and interactions, and these meanings ideally emerge through the interview process (Ibid). In this study, the phenomenological interviewing method is used to explore the experiences of Dalit injustice, policy provision and its state of implementation in Nepal.

Included the lived experiences of Dalit in this study involves the inclusion throughout this study of my experiences and my worldview. I also belong to Dalit of Nepal, and as such, I am Dalit researcher, who is researching Dalit experiences of injustice with the background of my own experience of injustices, as mentioned at the beginning of the Introduction. Being Dalit, I have my own experiences of caste discrimination, and

this identity background and expertise affords both advantages and disadvantages in the research. As a community member, I am an insider; but as a researcher, I am an outsider, since I am trying to make empirical findings rather than findings based on my perceptions. Chavez discusses this advantaged position of the insider researcher:

'As an insider they have unique methodological advantages in the research process. Some have claimed that their closeness and familiarity to the group provided a nuanced and unique insight about underrepresented and colonised groups to which they belonged.'
(2008: 476)

In line with this argument, in some respects, my lived experiences allowed me to bring a unique perspective to the research. There are a few other advantages for an insider. Being in some ways at least from the same group of the interview participants, there is a greater likelihood of rapport building, greater legitimacy and ease of access to information and data' (Chavez, 2008:479). Being Dalit, I also realized that I easily accessed participants contact information and accessed different sources of data, which may not be available to the external researcher. However, I was equally aware of the disadvantages of being insider. There is potential criticism that an insider may have a bias over issues and the selection of the participants (Ibid). I tried to minimise possible bias by maintaining professional ethics in research methods, so that the selection of participants and issues were based on a sound analysis of selection processes and the literature.

3.4. Sampling Approach

A purposive sampling method has been applied to identify research participants. As Palys and Atchison argue, the purposive sampling method is particularly ‘useful in the context of research and policy analysis, this strategy involves identifying who the major stakeholders are and who participates in designing, giving, receiving or administering program or services being evaluated or who might be otherwise affected by it’ (2014:10). In the context of this study, purposive sampling helped to select representatives of Dalit leaders from different sectors, which uncovered the voices of Dalit for policy analysis.

As discussed in the Introduction, Dalit comprise 26 different sub caste groups in the hierarchical social system of Nepal. They occupy 13.56% percent of the total national population being 35,93,825 in total number in 2011. The per capita income of Dalit is US\$361 as compared to US\$712 for other Nepalese, and 43.6% Dalit still live below the poverty line (CBS, 2011). The statistical evidence shows that Dalit have a significantly lower literacy rate than other groups in Nepal. Nepal has 65.9% literacy rate whereas literacy rate of women 57.4% and Dalit 52.4% (CBS, 2011). Dalit are deprived from other source of opportunities such as political and other social enterprises. These statistical evidences justify the rationale of researching Dalit subject. Thus, it is important to select an appropriate and representative sample from different sub caste groups of Dalit for this research.

In choosing appropriate participants, I consulted with stakeholders such as Dalit organisations and leaders. To seek their views and advice, I sent an email seeking information. The Dalit Commission and Dalit non-government organisations were the key sources for identifying targeted participants. I considered diversity in identity (gender and caste group), leadership and personal experiences as the primary criteria for identifying potential participants. While selecting Dalit participants, I focused on selecting them from different Dalit sub-caste groups such as Bishwakarma, Nepali, Pariyar, Gandharba, Deula, Paswan, Mahara, Harijan and Dom to ensure the inclusive voice of Dalit sub-caste groups. Similarly, as much as possible, I also focused on including Dalit women leaders as participants for this research. I include more detail on these aspects of my research design below.

In this study, I have included Dalit leaders and experts with a range of perspectives, including current members of parliament, ex-members of Parliament, political leaders, civil society leaders, Government officials and community Dalit leaders. The study has focused on the representatives of Dalit community assuming that they are comparatively experienced in policy formulation, implementation, and reform processes.

Interviews conducted with the members of parliament and government officials from the Dalit community contribute to clarifying the experiences of these members

concerning issues such as institutional barriers, bias, and gaps in policy and law. The data from these interviews help to identify to what extent the government institutions, such as police administration, hinders the implementation of the policies and provisions and what types of reforms these stakeholders believe would resolve these problems. Interviews with social, political and community leaders have provided a deeper level of experiential understanding of the nature and causes of injustices. Also, experts from the non-Dalit community were interviewed to explore the contemporary debate on political transformation, including federalism and state restructuring. Four academics were interviewed specifically on the political changes such as state restructuring, federalism, and Dalit justice to provide a scholarly perspective. To more deeply investigate the experiences of Dalit at the community level, and in the light of research indicating significant differences between these sub-groups, I interviewed representatives of the sub-group of Tarai Dalit and Hill Dalit (see below for more information on this study's research sites) to explore their experiences of caste discrimination and implication in their socioeconomic, education and political condition.

Selection of Interview Location

Interviews were conducted in the Kathmandu, Gulmi and Siraha districts of Nepal. The capital city, Kathmandu, was selected based on the fact that many of the targeted participants—current Ex-Members of Parliament (MPs), Government Officials, Political Party Leaders and Civil Society Leaders from Dalit community—reside

there. Two other districts have been selected based on purposive selection method to represent the Hill Dalit and Tarai Dalit (lowland) issues. Broadly, Dalit are categorised into two groups as demarcated by the geographical regions, e.g. Hill Dalit and Tarai Dalit (Dalit from flatland). As outlined in Chapter Five although they have similar linguistic and cultural patterns, their socioeconomic structure and the patterns of discrimination they experience appear different (DCSO and IDSN, 2015:14). As such, I felt it would be useful to interview a sample from each of these groups. These two districts represent the broad geographic areas as well as the areas where the Dalit population is densest. The local settings of the interview location and selected districts for this research have been outlined in detail in the following subsections.

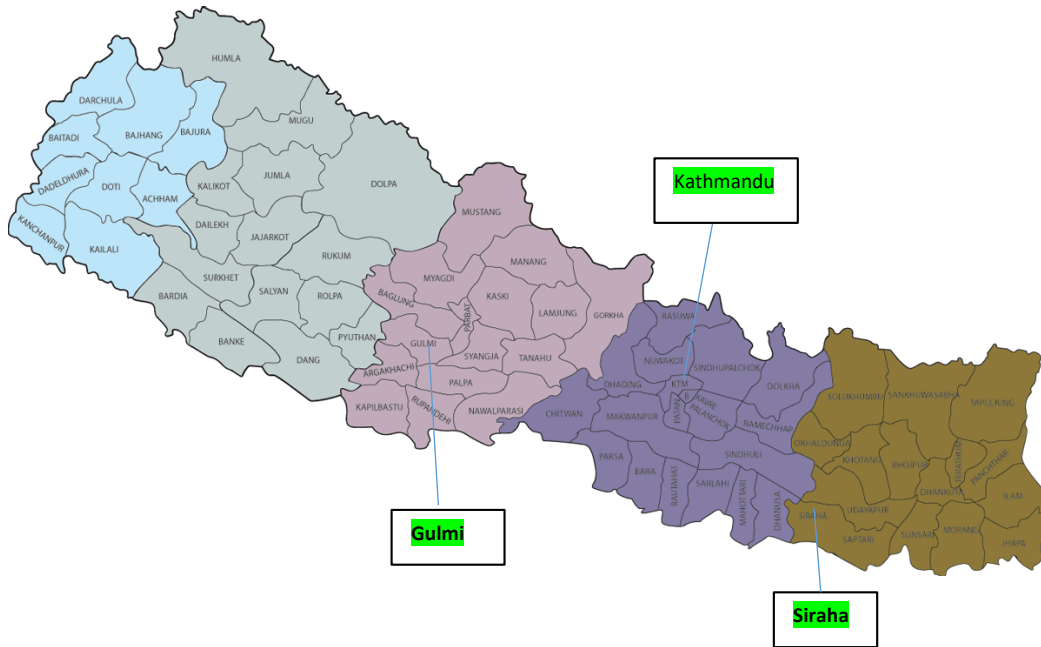
Interview Location: Nepal

Nepal is a South Asian country located in between India and China. It is a landlocked country bordered by India to its south, east and western and Tibet, and China in the North. Nepal is recognised as the country of Lord Buddha and for the highest mountain—Everest. Nepal has mainly three types of geographic patterns: High Mountain, hills and Tarai (flat land). Administratively, Nepal has been categorised into 75 districts and five development regions. However, this has been recently changed into new three tier federal governance. According to the new structure, there are 744 local levels, seven provinces, and a Central government (MOFALD, 2017).

Nepal is a diverse and multicultural country containing a total population of 26 million with 126 caste and ethnic groups and more than 123 languages (CBS, 2011). Despite being multicultural, Nepal is dominated by Hindu religious people with 81.3 percent of the entire population among ten different religious groups (CBS, 2011). Nepal has 65.9% literacy rate whereas literacy rate of women 57.4% and Dalit 52.4% (CBS, 2011). The culture and ethnicity of people differed by the geographical location of Nepal such as the ethnic people culturally proximate to Tibet are located in mountain regions (Bennett et al., 2008:1). The Aryan clan is found more in the middle hills regions. However, the people culturally proximate to India are found mostly in the Tarai area of Nepal (Bennett et al., 2008:2).

Relevant to my study, and as described in detail in the previous chapter, people within Nepali society have been categorised by their caste identity, with Brahmin and Chhetri at the top and Dalit comprising the bottom layer of society. Dalit is not only the bottom structure of the society but also excluded, neglected and discriminated against based on caste and untouchability practices as described in the Introduction Chapter. This research focuses on the Dalit of Nepal, interviewing the representative participants from Kathmandu, Gulmi and Siraha Districts. Among three districts, Gulmi district represents the Hill Dalit and Siraha represents Tarai Dalit whereas Kathmandu has a mix of Dalit from all districts and regions of Nepal.

Map 1: Nepal Map with Interview Locations



Kathmandu:

The largest proportions of interviews were undertaken in the capital city, Kathmandu. With a high density of population and high concentration of administrative and official engagement of various sectors in Kathmandu, this has proved a useful location to locate sample of expert leaders and activists from different sectors. As Nepal had a unitary governance structure, local and national stakeholders and leaders concentrate in the capital.

Kathmandu has a diverse composition of caste and language. Almost all the caste groups live in Kathmandu, the capital city of Nepal. It is densely populated. According to 2011 census, there is 17,44,240 populations in Kathmandu district

comprising (female: 8,31,239; male: 9, 13,001) (CBS, 2011:40). Despite Kathmandu being a multi-caste, multi-lingual based district, Newar caste groups are in the majority. Apart from Newar caste groups, there are living Brahmin, Chhetri, Magar, Kami, Sarki, Damai, Gaine, Badi, Newar, Sanyasi, Thakuri, Gurung, Gharti, Majhi, Muslim, Chhantyal, Thakali, Sherpa, Tamang, Rai, Yadav, Paswan and others (Subedi, 2010:187). Tamang originating from the surrounding hill districts can also be found in Kathmandu. According to the 2011 census, there are Newar (29.6%), Kirat, Gurung, Magar, Tamang, Sherpa all (50.7%), Khas Brahmins (20.51%), and Chhetris (18.5%) (CBS, 2011).

Gulmi District:

As this research seeks to understand the underlying causes and nature of injustice experienced by Dalit in Nepal, it was important to explore the current situation with a focus on the districts, especially in view of previous studies indicating that the level of discrimination is higher in rural areas than at urban (Pandey et.al, 2006:11). The Gulmi district represents the Western Hill district in Nepal.

The Gulmi district is one of the hill districts in the Western Development Region placed in the northern belt of the Lumbini zone. In the Sanskrit language, a land where the army or its regiment lived was known as *Gulam* during Lichhibi reign and the medieval period, and later it was named as Gulmi (DDC, 2007). According to 2011 census, there is a total population of 296654 (female:162883; male:133771) (CBS,

2011). It contains 1.22% of the entire population of Nepal. Gulmi is a multi-lingual and multi-caste district. The majority of people speak the Nepali language as their mother tongue. According to 2011 CBS report, 21 languages are spoken. Among them the major 5 languages are Nepali (94.70 %), Magar (3.30 %), Newar (1.08 %), Gurung (0.38%) and Majhi (0.09 %) (CBS, 2011).

Despite the Gulmi district being multi-caste and multi-lingual, the Brahmin and Chhetri caste groups are in the majority. Apart from them, there are Magar, Kami, Sarki, Damai, Gaine, Badi, Newar, Sanyasi, Thakuri, Gurung, Gharti, Majhi, Muslim, Chhantyal, Thakali, Sherpa, Tamang, Rai and others living in the district. According to the 2011 census, Brahmin 25.31%, Chhetri 22.56%, Magar 20.73%, Kami 11.94%, Sarki 4.80%, Damai 3.68% and others are the major six caste groups (CBS, 2011:104). There are several surnames for every caste groups in this district too.

This district is based on Hindu religious patterns. The majority of people practice Hindu religious norms and values as their prime culture. According to the 2011 census, Hindu religious people comprise 96.10 %, Buddhist 3.69%, Muslim 0.14 %, Christian 0.04% and others. As discussed in Chapter Five, Hindu people practice different rituals such as marrying by identifying the surname of similar caste groups which impacts on inter-caste marriage between Dalit and non-Dalit.

Siraha District:

Siraha is the smallest district in the area of the Sagarmatha zone, which comes under the Eastern Development Region of Nepal. Its neighbouring districts are Sindhuli and Udayapur in the north, Dhanusha in the west, Saptari in the East, and Bihar and India lie to its south. There are two municipalities and 106 village development committees. This district is also divided into five election constituencies.

The majority of the population in this district is dependent upon land and subsistence production. Dalit relies on forests and natural resources for their livelihood. Siraha is known as a different district regarding the caste and ethnic composition. According to the 2011 census, the total population of Siraha is 6,37,328 (female: 3,27,227; male: 3,10,101) (CBS, 2011:68). The caste and ethnic groups of Yadav, Muslim, Musahar, Koiri, Teli, Tharu and Musar are larger in number respectively, but the Dominant caste and ethnic groups are Yadav, Muslim, Teli, Tharu, Chhetri, Brahman-Hill, Brahman-Terai, Newar and Koiri. There are mainly Yadav 24.2%, Muslim 7.2%, Mushahar 5.5% and Koiri 5.5% (CBS, 2011:176).

This is also a heterogeneous district regarding the use of language. Almost 86 percent people speak Maithili, which is the local language in this district. Only 5% speak Nepali, and 3% speak Tharu (CBS, 2011:176). Although Maithili is the primary

language in this district, different castes of this area use the Nepali language as their lingua franca despite their mother tongue and dialects of their households. Hinduism is the main religion followed by the various caste and ethnic groups in this district (CBS, 2011). However, they follow diverse cultural practices. According to the 2011 census, Hindu religious people comprise 90.02%, Muslim 7.46%, Buddhist 1.73%, Christian 0.06% and others (CBS, 2011:280).

Categories, composition and distribution of interview participants

As discussed above, phenomenological research with Dalit community members was a priority for this research. Table 2 shows participants by different professional categories interviewed. This Table indicates the seven categories and the percentage of people from each interviewed during the field research. As this Table shows, there is more emphasis given to the members of parliament; these participants proved highly productive because they are more familiar with the history of caste discrimination, Dalit struggles, initiatives and institutional reforms required than other interviewees.

Table 3: List of Interview Participants by Profession

	Profession	Number	Percentage
1	Dalit Political Leaders	5	12.5
2	Dalit CA Members	9	22.5
3	Dalit Ex CA Members	3	7.5
4	Dalit Government Officials	2	5
5	Dalit Civil Society Leaders	6	15
6	Dalit Community Members	7	17.5
7	Experts on Dalit and Justice	8	20
	Total	40	100

Source: Authors Compilation, 2017

Table 3 provides an outline of the composition of interview participants by Dalit status and region. Within Dalit, the categories of Hill Dalit and Tarai Dalit have been identified. This Table shows the number of Dalit interviewed from Hill and Tarai. During research, most of the interviews were conducted with Hill Dalit CA members and due to availability issues; I experienced a lower participation of Tarai Dalit in my study.

Table 4: List of Interview Participants by Dalit and Non-Dalit

	Category	Number	Percentage
1	Tarai Dalit	6	15
2	Hill Dalit	26	65
3	Non-Dalit	8	20
	Total	40	100

Source: Authors Compilation, 2017

The Table 4 shows the gender distribution of the participants interviewed for this research. Fewer female participants were included, principally because Dalit women are less represented in leadership roles in and across different sectors, including parliament, political parties and civil society. As my research sought contact with institutional leaders, this affected the participation of women in this research. However, I have attempted to overcome this inequality of representation by giving priority in my discussion and analysis to the voices of women who were interviewed to help highlight their experiences.

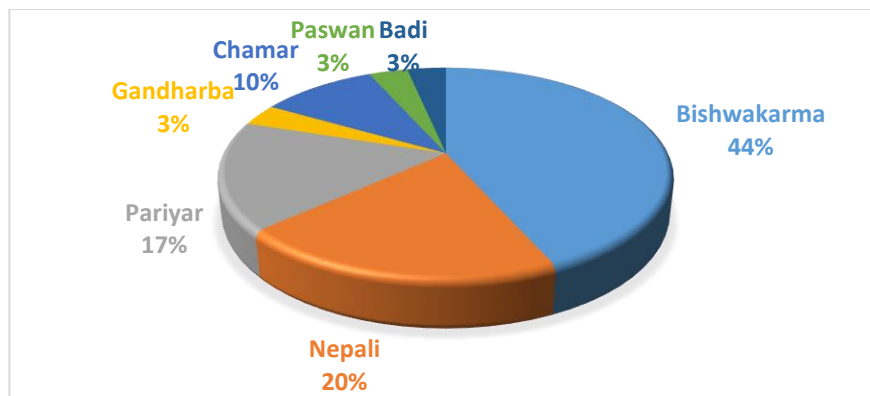
Table 5: List of Interview Participants by Gender

	Category	Number	Percentage
1	Female	6	15
2	Male	34	85
	Total	40	100

Source: Authors Compilation, 2017

Chart 1 indicates that seven sub-categories of Dalit caste were interviewed for this research. Although there are 26 sub-caste categories of both Hill and Tarai Dalit in Nepal, due to limited resources and time, it was not feasible to interview each caste category, since they are spread all over the country. However, the emphasis was given to interview representative participants both from Tarai Dalit and from Hill Dalit because the views from both Tarai and Hill Dalit are important, as the level of caste discrimination and its nature differs by geographical location in Nepal.

Chart 1: List of Interview Participants by Dalit sub-caste category



Source: Authors Compilation, 2017

There is a wide assumption that the experiences of caste discrimination and its intensity differs in Tarai than in the Hill regions of Nepal. Thus, the experience of the lowest caste category of Dalit known as Marik (Dom) has been included to explore the real perspective on how Tarai Dalit are facing an appalling level of caste

discrimination. As identified by the UNDP human development report 2014, Dom is the least developed Dalit group in its category of the human development index. Dom falls at the lowest rank in the different dimensions of development such as income, literacy and gender empowerment (UNDP, 2014).

3.5. Data Interpretation and Analysis

The interview data have been systematically tape-recorded and transcribed into English by the researcher, noting that the interviews were conducted in the Nepali language. The transcribed interview data were manually coded and grouped into central themes such as Dalit injustices, Dalit struggles, institutional reforms and measures for social justices. The coded and thematically grouped data was used while writing the substantive chapters. The following were key steps taken for the data management, interpretation, and analysis.

Reflexive Memo

During the fieldwork and in particular after each interview, a reflexive summary memo was written. This process provided the researcher with freshly captures insights into the context and issues. This process also helped to understand the key findings that resulted from the interview data. Willis (2006:259) argues that reflexive memos are important to contextualise the interview process. They are also important

to understand the key themes and issues raised in each interview. Birks et al.,(2008:68) also argue that the 'memo serves to assist the researcher in making conceptual leaps from raw data to those abstractions that explain research phenomena in the context in which it is examined'. They can be used as a procedural and analytical strategy throughout the research process (Ibid).

The use of reflexive memos helped me to understand the key research themes to be inequality, caste discrimination, injustice, struggles, and political transformation. 'Thematic analysis aims to identify themes within the data. The 'thematic analysis is more inductive because the categories into which themes will be sorted are not decided before coding the data' (Ezzy and Ebrary, 2002:88). I reviewed the reflexive memos, categorised the repetitive issues and information, and tried to create key themes. However, these themes were further finalised while coding and analysing the interview data. Apart from these key themes, the reflexive memos were helpful in getting a sense of key Dalit debates and priorities such as dignity vs identity debates, the rationale of Dalit identity and group politics. The memos also helped to find out that Dalit leaders were focusing on the importance of political representation during interviews. The short reflection memo after each interview contributed to capture the richness of the research in a variety of ways (Willis, 2006:261). To get into the depth of the analysis of the data, the interview tape recording was also repeatedly listened to as part of the transcription process.

Data Coding

After transcribing the interviews, the transcribed data were carefully read, divided and categorised into meaningful themes. Ezzy and Ebrary (2002) argue that ‘coding in the thematic analysis is the process of identifying themes or concepts that are in the data. The researcher attempts to build a systematic account of what has been observed and recorded’ (p. 86). I coded themes and symbols in a word document by highlighting the relevant ideas. According to Willis (2006) ‘coding is the marking of segments of data with symbols, descriptive words or category name’ (p. 266). Coding also refers to the ‘identification of topics, issues, similarities, and differences that are revealed through the participants’ narratives and interpreted by the researcher. This process enables the researcher to begin to understand the world from each participant’s perspective’ (Sutton and Austin, 2015:228). In line with this perspective on coding, I read thoroughly the transcribed documents to understand the topics, issues and used a coloured pen to highlight the categories that emerged while coding. I also developed several categories, which I later re-grouped to construct the main themes.

I used both a priori codes and inductive codes during the coding process. ‘A priori codes are those that you either develop through your understanding of the literature or that you have already deemed as significant’ (Willis, 2006:266). While inductive codes are those that ‘emerge from the data you are analysing’ (Ibid). As I had

interviewed thematically, the themes I used provided me some of the a priori codes such as Dalit, Inequality, Struggle, Caste Discrimination and Political Transformation that emerged from the initial literature review process. I also used inductive codes, which emerged during the data coding process including particular sites of injustice that became Temple Access, Discrimination in School, Inter-Caste marriage, Shilpi as an alternative Dalit Identity, Territorial and Non-Territorial Federal Units. Using these codes, the materials were organised by thematic categories and analysed.

Approach to Analysis

The themes that I generated then formed the basis for analysis and constructing inferences. The themes that emerged from the data were thus systematically analysed. The substantial reading on the interview data and secondary literature was done for thematic analysis. Similarly, the themes were explored and analysed from the data (Willis, 2006:271). While interpreting and analysing interview data, I carefully presented the participants' perspectives and contrasting ideas from the thematic categories of data that emerged during coding and key themes recorded in the reflexive memos. I have also used selected quotations from interviews to add meaning. I examined issues and described them carefully and appropriately to explain the situation. As argued by Ethridge (2004) descriptive research is considered 'as simply the attempt to determine, describe or identify what is, while analytical

research attempts to establish why it is that way or how it came to be' (p. 24). Thus, the substantive chapters of this research include a description of the existing Dalit problems and injustices, with contextual analysis provided by the secondary literature.

A critical analysis approach was employed while writing the substantive chapters. As argued by Grants and Booth (2009:93) 'an effective critical review presents analyses and synthesises material from diverse sources', and in this research, materials from various sources were gathered, compared, and critically analysed. For analysing data and information, the relevant literature was reviewed and analysed critically in writing Chapters Five, Six and Seven. The empirical data were used in the substantive chapters as per its thematic relevance to support and contradict the analysis. The combination of phenomenological interviewing and critical literature reviewing enabled me to form a meaningful analysis of the socio-political context.

3.6. Ethics

In general, the researcher is considered an individual who should be able to analyse issues based on evidence and facts, without introducing particular biases or personal inclinations. In one sense, this research is no different, as I am a researcher principally seeking to analyse the data based on facts and evidence. However, belonging to the Dalit community, I have my own experiences of injustices and my

interest in this issue. This has influenced the research in complex ways. As discussed in Section 3.3 above, as a community member, I am an insider. However, as a researcher, I am an outsider in this investigation insofar as I am trying to make empirical findings rather than findings based on my perceptions. In some respects, this allowed me to bring a unique perspective to the research. Being Dalit, my real life experiences of caste discrimination allowed me to access different data and to explore perspectives of Dalit, which would not be available to an outsider researcher. As the literature review also uncovered, there are very few Dalit scholars who unfold the injustices of Dalit in Nepal: my research thus also uniquely offers a Dalit perspective.

This study has been subject to a rigorous Human Research Ethics approval process. After the final human ethics approval, based on the purposive sampling technique described above, the identified participants were initially contacted by sending a contact letter via email with details of my research (see Appendix, Letter of Introduction). I requested participants to keep our email correspondence confidential and made clear that the participants were under no obligation to take part in the research. During the interview, I mentioned the research aims and its potential implications for participants. A consent letter was also signed by all the participants and data has been safely stored in the principal supervisor's office. I note that

although research participants were provided with the opportunity to remain anonymous, all were happy to be identified.

Different participants have different power proximity with the state and even with me. My focus in the interviews was not only to ask questions but also to chronologically discuss and sensitise participants to the themes of interview questions. The advocacy and participatory research worldview would also emphasise the potential for the research to be used to advocate for marginalised people. Based on this philosophical worldview, I tried to sensitise vulnerable and or disempowered participants concerning relevant policy provisions, processes, and how they might be able to realise their rights. However, I was equally aware of research ethics during my fieldwork and the need not to interfere with the participants' expressing their views.

The interview participants were provided with monetary incentive to compensate for their time for an interview. As per ethics approval, AUS\$10.00 (equivalent to Nepalese Rupees, NR800) was given to all the participants who took part in interviews. The payment level was determined on the basis that this amount would compensate for two hours of interview and travel. There are certainly implications for paying participants to be part of the research. According to Head (2009:335) 'making payments in research projects and the important function that payment can

have in gaining access to interviewees and in encouraging participation'. Similarly, Edwards et al., (2002) also conclude that a monetary incentive more than doubled the questionnaire response in his research. I too realised that the payment encouraged participation in this research. There is criticism that the higher or lower level of payment can potentially coerce potential interview participants (Head, 2009). However, there are also negative implications for not making payments to participants. To reduce the potential coercion, the payment amount was carefully planned (neither too high nor low) relative to local market values.

3.7. Scope and Limitations

There were some scope and research limitations related to the sampling, qualitative approach, and lack of political stability within my research location.

Dealing first with scope, the sample size of interviewees constrained the ability to include all possible perspectives. This study was not able to cover the perspectives of many people of various districts, such as the Dalit residing in the mountainous geographical regions, where Dalit could have divergent views and experiences. The experiences of Dalit from mountain areas could have differed from the Lowland (Tarai), and the prevalence of discrimination differs in the far west from the eastern belt of Nepal. Due to the scope of my study, I was unable to provide such fine-grained detail on different Dalit experiences. Similarly, I have not been able to include an

equal number of non-Dalit participants as the focus of research was to reveal the experiences of injustice from Dalit community. However, I have included eight non-Dalit experts (see table 3 above) and interviewed them to explore their perspectives on Dalit injustice as well as the measures required to address injustice. The interviews with non-Dalit, though less in number have been instrumental to triangulate the research data and analysis.

There are certainly a wider range of sectors that could have been included, such as representatives from NGOs, aid organisations and political parties. However, limited resources and the research timeframe prevented the study including these sectors. Moreover, during research period in 2014, there was no elected local government. Further, the all-party mechanism was dysfunctional and their representatives were unavailable during the short period. But the participants highlighted the importance of having elected local representatives as they listen and pursue the issues of injustice. The importance of local representative was felt while discussing the pattern of discrimination.

This is a qualitative study. I have used this approach to focus on conceptual questions such as the experiences of injustice, Dalit struggles, institutional reforms and their inter-relationships to identify the required measures for social justice of Dalit in Nepal. As a researcher, I was aware of the different research instruments that might

have been used, such as participant observation and household surveys. In the case of caste discrimination, participants observation in short time would not grasp the nature and depth of discrimination. It is difficult to observe the discrimination since higher caste generally do not directly discriminate particularly if there are external in presence.

The household survey is a quantitative method. It is effective to collect the statistical information. Use of this method was not possible due to limitations of resources. Moreover, gathering quantitative data on a very small number would not represent the injustices of millions of Dalit. These limitations meant that the study could not produce new quantitative data. Quantitative information is often of high importance as a way to measure injustice and track trends. Certainly, the literature review shows that there are very few mixed method or purely quantitative based studies of Dalit injustice. While this study does not provide new quantitative data, I acknowledge that there is a strong need for large-scale population studies to improve data on Dalit injustice.

Finally, during the period of research, the political situation was volatile. This affected my research in a number of ways. There were several changes in the political efforts towards a consensual model of federalism, which meant my research goal was constantly evolving. Also, there were several changes to different provisions for Dalit

and other marginalised groups after the declaration of the new constitution of Nepal in 2015 (mainly because most of the issues mentioned in the interim constitution and CA thematic committee reports were curtailed during Constitution declaration). Thus, the fluidity of the political situation was also a limitation, or perhaps a difficulty, for this research process.

3.8. Conclusion

As discussed above, the methodology adopted here assumed an advocacy and participation worldview, employing a critical literature review and phenomenological interviews. The research site and the interview participants were selected based on purposive sampling method and were mainly the Dalit leaders from political parties, parliament, civil society and the general population. The research sites were chosen to capture areas where Dalit leaders and both categories of Dalit, Hill Dalit and Tarai Dalit, reside. The interview data were transcribed and analysed thematically, and the analysis was simultaneously supplemented and expanded with a critical analysis of the secondary literature. Limited resources including time and volatile politics have posed limitations on my research. However, as I shall describe in the subsequent chapters, the methods used in this analysis have provided new perspectives on Dalit injustice in the context of Nepal.

CHAPTER FOUR

SOCIAL JUSTICE: A THEORETICAL FRAMEWORK

4.1 Introduction

This chapter looks at how the phenomenon of social justice has been conceptualised in contemporary social and political theory, as well as how theorists have addressed the question of redressing injustice. As its basic theoretical framework, this study will draw on Fraser's (2003) notion of social justice encompassing the interrelationship between two dimensions of justice: recognition and redistribution. This theory and the theoretical positions and problems to which it is responding are set out in this chapter. I argue that a conception of social justice adequate to deal with the Dalit situation in Nepal needs to be one that recognises the importance of identity and group rights and one that ensures the representation of minority perspectives. I argue that for Dalit, the most productive or useful concept of social justice is one that recognises group specific difference and the distinct differences that identity brings to questions of justice, as well as the need for redistribution, as theorised by Nancy Fraser (2003) and Iris Marion Young (1990).

Although this thesis uses a number of theoretical concepts including terms such as Dalit, community participation, recognition, redistribution, procedural justice, oppression, rights, institution, politics, reform, marginalisation, hegemony, identity,

social movement and oppression, it notes that the understanding of these concepts is contested. These concepts are always framed in certain contexts and are understood differently in different contexts. For example, ethnic identity may be taken to refer to the preservation of culture and language but in the context of Dalit it is understood as relevant to addressing injustice. In this thesis, while noting such context differences with respect to meaning, concepts are generally understood relative to Dalit social justice perspectives. That is, these theoretical concepts are used to analyse Dalit injustice and assist in identifying potential ways forward for their greater social justice.

The first section of this chapter discusses the basic concept of social justice and then moves to traditional liberal conceptions of justice. This is followed by a discussion of structural approaches to social justice, focusing particularly on Iris Marion Young's (1990) and Nancy Fraser's (2003) conceptions of structural reform and recognition. The following sections then look at the idea of group rights, identity and minority rights. This includes a discussion of the types of institutional arrangements to recognise group rights.

4.2 Overview of Social Justice

According to Brian Barry, at the heart of the idea of justice is the fundamental requirement to treat people as equals (Barry, 2005:22). Broadly understood, the

concept of justice has several branches, including retributive justice, concerned with justice in response to wrongdoing, and distributive justice, concerned with the distribution of goods and benefits across society (Miller, 1976:7). As Miller defines it, distributive justice is concerned with different relations among individuals or groups, specifically economic inequalities and social discrimination (Ibid). Within this study, and using this inventory, distributive justice is the principal focus, although patterns of systematic distributive injustice also affect the way that retributive justice implemented.

At the broadest level, social justice is concerned with how advantages and disadvantages are distributed amongst the members of the society. More specifically, social justice is concerned with resolving persistent inequalities, as well as with the full participation and inclusion of everyone in the major institutions of society (van Rensburg, 2004:1). It is connected with the ways social institutions and practices influence the share of resources that different people can obtain. Moreover, social justice is a political matter because, as Miller argues it is primarily the State that plays a vital role in ensuring that policies and practices contribute to social justice and stem injustice (Miller, 1999:11).

At the most general level, theories of social justice seek to establish a set of principles that can be used to choose among various social arrangements that determine the

division of advantages and disadvantages, concerning the proper distribution of social goods. These principles provide a way of assigning rights and duties in the basic institutions of society, and they define the appropriate allocation of benefits and burdens of social cooperation (Rawls, 1971:4). As Miller puts it, social justice aims to specify the institutional arrangements that allow each person to contribute fully to social well-being (Miller, 1999:4). Although conceptions of social justice differ, as a concept, it can be understood as occurring across three dimensions, mal-distribution, exclusion, and disempowerment, each of which requires some form of justice to rectify it (Bufacchi, 2012).

Social justice can also be conceptualised as the remedy for oppression and domination, two central terms with overlapping meaning. According to Kukathas and Pettit, social justice refers primarily to the principles of 'guaranteeing fundamental individual liberties and ensuring that social and economic inequalities are arranged to offer the greatest possible benefit to the worst-off in the society while upholding fair equality of opportunity' (1990:36). According to Young (1990:38), oppression refers to the institutionalised social processes that prevent individuals expressing their feelings and perspectives in their social lives; it includes material deprivation and maldistribution. Domination implies an institutional condition that inhibits people from fully participating in social and political life and determining their actions (Young, 1990:38). Hierarchical social structures create domination of people

who then enjoy limited support for expressing their preferences and viewpoints and for being heard (Ibid).

In contemporary societies, increasing competition over resources, historically unequal distributions, persistent discrimination and entrenched patterns of exclusion have led to increasing demands for social justice (Young, 1990). Powerless and disadvantaged groups are excluded from acquiring scarce resources and positions unless there are fair procedures and mechanisms, and as such, social movements of groups who have been historically excluded, such as women, people with minority sexualities, and ethnic groups have sought to address systemic injustices. In this sense, the ideal of justice and principles of social justice provide the basis for anyone to criticise common practices and local institutions, which endorse discrimination, exploitation, and oppression (Barry, 2005:37). While social justice theory is designed to achieve fairness in distributions, the theory itself does not produce equality unless there exist appropriate institutional arrangements and a sense of moral obligation among the members of the society.

As noted, social justice refers to the allocation of benefits and burden in society, and here we need to recognise that there are different types of benefits. These can be classified as tangible and intangible. Tangible benefits are social goods (money, assets and other resources) and positions, while intangible benefits include goods such as

prestige and respect (Miller, 1999:7). In struggles for social justice, we see groups seeking to address both types of benefits (Ibid).

While theorists agree with the core issues that social justice addresses, they disagree about what constitutes an unjust social arrangement, what causes injustice, and what types of remedies will be just. In particular, as I will discuss below, theorists disagree about how much it is just for the State to intervene to address unequal distributions, and how much of this inequality needs to be left alone at risk of interfering with individual freedom. That is, most theorists of social justice agree that a just society must be one where people are treated fairly, regardless of gender, racial, religious or other differences in their identity. They disagree though as to whether justice stops at overt and explicit non-discrimination, or requires addressing broader structures and systems that discriminate more indirectly. In the next section, I look at classical liberal theories of social justice, which emphasise individual freedom.

4.3. Classical Liberalism

Liberal approaches to social justice are within a category of egalitarian philosophy because they assert the equal moral worth of persons. This principle of moral worth means that hierarchical distinctions between people based on birth or social identity need to be rejected (Anderson, 1999). Rather, every person should have the equal opportunity to develop and achieve his or her good. Within this liberal view, people

need to be free to participate and enjoy the goods of the society to live in an egalitarian society (Anderson, 1999:315). Recognising equal moral worth does not mean though that all individuals have similar virtues or talents (Ibid). Rather, equal moral worth means individuals enjoy an equal moral status and have access to the same opportunities to participate in society.

The overarching conception of liberal justice emphasises individual freedom and choice (Sandel, 1984:1; Barnett, 1998:13). It emphasises and prioritises individual freedom of choice above all other values (Sandel, 1984). Liberals claim that the State should not impose a preferred way of life, but should leave its citizens as free as possible to choose their values and ends (Sandel, 1984:1). The emphasis on liberty is the liberal understanding of equality as an equality of opportunity. The key aim of the equality of opportunity principle is to provide equal opportunity to everyone regardless of caste, gender, religion and other forms of identity. Processes that liberals endorse to ensure equality of opportunity are not concerned with outcomes because, as stated above, individuals differ in their talents and the effort they are willing to put in, and freedom requires that the state not interfere with outcomes that will be produced because of these types of differences.

In contrast to the idea of equality of opportunity, some social justice theorists argue for equality of outcome (Phillips, 1995). Equality of outcome is a principle which looks into the results that are achieved after certain procedures for distributing opportunity have been undertaken (Miller, 1999:94). Where the outcomes are significantly different, particularly across collective or group identities, for example across gender, or race, or caste, this is taken to suggest that the opportunities were not genuinely equal, because of different structures or other types of impediments. As such, this particular school of thought argues that to achieve genuine equality, there may need to be differential distributions of opportunity based on the individual's capacity and disadvantages (Miller, 1999). If someone is oppressed and marginalised, for example, based on caste, he or she should be 'compensated' by specific forms of treatment so that he or she genuinely has the same opportunities as people belonging to better off groups. For example, in situations where a marginalised group has historically had poor representation in a democratic body such as a parliament, mechanisms ensuring a proportion of overall representation are intended to boost participation. Such special action enhances the capacity of disadvantaged groups so that they can fairly compete with others.

This view of equality is not acceptable from the perspective of classical liberalism because the liberal precept of equality requires treating everyone in the same manner, despite inequality among individuals along the lines of caste, race, gender

or religion. Liberalism, in this sense, adopts a negative view of freedom, where freedom is understood as not being prevented from doing something due to some irrelevant individual characteristics such as caste, gender or religion (Miller, 1999:14). According to this strict view, liberalism holds policies that explicitly seek to shape social processes (like Affirmative Action or quotas) as impediments to individual freedom. As distinct from this view, others insist that justice as fairness mean 'treating like cases alike and different cases differently' (Bloomfield, 2008:40).

Another way of understanding the liberal conception of justice is regarding the idea of meritocracy. Meritocracy implies a social system in which social positions, benefits, and outcomes such as wealth, jobs, and power are distributed based on an individual's merits, and particularly their talents and effort (Son Hing et al., 2011:433; Young, 1990:200). According to meritocracies, outcomes are supposed to be determined by appropriate inputs, e.g. abilities and effort, but not by irrelevant ones, such as ethnicity or gender (Son Hing et al., 2011:433). As meritocracy focuses on individual ability, it does not support the idea of providing special treatment for historically disadvantaged social groups and thus has been accused of legitimising hierarchical divisions that already exist in the society (Young 1990:200). Moreover, this conception can be criticised for its emphasis on talents, which are not distributed evenly but are largely the outcome of nature and thus arbitrary. As Rawls argues, because the talent is an issue of natural luck, the distributions that follow talent will not be just (Rawls,

1971:73). Moreover, the ability to develop talents is constrained by structures and social institutions, such as gender or unequal access to education. As such, meritocracy allows for positions and goods to be distributed by factors that should not, according to justice, be the basis for outcomes in distribution and inequalities.

Another way of framing this objection to meritocracy is luck egalitarianism. Anderson (1999:300) understands luck egalitarianism as the principle that individuals should be rewarded according to the things for which they are responsible (effort, hard work) but not penalised by the things for which they are not liable (gender, race, talent). As noted, the classical liberal idea suggests that social injustices exist where individuals are treated in a discriminatory way, and thus suggests that if explicit discrimination is removed—if there exist equality of opportunities—then the outcomes that resulted will be just (Ibid). Luck egalitarianism would insist however that if outcomes are produced by natural disadvantages, or as a matter of bad luck, they should be addressed through social interventions. In this regard, Anderson (1999:336) separates between two types of disadvantages, natural ones and social ones. For example, a natural disadvantage may be that one is not a fast runner and so cannot reap the rewards that follow from this talent. A social disadvantage might be that one is a woman in a gendered society. A person born into a low-income family is another example of bad social luck. Thus, distributive justice would stipulate that the lucky should transfer some benefits they gain by luck to the unlucky (Miller, 1999).

Liberal approaches criticise this type of interference, as it would stop people being rewarded for their talents or efforts and so would interfere with freedom (Barnett, 2000).

As distinct from this liberal approach, structural approaches insist that special treatment is required to address injustices that have resulted from unjust rules, regulations and social processes and that impede the individual from competing and achieving equality of outcomes. The next section focuses on the structural approach to social justice.

4.4. Structural Approach to Social Justice

As discussed above, liberal conceptions of social justice seek to address inequalities through ensuring equality of opportunity. Theorists such as Young (2001) criticise the limitations of this focus on individual injustice and insist on widening the focus to the broader mechanisms of social injustice, thereby recognising that individual adjustments are not sufficient. The injustice lies at the level of larger institutional relations and processes (Young, 2001:16). By moving the analysis from the individual to the group and institutional relations and processes, we can see that injustice is also structural. This approach provides a way of addressing injustices experienced at the individual level by addressing the structures that generate them. Critics of

classical liberal approaches have also argued that the persistence of inequalities based on race, gender, caste and so on, points to the limits of liberal conceptions of justice and the limits of treating the unequal equally. As Radu (2013) argues, if we treat the unequal equally, or treat different types of persons, in the same way, this is not equality of treatment. Equality and justice, thus, requires that we treat people according to their differences. The differences and the persisting discrimination based on the race, gender, caste, and inequalities point to the need for clear actions for equality and justice.

Different scholars have used the concept of structural injustice to explain the oppression of marginalised groups (Young, 1990, 2001; Calhoun, 1990; Fraser, 2003; Kymlicka, 1995; Williams, 1998). Although there is a range of perspectives, in this chapter, I primarily focus on the theories of Young and Fraser as they reflect the approach, which I take in this thesis. Young (2001:16) defines structural injustice as an unequal condition of individuals underlined by institutional rules and relations and a by-product of sociocultural, economic inequality and social hierarchy. Structural injustice refers to systems of oppression and marginalisation that systematically exclude particular groups from social benefits and opportunities (Young, 1990:41). For example, the caste-based hierarchy is a systematic historical imposition of institutional barriers to Dalit, which prevents them from enjoying equal rights. The structures that generate injustice are not, however always explicit or

overt and can be more indirect and implicit. Institutional social structures and background conditions prevent particular groups from being equal in the society. Social structure is a multidimensional space of different social positions that play a vital role in increasing inequality and constraining individuals' freedom and material well-being (Calhoun et al., 1990:69; Young, 2001:41). This structure consists of the connection between the position and the relationship among people. It exists in action and interactions of persons, rules, and resources (Calhoun et al., 1990:70). Because of structural injustices, even if members of those groups are given equal opportunities, they are not able to compete against better-off groups and remain systematically disadvantaged in the society.

Structural injustice occurs 'when social processes put large categories of persons under a systematic threat of domination or deprivation of the means to develop and exercise their capacities' (Schiff, 2014:31). Structural injustice can also be described as the relative constraints some people encounter regarding their freedom and material well-being as compared with others who in their social positions have more options or easier access to benefits (Ibid). What follows from this understanding is that justice is not just a matter of distribution and redistribution because the relations that generate injustice are what need to be changed. If relations are oppressive or dominating, that is what needs to be addressed (Young, 1997:30). In this sense, domination also exists through the structural or systematic phenomena

that exclude people from participating in shaping their activities or the circumstances of their lives (Young, 1990:31). In contemporary society, social position is a determining factor in creating structural injustice as it is predefined by the social and cultural norms and institutional arrangements. In the literature developed in the Anglo-American world, the major forms of domination that have been discussed are racism and sexism (Ibid), and increasingly gender identity more broadly.

Oppression is a structural concept as it also refers to systematic constraints placed on groups due to underlying institutional rules and practices (Young, 1990:41) and is related to the enormous and profound injustice some groups suffer. According to the traditional or simplistic view, oppression refers to the exercise of tyranny by the ruling class, which indeed causes disadvantage and injustice, experienced by some people as engendered by everyday practices in a liberal society. Oppression is better understood, however, as systemic constraints on groups; the product of structure rather than the choice of few people (Young, 1990:41).

According to Young (1990:40), there are five different faces of oppression: exploitation, marginalisation, powerlessness, cultural imperialism and violence. She explains that exploitation is a steady process whereby the results of the labour of one social group are transferred to benefit another. Exploitation demonstrates structural

social relations between different social groups that determine who does what and who receives what. This extends to the relation of power and inequality, for example; gender exploitation is the primarily patriarchal institutional structure of society.

Marginalisation occurs where a whole category of people is excluded from useful partaking in social life and may entail severe material deprivation and even extermination (Young, 1990:53). A third aspect of oppression is powerlessness. Being powerless, members of the group lack authority, status, a sense of self, and are excluded from advantageous social positions. The fourth face, cultural imperialism, involves universalising the culture of dominant groups as a norm, which in turn negates the cultural values or forms of expression of other groups (Ibid PAGE). This domination is not only material; as cultural domination creates injustice for particular groups. Culturally oppressed groups are socially segregated, stereotyped and internalised in the society. Finally, violence is another form of oppression wherein a group suffers from the systematic violence that is inflicted with the purpose of degrading, humiliating or stigmatising. Oppressed groups suffer systematic attacks to their persons or property with the aim of damaging and humiliating them (Young, 1990:61).

Nancy Fraser's social justice approach integrates the cultural and distributive dimensions. According to Fraser (2003), economic and cultural burdens simultaneously underpin injustices experienced by group members in society. As such, she defines injustices in economic and cultural forms. Economic injustice is primarily rooted in political and economic structures and concerns exploitation, economic marginalisation, and deprivation of basic goods (Fraser, 2003:13). Cultural and symbolic injustice is rooted in social patterns of representation, interpretation, and communication such as being excluded, invisible and being subject to deprecating stereotypes and cultural representations (Ibid). Economic injustice refers to socioeconomic maldistribution deeply rooted in the economic structure of society. Institutionalised social norms create status subordination and misdistribution, and these are themselves the result of economic structures, e.g. unequal distribution of labour, whereby certain classes are placed in a position where they can be exploited (Ibid). The outline of cultural injustice is primarily concerned with non-recognition, such as cultural domination within the culture, non-representation, and disrespect.

Accordingly, in proposing the remedies for injustice, Fraser claims that 'justice today requires both redistribution and recognition, as neither alone is sufficient' (Fraser, 2003:10). Justice is not only achieved by redistributing resources, but it equally involves addressing recognition. This is because cultural norms can also produce unfair outcomes. In contemporary society, she claims that redistribution is not

enough because injustice occurs at the structure level that requires recognition of social group difference and their identity.

Fraser argues that the remedy for economic injustice is redistribution or economic restructuring, for example, reorganising the division of labour, restructuring property ownership and other essential economic structures (Fraser, 2003:13). At the same time, the dimension of recognition focuses on cultural changes such as revaluing disrespected identities, the transformation of the pattern of representation, and equality to the subordinate groups (Ibid). The appreciation of cultural practices, the identity of the group and equality in political representation through specific affirmative policy are further examples of cultural changes for recognition (Fraser, 2003:13). Arguing for recognition as a matter of justice, Fraser claims that it is a concern of justice since institutionalised patterns of cultural value create status subordination, resulting in some people being held as inferior, excluded and deprived of social interaction. According to Fraser (2003:10) 'redistribution produces political and economic changes that result in greater economic equality. Recognition redresses the harms of disrespect, stereotyping and cultural imperialism'. For Fraser (2003:10) both redistribution and recognition are essential elements for the social justice of a group in the age of identity politics.

Fraser argues that within each—distribution and recognition strategies—there are approaches that we can call ‘transformative’ and ‘affirmative’ (Fraser, 2003:74). Affirmative strategies for rectifying injustice aim to right the inequitable outcomes of social arrangements without disturbing the underlying social structures (Ibid). For example, an affirmative strategy seeks to redress mal-distribution through income transfer. The affirmative approach also helps to redress disrespect by revaluing the devalued identity. However, transformative strategies aim to correct unjust outcomes by restructuring the underlying structures. Thus concerning distribution, the transformative approach insists upon altering the division of labour, the forms of ownership, and other basic economic systems (Fraser, 2003:74). However, as Fraser points out, these two types of strategies can come into conflict. A transformative approach to the economy could mean eliminating a group as a separate group, but the transformative dimension of culture could mean keeping the group difference and revaluing it. Fraser describes a transformative approach to recognition as a ‘deconstructive’ strategy (Fraser, 2003:75). The deconstructive strategy restitutes status subordination by deconstructing the patterns of cultural value or in another sense by raising the self-esteem of the recognised groups. For example, in the anti-racist movement, it aims to establish the value of black identity. Again, the transformative approach to recognition might be in tension with an affirmative approach, which could work by seeking to dissolve differences.

Different thinkers recommend various strategies to attain social justice, also varying within their distinct social contexts. Young (1990:8) argues for the need for redistribution; however, this cannot simply be a surface redistribution but requires an analysis of the institutional relations that structure decision-making power, the division of labour and culture (Ibid). In her view, justice means eliminating the institutionalised patterns of injustice through fair redistribution. When it comes to the question of substantial justice, distributive justice is not, adequate for marginalised groups and requires special measures that affirm social group difference (Young, 2001:31). Young (1990: 157) supports special treatment for social groups as a strategy for social justice.

Political power is also a matter of justice. Verma (2008: 282) argues that increasing the political power of minorities makes a real difference in the distribution of scarce resources that creates political equality. Because the State has prime responsibility for shaping and enforcing the distribution of resources for fairness and equality (Fleischacker, 2004), the more the balance of political power favours the interest of marginalised groups, the greater the chances of increasing their weight in democratic decision-making (Verma, 2008).

The above mentioned structural approach focus specifically on the reform of formal institutions, an approach that has been criticized. While critically analysing the limits of formal institutional reform Andrews (2013) book on the *limits of Institutional reform in development: changing rules for realistic solutions* crystalizes the problems of donor driven institutional reforms in developing countries. Since the late 1990s, loans, grants and technical assistance by the World Bank and other donors to support the reform of public institutions have risen sharply. Much of this support has focused on reorganizing the civil service, restructuring the public sector, and establishing anti-corruption commissions. As argued by Andrews, institutional malfunctioning is a prominent cause of poor economic and social development (Andrews, 2013:74). Such malfunctioning requires reform of the institutions of government to achieve better developmental outcomes. However, with few exceptions, this has not been translated into results, and huge amounts of public money have been wasted as a result.

Andrews concludes that existing modalities of designing public sector reform programs and delivering technical assistance need to be rethought (Andrews, 2013:45). The main reason behind the failure, he argues, is that shipping in international experts with little local knowledge for short periods generally adds little value. Instead, more regular and sustained support could have better results. Approaches to reform that start with a consideration of problems rather than leaping

immediately to solutions, and reforms that are internalized and 'embedded' in local officials, are also much more likely to be successful and sustained.

As argued by Andrew, it is easy to focus on formal institutional content such as laws, policy and mechanisms, whereas the informal aspects such as beliefs and practices are hard to change (Andrews, 2013:76). This suggests a mode of institutional change that is context-specific to the problem and driven by local agents. Unless it is locally owned, and involves both formal and informal institutional reforms to eradicate the social stigmas and discrimination, efforts will not succeed.

In summary, the structural approach particularly Fraser's theory is relevant to understanding the injustices Dalit have been facing since Dalit face injustices of both recognition and redistribution. However, Fraser does not explicitly address the Dalit context in Nepal. To achieve Dalit justice, I argue that; both elements of justice according to Fraser should be addressed in the policies and programs. As later chapters will show, Dalit experience economic, cultural, political and social oppression and to meet these issues requires socio-economical, structural and political transformation. Either cultural or economic change would only bring about a limited form of transformation in the Dalit context as they suffer from the unequal distribution of state resources and a systematically devalued identity. At the same time there is question of informal institutions such as culture and peoples' attitude towards discrimination. Andrews (2013) rightly points out the limits of formal institutional reform approach. The formal institutional approach if driven by external

actors and without an understanding the context would fail. Formal institutional reforms needs to be brought about by stakeholders from within the relevant groups and with an understanding of the broader context. Thus, this thesis highlights the importance of reforming both formal and informal institutions. The informal institutions such as beliefs and culture should be changed through advocacy interventions that will help to sensitize against deeply rooted social stigma. The advocacy interventions are, for examples interaction, meetings, street drama, public service announcements, television drama and trainings. These means of advocacy contributes to reduce and or eliminate social stigmas. However, the reformation of formal institutions should be done making pro-Dalit institution, reforming laws and making responsive institution of its implementation.

4.5. Conception of Group Rights

As discussed above, theorists who point to structural reasons for social injustice also argue for approaches including differential allocations that go beyond individual level equality of opportunity (Calhoun, 1982; Young, 1990; Williams, 1998). They argue that attending only to individual rights will be insufficient to achieve social justice for members of different social groups because the structural foundation of injustice undermines the rights of all members of the identity group. Some scholars contend that reaching substantial equality among individuals can only be achieved by the recognition and protection of group-specific rights (Kymlicka, 1995:117). Thus, group

difference has been conceptualised to redress structural injustices that relate to the larger institutional relations and processes beyond the individual level (Young, 1990; Kymlicka, 1995; Williams, 1998). Williams for example, focusing on race and gender, argues that in a hierarchical society where inequality is structured along the lines of race and gender, group difference must be taken into account (Williams, 1998:4). Thus, justice requires that redistributions and measures readdressing misrecognition be based on group membership rather than allocations occurring solely on an individual basis.

When social justice theorists argue for distribution or recognition at the level of groups, they are, of course, not speaking about just any group. Young defines a group 'as a collective of persons differentiated from at least one other group by cultural forms, practices, or way of life. Members of a group have a specific affinity with one another because of their similar experience or way of life' (1990:43). Correspondingly, a group becomes a group through the process of its members' experiences. As Miller puts it, a group comes into being 'as categories of people become more aware of their common interests and common concerns. Very often some group of people turns into groups due to the experiences of oppression or discrimination' (2002:179). Gay rights groups are an example of a group where members have come to be part of a distinct group by their fight against stereotypes and discrimination. Members' needs and interests lead them to join and become members of the group (Jones, 2016:354). This

model of a social group may be a collective of individuals separated from others by their experiences and way of life. In this sense, social groups differ from other types of groups because it is through social processes that they come to be distinguished within the broader society (Young, 1990:43).

Theorists have distinguished different kinds of groups and drawn these distinctions in various ways. Amy Gutmann categorises groups as *interest, cultural, ascriptive, and religious* groups (Gutmann, 2003:8). Interest groups are voluntary groups formed through shared interests among group members. Cultural groups can be recognised as identity groups because of their distinct cultural identification, such as language and way of life. A cultural group is one whose identity is related to its separate and inherited culture (Alcoff et al., 2006). Ascriptive groups are formed by characteristics such as race, gender, class, ethnicity, sexual orientation or other socially stereotyped identities over which group members do not have control. However, in general, it is dominant groups that assign a negative identity to the members of ascriptive groups, and as such, ascriptive groups have a shared identification around some specific and negatively valued characteristic that brings them together, and they are formed as a result of social stereotypes or discrimination (Gutmann, 2003:118). Religious groups are formed based on their common religious beliefs and practices.

Building on the broad category of ascriptive groups suggested by Gutmann (2003), Williams (1998) describes what she calls *marginalised ascriptive groups*, a distinction that is particularly relevant to the study of Dalit in Nepal. Williams (1998) suggests that marginalised ascriptive groups can be distinguished from other kinds of groups by four distinct features. First there is a pattern of structured social and political inequality; second, group membership is not usually voluntary; third, membership is not changeable; and fourth, society or the dominant culture assigns negative meanings to the group identity (Williams, 1998:15-16). Moreover, marginalised ascriptive groups retain these characteristics over multiple generations.

As noted above, the defining factor for ascriptive groups is some shared social marker, which establishes the distinctive identity, such as gender, race, class, ethnicity, nationality, religion, disability or sexual orientation (Gutmann, 2003:9). While this identity is, for marginalised ascriptive groups, the source of its oppression, it also becomes an essential factor in the process of disadvantaged groups 'combatting injustice' (Gutmann, 2003:3). Williams (1998:6) argues that for marginalised people, the primary reason to create a separate group is to address the similarity in their social position and to represent the concerns and interests of those groups. In this sense, the very identity that is the 'problem' also helps members to feel protected and provides them with a sense of belonging, as a response to the stereotype and the basis for their developing respect within their groups (Gutmann, 2003:2). Similarly, Alcoff

et al. (2006) argue that marginalised groups believe their identities are often resources of knowledge especially relevant for social change, and their identity helps them to unify and struggle for justice.

The shared practices within the group also help members to have a sense of group membership, as one sees where ethnic groups identify their cultural practices (Dundes, 1984:149). Shared social markers are a characteristic expression of group cultural identity, and social markers help to create the collective identity of the group. Indeed, some scholars argue that without shared identity markers individuals are not able to become a collective agent (Du Preez, 1980:3). Gutmann (2003:10) argues that shared social markers, albeit stigmatising, are also elements that can assist groups collectively organising and protesting to transform their identity.

At the same time, it would be a mistake to see the group as simple or static. Moya argues that identity is 'socially significant and context-specific, ideologically constructed in the social world' (2006: 97). This definition points to the important fact that identity varies according to its social context and the interest of group members. Thus, while identity is in some ways unified, it is also multiple in the sense that there are many social identities for any individual (Dundes, 1984:149).

According to Williams (1998:14), we can think of group identity as having *objective* and *subjective* dimensions. *Objective* forms of group identity are those where the identity has been produced through a history of state-supported discrimination against the group and the persistence of contemporary patterns of social, economic and political inequality (Ibid). *Subjective* group identity involves the shared memory of past discrimination and belief of shared political interest in the present (Williams, 1998:14). These two dimensions of group identity are both necessary for groups to make compelling claims of political recognition and their co-presence provide power to the group to become stronger (Williams, 1998).

In recent years, the politicisation of ascriptive groups, or groups' claiming that their identity has political salience, has led to the rise of what is known as 'identity politics'. Identity politics 'refers to the activism or status-seeking that is based on categories like gender, class, ethnicity, tribe, clan, sexuality, cultural orientation, race, caste or political identification' (Wiarda, 2014:146). In one sense, identity politics is centrally concerned with maintaining or imposing an identity, but as 'political activism rather than cultural activism' (Bernstein 2005:48). The identity in identity politics is more about the 'consolidation of interlocking symbols, which provides a sense of integrity and continuity of action' (Du Preez, 1980:3). Identity politics is seen as a way for people who face discrimination or non-recognition to fight for their rights of equality, freedom, and justice.

Taking identity as the basis for political claims-making can be understood about Fraser's (2003) argument, discussed above, that injustice can involve misrecognition, and that this structural and cultural injustice must be countered by a revaluation of the culture and identity. The revaluation of destigmatised identities provides positive recognition to groups, alongside struggles for the redistribution of resources (Ibid).

This shift to a politics based on identity is associated with the so-called new social movements, where identity forms the basis of challenges to unequal power relations in society (Bernstein 2005). The term identity becomes a symbol and a force for political change and challenges unequal power relations (Sagar, 2009). For example, in the 1960s and 70s, social movements such as the civil rights and women movements emerged, concerned with culture and identity as the basis for injustice, rather than challenging class structures, as associated with the old social movements (Bernstein, 2005:49). Importantly, though, Young (1990) argues that the key aims of identity-based movements such as feminism and black liberation not to achieve recognition of their group's suffering, but to seek the ability to fully and equally participate in social and political life (Ibid). In this sense, new social movements focus on identity to mobilise resources and challenge social and political exclusions.

There have, nevertheless, been criticisms of the use of identity as a political category. There is a suspicion that identity politics violates fundamental principles concerning freedom and equality (Gutmann, 2003:8). As well as pointing to the types of criticisms made above about the implications of treating some people differently (and thus arguably discriminating against non-members), the concern being expressed here also concerns the risk that identity politics creates constraints on group members. Identity groups have been criticised for systematically subordinating the freedom of individual members and creating an involuntary basis for membership, for example where group members are not allowed to leave the group (Alcoff et al., 2006:3). A related criticism is that political claims based on group identity can mask internal discrimination (Ibid). The situation of marginalised women of colour or minority sexualities within women groups or women within ethnic minority groups exemplifies this criticism.

Identity politics have also been accused of becoming sectarian and making it harder to reach political compromises (Alcoff et al., 2006:3). Since identity groups have specific demands, this may mean that it is hard to reach political compromises (Gutmann, 2003:17). The identity politics that groups mobilise can lead to hostility towards others who are considered as inferior to members of the group (Gutmann, 2003:1). Thus, whereas democratic politics relies on equality, understanding and compromise, identity groups can be sometimes inflexible. At the extreme identity

politics ‘may open up deep divisions or rifts in society ...and can produce chaos, disintegration, and civil war (Wiarda, 2014:147).

If we understand that identities are social constructions and are not natural, and often are permanently marked by severe conditions that gave rise to them, it has been argued that they should not be accorded so much weight or importance regarding political organisation (Alcoff et al., 2006:3). The stigma attached to identity groups provides unnecessary pain and sufferings (Ibid). Nonetheless, defenders of group identity politics argue that group identity is a tool to unite groups and fight against injustices and that they provide the mutual support necessary to help to combat past injustices (Gutmann, 2003:3; Bernstein, 2005:53).

Different Forms of Group Rights

This section outlines various forms of group rights and some of the liberal criticisms levelled against group rights. Group rights are understood as distinct from individual rights as conceptualised within traditional liberal conceptions of rights. Two forms of groups rights have been distinguished: one held by individuals by their membership in a disadvantaged group, and one that is genuinely a collective right (Jones, 1999:355). Whereas the former category still attaches to individuals, collective rights are those that can only be exercised by the group as a whole, and the holder of a group

right is the group rather than its members as separate individuals (Preda, 2013). The cultural rights of indigenous people are collective group rights (Haksar, 1998:31; Jones, 1999:355; Kymlicka, 1995:14), and specifically include self-determination, territorial rights and self-governance rights (Kymlicka, 1995:109).

Liberals have been highly critical of group-based rights or allocations by group membership because they see such practices as directly impacting on individual equality and equal opportunity (Hayek, 1984:95). As discussed above, liberal theory pertains to the individual and asserts the moral supremacy of the person against the claims of the social collective (Ibid). It is also egalitarian in the sense that it confers the same moral status on all individuals and denies differences in moral worth of human beings according to identity features (Kukathas, 1992:108). From the perspective of classical liberals, for whom, as noted above, individual freedom and equal opportunity are core principles, distributions at the group level violate individual freedom and fail to respect the equal moral worth of individuals (Van Dyke, 1995:358S). Barry argues, 'the individualistic nature of liberalism precludes any policies that provide unique benefits for people by their membership in some group' (Barry, 2013:114). Beyond direct forms of discrimination or other failures to provide individuals equal opportunities, liberals insist that remaining differences are fair because individuals are responsible for those differences (Ibid). In this context, a liberal approach would be critical of an institution such as guaranteed

representation, which could be seen as undermining liberal democratic norms of individual rights and equal citizenship (Hayek, 1984:84). A further concern raised against group rights is that recognising the rights of one group can undermine the rights of others outside the group and create a permanent minority (Kukathas, 2013:114). Liberals argue that treating people as individuals has a lesser chance of creating such harmful side effects.

In response to the liberal critics of group rights, scholars such as Williams (1998), Young (1990), Fraser (2003) and Kymlicka (1995) have argued against narrowly focusing at the individual level. As already discussed, they insist that structural inequality cannot be addressed by ascribing equal opportunity to all individuals and the difference produced through structural injustice needs to be addressed by a group-differentiated politics. According to Williams (1998), society has long been structured by oppression and inequality, and this can only be addressed through social difference or the claims of groups being recognised, specifically through the political representation of marginalised groups. Young (1990:3) similarly argues that policies need to counter group-based oppression and that this is best done through group representation in politics and group-differentiated policies. Again, Fraser (2003) claims that economic disadvantage and cultural disrespect are the results of structurally embedded injustice and that liberal equality does not specifically address either element of economic disadvantage or cultural disrespect. Preda (2013:263) also

argues that individual welfare not sufficient to address the structural problems, which need group based rights.

As distinct from Young and Fraser, Kymlicka (1995) seeks to make an argument for groups' rights within liberalism. He argues that for individuals to enjoy their rights, they need to be part of a viable group (p. 14). More specifically, he claims that ethnic, cultural and linguistic rights are necessary for groups to be sustainable, and as such, supports the recognition of group rights such as self-determination and autonomy (Ibid). Thus, contrary to those who argue for group rights against individual rights, Kymlicka (1995) claims that minority group rights might be necessary if individuals are in fact to enjoy individual rights. As asserted by Kymlicka (1996:35) the rights of minority groups such as self-governance and special group representation are essential as they are deprived of these rights. Collective rights are essential to advance the self-rule of groups that in turn also promotes individual autonomy (Wall, 2007:235).

Minority Group Rights in International Law

Another way of thinking about group rights has been through the concept of minority rights. The notion of minority rights remains relevant in international law, which offers limited protection and promotion of the rights of minorities. That said, the term *minority* has been defined differently by United Nations bodies, international

agencies, and scholars, and there is no universally agreed, legally binding definition of the term. The United Nations Sub-commission on the Prevention of Discrimination and Protection of Minorities (1991) defined minorities as ‘a group of people having ethnic, religious or linguistic traditions or characteristic which differ from others and needs to be protected’ (United Nations, 1991:5). This definition rests on the numerical size of groups, referring to the number of people being smaller than within dominant groups. At the same time, the inclusion of the reference to the need for protection implies a differential in power and the risk of domination. Indeed, some contend that the idea of the minority is inherently vague and imprecise, allowing many states to assume a restrictive definition (Khan and Rahaman, 2012:1).

Historically, provisions for minority protection can be found written into different treaties already in the seventeenth and eighteenth century. Even before the *Peace of Westphalia* of 1648, treaties between sovereigns sought to ensure protection for specific vulnerable groups (Castellino and Dominquez, 2006:2). Initially, the protected minorities were mainly religious, but with the Vienna Congress in 1815 we see evidence of a treaty provision recognising ethnic rights rather than religious ones (Capotorti & United Nations Centre for Human Rights, 1991:3). The process of international undertakings regarding ethnic minority rights was pronounced in the 19th century, ‘a period during which the nationalities question was burning issue’ (Ibid).

After the end of the First World War, several treaties were established to safeguard the protection of minorities in the modern system of nation states. These treaties took various forms; some were treaties of peace signed at the end of the war, some were special minority treaties, and some, binding declarations (Kymlicka, 1995:1). Minorities were a particular concern for the League of Nations as the principle of territorial integrity led to the formation of states where certain nationalities or ethnicities dominated, and minorities were excluded and in many cases politically and socially marginalised (Macklem, 2008:541). This meant that minorities required special protections within the nation state to avoid ethnic or religious hostilities. After World War II, and in part because of the deleterious impacts of minority rights claims, there was a significant shift to relinquishing minority group rights, and the priority moved to protecting the rights of individuals.

The modern international law protects and promotes minority rights in the form of cultural rights, in recognition of the particular oppression minorities can suffer. As Macklem argues, ‘international law values minority protection not only for reasons of universal value but also because it mitigates dangers of violence, cruelty, and political humiliation so often accompany ethnic pluralism and ethnic politics’ (2008:541). Within international human rights law, the International Covenant on

Civil and Political Rights (ICCPR) of 1966 is one convention that explicitly recognises minority rights. Article 27 provides that:

in those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their religion, or to use their language.

(ICCPR, 1966: 179)

Moreover, Article 15 of the International Covenant on Economic, Social and Cultural Rights (CESCR), provides specific rights for minority groups to take part in cultural life. These rights extend universal human rights to ensure that cultural rights are protected and promoted. The International Convention on the Elimination of all forms of Racial Discrimination (ICERD) of 1965 condemns discrimination based on race, language, religion and ethnic origin. In this regard, it obligates state parties to adopt all possible measures to eliminate racial discrimination. These international conventions have been ratified by most of the States, including South Asian countries (Castellino and Dominquez, 2006:8). Nepal has ratified the ICCPR, the CESCR and ICERD.

Nevertheless, minority rights remain contested, especially when they are held to be the basis for claims of self-determination and autonomy rights. In general, States are reluctant to provide self-determination and autonomy for specific minority groups, arguing that this impact the rights of other individuals and may threaten territorial integrity (Anaya, 1995:323).

4.6. Models for Group Specific Rights

This section deals with models of group-specific rights that would help to provide social justice to social groups. The models are mainly divided into two categories: special political representation and forms of structural intervention such as Affirmative Action.

Special Political Representation

Scholars including Williams (1998), Young (1990), Kymlicka (1995) and Calhoun (1999) have argued for guaranteed group representation rights. Such institutional arrangements see guaranteeing political representation to members of particular groups as a means of ensuring their political influence (Williams, 1998). The reasons for the importance of special representation include the value of symbolic representation, that is, members of disadvantaged groups seeing people who share their identities in power (Williams, 1995). Such special representation is also part of empowering disadvantaged groups in political decision making.

Aside from any arguments about ensuring that institutions are put in place to ensure the representation of marginalised groups, the ostensibly neutral rules and institutions that regulate how voting takes place and how representation is decided based on voting can also influence the distribution of representation in a political system (Williams, 1998:22). As such, the proper representation of minorities in the

political sector is sometimes obstructed by unfair electoral laws even when they appear identity neutral (Ibid). It is argued that such electoral rules support dominant groups, especially when marginalised people lack resources to compete for power on an equal basis.

Beyond explicitly unfair rules though, different types of counting procedures have different implications for minorities. Proportional Representation (PR), in particular, is seen as one way of providing minorities with greater access to political representation. Williams (1998:215) describes Proportional Representation as the allocation of shares of political power based on the percentage of the population. Theoretically, proportional representation means that the share of seats any party holds corresponds to the proportion of votes it receives (Canon, 1999:365). Canon (1995) argues that PR systems provide greater fairness than plurality systems, in which the absolute winner takes all, whereas PR is more inclusive of those who cannot achieve an absolute majority in any one electorate. Thus, PR promotes power-sharing and consociational democracy, where consociational democracy is a process of elites eschewing decision making by the majority, thereby rendering democracy more stable by providing opportunities to other groups (Andeweg, 2000:511). More specifically, for traditionally excluded groups, this form of representation can 'provide a greater voice for ethnic and racial minorities' (Canon 1999: 365). Various states,

including Belgium, Cyprus, Lebanon, New Zealand, West Germany and Zimbabwe have proportional representation as the political arrangement (Lijphart, 1997).

There are different types of proportional representation, such as party lists, cumulative voting and mixed systems. In the party-list system, political parties win seats in proportion to the number of votes cast for them (Williams, 1998:215). Party list systems can be closed or open. In a closed list system, the party creates an order and assigns seats to the candidates, whereas if the list is open voters can indicate their preferences. A different system, cumulative voting, is considered a form of semi-proportional representation (Canon, 1999:365). Cumulative voting refers to a system where voters can allocate their vote to different candidates in multi-member districts. This particular system allows voters to focus on their preferences. This system also allows voters to allocate their votes between the candidates in any proportion (Ibid). The voters' preference, especially when these are for candidates from minority groups, is helpful in promoting the selection of the members of a minority, and minorities can elect at least one of their preferred candidates (Canon, 1999:366).

Other more explicit ways of increasing minority representation include race-conscious districting and ethnic quotas. Race-conscious districting entails drawing the shape of constituencies based ethnic proportions to ensure that a particular ethnic group can become the majority (Williams, 1998:205). However, criticisms of race-

conscious districting such as 'labelling and separating citizens' according to race and doing a grave injustice to individual autonomy' have led scholars to consider alternative solutions for electoral rules that would ensure the representation of minority groups (Williams, 1998: 206).

One such system is ethnic quotas, sometimes referred to as the reservation of seats for certain ethnic groups. Reserved seats are seen as providing group members with a guaranteed voice and a means of preventing their chronic under-representation (Krook and O'Brien, 2010:255). This measure typically sets aside seats that members of other groups are ineligible to contest. In some contexts, it is argued that a system of reserved seats may be the only way for minorities to obtain parliamentary representation due to their insufficient numerical strength, lack of territorial concentration or low level of political mobilisation (Hodžić and Mraović, 2015:419). Reserved seats may be administered in different ways, depending on the nature of the electoral system. This includes competitive elections in separate voting districts and separate voters' rolls for minorities (Ibid). Studies have found that reserved seat mechanisms bring socio-economic and political benefits to disadvantaged groups (Pande, 2003; Hodžić and Mraović, 2015).

Reserved seats directly increase the political representation afforded to minority groups in the legislature. This type of political reservation has, for example, had a

profound effect on the Indian political landscape, where a quarter of all representatives in India, at both the national and state level, come from reserved seats (Pande, 2003:1136). In Slovenia, there are two seats reserved for Hungarians and Italians. New Zealand has seven reserved seats for Maori groups (Williams, 1998).

However, critics have raised questions about the quality of representation in reserved seat systems and the influence of minorities in the decision-making process. Vasil (1990) argues that even if their places are guaranteed, minority representatives are not able to change the decision process in the parliament (p. 10). In the case of New Zealand, where the seats reserved for Maori are fewer than would correspond to the share of their population, it is argued that Non-Maori groups (*Pakeha*) feel that they are not responsible for Maori issues (Williams, 1998:209). As minority representatives, Maori are not able to determine the decision-making process, and under the influence of dominant groups, outcomes that favour minority group interests are unlikely to be produced (Williams, 1998:209). Despite this fact, Maori are reluctant to give up their reserved seats, which have at least guaranteed their legislative presence (Ibid).

Structural Interventions–Affirmative Action

Structural interventions in the form of reservation or quotas in the public service or other sectors have also been advocated and used as policy interventions to address social injustice in different countries. Affirmative action or quotas are curative mechanisms to redress past injustices experienced by historically marginalised groups (Young, 1990:194; Mosley and Capaldi, 1996:64). As defined by Young (1990:173), Affirmative Action is a group conscious social policy intended to address the particular oppressive situation of a social group. Affirmative Action is a process to achieve equality and a mechanism to redress past injustices against historically marginalised people (Hassan, 2011). Crosby (2004) defines Affirmative Action as a ‘policy designed to correct the wrongs of the past, as a quota system, or as a set of corrective programs aimed to compensate for the inadequacies of people...’ (p. 4). It is an ‘attempt to bring members of underrepresented groups, usually, groups that have suffered discrimination, into a higher degree of participation in some beneficial program’ (Rosenfeld, 1991:10). Affirmative Action has been understood as combining backwards-looking and forward-looking principles. The backwards-looking aspect concerns compensation for past harm based on preferential policies, whereas forward-looking principles aim at future equality of opportunity (Goldman, 1976:178).

Historically, the term Affirmative Action first emerged in 1961 after the USA President John F. Kennedy instigated such a policy with the purpose of monitoring

hiring practices (Mosley and Capaldi, 1996:64). The 1961 executive order helped to establish Equal Employment Opportunity Commission in the USA and was consequently expanded by President Lyndon Johnson in 1965. Arguably, the foundation for this term was laid down earlier by then President Franklin Roosevelt's executive order of 1941 banning discrimination in employment by the federal government and defence contractors (Mosley, 1996). Affirmative Action became contested public policy in the USA as it was intended to address racial injustices but did so by explicitly favouring minority applicants or students.

In India, Affirmative Action 'owes its origin to British rule, which, in addition to starting caste based quotas in some parts of the country, also resulted in the establishment of a nationwide legal system with the norm of equality before the law' (Deshpande, 2008:160). Articles 15(4) and 16(4) of the Indian Constitution (1950) provide 22.5% quotas in state-run institutions and jobs for Scheduled Castes (SCs) and Scheduled Tribes (STs). The same proportion of seats is also reserved for SCs and STs at all the levels of governance. In 1990, 27% quotas for affirmative action were also provided to Other Backward Castes (OBCs) (Jayal, 2015). The Dalit in India is constitutionally known as Scheduled castes (SCs). In India also, Affirmative Action remains controversial.

Taylor (2009:478) has classified Affirmative Action into five categories based on the policy provisions offered to the disadvantaged community. The first type is *formal equality of opportunity*, which focuses on talents of relevant individuals but helps to eliminate legal barriers to employment and discriminatory practices (Ibid). One might question whether this is Affirmative Action at all and not simply liberal non-discrimination. The second type is an *aggressive formal equality of opportunity*, which intends to help particular groups by providing training, external monitoring by the government. The third is *compensating support* to social groups, such as special training programs, financial backing or tutoring support (Ibid). The fourth category is *soft quotas*, a process of providing compensation in the selection process by, for example, adding bonus points in the calculation of merit. The fifth category is *hard quotas*, which provide quotas such as proportional representation to the historically disadvantaged group (Tylor, 2009:478).

Despite the inclusion here of Tylor's first category, Affirmative Action differs from equal opportunity policies. Although equal opportunity seeks fairness in opportunity, it is a reactive process, which does not provide any affirmative policy solution (Crosby, 2004). Affirmative Action is a proactive stance, which requires institutional arrangements and interventions (Crosby, 2004:5). Moreover, Affirmative Action is specifically directed towards empowering those groups that have been adversely affected by past and present exclusionary practices (Mosley, 1996). The proponents

of the policy argue that 'political efforts and social resources must be aggressively devoted to all the permissible interventions until the stains on our society are wiped clean, no matter how long it takes...' (Tylor, 2009:502).

Recently, Affirmative Action discourse has moved to devise more creative approaches in the private sector, which is playing a noteworthy role in the development of these types of processes (Deshpande, 2013). As Deshpande (2013) argues, a large number of people are employed in the private sector, but historically businesses in the private sectors have in no way been bound by Affirmative Action policies.

As a policy, Affirmative Action has been a widely debated and contested option to compensate for past discrimination. Critics of Affirmative Action object that it promotes stereotypes and causes intergroup tension (Tylor, 2009:478). Such critics also contend that it contravenes principles of equality and meritocracy (Mosley and Capaldi, 1996:3). Some argue that others who are not benefited could be victimised by those very policies (Ibid). Affirmative Action is sometimes labelled reverse discrimination, bringing a negative connotation and indicating that it attempts to disadvantage another group through its program. Critics have gone as far as to compare the affirmative action to giving bad medicine to a patient, arguing that it, in fact, promotes the stereotype that those who benefit from the system could not succeed on their own (Crosby et al., 2006).

In response, a counter argument prevails that the reason for negative reactions to Affirmative Action is that the recipients are members of powerless groups (Eberhardt and Fiske, 1994). Others criticise the preferential treatment as inadequate as it gives preference to individual members of groups and does not advantage the group as a whole (Rosenfeld,1991). Indeed, a further concern is that those who benefit from Affirmative Action are mainly the most advantaged within disadvantaged communities, otherwise known as the 'creamy layer' of the community, and as such, the policy does not help a larger portion of the group (Deshpande, 2008:161). At the same time, there are controversies over how long the policy of Affirmative Action should be retained, and at what point it ought to be curtailed (Ibid).

4.7. Conclusion

This chapter has discussed fundamental conceptions of social justice, focusing on a structural approach to justice, groups' rights and identity as key concepts for understanding what social justice might mean for marginalised groups. It has outlined some theories that support the argument that social justice for marginalised groups requires recognising them as a separate group and both transformative redistribution and recognition. In this regard, Fraser (2003) insists that there is an interrelationship between redistribution and recognition, and that one alone cannot achieve social justice for marginalised groups. The redistribution of power and

resources and recognition of the identity of marginalised social groups make a real difference to the distribution of scarce resources, which turn provides the basis of equality and justice.

At the same time, I have sought to demonstrate the contested approaches to the rights of minority groups. Liberals focus on the individual rights of freedom and choice, whereas, group rights theorists argue that recognition of group difference is necessary to address structural injustice since injustice is a by-product of institutional rules and regulations, which go beyond the individual level. As argued by Fraser (2003) institutional arrangements and policy reforms are the main factors that can remedy misdistribution and redress injustices.

The theories discussed in this chapter are relevant to understanding the structural injustice and group rights required for social justice for Dalit in Nepal. These theories have conceptualised different approaches to redress the oppression and domination of marginalised groups as institutional arrangements and policy reforms. Nevertheless, none of these theories have been developed with Dalit explicitly in mind. This means that while the principles of redistribution and recognition provide a theoretical framework for this research, part of what is to be explored will be how they might need to be modified when it comes to the Dalit and Nepali context.

CHAPTER FIVE

PROFOUND DALIT INEQUALITY IN NEPAL

5.1. Introduction

This chapter traces the marginalisation of Dalit socio-economic, educational and political status. I have already provided an overview of existing literature on Dalit inequality; in this chapter, I draw from my interview research and secondary data to deepen this perspective within these fields of analysis. The deeply entrenched status inequality reinforced by caste hierarchy entails multiple forms of oppression. The enforcement of caste discrimination and untouchability has undermined the basic human value of Dalit, inducing their inequality in every sphere of life. It can be argued that status inequality embedded in structural injustice underpin the extreme forms of oppression, manifested as exploitation, marginalisation, powerlessness, cultural imperialism, and violence to Dalit in Nepal. In this context, to obtain Dalit rights, as argued by Fraser (2003), both redistribution of resources and power, and recognition are significant.

As discussed below, occupying the lowest social status within the caste hierarchy has multi-dimensional effects on the socio-economic, educational and political situation of Dalit in Nepal. Unequal status underpins unequal distribution of power and other resources (Olsen,2011). Evidence shows these different dimensions have a reciprocal

relationship to each other. For example, the places or settlements where Dalit live tend to lack basic infrastructure, such as road access, tap water and electricity, which in Nepal are provided based on individuals' social status. The caste hierarchy and access to power thus influence access to these very basic resources. Dalit status inequality similarly is directly related to their economic marginalisation. Forced or bonded labour and landlessness are a common phenomenon for Dalit. Similarly, status inequality affects the education of Dalit, who have a literacy rate of 52.4% as compared to the higher caste Brahmin's literacy rate of 81.9% (Sharma, 2014). Status inequality also has detrimental effects in the political dimension, with Dalit not represented sufficiently either in political party structures or other governance mechanisms. In turn, the impacts of these various deprivations and exclusions, in health, in education, in economic autonomy and the availability of resources and political power reinforce the marginalised caste position.

The first section of this chapter explores how caste-based social structures and practices of untouchability produce social inequality for Dalit, with the major dimensions of the prevailing practice of untouchability being exclusion, humiliation-subordination, and exploitation. The second section is an anatomy of the current economic status of the Dalit community and analyses the types of economic marginalisation Dalit experience. The unequal patron-client relationship, forced labour, landlessness, unemployment, and restrictions in access to entrepreneurship

and financial institutions are the principal forms of economic marginalisation and inequality. The third section considers the situation for Dalit concerning education. It explores the question of what forms of inequality exist in the education sector as well as the causes and effects of these inequalities. The final section of this chapter focuses on political inequality and the exclusion of Dalit from political party structures and other governance mechanisms.

5.1. Status Inequality

Status can be defined as the position of a group in the social hierarchy of a given society or, more specifically, as the prestige and advantages associated with the group's position in intergroup comparisons, such as disparities in prestige, material goods, influence and access to resources (Siem et al., 2013:43). In the context of racial stratification, Harris (1993:1716) argues for example that whiteness was considered as a racialised privilege and those who enjoyed it also enjoyed a higher social status, to which societal benefits were allocated, while the rights of other non-whites were undermined. Following a similar logic, the division of upper and lower caste hierarchies in Nepal reproduces differential social status', and social status among individuals and groups reproduces social inequality, which reproduces the unequal distribution of power and resources. Such inequalities are maintained by those in powerful positions via institutions and social processes (Warwick-Booth, 2013:2).

Inequality of resources does not only signify economic resources such as money but also refers to social respect. The respect and prestige allotted to an individual or group are significant social resources that in turn relate to other forms of resources and power (Krieken et al., 2015:204). Correlatively, long-standing disrespect and domination by dominant groups reproduce inequality. The enforcement of caste-based untouchability generates lower social status and disrespect for Dalit, at the same time as excluding members of the group from access to power and other material resources. According to Dorling (2015:103), institutionalised social norms undermine and exclude marginalised people from what would for those in advantageous positions constitute normal social activity, and this creates further segregation and disdain for the marginalised groups in the society.

The severe forms of caste hierarchy and discrimination evident in Nepal are an explicit example of structural injustice. As discussed in Chapter Two, structural injustice is the 'consequence of unequal condition of individuals underlined by the institutional rules and regulation' (Young, 2001:41). Caste discrimination is the perfect illustration of institutional rules and regulations that subjugate fundamental human rights of Dalit, and have done so for hundreds if not thousands of years across the South Asian sub-continent (Ahuti, 2010:1). As a consequence of the manifestation of lower social status and structural injustice in social, economic, educational and

political sectors, Dalit occupies the lowest rank according to various social indicators of human development in Nepal.

Fraser (2003:7) argues that disrespect is one aspect of injustice that denigrates in stereotypic public cultural representations and everyday life interactions. This resonates with the Weberian paradigm, where low-status groups are interpreted less worthy and undervalued by the dominant culture (Krieken et al., 2015). In Nepal, Dalit identity is interpreted by other social groups as deviant from and devalued by the dominant culture. This section, thus, explores how caste-based social structures and practices of untouchability engender the social inequality of Dalit in Nepal.

5.2. Manifestations of Status Inequality

Imposition of Untouchability

One of the themes came out of my interview was status inequality caused by the imposition of untouchability. Untouchability refers to the humiliations imposed, from generation to generation, on a particular but sizeable section of the population that relates to impurity and pollution (Soorya Moorthy, 2008). It is the extreme and vicious aspect of the caste system, prescribing severe social sanctions against those placed at the bottom of the caste structure invoking terrible punishments, fatal attacks, and atrocities (Ibid). The major dimensions of the prevailing practices of

untouchability are exclusion, humiliation-subordination, and exploitation as emerged by interview data. They—the untouchables—are excluded from much of social life, including from everyday activities like sharing sources of drinking water and participating in religious worship and festivals. This was illustrated in one of my interviews:

I recall an incident that when I accidentally touched the water vessel of higher caste women, she scolded me. The higher caste woman threw away the “touched” water and sprinkled pure water³ on her water vessel to purify it. This incident humiliated me, but I could not speak against higher caste women as I was alone. I am compelled to tolerate such everyday incidents related to caste discrimination

(Batuli Sarki, Interview, 30 August 2014).

Similar everyday discrimination occurs in the Tarai regions of Nepal as experienced by interview participants. Dulari Harijan being Dalit women is not allowed to use public tap freely in her locality.

If there are higher caste people, we (Dalit) should wait for them until the higher caste finish fetching water from wells. Dalit are not allowed to touch others water vessels. In case, Dalit touches their vessels then Dalit are thrashed or scolded. Sometimes the situation becomes complex because higher caste has their unity and intend to suppress in any case.

(Dulari Harijan, Interview, 8 September 2014)

These instances of discrimination I recorded in my interviews resonate with data collected by civil society organisations. For example, the Informal Sector Service

³In the rural areas of Nepal, higher castes use “gold” touched water to purify the pot touched by the lower caste Dalit.

Centre (INSEC) has documented the persistence of caste discrimination—untouchability in the record of incidents that it keeps, set out in the Human Rights Year Book (2014). According to this yearbook, 88 Caste discrimination incidences occurred in Nepal in that year. The incidents varied in the different years and diversified slightly according to the records of various agencies. INSEC recorded 101 cases in 2013; in the same year, Nepal National Dalit Social Welfare Organisation's monitoring recorded 95 cases; the National Dalit Commission registered 60 cases of caste discrimination in 2011.

The above statistical evidence has not been systematically collected, but these sources indicate that caste discrimination related incidents repeatedly occur even though it has been already outlawed. The forms of discrimination recorded in these incident records vary—including denial of access to public places, beating, verbal abuse, domestic violence, and violence about inter-caste marriages. Even against these figures, very few incidents are reported and registered formally with the police and courts. According to INSEC (2014), almost 90 percent of cases are hidden. Given the potential importance of the formal implementation of sanctions by the authorities, it is important to understand why Dalit report so few cases. According to one of my interview subjects, Yuktilal Marik:

The key reason for the low registration of incidences related to caste-based discrimination is Dalit low awareness level, low social status and exclusion from law enforcement structures. There is higher institutional bias and prejudice against Dalit. The caste based discrimination does

not become the important case for law enforcement mechanism such as police.

(Yuktilal Marik, Interview, 12 August 2014).

In other words, the systemic discrimination experienced by Dalit reduces the ability to seek justice. We see here a vicious cycle: where low social status underpins status discrimination, at the same time as it impedes the victims' access to state protection. These findings resonate with the previous studies such as Bhattachan et al. (2008). However, this research reveals the multidimensional nature of injustice and institutional bias causing the degrading situation of Dalit in Nepal.

Prohibition in Temples and Cultural Functions

Dalit prohibition in the temple, as emerged from my research, is one of the key inequality caused by caste discrimination in Nepal. Led by Saharsanath Kapali, Dalit embarked on their struggle for justice in 1953. In 1954, for the first time in history, Dalit entered into the main Hindu temple, Pashupatinath, in Kathmandu. Despite this momentous event, Dalit is still struggling for equal rights in accessing Hindu temples (BK, 2014). Evidence of discrimination shows that even today, temples are not open for Dalit. Although they follow similar religious beliefs to members of higher caste groups, they are barred from entering and worshipping in temples. It was hoped that the Declaration on a caste discrimination-free nation (2001; 2006) would bring substantial change. However, there is still evidence of continuing discrimination as mentioned by interview participants.

We thought that the government declaration would help to decrease the discrimination and Dalit would get easily entrance to the temples. However, there is still discrimination. Dalit are not allowed in Temples. There are many examples of Dalit being restricted.

(Ganesh Bk, Interview, 08 August 2014)

Primary research conducted for this thesis and by other researchers (e.g. Ahuti, 2010:26) indicates that discrimination in temples is persistent, being particularly strong in rural areas and that such discrimination is for the most part neither resisted by Dalit nor officially reported. Almost all the interviewees in my study agreed that discrimination in temples and more broadly in public places is widespread. For example, Buddha Sunar from the Gulmi district described pervasive forms of discrimination, including the exclusion of Dalit from local temples⁴. Struggling for equal rights during Dashain (a major Hindu festival) Dalit have been thrashed, blockaded and killed due to their protest and resistance, as described by one interview subject:

A priest in Chhinnamasta Temple located in Bhardah, Siraha had declared that if Dalit wants to enter the temple, he will commit suicide, but we decided to get into the temple with the financial support of Action Aid Nepal in 2001. Dom entered the temple, but the priest refused to place *Tika* on Dalit. Dominant groups thrashed Dalit and issued blockades to their work and access to the local shops. Later police forced those dominant groups to open up the facilities. However, now Dalit are again restricted from the temple.

(Yuktilal Marik, Interview on 12 August 2014)

⁴Buddha Sunar, Interview, 30 August 2014

Dalit are also denied access to take on the role of the priest in religious institutions. They are compelled to practice priesthood for their own communities only, but the wider society does not recognise their priesthood. Indeed, the Brahmins who serve as priests do not permit Dalit to listen to religious scriptures (Pandey et al., 2006:21). These religious exclusions laid down in the Hindu based notion of Varna also have implications for Dalits' of educational opportunities. Brahmins are considered the only valid holders of education and Dalit are in turn limited to occupying the role of service providers. As written in the Manusmriti, if Shudra (known now as Dalit) read and write, cut their tongues, if they listen, pour liquid hot brass (*pagalekosisa*) in their ears (Bhattachan et al., 2008:113). This strict religious restriction continues with the ongoing result of long-term deprivation of education. The priesthood restriction is also another form of discrimination as described by Keshar Bk:

The Brahmin priest does not offer priesthood to Dalit even if they follow the same religious and cultural practices. This compels Dalit to become a priest for their community only. There are very few Dalit who know the Sanskrit text offer priesthood for their community. Moreover, sometimes we consider our nephew (*Bhanja*) as our priest to accomplish our cultural functions as 'naming day' or 'marriage'.

(Interview, 28 August 2014)

Formal exclusion from religious sites such as temples extends to different forms of cultural and group exclusion. Dalit are not invited to social functions held by dominant groups. As experienced by interview participants, if by chance they are invited, they are treated in a degrading manner, for example, their food is served

separately on leaf plates, and they are not permitted to be involved in any of the public functions or worship. Ironically, Damai, a group of Dalit, are the ones who are called upon to play cultural instruments for entertainment and auspicious functions, but they are seen very much as limited to this service role and are treated inhumanely. A Dalit community leader, Keshar BK described the situation of Dalit in broader social life:

I have experienced such discrimination at social functions. However, these sorts of behaviours have been normal and widely accepted as social norms. No one dares to challenge the practices through legal processes, as the cases are unnecessarily lengthy and spoil social relations

(Interview, 28 August 2014).

I can also confirm this through my own experience. As a member of the Dalit community, I have also faced direct and indirect forms of similar humiliating treatment by members of the dominant caste groups. In 1998 for example, I was invited to the function to celebrate the marriage of a school peer. During that ceremony, higher caste people asked me to be sure that I remained separate during the feast. It was found that Dalit faces direct discrimination at cultural functions, religious places and other public spheres such as public wells even after the enforcement of anti-caste discrimination and prohibition act, 2011.

Restriction in Inter Caste Marriage

The interview I have conducted has also confirmed that caste segregation continues to demarcate the boundary for marriage in Nepal. Marriage between Dalit and dominant groups is de facto prohibited although there is no formal legal regulation to this effect. The Marriage Registration Act 1971⁵ defines marriage as occurring between a man and a woman and only specifies that the parties must register their marriage in a recognised office and they must both have reached twenty years of age. Nevertheless, as emerged through my research interview, inter-caste marriage between Dalit and non-Dalit remains a controversial issue and challenges the orthodox caste discrimination and untouchability practices in Nepalese society:

Dalit are not allowed to marry with higher caste. In case, there is a love affair between higher caste and Dalit; there is a restriction on marriage. Dalit should face harsher punishment, and sometimes they are thrashed and killed. Higher caste often snatches away if their daughters marry with Dalit. There are also so many cases of Dalit killed due to inter-caste marriage in Nepal.

(Laxmi Pariyar, NC leader, Interview on 22 August 2014)

This resonates with previous research conducted in Nepal. For example, research interviews carried out by the Jagaran Media Centre (JMC) with 200 inter-caste married couples in 2009, in six districts of Nepal found that couples who had married outside their caste faced significant abuse. They broke their findings down into four

⁵Marriage Registration Act 1971 second amendment 3 November 2006

specific categories of abuse: harassment, forced separation, displacement and institutional discrimination (Mohara, 2011:7). My Research participants mentioned that couples who marry outside of their caste face social sanctions, economic hardships, societal disrespect, exclusion from religious and cultural events, exclusion from their families and villages, and they might face difficulties in obtaining birth and citizenship certificates⁶. Moreover, most importantly, the children of mixed marriages face widespread discrimination from their society. The following incident reported in a national newspaper is a clear example of the deleterious results of inter-caste marriages and their negative results for Dalit.

Tilak Kami of Budeli VDC in Dailekh district, his wife Minu and elder brother Tek Bahadur have been displaced for the past year after Minu's parents and relatives allegedly chased them away for marrying a girl from the so-called upper-caste family. Tilak, who was a relief-quota teacher at the Janakalyan Lower Secondary School, was expelled from his job after he eloped with Minu.

(Kantipur, 2014)

Very few couples who marry across caste find acceptance from their families and broader society. Based on my research, it seems that acceptance of couples of married across caste depends on the level of understanding amongst family members, their socioeconomic status and their access to power. It would thus seem that there can be accepted, but in general, inter-caste marriage between so-called dominant groups and Dalit is restricted (Bhattachan et al., 2008). When people break this informal rule,

⁶Rajesh BK, Interview, 13 August 2014

the consequences can be serious. Young Dalit people have been known to disappear or be subject to extreme physical violence when they marry upper caste people, and there are even cases of them being murdered, as happened with a young Dalit man in Kavre district⁷. A research participant says that:

Inter caste marriage is one of the problems Dalit facing in Nepal. There is very rare chance of acceptance from a higher caste. Higher caste rather attempts to dismantle the inter caste couple. Being a local Dalit leader, we continue to receive so many cases of inter caste marriages. The higher caste often effort to rescind relationship of married couples. (Ganesh Shreepaili, Interview on 28 August 2014).

One of the key issues emerged from my research that members of dominant castes forcibly remove their daughters or female relatives if they marry Dalit men. For example, interviewee Ganesh Shreepaili stated that:

Higher caste groups forcibly remove their daughter if she marries with Dalit. This also applies to the higher caste boy-if he marries the lower caste girl, the family use power, network and money to dismantle the couple. There is a problem for inter caste couple to sustain in the society.

(Interview on 28 August 2014)

⁷A 18-year-old Dalit boy named Ajit Mijar was found dead on 14 July 2016 in Dhading district of Nepal. Ajit was a resident of Panchkhal Kavre District, who married his non-Dalit girlfriend Kalpana Parajuli, on 9 July 2016. The girl's relatives and the Area Police Office Panchkhal forced the couple to abandon their marriage. Her relatives forcibly took Kalpana away on 11 July 2016, two days after the marriage, and they threatened to kill Ajit within 72 hours. On July 16, Ajit was found dead, and his body was buried by the riverbank of Furke Khola, Dhading District (Pressenza, 2016).

The data records of different organisations also confirm this fact. There were 71 caste discrimination-related cases recorded between 2003 and 2011 by the Dalit NGO Federation (DNF), 67 cases were directly related to prejudice in inter-caste marriage. According to IDSN (2015) out of 107 caste discrimination cases, 15 were directly related to the denial of, and atrocities committed in relation to inter-caste marriage. These recorded incidences should be interpreted as indicative but are unlikely to give us reliable insight into the true extent of the problem, which my interview subjects indicated was widespread. This research shows that caste hierarchy plays a significant role in marriage affairs and the inter caste marriage especially among higher and lower caste is completely prohibited. The obstinacy of inter caste marriage has not been systematically revealed by other research which this research does.

Restriction in Public Services

One of the themes that came through my interviews that Dalit are prohibited from freely using public services being lower caste in Nepal. For example, they are not allowed to use public water taps, wells, to enter temples or to access general health services. Most of the incidences of overt caste based violence or harassment occur at public taps, wells or temples because these are the places Dalit access services they use, even in the face of the risk of being thrashed, scolded or dehumanised⁸. A case

⁸Janga Nepali, Interview, 1 September 2014

reported by a newspaper is an evidence of Dalit restricted for accessing a public well. In this incidence, villagers in the Saptari District restricted a Dalit from accessing water from public wells in front of the team of a famous TV producer and movie actor:

A renowned movie actor Rajesh Hamal observed how local dominant-caste villagers restricted a Dalit person in the locality from accessing the public well while they were enroute to filming a famous TV show "Sajha Sawal" on 1 August 2015. Dipak Mallik, a Dalit young man, was restricted to fetch water in front of hundreds of people. He calls someone from the dominant people to fetch the water from well as he is not allowed to touch.

(South Asia, 2015)

A particularly worrying exclusion concerns access to health services. Although Dalit health is poorer than other caste groups, as they are often involved in hazardous work and have unhealthy working environments, caste prejudice impedes their freely accessing health services. One of the key issues emerged through my research interview that the health service centres are primarily run by dominant groups who give preference to their kin and relatives above the lower caste groups⁹. For Dalit, who are not able to afford private health clinics, this exclusion is tantamount to total exclusion from any health care (Bhattachan et al., 2008). As interview participants explained, however, it is not only poverty but also a social status that underpins the difficulty in accessing health services¹⁰. Dalit are severely underrepresented as professionals in health services. Being poor and with lower social status, Dalit are

⁹Keshar Bk, Interview, 28 August 2014

¹⁰Rajesh Bk, Interview, 13 August 2014

not able to afford expensive medical courses, and this automatically limits their access to working in the health field. A research participant opines that:

Dalit are systematically deprived from health services. First, being poor we are not able to receive a technical education (medical/engineering). We are also not able to access private health services. We are also excluded from being local health worker because of caste hierarchy Dalit service is not preferable for higher caste. We are not allowed to enter the houses of higher caste that exclude Dalit health worker for providing service.

(Rajesh Bk, Dalit leader interview on 13 August 2014)

At the same time, even if they do make it that far, according to Rajesh Bk, in rural areas, Dalit health workers are not allowed to enter dominant groups' houses to provide them with treatment.

It appears that caste discrimination, for example restricting Dalits' entry to public hotels is worse in rural than in urban areas. Dalit are not permitted to enter hotels in their locality, even if they are willing to pay the required costs. This finding confirms by research carried out by Lawyers National Campaign against Untouchability (LANCAU) Nepal (2009), 94% of the registered caste discrimination cases occurred in the countryside, and only 6% were in urban areas (p. 9). The Dom community, one of the most excluded of the Tarai Dalit, are not allowed to enter local hotels, and should they be permitted any service, they are required to bring their

utensils (glasses and plates) if they want to buy tea or foods¹¹. Discrimination by public hotels and the persistence of this form of discrimination was mentioned by a majority of interview participants. Binod Bisankhe, for example, discusses the difficulty that Dalit faces in being permitted hotel entry if the owner identifies that a person belongs to the Dalit caste. Dalit are thrashed and penalised if they enter the local hotel. This is more pervasive to Dom community in the Tarai¹².

Thus, this research outlines the pervasive exclusion of Dalit in public services such as health and hotels. This finding resonates with other studies. Additionally, different perspectives on poverty are offered. Poverty limits Dalit to access technical courses such as medical and engineering. As a result, there is a wider gap of Dalit inclusion, compared with others, into public services.

Dalit Ghettoisation and Community Participation

This research finds out that Dalit have their homes in fairly remote places, such as either at the top of a hill or slightly outside the main village in the rural hilly areas, and this lack equal access to basic resources such as electricity. In the Tarai, the pattern of Dalit settlement is determined by access to land. As most Dalit do not own land, they often reside on the side of river banks or near the jungle (Ahuti, 2010:26).

¹¹Yuktilal Marik, Interview, 12 August 2014

¹²Binod Bishankhe, Interview, 10 September 2014

This means that Dalit settlements lack basic infrastructures such as road access, tap water and electricity. The geographical remoteness is exacerbated by the way in which caste hierarchy and access to power determine access to these forms of resources. Another important fact found out through my research is that the settlement pattern is also determined by caste segregation and social status. The following excerpt from an interview evidences how Dalit are obligated to settle in places without basic facilities.

We are compelled to settle in nearby jungle and river bank on public land. Landlessness is the problem for Tarai Dalit. I guess that more than 80 percent of them are landless. We have no place to construct Toilet. We have demanded the land ownership in landlessness commission. However, no one listens to our voice.

(Yuktilal Marik, Interview, 12 August 2014).

The another point Yuktilal makes points to the importance of planning decisions, but the problem is that Dalit are excluded from community development process. At the local level, there are various users' group committees established to properly manage community development projects, for example, forest users' committees, school management committees, and water users' committees. The lower participation of Dalit and domination of higher caste in the decision-making process is also confirmed by other research (Gilmour and Fisher, 1991; Shrestha and McManus, 2007). Shrestha and McManus (2007:278) find that 'wealthy and higher caste people (i.e. elites) have captured the decision-making and implementation powers, resulting in

inequitable decision-making processes and distribution of outcomes.' As mentioned by research participant Yuktilal Marik:

Dalit are very few in the local community development committees, and the local elites (high social status, wealthier and educated) dominate local decision-making processes. The main reason is Dalits' lower socioeconomic condition. The widespread caste discrimination is also reason preventing Dalit leadership in users' committees.

(Interview on 12 August 2014)

One of the major findings of this research is that caste hierarchy, and social status determines the settlement pattern. As revealed by this research, Dalit being lower caste and poor are mostly landless which limits them to live on river banks or unfertile land. In the case of community participation, the domination of higher castes prevails. This limits inclusion on committees and at decision-making levels.

Formal Domestic Legal Instruments against Caste Discrimination

Legal initiatives to eliminate caste discrimination date back to 1963 when the Country Code introduced a law against caste discrimination in Nepal. King Mahendra in his autocratic party-less Panchayat regime amended the 'old' County Code of 1854 as the 'new' Country Code of 1963.¹³ The modified code had a provision to abolish untouchability and other forms of caste-based discrimination. It was,

¹³ 12th amendment of National Code 1963 was made on Nov 30, 2007

however, no more than a legal announcement, as there was no effective mechanism to punish those who violated it (Bhattachan et al., 2008). Moreover, as opined by a research participant despite its symbolic boldness, its effectiveness was undermined by the fact that Dalit could not afford to take action against higher caste Hindus and members of Indigenous groups, due to their heavy dependency on these groups for their survival and livelihood.

The declaration of new civil code with anti-caste discrimination provision was a powerful tool for Dalit in that period. However, it was not effectively implemented. Dalit were not able to file a case against higher caste as they were dependent upon them. The state mainly law enforcement mechanism was not supportive to Dalit. Thus, despite having a law it seems that there was the persistence of discrimination in that particular period.

(Yam Kisan, Lawyer Interview on 15 August 2014)

The democratic constitution of Nepal, 1990, included an anti-caste discrimination provision in its fundamental rights section. Article 11, sub-articles 1, 2 and 3 are those provisions which specifically refer to the legal equality among citizens. Sub-article 4 directly relates to the Dalit. According to this article, 'no one shall be discriminated by caste and creed in public presentations, and in the use of public properties; perpetrators shall be punished by the law' (Constitution, 1990). As already discussed, however, despite such positive constitutional provisions, caste prejudice and discrimination persisted.

The Interim Constitution of 2007, promulgated after the historic Peoples' Movement 2006, brought another landmark change into the anti-caste discrimination law and Dalit rights.¹⁴ The article 35, sub-article 14 covers the special policy of affirmative action for Dalit women, and other disadvantaged communities and article 8 (2) (b) provides rights to acquire lineage-based citizenship in the name of one's father or mother. As mentioned by a research participant, this new legal provision has opened a door for Dalit citizenship in the name of the mother, especially the Badi, who had traditionally been deprived of this basic citizenship right.

Badi, an excluded Dalit group, are deprived of the citizenship certificate. The previous law did not allow Badi women to provide citizenship certificate in the name of mother. There is no identification of father born by Badi women that deprive the children. They are also deprived of other opportunities. However, this changed new constitutional provision allowed to provide citizenship certificate in the name of mother that will mostly benefit to Badi.

(Puspa Badi, Interview, 6 August 2014)

However, despite the immense potential offered by these legal reforms, many of my interviewees were sceptical about the ability to bring about change. For example, Keshar BK stated that the new legal provisions are in papers which are not specifically implemented at the local level. The ineffectiveness of law enforcement

¹⁴Article 14 of this Constitution guarantees rights against untouchability and caste discrimination (Interim Constitution, 2007). Beyond these legal moves, the Caste-Based Discrimination and Untouchability (Offence and Punishment) Act, 2011 was one of the most prominent achievements because it was the first separate law to address and outlaw all forms of caste discrimination. Article 7 (a) and (b) provides for the perpetrator of caste discrimination to be imprisoned for a term between one month to one year, or to be fined between 1,000 Rupees and 25,000 Rupees, or both (NDC, 2013).

pushes back the changes in the society¹⁵. One need to ask why, even in the face of these now extensive anti-caste discrimination laws, the evidence indicates that discrimination persists. One answer provided by one of the interviewees suggests multiple factors:

According to Prof. Om Gurung, the persistence of the caste structure and discrimination are due to the ineffectiveness of state initiatives, the lack of united Dalit resistance and lack of awareness in the general society.

(Interview, 20 August 2014)

Other factors that have been identified and that came through in my research are prejudice amongst prosecutors and reluctance of others within state institutions to take action to ensure the implementation of laws protecting Dalit rights. As mentioned by the interview participants, for example, Kamala Hemchuri, there is wider prejudice on Dalit case¹⁶. The reluctance of political parties to regulate the behaviour of their members is also another key reason. In many instances, party cadres provide political protection to the offenders and that further victimises innocent people. Moreover, insufficient attention by the media, which is more concerned with news worth events than regularised chronic and structural discrimination, contributes to a lack of general awareness or concern.

¹⁵Keshar Bk, interview on 28 August 2014

¹⁶Kamala Hemchuri, Interview, 13 August 2014

This research indicates that the recent changes to legal provisions against caste discrimination are more progressive than before, but the implementation is not effective as expected by Dalit. The institutional bias and Dalit exclusion in law enforcement mechanism are few reasons being law enforcement ineffective. In fact, there is no indication of decreasing level of discrimination despite the harsher legal provisions in Nepal.

5.3. Economic Inequality

This section is an anatomy of the current economic status of Dalit indicating the forms of economic marginalisation Dalit are experiencing. My research shows that Dalit continues to live under severe forms of economic marginalisation in a semi-feudal society where indirect forms of forced or bonded labour and landlessness undermine their economic independence. At the same time, the forces of globalisation and neoliberal policies have generated crises for the traditional occupations of Dalit. Free trade, privatisation, and decreasing government investment directly affect Dalit, who cannot compete with modern markets and policies (Mandal, 2014:8). As expressed by Keshar BK a research participant, global companies are, for example producing cheap fashionable shoes and clothes thereby replacing the traditional tailoring and shoe making occupations of Dalit. He further says that there are ready-made agricultural tools are available in the market that also affects to the traditional

occupation of Dalit¹⁷. No substantive government policy has been formulated to address the effects of this type of occupational crisis. This research identifies that Dalit find themselves caught between the disappearance of traditional occupations and a history of unequal traditional patron-client relationships.

As it came through my research interview that caste, discrimination has been a key obstacle to Dalit developing private enterprises. This is also confirmed by the fact that only 10% of Dalit own land, meaning that 90% are landless and without capital and can only earn a living through wages. Dalit inclusion in the public sector is very low, with only 1% in the Army and Police service (Ahuti, 2010:25). Recent statistics show the economic inequality of Dalit whose average per capita income is US\$361 as compared to US\$712 for other Nepalese, and 43.6% Dalit still live below the poverty line (CBS, 2011).

Degrading Traditional Occupations

One of the features of the traditional feudal system in Nepal is the existence of a caste-based occupational division of labour with Dalit, in particular, being confined to particular types of occupations. Under Feudalism the power of the ruling class

¹⁷Keshar Bk, Interview on 28 August 2014

rested on their control of arable land, leading to a class society based on the exploitation of the peasants who farm, typically under serfdom (Brown, 2010). The lord-serf relationship is a paradigm for understanding power relationships under feudalism, where serfs had to work for their lords without wages (Ibid). What one of the themes came through my research interview is in the case of Nepal, the unfair wage system associated with this semi-feudal form of organisation is known as Balighare, and it has resulted in significant economic dependency amongst Dalit.

Caste-based occupational divisions were a significant trait of Nepalese agrarian society, and indeed traditional occupations continue as the primary source of Dalit livelihood¹⁸. The rigidity of traditional occupations has trapped Dalit in poverty. As indicated by my research participants, among the twenty-six sub-categories of Dalit, each has a distinctive occupation that was held as in some way bringing benefits to the broader society. Dalit residing in Hill regions have occupations that are distinct than those that are held by Tarai Dalit. For instance, in the Hill regions, the Kami are metalworkers, the Sarki work with leather, the Damai are tailors, and the Gaine are musicians¹⁹. The occupations of Tarai Dalit include washing clothes, road cleaning, digging out fields, catching rats, weaving and cleaning animal

¹⁸There are 27.9% of Dalit in three districts dependent on their traditional occupations (FEDO, 2012:68). However, the percentage of Dalit dependency on traditional occupations varies by districts, with 45% in Kavre and 15% in Dhanusa district. At the same time, 41.4% Tarai Dalit and 11.17% of Hill Dalit are systematically excluded from higher professions (CBS, 2014:146).

¹⁹Janga Nepali, Interview on 1 September 2014

carcasses²⁰.The data indicates Dalits' higher dependency on their traditional occupations rather than other forms of employment such as official jobs.

We (Dalit) are heavily dependent on traditional occupation because we do not have an alternative option. We are not highly educated to get government jobs. The local level jobs such as teaching in school also are taken by other groups. We are not included in the decision making level. This is the main reason other caste gets a job at the local level and Dalit needs to rely upon their traditional occupation.

(Keshar Bk, Dalit local leader, Interview on 28 August 2014)

As emerged from my research, caste hierarchy plays a vital role in shaping the level of wages in a traditional occupation. It was found that Dalit receive very low wages on the basis of their traditional occupation such as Balighare as mentioned by research participants. An interview participant described the persistence of unfair wages:

Dalit are compelled to receive a significantly lower amount of grain wages in exchange for their traditional work. Baali (grain wages) is common in rural villages. Even if this system is unfair for Dalit, Dalit have no alternatives.

(Ganesh Shreepaili, Interview on August 2014)

This is also confirmed by other research that the traditional occupation is known by different names such as Balighare/Khalo/Pulo/ Riti Magnya for the same purpose in

²⁰Ganga Prasad Mahara, Interview on 12 August 2014

different regions of Nepal (Nepali et al., 2011; Rasaili, 2009; Cameron, 1998) are traditional institutions that for centuries have determined wages. It is a system whereby payment for work takes the form of the provision of minimal levels of grain instead of cash. Khalopratha also was known as Balighare Pratha is a system whereby Dalit go to threshing floors to collect grain at the time of harvest. As further confirmed by (Nepali et al., 2011:5) Dalit are paid substantially lower rates than higher caste labourers are, and due to power inequities and the lack of any other livelihood options, Dalit are not in a position to bargain. Being mostly landless, the grain Dalit 'earn' does not last even for three months (Rasaili, 2007). Traditional practices persist even though unequal wages are now illegal. Formally, the Labour Act, 1991, requires equal remuneration yet in practice, informal social norms continue to underwrite unfair and unequal wages.

The legal cessation of the traditional feudal relationships resulted in Dalit being left as landless and without capital or education. Thus, Dalit are still completely dependent on landowners. This means that they are completely vulnerable to exploitation.

Bonded labour

One of the key themes came through my research interview that bonded labour no longer continues in its original and legalised form, but it too has left a legacy. Caste-

based enforcement of bonded labour continues to reproduce economic marginality and is ubiquitous in the Tarai and the far western regions of Nepal. The Haliya, who serve as the agricultural labourers are found in the Western Hill regions, and the Haruwa, bonded plougher and Charuwa, bonded cattle herders, are found in parts of the Tarai (Wickeri, 2011:930). It is estimated that there are about sixty thousand Haliya in nine districts of the far western region of Nepal. The Haliya and Haruwa experienced severe economic exploitation and deprived living condition, illiteracy and landlessness (WOREC, 2012). Each of these types of bonded labour arrangements is associated with inherited debt bondage, due to loans provided to individuals or families in the form of cash or rent for land. These loans are repaid over time by the debtors, who are then compelled to repay their debts through agricultural labour and, in some cases, work in the homes of their landlords. This pattern compels debtors to be exploited by landlords forever with ongoing extended loans.

My research reveals that Dalit are often in a cycle of bonded labour caused by their lower economic, education and social status. A Dalit activist recalls the cycle of bondage enforced on Dalit when he used to serve as a Haliya in the Bajhang district of Nepal.

When I was a schoolboy, I had to plough the fields of landowners. We did not even have a small plot of land or even a shed to stay. We were compelled to live on a little piece of land provided by the landowner, however, due to inherited debt and land rent, all our family had to work in their fields as agriculture labourers. Many other families like us spent their whole life being Haliya and under poverty and illiteracy. Haliya is

a form of economic exploitation, which needs to be eradicated efficiently, and Haliya should have alternative bases like land and economic resources.

(Ganesh BK, Interview, 08 August 2014)

Despite the abolition of this sort of slavery by the government, which officially cancelled the loans and freed individuals and families bonded under Haliya and Haruwa, in fact, as they remain landless, illiterate and poor, freed Haliya and Haruwa are compelled to continue working for their former landowners. As mentioned by research participants the government declared the Haliya and Haruwa free from bonded labour without any specific plan for how they would survive or become economically self-sufficient once the old system was no longer permitted to operate. Ganesh BK further expresses his views that:

The declaration of Haliya free from bonded labour is a good initiative. However, the government could not provide alternatives to the freed Haliya. The Haliya did not have any place to stay, and there was not any other livelihood opportunity. This situation compelled Haliya to return with their landlords.

(Interview on 8 August 2014)

The Haliya have not received substantial benefit from the government despite the declaration of Haliya liberation of 2008, which formally entailed the provision of land, housing, and educational opportunities but did not deliver on these (Action Aid, 2011). Despite what seemed like a momentous change, in fact, there is no substantial difference in the lives of Haliya, as they continue to work under landowners.

This research shows that Dalit are exploited because of bonded labour. Such exploitation manifests by locking Dalit into traditional occupations such as Balighare and other forms being Haruwa, Charuwa and Haliya. The underlying cause of Dalit exploitation is caste hierarchy as indicated by this research, which resonates with Nepali et al. (2011). However, this work alternatively finds out that despite being free, Haliya continues to face exploitation due to ineffective management of government.

Landlessness

My research indicates that an agrarian society heavily reliant upon agricultural subsistence, the land is the most important means of production, but Dalit is landless. For example, as stated by an interviewee, being landless Dalit are reliant upon the wage work and bonded labour²¹. Other sources confirm this as the land, which alone contributes one-third of Nepal's GDP, is a vehicle for material wealth and social status and is the key determinant of identity, power, health, and political access (Wickery, 2011). Out of the total land holding, only 1.4% of those who own land own 14% of the total arable land (Adhikari, 2008). The proportion of landlessness people in Nepal is the highest among Dalit, with 90% still landless. This situation is the legacy of the feudal governance system of the Rana regime that lasted until

²¹Yuktilal Marik, Interview, 12 August 2014

1950 and produced an unequal distribution of land that remains unchanged. The higher prevalence of landlessness among Dalit continues despite agrarian reform efforts (Nepali et al., 2011). As mentioned by Tarai Dalit participant Ganga Mahara landlessness is higher among Tarai Dalit:

We (Tarai Dalit) are facing tremendous problems being landless. Most of us do not have land ownership. We are living on public land without land ownership, and it makes us difficult. We are not able to access government services and income opportunity. We are not able to construct a toilet on public land.

Land ownership is the basis for access to food, housing and development, and without access to land, many people find themselves in a situation of high economic insecurity. Land access and ownership are also directly linked to social and political power as 'landless people do not have influence and control in the process and are bound to face exploitation and discrimination by landowners' (Nepali et al., 2011:6). Landlessness reproduces multiple problems in the lives of Dalit beyond the obvious ones associated with food and poverty. For example, a land certificate is one of the key proofs for claiming citizenship. Accordingly, landless people may well be deprived of citizenship, which is, itself a status of statelessness. Revealing the practical problems faced by the Dom community, one of the least developed castes among Dalit, Yuktilal Marik notes:

The Dom caste has no land, even for a small shed for pigs, and pig farming is the only source of income for this community. Due to the lack of land, the community has to defecate in the open, and that produces the multiple health hazards. We are deprived of citizenship and

financial transactions because a land ownership certificate is an evidence of being a citizen in Nepal.

(Interview, 10 September 2014)

According to the 2014 Human Development Indicators, Tarai Dalit occupies the worst position regarding socioeconomic status, and they are the worst off concerning landlessness. One example of being excluded from state resources is that a landless Dalit do not have citizenship certificate, which restricts them to access allowances provided to senior citizen. Thus, landlessness has a multidimensional effect such as poverty, access to state resources and opportunities among Dalit in Nepal.

Unemployment

One of the themes that came through in my interviews is the economic vulnerability caused by the lack of employment opportunities. This finding confirms by the secondary facts and figures. Unemployment is a major problem in Nepal with more than 83% of the population either unemployed or economically inactive if we include the 68% of the population who are partially engaged as self-employed in the agriculture sector (CBS, 2011). According to IDSN and Dalit Civil Society Report, 60% Dalit are unemployed and earn their livelihood from traditional occupations. The unemployment incidence is higher among Tarai Dalit women compared with Dalit men (IDSN and DCSO, 2015). My research interviews suggest that there is a higher incidence of unemployment among Dalit.

It is very pathetic to tell you that Badi (Dalit) women are not allowed to work in higher caste for wage labour. Higher caste considers Badi women are only for entertainment. This perception compels Badi women either to begging or to sing or dance for other peoples' entertainment. This is the similar case with other Dalit people in Nepal.

(Puspa Badi, Interview, 6 August 2014)

Cyclic forms of unemployment, in particular, have detrimental effects on the economic status and opportunities of Dalit. Cyclic unemployment occurs when there is high demand and an inadequate number of jobs and proper training skills (Brown, 1983:164). As revealed by my research, there is high unemployment among Dalit in Nepal. For example, an interviewee mentioned that Dalit are excluded from local jobs in schools and other places²². The caste prejudice becomes a key challenge for Dalit in employment. Due to lower industrialisation, a high dependency on foreign products and goods has an adverse effect on the job market. An interviewee gives a typical example of how Dalit is deprived in the local job markets.

Dalit is living through complexities of caste discrimination, landlessness, poverty, and illiteracy. Dalit does not get a helper role in local schools and offices even if they pass the SLC. The educated Dalit also do not get even a teaching job because the entire school teacher quotas are fulfilled based on nepotism and favouritism. The dominant high castes get all the employment opportunities.

(Keshar BK, Interview, 28 August 2014)

²²Buddha Sunar, Interview, 30 August 2014

As felt by research participants, Dalit youths in particular experience a higher rate of unemployment than other age cohorts do. Many Dalit youths have been compelled to discontinue their education and migrate to overseas to find paid work (IDSN, 2012). There, most of them work in menial unskilled jobs that are hazardous to their health.

Thus, cyclic forms of unemployment have caused detrimental effects to the Dalit of Nepal. The caste prejudices limit Dalit to access the local jobs, compelling them to menial work. Dalit are also trapped in the capitalist market as it has substituted the traditional occupations of Dalit. This research indicates that Dalit in Nepal are trapped by caste prejudice, hegemony and the growing capitalist markets.

Restrictions on Dalit Entrepreneurship

Unable to earn money from capital ownership and restricted in wage labour opportunities, one possibility would be entrepreneurship. However, one of the themes emerged from my research is that Dalit restriction on entrepreneurship being lower caste and persisting discrimination. As elaborated in the above section though, landlessness impedes Dalit from accessing loans from financial institutions that might support entrepreneurship. 'Lack of land also means lack of access to credit and total dependency on landlords to deliver wages and food. This predicament is compounded by a lack of education' (IDSN, 2013:4). Moreover, Dalit

entrepreneurship is limited as caste-based discrimination prevents Dalit for running small tea shops, milk cooperatives and even to run hotels publicly as mentioned by research participant.

We are deprived of having entrepreneurship being Dalit. Higher caste avoids hotels run by Dalit. Higher castes do not eat foods and water touched by Dalit. In this case how to run a hotel business.

(Sewal Ram, Dalit leader Interview on 20 August 2014)

Such discrimination has, however, provoked struggles, like one for equality in Milk Selling Rights initiated by local Dalit in the Western Hill district, Syanja in 1994.

In this particular locality, a milk collection centre was established where all high caste farmers used to sell their buffalo and cow milk. However, Dalit was not allowed to sell their milk being a lower caste people. Dalit milk or any form of water touched by them was restricted from other higher caste people. This oppression initiated the Dalit struggle. After several years of struggle, Dalit got equal rights to sell their milk in the milk collection centre.

(Maharjan and Kisan, 2013)

Caste discrimination continues to impede Dalit taking on opportunities to run businesses like hotels. One of the research interviewees, Yuktilal Marik, a Tarai Dalit activist described how Dalit are still compelled to clean their tea glasses tea in hotels even though they pay the full cost of the tea. He questions how, given such severe situations, Dalit could even think of running their hotel businesses²³. As he argued, no one will come to or buy products from Dalit hotels. Dalit in the Hill districts also

²³ Yuktilal Marik, Interview on 12 August 2014

experiences similar impediments in running hotels. A local Dalit leader in Gulmi district has similar views

There is caste discrimination in urban areas, but the intensity of discrimination in villages is more entrenched than in urban areas. Caste prejudice is a major impediment for Dalit hotel entrepreneurship.

(Ganesh Shreepaili, Interview, 28 August 2014).

Furthermore, despite their trade skills, few Dalit like goldsmiths or tailors own retail shops. Lack of sufficient capital investment and management skills are challenges to sustained entrepreneurship. The persistence of discrimination is one of the key impediments for Dalit entrepreneurship in Nepal.

Exclusion from Financial Institutions

Financial institutions such as banks, cooperatives and microcredit finances can play a significant role in the alleviation of poverty (Mensah, 2004). Financial inclusion contributes to the economic development of faster growth and better income distribution while at the social level it helps the social empowerment of the poor. One of the relevant facts revealed by my research is that the exclusion from such financial institutions inhibits the empowerment of poor Dalit. A research participant while explaining the importance of Dalit access into financial institutions says:

The financial institution such as banks and micro finance are an important source for income generation. Dalit are excluded from these institutions. Dalit are not able to open up their bank or finance as it

requires lots of investment. Being landless, poor how can we open up banks. We are also not included in the committees and not hired as a staff. This disadvantaged us.

(Binod Bishankhe, Interview 10 September 2014)

Microfinance initiatives have the economic goals of reducing poverty and tackling the marginalisation of the poor, particularly the deprived sections of the society. Access to micro-credit loans at the lowest interest rates and community shareholdings, including saving and credit processes, enable poor people to improve their socio-economic conditions where they might not be able to access mainstream financial institutions (Bk, 2006). Microfinance, a financial institution aimed to empower the marginalised poor people, evolved in the mid-19th century through cooperative savings in the United Kingdom. In Nepal, the first credit cooperative was formed in the Chitwan district of central Nepal in 1956. A more formal micro finance program began in 1970 (BK, 2006). My research data indicates that Dalit are also deprived of financial institution being poor as mentioned by Sewal Ram:

Dalit are not often included in the committees of the financial institutions such as microfinance and development banks. Most of the Dalit do not have a bank account. To open the bank account or financial institution someone needs capital. Being poor, it is hard to have capital to invest for opening such institution

(Interview, 20 August 2014)

This research finds out that access to financial institutions matters for Dalit because Dalits' exclusion from regular financial institutions extends from the denial of bank

credits to policy making. This is also confirmed by other research that Dalit exclusion extends in financial institution mostly to accessing loans, savings and credit (BK, 2006). Other research also confirms that financial institutions are not inclusive. Executive committees, accounts committees, and the local committees are dominated by higher caste with only a few Dalit included in this highly segregated space (BK, 2006:5).

The exclusion in financial institutions intertwines with the land issues. Being landless creates stateless, and without national citizenship, people are unable to open bank accounts and access any other services. Exclusion from citizenship locks people into the cycle of poverty. Those worst affected by financial exclusion are the most marginalised sections of society like Dalit. This exclusion occurs primarily because of the lack of Dalit education, the attitude of bankers and policy directions in the banking sector. Existing economic and financial institutions thus enforce and regulate the customary norms of the caste system in Nepal.

Dalit Labour Migration

Both internal and external Labour migration has been increasingly observed in Nepalese society for many decades. Labour migration, particularly overseas, rapidly increased across the country from the 1990s. What one of the themes emerged from my research is that labour migration has been a key livelihood strategy in the face of

the lack of opportunities. This is confirmed by the large numbers of youths from marginal households have been migrating both to nearby cities, to India and overseas. Over 1700 Nepali leaves the country daily for employment, mainly in the Gulf countries and Malaysia to improve, their livelihoods back home (Government of Nepal, 2014) and this trend is increasing. The number of labour migrants was 3.9% in 2008/09 and almost doubled in 2013/14 to 5.6% (Ibid). There are substantial numbers of Dalit going to the Gulf countries and Malaysia.

My research reveals that Dalit should continue to face caste discrimination in the process of overseas employment. The caste inequality also extends to their working condition in overseas. As found out by other research, due to their caste position, Dalit continue to suffer from appalling working conditions overseas (Sunam, 2014). The evidence of caste discrimination that Dalit has to face during labour migration process is as mentioned by interviewees:

There are very few Dalit led overseas manpower agencies. Being fewer manpower agencies and poor Dalit neither can access good jobs nor find good working condition at overseas. Dalit are compelled to go for unskilled jobs. The better jobs overseas are taken by the higher castes who migrate for improved labour opportunities. Dalit also cannot afford to go to the developed country being poor and mostly illiterate.

(Nirmal Deula, Interview, 5 August 2014)

Thus, although improved livelihood is a central factor, and migration is an alternative form of 'escaping from economic dependency on non-Dalit' the pattern of dependence is replicated to some extent (Sunam, 2014:2032). My research indicates that migration is not merely a livelihood strategy but helps Dalit to change their caste and other forms of social relations. The direct economic benefit from labour migration helps Dalit to contest the hegemonic economic relations with high caste people as produced by the Balighare system. Dalit are also trapped in the capitalistic market while in overseas work as most of them are unskilled labourers and restricted to challenging and dangerous jobs. As expressed by the research participants the absolute control over labourers, unfair payment, unprofessional and risky job options restrain Dalit on the international labour market. An interview excerpt supports this claim:

Labour migration of Dalit is more convenient as compared to the traditional occupation. There are discrimination and domination in traditional occupation. Foreign employment enabled Dalit to save basic income which has reduced the traditional dependency with higher caste. However, Dalit are trapped by the capitalist market of unfair payment, dangerous jobs.

(Janga Nepali, Interview, 1 September 2014)

As labour migration increases for the Dalit youth, they confront several challenges, one of which is the management of loans as expressed by the research participants²⁴. Individual loan providers, as well as financial institutions, require any form of

²⁴Keshar BK, Interview, 28 August 2014

property, particularly land, as collateral for a loan (BK, 2006). However, having no land or property, Dalit youth face the major challenge and are compelled to use loans with high-interest rates (Nawal and Sanjay, 2015). The money sent back as remittance is used to pay back loans and daily subsistence. Challenges for labour migrants do not end only with the loan, but it extends to finding out appropriate brokers for good work overseas. Many youths have been the victims of unscrupulous brokers, and their misuse of the cost paid for overseas work (Ibid).

Dalit youth are trapped into forms of cyclic labour migration in Nepal. The decreasing pattern of traditional occupation, increasing capitalist market and persisting caste discrimination are a few reasons Dalit youth take up labour migration. However, they also continue to face hurdles overseas due to unscrupulous brokers and menial jobs.

5.4. Educational Inequality

This section outlines Dalit educational inequality in Nepal. It explores the question of what form of inequality exists in the education sector for Dalit and what are its causes and effects. With a literacy rate of 52.4 %, the educational status of Dalit is fragile as compared to the higher caste Brahmin with a literacy rate of 81.9% (Sharma, 2014). According to the 2011 census, only 0.4% of Dalit have achieved a Bachelor degree and above, as compared to a national average of 3.4%, and 20% of Dalit children do not enrol in school every year (CBS, 2011). Among other several

problems identified through my research low enrolment, high dropout rates, and caste prejudice in schools, combined with a discriminatory curriculum are some dimensions of the problems Dalit are facing in the education sector.

Drawing on Fraser's (2003) argument that injustice can be remedied only if there is recognition or revaluing of devalued identity, diversity, and representation, one can thus see that the problem with education is not only about resources but also about Dalit identity and how it is held in this system. Thus Dalit need revaluing of their identity and representation in schools. As they are considered a lower class, they have lower representation at the policy making and implementation levels. At the same time, they require the redistribution of resources and opportunities.

Educational Function and Social Justice

In different times and spaces, the function of education is interpreted in diverse ways reflecting competing systems. Functionalist perspectives emphasise the role of education as being primarily to prepare young people to support society, whereas Marxist and Feminist perspectives bring a more critical view, highlighting the role that education plays in a filtering process in schools, causing oppression and disadvantage for some individuals while unfairly advantaging others (Hart, 2012:19). Considering both perspectives, one can argue that education maintains the status

quo of oppressive regimes in some contexts, but can also in other contexts promote social mobility.

According to the critical perspective then, and as Zeigler argues, 'the educational system is regarded as an essentially conservative, culture-preserving, culture-transmitting institution; the educational system now tends to be observed as the master determinant of all aspects of change' (Zeigler, 1970:20). The educational institution is a vital organ of the society that can play a role to reproduce the social system and to sustain the social, religious and cultural practices. It produces social values, attitudes, and knowledge (Tropp, 1965:6).

However, the educational system can also generate social mobility based on merit. Social mobility can be maximised in the least elitist public education system with a maximised welfare policy. Whereas they might be excluded from other institutions, lower socioeconomic students can in this setting have access to educational opportunities. At the same time, they may, and do have lower access to resources and opportunities. As a result, they attend less prestigious institutions, which reinforces the social hierarchy rather than increasing social mobility (Hart, 2012:28).

In Nepal, educational systems, in fact, play a major role in aiding and encouraging the reproduction of social inequality and social exclusion. Cultural capital undertakes

a central significance in the above process of social reproduction because inequalities occur in the cultural transmission, which accentuates social class (Tzanakis, 2011:76). This process is facilitated in schools where teachers' pedagogic actions promote the cultural capital of the dominant class, by rewarding students who possess such capital and by penalising others who do not (Ibid). Cultural transmission is a strategic process of family based intergenerational reproduction. In modern societies, the school has become the most important agency for the reproduction of almost of all social classes (Nash, 1990:432).

Situation of Dalit Education

One of the fundamental issues emerged through my research is that Dalit have been historically disadvantaged in the educational sector. As noted above, this pattern of exclusion has its roots in the Varna system as described by Manusmriti, in which Dalit were considered as the labourers, and the Brahmin (higher caste) was the only rightful holders of education (Ahuti, 2010). This framework persisted in the twentieth century in Nepal, with education having been prohibited for Dalit right up to the 1950s, particularly during the Rana regime. In fact, not only Dalit but also other caste groups were excluded from school education, but the penalty for violating the rules was harsher for Dalit than for other caste groups. Janga Bdr. Rana established some schools during the Rana regime, but they were only for the Rana family and not open

to the public. As a result, 98% people were illiterate in Nepal until 1950, and only 100 Dalit were found to be literate in this period (Bhattachan et al., 2008).²⁵

The secondary data and research interview indicate that substantial numbers of Dalit students are still out of school.²⁶ A research interviewee indicates some of the reasons for this:

There is a lower enrolment of Dalit children at the first school going age because of poverty and lack of awareness among Dalit parents. The school going age children are supposed to help their parents to look after other siblings. When parents go to wage labour older children care for their siblings. This causes non-enrolment of Dalit children at school.
(Buddha Sunar, Interview, 30 August 2014)

Even where Dalit are enrolled, continuation in school is a problem. In 2004, the school completion rate of Dalit was considerably lower—15% of the total Dalit

²⁵Democratic political change in 1950 encouraged Nepali people to open schools. Consequently, Dalit also started to go to school but there was not any particular provision for Dalit (Bhattachan et al., 2008). The 1990s political change is a landmark in the educational sector, as the government made primary school free for all children (Ibid). There was nominal provision for scholarships for ultra-poor, including talented Dalit children. The educational policy did have significant impacts on the outcome of Dalit education, for example, the literacy rate of Dalit doubled in 2001 to 33.8% from 17% in the 1991 census. This rate increased to 52.4% in 2011, although there is still a large gap between non-Dalit and Dalit literacy. The literacy rate of the Tarai Dalit is the lowest among the groups in Nepal. In 2011 census, the literacy rate of Dalit was 52.4% (Hill Dalit 61.9% and Tarai Dalit 34.5%) which is less than the national average of 65.9% compared with 81.9% of Brahmin community (CBS, 2011). The Dom (20.3%) and Musahar (21.8%) have on average the lowest literacy rates among the bottom ten and the other higher caste groups (CBS, 2014). The significant difference between the Hill and Tarai Dalit literacy rate is generally determined by their awareness levels and access to opportunity and power.

²⁶The share of Dalit and ethnic enrolment is proportionately lower than their share of the population. The Dalit proportion of students at the basic level is 19.7 % and the secondary level 10.5 % (Government of Nepal, 2012).

population.²⁷The key reasons for Dalit lower attainment and continuation of school as mentioned by a research participant are:

.... most of the Dalit are poor, and their children should help their parents for daily wages and agricultural work. The persisting poverty is a key reason for Dalit discontinuation. However, the widespread caste discrimination is also another reason. Dalit children face direct and indirect forms of caste prejudice and discrimination by their peer and teachers at school which discourage Dalit children. Also, the exclusion of Dalit in management committee and teaching force are also contributing factor.

(Dulari Harijan, Interview, 8 September 2014)

With non-enrolment, higher dropout rate, irregularities of school attendance and the incidence of caste discrimination are the problems that Dalit experience in the school and educational sectors. High dropout and low levels enrolment are the current challenges for Dalit in Nepal.²⁸ Dropping out of schools was more frequent among Dalit students compared to the other groups. The interview data also suggest that Dalit are dropping out of school at a higher rate than other groups due to the persisting caste discrimination and poverty. Ganga Prasad Mahara, a Tarai Dalit says that:

²⁷ Tarai Dalit such as Chamar, Khatwe, Dushad are very poor and the Mushahar have almost no education. Overall 66.4% of the population aged 5-25 years currently attends school or college. Attendance is highest among Hill Brahman (79.3%), followed by Newar (74.3%) and Hill Chhetri (73.3%) (CBS, 2011). Similar to literacy, all at the bottom are the Tarai Dalit, and the Dom has the lowest percentage of the current school or college attendance (22.2%), followed by Musahar (29.3%) (CBS, 2014). Dalit School Leaving Certificate (SLC) pass rate is very low in comparison with other caste groups, and this then relates to Dalit enrolment and continuation in lower secondary and primary levels.

²⁸The enrolment rate of Dalit is 18.7%, of Ethnic people is 36.7% and the total enrolment rate is 84.7% at the basic education level (GON, 2012). In primary school, repeating grades and dropout rates are high, especially in Grade 1, and the completion rate is low.

Dalit children continue to face caste discrimination at school. They experience discrimination from their peers and teachers. Teachers put Dalit children on the backside of the classroom. Some teachers even do not touch Dalit children and do not encourage them to participate in the classroom actively. The poverty and caste discrimination are main reasons for dropping out kids from school.

(Interview on 12 August)

This research revealed that poverty, racist behaviour and bullying by peers are causes of school dropouts. This is confirmed by the survey of NNDSWO (2004) in 6 districts, where more than 50% are not going to school, the reason for dropping out is the adverse economic situation. Poverty compels Dalit to wage labour, and most children work with their parents. The informal social values and norms also discourage Dalit children from continuing their schooling. As mentioned by research participant Keshar Bk, the use of caste derogatory words like *Kami*, *Sarki*, *Chamar* and *Dom* humiliates Dalit children. He said that school peer and teacher use to call Kami, Sarki and other derogatory words. Dalit children feel humiliation if someone call them using such derogatory form²⁹. Inside the classroom, the higher caste students do not allow Dalit students to sit together with them. This was confirmed in the field work, where almost all the interview participants agreed that there is some form of direct and indirect discrimination in schools in Nepal.

Bhola Paswan, a Dalit journalist, spoke about the way in which teachers separate Dalit from other children by having them seated at the back.

²⁹Keshar Bk, Interview, 28 August 2014

Particularly in the Terai regions, Dalit are not allowed to touch the water in schools.

(Interview, 12 August 2014)

There were similar findings from Bhattachan et al., (2008) as they found that mostly Dalit student sit separately at the back of the classroom, and in some schools, Dalit are still not allowed to enter at all. The higher caste students fear Dalit as they can touch their lunch (Bhattachan et al., 2008). Another source of peers' rejection is related to the age of Dalit students, as Dalit children often begin school later than other groups (Mahat, 1999). The racist behaviour of peers discourages Dalit children from continuing their education. Dalit children do not get support from higher caste children in discussions and thus miss the opportunity of sharing and exchanging talents. The recent case of discrimination as reported by Makalu TV is an example of how Dalit students are treated in the school³⁰. This research finds out that various forms of discrimination can be observed in schools. One of them is a restricted relationship with the teacher. A research participant highlighted some of the prejudice behaviours in schools:

³⁰Kanhayia Mallik a Dalit student in Rangeli-5, Morang faces discrimination in school. He says that the teacher asks him to stay on the back bench in the classroom. The teacher directly says we are lower caste and does not allow us to sit in the front bench and to take part actively in reading and writing. If we ask the teacher to sit at the front, the teacher uses corporal punishment. Another Dalit girl had a similar experience as now she has left the school from the same village. She says "I do not like to go to school because the teacher and peers consider us lower caste and misbehave by *untouchability* and caste discrimination. I feel humiliated when they discriminate against us (Makalu Television, 6 June 2015)

Teachers abuse Dalit children by using their surnames, which humiliates them. Teachers do not use water touched by Dalit. Teachers inspire non-Dalit children to be seated separately from Dalit. The lower ranked mark is given to Dalit children. Teachers give priority to non-Dalit children for extra-curricular activities, e.g. tours, educational visits. The class monitor is selected by non-Dalit children who always beat and punish Dalit children. Many Dalit students face the problem while renting a room. However, teachers do not help them in this situation. Many Dalit are restricted from schools if they resist the unfair behaviour.

(Keshar BK, Interview on 28 August 2014)

Reinforcement of the dominant culture, particularly untouchability practices are pervasive at schools and discourage Dalit children from attending and continuing their schooling. The following statement from an interviewee, who is now a social activist, shows clearly how Dalit had to suffer caste discrimination in school, also showing its pervasiveness across settings:

...*Untouchability* in the school was common for me because I had no knowledge at that time, I had to live separately. I was not allowed to touch a water pot or jug. Later when I moved to Kathmandu for my college study, I used to stay in a hostel, but some Brahmin colleagues left the hostel when they knew that I was untouchable and they were reluctant to have lunch in the kitchen together. I used to think sometimes that I am also the same as other peers in school and college, but I had no choice and had to accept it.

(Padam Sundas, Interview, 8 August 2014)

A low level of teacher diversity is also a major challenge in Nepal. The majority of teachers still come from the higher caste groups—Brahmins and Kshatriyas. Only 3.3% of teachers at the secondary level and 2.7% at the higher secondary level are

Dalit, which is the lowest among all caste groups (GON, 2012). This is highly damaging because of the presence of Dalit teachers matters in some senses. As discussed in the theory chapter, representation has a symbolic value. One of the key factors came through my research is that the presence of Dalit teachers can provide role models to both Dalit parents and children to make them realise the importance of education. Despite the 9th Government plan (1997-2002) that required that there be one Dalit teacher per school, the policy was not implemented effectively. If properly implemented, this type of policy could play a vital role in creating an inclusive teachers' force in Nepal, and Dalit would benefit from it. By highlighting the Dalit exclusion in Teacher force, one the participant says that:

Dalit is also excluded in the teaching force. At the local level, the school management committee hires their relative or the person who is affiliated with a political party. There is a higher discrepancy in the local hiring process. The government plan also is not implemented effectively. If the plan is implemented, it would help Dalit to be included in the schools.

(Ganesh Shreepaili, Interview, 28 August 2014)

This research indicates that Dalit also face exclusion from the Management Committees at schools. These committees play a guiding role to make schools efficient and have a role in selecting teachers, managing the resources and ensuring that schools provide quality education. Even though the provision for inclusive membership is made through the 7th amendment of the Education Act, 1971, neither the existing legislation nor the regulations are specific regarding the actual process

of this committee formation. The lack of Dalit in the teaching profession and their inability to win elections contribute to their exclusion from these committees (Bishwakarma, 2009). In some cases, higher caste people who hold positions in school management committees restrict Dalit from nominating their candidacy for a management committee. Dalit representation on the committee could influence the process of teacher selection and efficient distribution of Dalit scholarship. The education policies do not have mandatory provisions for Dalit on School Management Committees and Parents Teachers Associations, so the representation of Dalit in school governance is low. One of the interviewees confirms the exclusion in these committees:

The school management committees are also led and controlled by higher castes. Dalit are not considered capable of managing these committees. This sort of exclusion discourages Dalit from actively taking part in the education sector. The exclusion reduces Dalit trust and ownership.

(Budha Sunar, Interview, 30 August 2014)

One of the key issues revealed by this research is that although the curriculum is the backbone of education and could play a role in eliminating social stigmas, social discrimination, in fact, the Nepalese curriculum is itself caste biased and discriminatory to Dalit. This is confirmed by the Nepal Dalit Commission's review (2004), some prejudice prevails in the textbooks. For example, as mentioned by the research participants, derogatory words and phrases are referred to in the reading materials or subject textbooks such as *Kami Kale ki Kale Kami* (Black Kami or Kami

Black). The lack of relevant teaching and learning materials to discourage discrimination and *untouchability* is one of the key reasons for continued discrimination in schools³¹. There is absent of positive mention of traditional Dalit professions in the curriculum, although this type of inclusion could help students to revalue their importance, rather than emphasising the negative descriptions. In general, the curriculum has not considered the Dalit and marginalised groups as essential components of the nation.

The education system in Nepal plays a vital role to reproduce the caste system and discrimination in Nepal. My research resonates with other research regarding the use of derogatory terms in the educational curriculum, the persistence of discrimination by teachers and peers, the exclusion from school management committees and that teachers reinforce the caste hierarchy and hegemony in Nepal.

Review of Government policy for Dalit education

As revealed by this research, although there have been many efforts and initiatives to address the serious levels of educational inequality that exist in Nepal, these have not been as effective as they might have been, even taking into account the very challenging governance context. The Nepal Government has formulated some targeted policies for Dalit education and has adopted some international conventions.

³¹Buddha Sunar, Interview, 30 August 2014

However, the implementation of these policies is not effective as a result the progress is slow. For example, Nepal did not significantly progress achieving free and compulsory primary education as set out by Millennium Development Goals (UNICEF, 2006). Despite having national and international legal procedures, it could not be effective in halving the gap in Dalit education. While explaining Dalit situation in education, one of the research participant Bhola Paswan says that:

.... education situation of Dalit is still pathetic, and this case is more in Tarai regions of Nepal. There is widespread caste discrimination at school. Dalit students are not encouraged properly, and there is no learning environment. There are certain national and international law against discrimination and initiative to reduce the gap, which is indeed not working well.

(Interview on 12 August)

Among the several legal provisions, the Education Act 1971 (8th amendment, 2004) is one of the important laws in safeguarding free education for Dalit children. This Act envisioned free primary education for all children including free education for poor Dalit, ethnic groups and women. Education by law (2002) has directed community schools to manage free education for poor Dalit, Ethnic groups and girls. An inclusive provision in the Annual Strategic Implementation Plan (ASIP), 2006 has taken various measures. One of them is policy reform to improve the inclusion of disadvantaged groups such as the inclusion of teachers from traditionally disadvantaged groups will be prioritised. However, the implementation of the law is not effective as mentioned by participants:

...the inclusion of Dalit in school mainly in its school management and teaching force are significant for Dalit because that could motivate Dalit children in school. The level of caste discrimination could be reduced due to Dalit representation. However, Dalit are rarely included in school management and teaching force.

(Yuktilal Marik, Interview, 12 August 2014)

The Dalit scholarship is one of the major visible programs of government to support the education for Dalit. The School Sector Reform Plan (2009-2015) focuses on basic education. It includes a free education provision that is cost-free services for admission, textbooks, tuition and examinations. Particular attention is paid to paying Dalit and persons with disabilities from the Karnali zone as this zone is comparatively considered as underdeveloped in Nepal. The Dalit Development Committee has been distributing higher education scholarships to Dalit students every year (Bhattachan et al., 2008). However, the scholarships have been misused by teachers and school management committee members that deprive the needy Dalit students of those scholarships.

5.5. Political Inequality

The 'political inequality refers to the unequal influence over decisions made by political bodies and the unequal outcomes of the decision' (Dubrow, 2015:477). 'Political inequality is a subtype of power inequality, visible within the political processes of all kinds of political structures. In modern democracies, political

inequality is simultaneously a dimension of democracy and dimensions of stratification (Ibid). A popular definition of political inequality that is grounded in equality of opportunity is related to the distributional approach. It is structural differences in the distribution of political resources. This clarifies that one group has greater or lesser access to or acquisition of political resources. Political possessions are anything that can be used to affect political decisions such as social and psychological factors, an authority position, a network connection or action or political participation (Dahl, 1996). The following section highlights how Dalit of Nepal has been dispossessed from political power.

Dalit Participation and Representation in Political Parties

One of the key themes emerged out of my research is that Dalit inequality is entrenched in the political sphere with lower participation in political parties, and inappropriate government policies. Inclusion statistics of different political party evidence that Dalit participation is lower in their committees. Political inequality interrelates with socioeconomic, educational status of Dalit, which is in general in a fragile condition. The government policy to address this condition is inadequate and ineffective despite recent changes to electoral policy supporting the increased inclusion of Dalit in politics (Ahuti, 2010). Thus, this section highlights the existing Dalit situation in the political sphere including its relationship with caste

discrimination showing that caste discrimination plays a complex role causing Dalit inequality in politics.

Dalit participation in formal political structures has been slowly increasing since 1990 although there is persisting inequality. Dalit gradually started to take part in the formal political process through the nomination of Dalit members for political party committees and elections. However, data indicates that Dalit are under-represented as they are neither in leadership nor sufficiently represented in the party structure. None of the political parties has elected Dalit to lead the party. By explaining the obstacles to Dalit one research participant Jiban Pariyar says that:

...Dalit are still excluded from a political leadership role. Very few Dalit are nominated by the central committee of major political parties. This also reflects at the lower committees of the parties. There are also evidence of discrimination as higher castes devalue the leadership of Dalit. Among others, Dalit poverty and lack of education are also some other obstacles for Dalit to continue politics.

(Interview on 8 August 2014)

The composition of the central committees of the major political parties in 2012, as shown in Table 5, indicates the low representation of Dalit.

Table 6: Dalit Representation in the Central Committees of the Major Political Parties 2012

S.N.	UCPN-M	NC	CPN-UML
Dalit members	6/138 (4.34%)	6/85 (7.10%)	7/115(6.08%)
Female Dalit members	1/138 (0.72%)	2/85 (3.35%)	-
Terai Dalit Members	1/138 (0.72%)	1/85 (1.17%)	2/116(1.72%)

Source: (Khanal et al.,2012)

One of the key reasons for the lower participation of Dalit, as came through my research, is the domination of non-Dalit in political systems. In other words, even in a democratic regime the informal norms that traditionally excluded Dalit continue to block them from formal participation and decision-making processes. In particular, the leadership of political parties is traditionally held by upper caste men. Dalit and other marginalised groups are mostly party cadres rather than leaders. Dalit are excluded from formal decisions making levels as those levels are dominated by mostly higher castes (Khanal et al., 2012). Dalit, in general, are considered as the vote bank for political parties rather than leaders. As Constitutional Assembly member Anita Pariyar described the situation:

Political parties still do not believe that Dalit make competent leaders. They are reluctant to provide roles and responsibilities, particularly leading roles for Dalit. This is not only in one party but also with all the parties in Nepal as they carry conservative ideas and always see Dalit as incapable.

(CA Member Anita Pariyar, Interview, 12 August 2014)

The political participation is, however, more than just voting and standing for political candidacy. This means attending public meetings, engaging in public discussions and the taking part of actions that point to political interest and engagement. Although the majority of Dalit vote in the elections, there is little evidence of subsequent formal political engagement (Khanal et al., 2012). Lower self-esteem and humiliation impedes Dalit from accessing opportunities and resources. Nevertheless, it was found that Dalit often use informal means for political engagement to influence political actions and learn about political issues in their community.

Dalit are not in the leadership role even at the local level. Dalit engage in political activities but use informal means such as Dalit talk to local political leaders, share their views with Dalit community leaders, or simply stay silent during meetings. The political engagement depends on the educational level of Dalit. Illiterate Dalit are not able to raise their issues appropriately. This is also problem that makes Dalit to use informal medium to convey their concern during meetings,

(Keshar BK, Interview, August 2014).

The problem is that these forms of informal political participation or low participation lead to the misrepresentation or non-representation of Dalit views and interests. Thus, although the democratisation process has given formal space to Dalit to exercise their rights and participate in formal politics, the inclusion of Dalit is still missing.

Dalit are affiliated to the main political parties mostly as party cadres. Even though Dalit manage to obtain membership at the local level, they often fail to gain leading role at central committees. Alternatively, Dalit used political wings to advocate their issues. As revealed through my research almost all the political parties have their Dalit political wings. The Nepali Congress has the *Nepal Dalit Sangh*, and UML has *Nepal Utpidit Jatiya Mukti Samaj*. Dalit leaders who are actively working in the party are also a member of these political wings. Dalit wings follow the party ideology, structure and directives; however, they explicitly discuss Dalit rights. It is a way of organising Dalit along party lines. Ganesh BK, General Secretary of Mukti Samaj, suggests that Dalit wings are important for political parties.

Dalit political wing in political parties are imperative to sensitise, organise Dalit community according to party lines. This platform helps Dalit leaders to discuss and recommend the party to adopt a policy for Dalit, which would be effective in the party structure specifically always. It is indeed useful to create pressure on Dalit agenda in an organised form.

(Ganesh BK, General Secretary Mukti Samaj, Interview, 8 August 2014)

The political wings of Dalit have been a platform to organise joint political action. Highlighting the importance of Dalit political wings and their joint action, Dalit leader Chabilal Bishwakarma says that:

Despite there are some criticism against the divided political ideology of Dalit leaders as they are scattered in different political parties, recent events of the formation of informal '*Joint Political Struggle Committee of Dalit*' is very prominent for Dalit Movement. Dalit leaders of the main political parties chair the committee in rotational basis and agendas are decided in this committee if any protest programs to set forth. This

committee led a demonstration against government curtailing of Dalit rights.

(Chhabilal Bishwakarma, Central Committee Member UML, Interview, 26 August 2014)

My research indicates that the political participation and representation of Dalit is slowly increasing after the 1990s political change in Nepal. However, the persistence of higher caste domination in party structures and leadership together with caste prejudice has been detrimental factors for Dalit participation in politics.

Exclusion of Dalit in the National Legislature

Dalit representation in the national legislature was consistently lower than other higher caste groups during *Panchayat* period and even after the reinstatement of democracy in 1990. In the Panchayat system, the King used to nominate the supporters for the Panchayat Assembly (Khanal et al., 2012). During 30 years of the Panchayat, only 4 Dalit were nominated, as shown in Table 6. The repeated nomination of the same Dalit candidates evidences the pseudo participation of Dalit. Dalit nomination in the Panchayat Assembly was tokenism.

Table 7: Dalit in the National Panchayat 1961-1990

S.N.	Name	Year of Appointment
1	Dhanman Singh Pariyar	1962 (nominated by King)
2	Hira Lal Bishwakarma	1971 (nominated by King)
3	Hira Lal Bishwakarma	1974 (appointed by King)
4	Hira Lal Bishwakarma	1981 (nominated by King)
5	TR Bishwakarma	1981 (appointed by King)
6	Tek Bahadur Bishwakarma	1986 (nominated by King)

Source: (Khanal et al.,2012)

The reinstatement of democracy in 1990 brought freedom of speech into party politics. Several political parties evolved during this period, but the inclusion of Dalit and marginalised groups remained zero as higher caste elites led most of the parties. After the political changes of the 1990s, there were national general elections in 1991, 1994 and 1999 for 250 electoral seats of the National Parliament. However, only one Dalit candidate won the election in 1991. As some of the reasons for the failure of democracy for Dalit non-representation, Mr Chabilal Bishwakarma, central committee member of UML mentions

The prolonged nature of political biases for Dalit candidacy, the financial crisis Dalit experience and the untouchability perception among the voters are key reasons for Dalit failure. These key reasons impact Dalit to contest election even if they contest there is less chance of winning the election.

(Interview, 27 September 2014).

During Panchayat, the nomination of Dalit in the upper house was symbolic and nominal. Table 7 shows the Dalit leaders nominated by King during Panchayat system in Nepal.

Table 8: Dalit in the National Assembly 1991-2001

S.N.	Name	Year	Method of Appointment
1	Dal Singh Kami	1991	Upper House (NC)
2	Golchhe Sarki	1991	Upper House (UML)
3	Man Bahadur Bishwakarma	1993	Nominated by King
4	Ratna Bahadur Bishwakarma	1995	Upper House (NC)
5	Bijul Kumar Bishwakarma	1999	Upper House (NC)
6	Lal Bahadur Bishwakarma	1999	Upper House (CPN-UML)
7	Rishi Babu Pariyar	1999	Nominated by King
8	RamPrit Paswan	1999	Upper House (CPN-UML)

Source: (Khanal et al.,2012)

Dalit representation in the national legislature since the 1990s until 2007 was only tokenism rather than meaningful proportionate participation. In contrast to this situation, in 2007 the electoral policy brought substantial changes resulting in about 8% Dalit participation in the national legislature as shown in Table 8. The interview text also further clarifies the Dalit exclusion in the national legislature.

Despite the democratic changes, there were no substantial shifts in the political representation of Dalit in Nepal. There were only very few Dalit representations. The political parties were reluctant to provide election tickets to Dalit candidate. Even if they provided, it was in the place where there was no strong party hold. That led to the failure of Dalit candidate to win the election.

(Ganesh Bk, Interview, 08 August 2014)

Table 9: Dalit in the National Legislature 2006-2013

S.N	National Assembly	Dalit seats/Total Seats	Percent
1	Interim legislature Parliament, 2006	18/330	5.45%
2	Constituent Assembly Election, 2008	50 (7-FPTP, PR-43)/601	8.31%
3	Constituent Assembly Election, 2013	42 (2 FPTP, PR 40)/601	6.98%

Source: Author's Compilation, 2014

Dalit candidates from the Communist Party (Maoists) won overwhelmingly in direct elections as this was previously considered as the matter of power and money as shown in Table 9. As indicated by most of the interviewee, in previous general elections, Dalit used to be nominated in areas where there was no strong party hold³². However, in 2008, Dalit were nominated to party held areas with full party support for the election campaign and necessary expenditures that brought a historical achievement (Ahuti, 2013:333). This trend was previously uncommon as the political parties used to nominate Dalit in less party holds electoral areas.

Table 10: Dalit in the National Legislature by Political Party 2006-2013

³² Ganesh BK, Interview, 8 August 2014

S.N.	Political Parties and Dalit seats	Interim Legislature Parliament, 2006	Constituent Assembly Election, 2008	Constituent Assembly Election, 2013
1	Nepali Congress	1	0-FPTP, PR-9	0-FPTP, PR-9
2	Communist Party of Nepal-UML	3	0-FPTP, PR-10	2-FPTP, PR-9
3	Communist Party of Nepal-Maoist	12	7- FPTP, PR-16	0-FPTP, PR-9
4	Janamorcha Nepal	2		0-FPTP, PR-9
5	Other Parties	-	0-FPTP, PR-7	0-FPTP, PR-9
6	Dalit Janjati Party	-	0-FPTP, PR-1	0-FPTP, PR-9

Source: Authors Compilation, 2015

As indicated by my research, to increase Dalit representation in political parties and the legislature, the effective implementation of inclusion policy is necessary. This was something confirmed by a number of my interviewees in my study³³. However, the persisting caste prejudice is a key impediment to effectively implementing the policy and providing fair representation for Dalit in Nepal.

Electoral Policy and Dalit Representation

One of the key themes revealed by my research is that the electoral system is fundamental to shaping the representation of Dalit in Nepal. This finding is also confirmed by Khanal et al. (2012) research. Social class, gender and caste blind policy creates greater exclusion of marginalised groups. For instance, the direct election

³³Ganesh BK, Interview, 8 August 2014

system is known as First Past the Post (FPTP) failed to ensure the representation of Dalit in most of the elections held before 2008 (Khanal et al., 2012). The electoral policy, 2008, approved the principle of proportional representation, which translated into having a mixed method electoral system for a total of 601 Constituent Assembly Members (Election Commission, 2007). This policy introduced 250 seats for First Past the Post (FPTP) and 335 for Proportional Representation (PR). Political parties were bound by this law to nominate a proportional ratio of caste, ethnic and gender balance. As the result of this law, the first time in the history, Dalit achieved 8% Dalit representation in the National Legislature. Arguing the importance of proportional representation policy, Dalit leader Jiban Pariyar says:

The Electoral policy is a key factor in determining the representation of marginalised groups. The mixed method election, the combination of FPTP and PR helped Dalit representation in the parliament in Nepal. Whereas Dalit representation before 2008 was also zero. The proportional representation policy contributed to increasing Dalit because this compelled political parties to nominate inclusive list in Nepal.

(Jiban Pariyar, NC leader, Interview, 8 August 2014)

This research also indicates the gaps in the electoral policy. For example, the political parties misuse processes by nominating their relatives, business personnel, and elites instead of marginalised groups in proportional representation quota³⁴. This pattern is further obstructing the chance of Dalit and other marginalised groups from

³⁴ Rem BK, Interview, 6 August 2014

increasing their representation. Despite this gap, in Nepal, a PR election system is one of the main factors to increase Dalit representation in the national legislature.

Obstacles to Dalit Political Representation

The combination of caste discrimination, social status as reproduced by hierarchy, competency assumption and lack of social capital are few factors excluding Dalit in politics as well as non-acceptance of their leadership as came through my research interview. This is confirmed by other studies (Khanal et al., 2012; Bhattachan et al., 2008) since the Dalit leaders who are involved in national politics are compelled to follow the elite higher caste leaders even for being nominated in a different structure of political parties.

The mixed method election combination of First Past the Post and Proportional Representation helped to bring positive results, although this was not sufficient according to the principle of proportional representation. Key reasons for the low success rate of Dalit in direct elections as opined by Min Bishwakarma leader of Nepali Congress are:

Inclusion policy is not yet fully in practice, and political parties are also not serious about Dalit representation. Political parties just provide proportional quota and do not promote to contest the direct election. This form of political exclusion is an underlying cause hindering Dalit access to power.

(Interview, 15 August 2014)

Tokenism is prevailing particularly after the enforcement of the inclusion policy, and pseudo participation is a challenge to the Dalit representation. This research shows that nomination either by quota or just as a token in the political mechanism is pseudo participation as widely confronted by marginalised groups in Nepal. There is contention over meaningful vs numeric participation as they argue that numeric participation does not help to raise the agenda unless representatives can establish their agenda (Ahuti, 2010). The question of meaningful participation lags behind since there is a general trend to nominate an individual based on their favours rather than their personal and political qualities.

The recent changes in the electoral policies have contributed to increasing the representation of Dalit in the national legislature and political parties. However, political parties nominate the Dalit who are more inclined to party. This sometimes undermines the qualities. Thus, political parties should consider the meaningful participation rather than numeric.

(Prof. Madhusudan Suvedi, Interview, 15 August 2014)

Dalit division by political ideology also has the effect of undermining the effective advocacy of Dalit. Dalit leaders are tied to the respective political ideologies of the parties to which they belong and are not able to fully acknowledge Dalit communal issues. Leaders' dispute over certain issues is an impediment to developing a common

Dalit agenda and strongly influencing for its enforcement. For instance, as emerged through my research affirmative action is contested among Dalit leaders, both regarding its name and content. As mentioned by a research participant Yam Kisan, Dalit leaders affiliated with UCPN-Maoist prefer to say *special rights*, NC uses the term *reservation*, and CPN-UML stands for *special reservation*³⁵. In principle, these three terms denote the same thing, but Dalit leaders continue to argue over terminology. This is illustrative of the effect that internal division amongst Dalit has on the efficacy of formal politics for Dalit in Nepal. He further explains that:

...the affirmative action was contested among the Dalit leaders mainly for its name and content. Dalit leader affiliated with Maoist prefer to say special rights. Special rights as they argue are more progressive than reservation. Special rights cover the compensatory provision for Dalit representation. NC leader prefers to use reservation as employed in India. UML leader prefers the special word reservation. However, the essence of these all words is same.

(Yam Kisan, Interview, 15 August 2014)

This research indicates that the polarised political landscape and the perceptions of the major political parties are contributing factors to the unequal participation of Dalit. Political parties do not have a common position and interest in Dalit issues³⁶. The political parties have failed to take measures and make policy decisions to ensure Dalit representation. Rather they have allocated some seats to Dalit candidates only as a token and to symbolise their pro-Dalit policy. As expressed by the research

³⁵Yam Kisan, Interview, 15 August 2014

³⁶Binod Bishankhe, Interview, 10 September 2014

participant Yam Kisan, Political parties consider Dalit generally as their *vote bank* (source of votes) because of Dalit weaker political associations, internal conflicts, and divisions³⁷. Also, there is not any favourable environment to sustain a Dalit cadre in politics and to develop leadership capacities. The major impediments are poor economic background and social hegemony. Even in today's society, primarily higher caste people do not accept leadership from Dalit considering their caste hierarchical social values.

5.6. Conclusion

This chapter explains the underlying manifestations and causes of Dalit inequality in Nepal. It has attempted to show how structural injustice induced by caste hierarchy persists and how it causes multidimensional effects on Dalit lives. The deeply entrenched caste discrimination has caused inequality and injustice through socio-economic, education and political exclusion and marginalisation. It was found that the caste hegemonic social structure continues Dalit to marginalise in this modern age. The violation of basic human rights of Dalit is a key concern; however, efforts by authorities have been poorly implemented. Dalit remain excluded from most real opportunities, denied State resources and disrespected.

³⁷ Yam Kisan, Interview on 15 August 2014

In this context, this study has questioned the concept of Dalit assimilation to dominant cultural norms mainly because there is no equal respect of the devalued identity of Dalit. Revaluing Dalit identity and the redistribution of power and resources are crucial to rectifying the injustices faced by Dalit in Nepal. With this foundation, the next chapter begins to consider how Dalit struggles for reform and justice.

CHAPTER SIX

DALIT POWER POLITICS: SOCIAL MOVEMENTS AND CIVIL SOCIETY

6.1. Introduction

Whereas the previous chapter set out the deeply entrenched inequality that Dalit experience in Nepal, this chapter provides an analysis of how Dalit have been seeking to overcome this inequality since the inception of their social movements in 1947. It does so by focusing on two main questions. First, it asks how the Dalit Movement emerged and how it has developed. Second, it considers what the Dalit Movement has achieved in terms of their objective of bringing about the institutional reforms required to realise equality and social justice. To explore these questions, this chapter briefly examines the Dalit Movement through social movement theory, and I use a mix of my interview data and observations I have gained from the literature for its substantive analysis. At the same time, the strict distinction that is usually drawn between the informal politics of social movements on the one hand, and formal party politics on the other, and the distinction between social movements and non-government organisations (NGOs) does not capture the nature of Dalit advocacy. As Dalit have moved between these spaces subject to opportunities, this chapter looks at all three to some extent.

Since Nepal's democratisation, following the fall of Rana regime in 1950, the Dalit Movement has been playing an increasingly prominent role in the politics of equality

and justice (Maharjan and Kisan, 2013). In this regard, we need to locate the Dalit struggle for justice as occurring within the wider framework of Nepalese democratisation processes. Nevertheless, when we do so, what we find is that in their struggles for rights and freedom, Dalit have often been excluded from mainstream politics and the broader democratisation process. In addition, the vicious combination of internal division and lack of strong leadership has contributed to the limited effectiveness of Dalit Movements in achieving substantial institutional reforms for justice. Despite Dalit participation in political transformation, the Dalit voice has been only partially heard in Nepal.

We can broadly plot their involvement across three phases of struggle, analysing each to show how it has sought to achieve equality and justice in the context of power politics and identity. The different phases of Dalit struggle include the evolution of Dalit associations from 1947 to early 1990, Dalit struggles for inclusion and participation after 1990 to 2006; and constitutional recognition in post-2006. These phases are used to organise the analysis of this chapter.

To frame this analysis, the chapter commences with a discussion of social movement theory including opportunity structure, focusing on how opportunity structures shape the type of actions that are chosen and the form of social movements. It then traces the evolution and development of Dalit associations and Dalit struggles for democracy

and constitutional recognition, including a discussion of the more recent internationalisation of the Dalit Movement. The chapter then provides a case study of Temple Entrance advocacy. The chapter concludes with an analysis of the principal causes for the limited effectiveness of the movement, arguing that multiple forms of exclusion undermine the effectiveness of Dalit struggle for equality and justice in Nepal.

6.2. Social Movements and Political Opportunity Structures

Originally, social movements were primarily understood regarding class and as serving the goal of mobilisation concerning class inequalities. As distinct from these 'old social movements', 'new social movements' are defined as those that primarily focus on the social, cultural dimensions of inequality and injustice, with identity politics becoming prominent (Buechler, 1995:452). The underlying presumption, deriving from classical Marxism, was that politically significant social action is derived from the economic logic of capital production, class relationships rooted in the process of production defines social actors, and social identities are secondary to constitute collective actions (Buechler, 2000:442). New social movements, by contrast, do not depend on old political codes (rightist-leftist, liberal-conservative) and socioeconomic codes (working class-middle class, poor-rich, rural-urban).

Social movements are known as collective action against some injustice experienced by the group, with the primary aim of bringing about changes (Harrison, 2001; Martin, 2015). According to Young, (1990:186) social movements are a collective action of social groups and social groups are collectives of people who have an affinity with one another because of a set of practices or a way of life like young, McAdam (1982:20) defines social movements as the ‘rational attempts by excluded groups to mobilise sufficient political leverage to advance collective interests through non-institutionalized means’. Social movements are forms of collective protest and activities against some structure that creates inequality, injustice, and disadvantage in the existing structure of power (Martin, 2015:1). Integrating these definitions, we can conclude that social movements are form of collective action against different forms of injustices, but they have different characteristics depending on the nature of the issue and the context. As I shall discuss, new social movements can also allow for a focus on the politics of identity (Habermas, 1975; Melucci, 1980).

Social movements are recognised as a counterweight to oppressive power and action against a wide range of scourges (Tilly and wood, 2009:3). Popular social uprisings have occurred in one or another form across the world against oppressive powers. Social movements have made resistance against oppressive power possible by bringing distinct groups and interests together into a broader alliance. As argued by Buechler (2000) social movements can be carriers of ‘evolutionary alternatives in the

rapidly changing world, vital learning mechanisms in an era of complexity and efficient means of resisting the commodification of everyday life' (p. 45). They provide powerful ways of identifying problems, redistributing resources, broadening participation and building solidarity.

The new social movement is a movement that emphasises identity politics (Habermas, 1975; Melucci, 1980). Habermas (1975:36) reiterates that new social movements bring new politics concerned with the quality of life, projects of self-realisation and goals of participation and identity formation. Similarly, Melucci (1980:213) argues that an identity is an important form of change in new social movements. New social movements are useful for understanding Dalit social movements insofar as they often emphasise elements of Dalit identity as a focus of mobilisation. In many respects, this correlates with theoretical perspectives on the emergence of new social movements. In this context, mobilisation around rights to religious and cultural practices has also been a focus of some new social movement theory.

Given the importance of identity for new social movements, the construction of a collective identity may constitute one of their major accomplishments and framing identity is a prerequisite for the achievement of other goals of the movement

(Buechler, 2000:45). Collective identity includes three key elements: shared salient characteristics; a corresponding form of consciousness, and; opposition to some dominant order (Ibid). The formation of this collective identity provides power to stand for collective goals (Gusfield et al., 1994). Nevertheless, the collective identity of the social movement may be contested among its members. This notion of the construction of a collective identity has strong resonances with the argument made in chapter four concerning the need for a subjective identity for the successful assertion of group rights, especially since argued by Williams (1998).

Political Opportunity Structure

A key theoretical concept within social movement theory is the idea of a 'political opportunity structure' (Kitschelt, 1986:58). Political opportunity structures are comprised of specific configurations of resources, institutional arrangements and historical precedents for social mobilization, which facilitate the development of protest movements in some instances and constrain them in others (Kitschelt, 1986:58). The opportunity structure influences the choice of protest strategies and the impact of social movements on their environments (Kitschelt, 1986).

In this latter regard, we might note that social movements can affect the political opportunity structure in some ways: social movements can influence policy, alter political alignments, and raise the public profile and salience of particular issues

(Meyer and Staggenborg, 1996:33). Movements can also form collective action, demonstrate the efficacy of various means of political action, and draw media attention that activates balancing norms in the mainstream media (Ibid). They can also create or magnify critical events, to which their opponents can respond. It is relatively stable aspects such as traditions and institutions, and subtle elements of opportunity such as public policy, political discourse and elite alignment (Meyer and Staggenborg, 1996:33). Political opportunity is not just a fixed external environment that insurgents confront but also something, an activist can alter (Ibid).

The idea of political opportunity structures can assist us in understanding the development of Dalit social movements and how they have sought to explore and adjust themselves in the face of different social and political structures. This theory will be used to analyse the formal politics, civil society and international structure that Dalit have adopted to influence their agenda. Dalit civil society movements have been seen as an alternative initiative to the formal political structures that have, as previously discussed, largely excluded Dalit. Opportunity structures also shape how Dalit are attempting to give voice to their issues in international forums when the local institutions are consistently unresponsive and reluctant to address their problems, whereas international structures could be tools to influence local institutions. The following section explores the social movements of Dalit and their effort to utilise international forums to gain solidarity on their issues.

6.3. Dalit Social Movements and Struggle in Nepal

As described above, social movements have been understood as operating outside formal politics, while placing pressure on political institutions and decision makers to bring about changes in law and policy. For Dalit, the distinction between the formal and informal has not been so clear. Indeed, precisely because Dalit experience discrimination and marginalisation both socially and politically, to achieve their goals, Dalit have moved between the informality of social movements, party politics and the sphere of civil society mostly known as NGOs. Dalit's separate social movement was felt necessary to persistently influence the actors of the power politics when there was no formal political structure. At the same time, as opportunities emerged for their participation in formal politics, or as opportunities in the non-governmental sector opened up, they channelled their political energies in these directions, while still working through social movements.

Dalit Movement of Nepal is the amalgam of civil society mainly NGOs and Dalit political wings of political parties. Despite the tension between these major players, now we can observe the joint programs. The joint initiative is indeed significant to influence the political parties and government on Dalit rights.

(Ganesh Bk, Interview, 08 August 2014)

As previously discussed, until 1950, Nepal had been under the strict autocratic rule of the Rana regime. The autocratic regime undermined the democratic rights of people. The longstanding autocracy was overthrown by continuing political pressure from the Nepali people (Parajulee, 2000:36). As noted by my research, the

development of Dalit social movements occurred within the wider framework of Nepalese democratisation. Nepal's democratisation started following the fall of the Rana, and it was in this context that distinctive Dalit associations arose alongside Nepal's broader movement for democratisation³⁸. However, following the coup, there were frequent political upheavals, including the King's coup in 1960, which again undermined democracy in Nepal by enforcing the autocratic rule (Khanal, 2007). Until 1990 autocracy heavily influenced Dalit Movements leaving no space for open demonstration. Since then, even given several limitations and having their weaknesses, Dalit have been advocating for their political aspirations and resisting various forms of discrimination at several political junctures. Whereas political parties alone failed to effectively address the issues of Dalit in Nepal, as shown by my research, through social movements Dalit have sought to resist oppression collectively. Thus, this outlines how Dalit, whose rights and freedom have often been limited and excluded from the mainstream politics and democratisation process, have been struggling in Nepal.

The Dalit social movement was severely undermined during Rana regime. There was no freedom for political demonstration and even to read and write. This left Dalit movement no option. However, the democracy opened up the door for social movement in Nepal. However, after 1990 also there was no significant change in the condition of Dalit that made no substantial difference in the discrimination.

(Padam Sundas, Dalit Civil Society Leader, Interview, 8 August 2014)

³⁸Min Bishwakarma, Interview, 18 August 2014

The Dalit social movement has adopted primarily two forms of approaches such as reformist approach and radical approach as revealed by this research. The reformist approach aims to reform existing legal provisions to eliminate discrimination. However, radicals emphasise on the elimination of caste system³⁹. Ahuti (2010:47) argues that there is a different approach to Dalit Movements such as religious reformists, Ambedakarism, reformists, and radicals. *Religious reformists* essentially focus on the elimination of untouchability practices in the Hindu religion and seek to change religious understandings and practices as a means of getting rid of caste discrimination (Ibid). The *Ambedakarism* perspective is a legacy of Dr Bhimrao Ambedakar, an Indian Dalit leader who led a Dalit Movement. He sought social reform, within the context of an exploitative social system and as such neither sought radical transformation nor promoted armed resistance. The *reformist visions* are represented by NGOs and some conservative political parties, which primarily understand Dalit issues regarding development rather than political liberation (Ahuti, 2010:47). To the extent that human rights are invoked in this context, they are limited to non-discrimination. In contrast, *radicalism* rejects all the above approaches and focuses on the radical changes of the state to provide socio-economic and political equality through state restructuring process and may include armed resistance. The forms of approaches are:

Dalit movement is primarily guided through two types of approach such as reformist and radicals. The reformist aims to reform existing policy

³⁹Jitu Gautam, Interview, 15 August 2014

and provisions for Dalit. Through changing policy, this approach attempts to achieve equality. However, the radical aims to restructure the state such as the elimination of caste hierarchy. However, none of the approach does help unless there is unity among Dalit to assert their rights.

(Jitu Gautam Darji, Interview, 15 August 2014)

Despite differences in perspectives, the most prominent goals of the Dalit Movement have been to achieve socio-economic, educational and political equality and social assimilation as indicated by this research⁴⁰. To achieve the goals, Dalit have struggled through different periods. During its long struggle the Dalit Movement, it has achieved some legal outcomes such as anti-caste discrimination law and reservations in public service and education, although some people contest the usefulness of reservations as a policy approach (Bhattachan et al., 2008). However, the Dalit Movement has failed to take advantage of significant moments to achieve radical reformation. While outlining the key factors that caused the Dalit movement to fail in achieving radical reformation, an interviewee argues that:

Among several factors, Dalit Movement lacks strong leadership and unity. One political party Dalit leader does not accept the leadership of another party. There are many leaders, but none of them are the Dalit messiah. There is an absence of unity among them as they are divided along the lines of political ideology and caste.

(Bhola Paswan, Interview, 12 August 2014)

⁴⁰Bishwabhakta Dulal, Interview, 18 August 2014

To trace the development of the movement and explore some of these issues, the following sections review the Dalit social movement from its early development and evolution through to recent manifestations seeking institutional reform for social justice of Dalit in Nepal.

Foundations of the Dalit Struggle (1947-1990)

Already when Nepal was under the severe autocratic Rana regime until 1950, Nepalese revolutionary youths struggled for democracy and against caste-based discrimination. However, their anti-discrimination struggle was undermined by the King's coup in 1960, which again imposed the autocratic Panchayat System, a system that lasted until 1990⁴¹. During the Panchayat System, multi-party democratic processes and freedom of speech were banned. In 1990 political change reinstated democracy, reinstating various types of free speech, assembly and a multi-party democratic system (Hachhethu, 2011). Freedom of speech in the form of media freedom, rights to speak up against the State and rights to form political parties were the core elements of democracy regained through this change.

The Dalit initiatives against caste discrimination were time and again undermined by the changing political context of Nepal. The initial step against caste discrimination was somehow disturbed by the imposition of autocratic Panchayat system. However, the renaissance of democracy opened the door for the struggle.

⁴¹Min Bishwakarma, Interview, 18 August 2014

(Bishwabhakta Dulal, Interview, 18 August 2014)

Despite the immense challenge of the formation of a movement in a context where people were prohibited from reading, writing, expressing their opinions, organizing and protesting, as revealed by this research, Dalit youths like Bhagat Sarbajit Bishwakarma and others took the lead in establishing a Dalit Movement to eliminate caste discrimination and untouchability in Nepal as early as in 1947. Along with several other factors that might have contributed to Dalit youth's embarking on this struggle against discrimination, the Indian Dalit Movement that fought for human dignity, social justice and rightful representation was a principal influence on the Nepali movement, with the Dalit youths who took a leadership role having been educated in Indian colleges as argued by an interviewee.

Dalit youth who took initiation against caste discrimination were primarily educated in India. These youths had observed the Indian Dalit movement who then started a movement against caste discrimination. They were committed to bringing changes in Nepal. As a result, we have now Dalit movement and have achieved several Dalit rights as compared to that particular period.

(Chhabilal Bishwakarma, UML leader, Interview, 27 August 2014)

The Dalit social movement can be seen as going back to the original pro-democracy movements in Nepal. It evolved in 1947 when there was growing massive anti-Rana resistance against the tyranny of the Rana monarchy in the country (Parajulee,

2000). While the pro-democracy movement was aimed at ending the tyranny of Rana rulers and thus opening up the pathway to democracy, freedom and justice in Nepal, the Dalit Movement that emerged alongside the growing anti-Rana and pro-democracy sentiments was more specifically concerned with eliminating caste-based discrimination. As expressed by a research participant:

Although Dalit movement emerged alongside the pro-democracy movement, this movement was more focused on anti-caste discrimination. Dalit youths since they were facing inhuman discrimination in such time, might have felt the need of struggle. This historical initiative is the main foundation of today's Dalit movement.

(Chhabilal Bishwakarma, Interview, 27 August 2014)

The first Dalit organisation, *Biswo Sarbajan Sangh* (The World All People's Association) was established in 1947 as a resistance against discrimination and untouchability by Bhagat Sarbajit, who had studied Hindu religious texts and Sanskrit at Banaras University, India. Before the formation of this association, Bhagat Sarbajit organised an assembly of almost 73 Dalit in his local residence located at Gairagaun, Bhalumare of Baglung Western Nepal (Kisan, 2005:89). In 1947 the assembly decided to ask the Prime Minister to eradicate untouchability and afford Dalit equal rights in performing religious activities. The contribution of Bhagat Sarbajit is, in this sense, historical in the struggle against caste discrimination (Barali, 2013:47) and people in the contemporary movement recognise it as seminal. As one interviewee in my study indicated:

Bhagat Sarbajit pioneered the Dalit Movement in Nepal. He was educated, and empowered in India consequently initiated the resistance against discrimination by building a Hindu Temple at his house and worshipping Hindu Gods resembling a Hindi priest since he had mastered the Hindu religious scripture. However, the higher caste did not tolerate such practice and imprisoned him for a lower caste defying the traditional Hindu culture system.... His contribution is remarkable for Dalit Movement.

(Min Bishwakarma, Member of Parliament and Leader Nepali Congress, Interview, 18 August 2014)

Alongside Bhagat Sarbajit's pioneering role in the Dalit social movement, several other Dalit groups, in different parts of the country, also initiated resistance as found out by this research. Other research also confirms that while Bhagat Sarbajit was involved in the empowerment of the Dalit community in Western Nepal, other organised efforts were developing in Kathmandu and Dharan (Maharjan and Kisan, 2013:20). The *Kapali* community in Kathmandu started as an association named the *Tailor Union* to raise the voice against caste discrimination. Simultaneously, in the Eastern Tarai, an association led by Jadubir Bishwakarma, *Nepal Samaj Sudhar Sangh* (Nepal Social Reform Association), was established (Kisan, 2005:92). Among several other leaders, Hiralal Bishwakarma, TR Bishwakarma and Umalal Bishwakarma also raised their voices against caste discrimination specifically stressing caste equality for social development and unification of untouchables for their liberation. An interviewee highlights the problems and importance of these associations:

There were many different associations during that period. Despite the main goal that was to eliminate discrimination, they all lacked strong actions. These associations were not able to extract substantial action from the State. However, at this initial stage of the Dalit Movement, they played a significant role in sensitising Dalit to their struggle against caste discrimination in Nepal.

(Min Bishwakarma, Interview, 18 August 2014)

Nevertheless, as revealed by my research although they were operating simultaneously, these associations were unable to form joint protests against discrimination in their initial stage because of their weak partnerships and the lack of a well-formed sense amongst Dalit themselves of collective identity as a community suffering from injustice⁴². As described earlier, the formation of a collective identity is crucial for the success of social movements. After the introduction of Democracy in 1950, various organisations emerged to advocate for the rights of Dalit. These social organisations were formed by different Dalit sub-caste groups (Kisan, 2005). The work of these associations contributed the initial unification of Dalit but they later divided between the various associations undermined their embryonic united resistance. As argued by one of the interviewees:

..social organisations evidenced formation and reformation. Some of them were active, but most of them were not. Social organisations that were established by sub-caste groups of Dalit helped to raise an initial awakening of Dalit and unification.

(Padam Sundas, Interview, 8 August 2014)

⁴²Bishwabhakta Dulal, Interview on 18 August 2014

The abolition of the Rana regime was an environment where Dalit flourished to form several organisations, among them: *Nimna Samaj Sudhar Sangh* (Lower Society Reform Association) 1951; *Jat Tod Mandal* (Destroy Caste Group) 1951; *Samaj Sudhar Sangh* (Society Reform Association) 1952; *Pichhadiyeko Barga Sangathan* (Backward Class Organisation) 1952; *Pariganit Nari Sangh* (Pariganit Women Association) 1955; *Achhut Mukti Morcha* (Untouchable Freedom Front) 1958; *Rashtriya Achhut Mukti Parishad* (National Untouchable Freedom Council) 1958 (Ahuti, 2010; Kisan, 2005). While some of these associations were active, most of them did not function effectively to achieve Dalit rights as mentioned by an interview participant:

During the early stage of Dalit social movement, there were many associations opened up. Dalit social movement indeed observed formation and reformation of these associations in different names and Dalit groups. However, most of these associations were not active. However, this indicates that Dalit were sensitised in that particular period for their rights although they were not jointly working.

(Chhabilal Bishwakarma, UML leader Interview, 27 August 2014)

Among several other activities, submission of a memorandum to the Government demanding the elimination of discrimination was a key action initiated by these social organisations in their early stage. For instance, the Dalit group led by Manbir Bishwakarm, Chairman of *Biswo Sarbajan Sangh* (The World All People Association) had submitted a memorandum to King Tribhuvan on 19 January 1952 requesting the elimination of discrimination in temples and other public places (Maharjan and

Kisan, 2013:21). This was subsequently accepted and decreed by the King. However, there is no evidence of its implementation. These organisations had focused initially on the resistance against barbers (Hajam) who until 1947 even refused to cut Dalit hair.

Although these associations took steps to resist caste discrimination, the degree of discrimination during that period did not reduce substantially as it was deeply entrenched in the society and the autocratic regime was not in favour of reducing discrimination.

(Chhabilal Bishwakarma, Interview, 27 August 2014).

After 1951, there was a significant shift as the small and distinct groups that initially formed, and particular caste groups began to unify to create a joint struggle. In this context, the *Jat Tod Mandal* (Caste Destroy Group) led by Saharshanath Kapali, which united the *Tailor Union* and *Nimna Samaj Sudhar Sangh (Oppressed Society Reform Association)* played a significant role (Maharjan and Kisan, 2013). Later, *Jat Tod Mandal* was reformed into *Society Reform Association*, which led the first ever-successful Pashupati Temple Entrance Program in 1953. Another Dalit woman led an association named *Pariganit Nari Sangh* that was formed under the leadership of Mithai Devi Bishwakarma in 1955, increasing the participation of women, although this was not sustained. We might thus characterise the decade from 1950 as the awakening phase for the Dalit Movement in Nepal as argued by Min Bishwakarma:

During this period several Dalit social associations were established by different Dalit leaders. Dalit in this period observed formation and reformation that helped to build up the foundation. However, changing politics also affected Dalit to remain inactive.

(Min Bishwakarma, Interview, 18 August
2014)

It was found that even during the period of political change in the 1960s, the Dalit social movement disappointed early hopes and was fraught with division. The restriction of social and political rights that followed the Royal coup in 1960 further undermined the effectiveness of the movement (Parajulee, 2000:36). Unable to resist such a coup and its effects, Dalit began to focus their organisation on supporting the party-less Panchayat System imposed by King Mahendra. During the Panchayat period, the Dalit Movement remained in defensive mode to reform themselves. For almost a decade after the 1960s, the Dalit Movement was virtually leaderless (Kisan, 2005). Only in 1967, the organisation *Nepal Rashtriya Dalit Jana Bikas Parishad* (Nepal National People Development Council) was formed under the chair of Mr Saharshanath Kapali. After its national assembly in 1972, this organisation demanded a reservation policy for Dalit for the first time in history. In the following decade, however, until early 1980, the Dalit Movement was mostly inactive, and in fact, some Dalit leaders became pro-royalist during the Panchayat Period. One of the interviewees observed that:

The restriction of civil rights, mainly social and political rights, by the royal coup, undermined the effectiveness of the Dalit movement in Nepal. However, they faced tremendous challenges such as internal division and reformation. Some of them became pro-royalist for the sake of opportunity.

(Bishwabhakta Dulal, Interview, 18 August 2014).

The formation of new associations continued, then some of them were dissolved in the decade of 1970, and we saw a decreasing level of Dalit protest against discrimination as revealed by my research. This is also supported by other research that shows *Dalit Jana Bikas Parishad* divided into two groups; one was led by TR Bishwakarma and another group by Hiralal Bishwakarma, although it was merged into *Nepal Rashtriya Samaj Kalyan Sangh* led by Siddi Bahadur Khadgi in 1982 (Ahuti, 2010:35). A few other organisations emerged, but they were less active than expected. Perhaps because of this, Dalit organisations mostly led by leftists emerged after 1983. Among them, only *Utpidit Jatiya Uthan Manch* (Oppressed Caste Upliftment Forum) played a crucial role in the 1990s civil protest against the Panchayat System in Nepal. As mentioned by an interviewee, the formation and reformation of Dalit association continued in the Panchayat period:

There were several Dalit associations established in the Panchayat system. Some were active, and some were not. The formation and reformation of these associations were observed mostly during this period. Some associations supported the Panchayat system. However, some of them such as *Utpidit Jatiya Uthan Manch* opposed and protested against the Panchayat system.

(Bishwabhakta Dulal, Interview, 18 August 2014)

Turning now to what these social movements achieved, my research indicates that the introduction of an anti-caste discrimination provision in Civil Code, 1963, certainly counts as a key achievement, and one directly linked to the objectives of the movement to have anti-caste discrimination law introduced and implemented. While the introduction of the law was the result of several factors, the demands of the Dalit social movements, which in 1951 were the first to articulate and make formal demands for the elimination of discrimination in public places and 1953 mounted a struggle for Entrance to the Pashupati Temple, do seem to have made a contribution as mentioned by Padam Sundas, a contemporary Dalit social leader:

The legal provision against caste discrimination based on the Civil Code, 1963, is a key achievement of Dalit struggle. The legal provision made caste discrimination an illegal and punishable atrocity. Implementation, however, did not happen so easily or as eagerly expected while the society was not ready to accept it. It was indeed a very challenge to Dalit takes action against higher caste since Dalit were heavily reliant on them and that action could destroy the traditional relationship.

(Interview, 8 August 2014)

One of the key efforts of the Dalit movement, as my research shows, is that of Dalit entrance into one of the holy Hindu temple, *Pashupatinath*, Kathmandu in 1953 was historic. However, the systematic violation of social and political rights in the autocratic Panchayat System had limited opportunities for Temple Entrance during this phase, which subsequently undermined Dalit efforts (Maharjan and Kisan, 2013). However, Dalit took courageous steps to enter the famous Hindu Temple

Pashupatinath. This Temple Entrance became an exemplary effort, which propelled Dalit to be united in their struggle for equality and fairness as expressed by research participants.

Although it was very challenging, entrance into the *Pashupatinath* became only the first historical attempt of Dalit where they exercised power to demand their equal rights and justice.

(Padam Sundas, Interview, 8 August)

Indeed, as revealed by this research, following the several unsuccessful efforts to ensure Temple Entrance during the Panchayat System and throughout its 70 years long struggle for justice, the Dalit Movements took it as a form of symbolic resistance to religious inequality. This effort for Temple Entrance continued massively after the 1990 political change because the Hindu Temple Entrance program was also a major site of strategic resistance against caste discrimination (Maharjan and Kisan, 2013). Nevertheless, real outcomes for Dalit remain limited. Many temples are today still closed to Dalit as observed by research participants.

Temple Entrance is one of the strategic programs for Dalit equal rights and justice. This strategy has been used from the early stages of Dalit movement. However, there is no substantial achievement of equality in religious practice. Dalit are still blocked by higher castes and are not allowed to enter the temple in many places.

(Ganesh Bk, Interview, 8 August 2014)

During its long history of resistance, one of the key issues found is that the Dalit Movement has been dominated by reactive strategies rather than proactive action. The Temple Entrance and protest of discrimination in dairy companies for equal rights to selling milk are a few examples of proactive action from the Dalit Movement. However, the protest against atrocities, the government's reluctance for inclusive policy formation and its implementation are some reactive strategies. The reactive strategies are also not utilised properly causing a key gap in the Dalit movement.

Dalit Struggle for Inclusion and Participation (1990-2006)

The reinstatement of democracy in 1990 opened up a political opportunity for Dalit and other marginalised people to openly fight for their rights. Although political parties had been banned during the Panchayat System and facing constant repression by the Government, they nevertheless played a significant role in ousting the autocratic Panchayat System. Dalit also actively joined the protests, demonstration and strikes in the Peoples Movement of 1990 (Khanalet al., 2012). Finally, the Peoples Movement compelled a change in the political system from autocracy to a multi-party democracy in 1990 (Parajulee, 2000). However, the constitution promulgated in 1990 failed to address issues concerning the injustices faced by Dalit sufficiently⁴³. Beyond these spaces, some groups of Dalit youths

⁴³Bishwabhakta Dulal, Interview, 18 August 2014

retaliated against caste discrimination under the banner of the so-called *Dalit Youth Force*.

The constitution of 1990 included the anti-caste discrimination measure. However, this did not provide special measures to improve the socio-economic condition of Dalit. Although there were persistent exclusions of Dalit, democracy opened up multiple opportunity structures for them to push for recognition of their rights.

(Rajesh Bk, Interview, 13 August 2014)

This research shows that whereas before this period they had been comparatively silent on Dalit issues, only after 1990, political parties began to raise Dalit issues. Because Dalit had historically been excluded from socio-economic, educational and political opportunities, and as discussed in the last chapter, not even a single Dalit was represented in national parliament that contributed Dalit continued struggles. However, democracy opened the door for Dalit to pursue their struggles through political parties (Ahuti, 2010). Indeed, as a result of this change, political parties became the centre of power politics and responding to this shift, seeking to influence political parties became central to the Dalit agenda. In this context, Min Bishwakarma shared his views that:

The democratic change in Nepal has opened up the door to Dalit mainly to exercise their rights for political participation. Dalit were deprived of political involvement and their struggle for justice during Panchayat. Dalit now are openly protesting against discrimination and creating pressure to the political parties to implement the inclusion policy even if they are reluctant to do so.

(Interview, 18 August 2014)

During this period, influenced by efforts to unify leftist political parties, Dalit political activists sought to unite their associations. *Nepal Rastriya Dalit Jana Bikas Parishad* and *Utpidit Jatiya Utthan Manch* merged in 1992, establishing the *Nepal Utpidit Jatiya Mukti Samaj*⁴⁴. Actively seeking to enter party politics, in 1997 *Nepal Dalit Sangh* was established, as the Dalit wing of the Nepali Congress. Several other political parties also formed Dalit wings during this period. At the same time, *Nepal Utpidit Dalit Jatiya Mukti Samaj* significantly helped to extend the Dalit Movement from the local to national level from 1992 to 1997. Speaking of this period, Dalit political leader Chhabilal Bishwakarma underlines the importance of the reinstatement of democracy in 1990.

The restoration of democracy in 1990 was a key achievement for Nepalese people for their rights. Dalit are most the vulnerable group, who has indeed got an opportunity to advocate openly for their rights. If there had not been a democracy, then Dalit would not achieve constitutional rights- although there is a lot more to do for the elimination of discrimination and rights of equality.

(Interview, 27 August 2014)

Among several other achievements, the constitutional provisions that recognise anti-caste discrimination in the new constitution of Nepal, 1990, were key achievements for Dalit community. Although a similar provision had already been included in the Civil Code, 1963, which prohibited all forms of caste related discrimination and practices of untouchability, as mentioned by a research participant this was the first

⁴⁴Bishwabhakta Dulal, Interview, 18 August 2014

time in Nepalese history that the condemnation of caste discrimination had been included in the Constitution. Nevertheless, as discussed in chapter five, the implementation of constitutional and legal provisions has remained partial, and evidence remains of persisting discrimination countrywide.

The 1990s political change and the subsequent Constitution included anti-caste discrimination measures for the first time in Nepalese history. This constitution condemned caste discrimination. However, the implementation was ineffective. Dalit continued to face caste discrimination despite these changes.

(Ganesh Bk, Interview, 8 August 2014)

The research interviewees agreed that the reinstatement of democracy in 1990 provided freedom to express views against injustice as well as opening the way to constitutional recognition of anti-caste discrimination provisions, but that the implementation was ineffective. The following statement by a research participant makes clear that:

...the fundamental rights of Nepali citizens were restricted before 1990. Mass demonstrations and protests were restricted. However, the dawn of democracy in 1990 provided an opportunity to express against injustice and discrimination. The new constitution of Nepal, 1990, endorsed anti-caste discrimination, in the Constitution, for the first time. However, the implementation of this constitutional provision remained ineffective and as result caste based discrimination persisted.

(Chhabilal Bishwakarma, Interview, 27 August 2014)

Although several weaknesses persisted during this period, democracy provided the platform to exercise their rights, and as a result, Dalit and other marginalised people utilised several platforms such as formal political structures and civil society

including NGOs to jointly struggle against injustices. However, the changed political space, as well as the constitutional provision, did not effectively slow or stop the caste discrimination in Nepal.

Dalit in Maoist Insurgency (1996-2006)

Although the Maoist insurgency went well beyond being a social movement, for many Dalit, it did provide a venue for pressing claims about injustice. My research indicates that Dalit participation in the Maoist civil war was appealed by their priority on equality and justice in Nepal. Maoist initiated an armed struggle in 1996 within the political instability and social inequality (Onesto, 2007). The Maoist movement demanded equality and justice for marginalised people in Nepal as their key political manifesto and the armed resistance that is mounted can be seen as having been fuelled by people's frustrations with underdevelopment, political instability and complexities of discrimination. Over-centralization contributed to a hegemonic state structure, dominant leaders and power controlled by a small group of political elites and the exclusion of marginalised people. My interviews showed the way in which the Maoist party spoke to the issues that many people felt to be fundamental, gaining significant public sympathy.

...during insurgency Maoist party paid particular attention to the caste-based discrimination and untouchability cases. Otherwise, there would not be a vast difference of the intensity of caste discrimination countrywide. Unfortunately, despite Maoist attention now there is

ongoing evidence of discrimination even at those places where discrimination was less during the Maoist insurgency.

(Padam Sundas, Civil Society leader, Interview, 8 August 2014)

As Sundas has indicated, where Maoists hold areas of the country, they actively worked to reduce caste discrimination. Other research also confirms that because of robust action against perpetrators of discrimination, Maoist controlled areas were relatively free from caste discrimination and untouchability. Within five to six years of fighting, the Maoists had won extensive popular support and gained control of much of the countryside. The Maoists raised people's concerns for injustice, inclusion and development. Their slogan for development and change appealed to many young people, particularly ethnic and Dalit youth who were attracted to join the people's war. By adopting an anti-caste discrimination agenda, Maoists were able to take advantage the experiences of Dalit, by practising equality during the war and resisting various social violations, they appealed to Dalit youth. During the insurgency, more than five thousand Dalit youths were involved in the people's militia and people's liberation army (Pariyar, 2013:324). Of the thirteen thousand killed during this war, 1661 were Dalit (INSEC, 2010). One of the research participants Bishwabhakta Dulal highlights the importance of Maoist war that brought many changes in Nepal.

...Maoist war has been instrumental in bringing social and political change in Nepal. It has played a significant role to reduce discrimination and empower Dalit and other marginalised people. It has also contributed to bringing political change in 2006 that institutionalised democratic republic, secularism,

inclusion and restructuring of the state. This helped to initiate inclusion policy in Nepal.

(Interview, 18 August 2014)

The Maoist insurgency provided an unprecedented opportunity for Dalit who became leaders in the people's government, commanders of the liberation army and chief justices in Maoist controlled areas (Pariyar, 2013:324). Dalit CA member, Laxmi Pariyar, says that the primary reason for Dalit youth involvement in the Maoist insurgency was because of the pursuit of justice, equality and radical transformation of the country⁴⁵. Despite such contributions from Dalit, the Maoist party has been criticised for not putting sufficient effort into ensuring the protection of Dalit rights in the new constitution making process, resulting in Dalit rights' being insufficiently addressed in the new constitution of 2015.

Dalit Struggles for Transformation (2006-2015)

This section briefly outlines the Dalit struggle during the political transformations after 2006, particularly about the 2006 citizen movement. Despite their long standing struggle, due to fragmented politics and a vicious cycle of exclusion, Dalit rights were partially addressed by the changes. The Citizen Movement (*Janaandolan II*) of April 2006 marked a critical political juncture, which transformed Nepal's unitary governance into a Republican federal system and led to the adoption of a policy of

⁴⁵Laxmi Pariyar, CA member, Interview, 22 August 2014

social inclusion. Dalit issues were excluded even though they actively took part the protest. This is further confirmed by an interview:

Dalit not only in the 2006 Citizen Movement but also on other occasions are actively involved and contributing to the change. During these movements, many Dalit have lost their life. However, the result is always same. Once again, the change after 2006 failed to address Dalit issues sufficiently.

(Ganesh Bk, Interview, 8 August 2014)

The royal coup on 1 February 2005, suspending the constitution and resuming direct reign laid the foundation for citizen movement in Nepal.⁴⁶The main leaders of the political parties were detained or arrested and jailed for several months (Upreti et al., 2010:93). The King nominated a prime minister from different pro-royalists instead of parliamentary political parties, but this strategy did not assist in managing the Maoist insurgency rather anti-King uprisings escalated. The Government suppressed the anti-King uprisings led by Seven Political Party Alliances (SPA). The citizen uprising built momentum after the 12-point agreement between Maoist forces and the main political parties which continued for 19 days claiming 25 people's lives (including 4 Dalit) and leaving 5500 people injured (Upreti et al., 2010). An overwhelming number of rural citizens participated in this citizens' protest during

⁴⁶King Gyanendra took a royal move (a royal coup) in 2002 terminating the democratically elected prime minister Sher Bahadur Deuba with a charge of being incapable of managing the political instability in the country.

the 19 days' resistance against King Gyanendra. By recalling the peoples' participation in citizen movement, a political leader says that:

.... there was the huge involvement of the citizen in the citizen movement in April 2006 that created pressure to King Gyanendra for stepping down his move. During the nationwide protest, people took part without caring their life as a result 25 people were killed. Among them, 4 Dalit were also killed for political change. This shows that there is equal participation of Dalit in every political change in Nepal but state neglects Dalit issues.

(Khadak Gaire, NC Leader, Interview, 10 August 2014)

The Citizen Movement was to topple the King's autocratic rule as well as to transform the fundamental characteristics of the Nepali State such as its organisation as a unitary system of governance and its status as the Hindu Kingdom. The unitary governance mechanism was exclusively represented and dominated by the hill Hindu caste groups despite their being a minority (Hachhethu, 2011:77). In this context, as revealed by my research, the citizen movement aimed to transform basic characteristics of the Nepalese State rather than simply changing its rules and governance system. The Citizen movement of 2006 contributed significantly to transform the unitary Kingdom of Nepal into a republic, federal and secular State as observed by one Dalit activist:

The Citizen Movement, 2006, brought major political transformation in Nepal regarding changing the unitary kingdom into republican, federal and from Hindu religion faith based State to the secular states. We all actively took part in this grand civil protest although there were repression and risk from the State. This political change contributed

substantially to adopt a new legal provision for Dalit and the inclusion of disadvantaged groups in the State mechanism.

(Dhan Kumari Sunar, Dalit women activist, Interview, 8 August 2014)

The Citizen Movement brought fundamental changes to the Nepalese socio-political spectrum as found out by this research. After citizen movement, as demanded by the Seven Party Alliance, the King reinstated the dissolved parliament. This new parliament voted unanimously to curtail the King's political powers and decided to begin peace dialogues with the Maoists in May 2006⁴⁷. As a result of the peace dialogue, there was Comprehensive Peace Agreement (CPA) between the Government of Nepal and the Maoists on 21 November 2006. The CPA provided a landmark foundation for preparing the interim constitution and parliamentary election for a Constituent Assembly, the adoption of inclusion and a state restructuring process. After the peace agreement, political parties and the Maoists adopted the interim constitution, and subsequently, the Maoists joined Parliament in January 2007 (Khanal, 2011). However, the Constituent Assembly elections were pushed back three times due to Tarai protests against the interim constitution, which had included federalism as a key demand. The protests continued for 21 days claiming 39 people's lives (Hachhethu, 2011). Later, the Government agreed to include federalism in its first amendment to the interim constitution, laying the

⁴⁷Min Bishwakarma, Interview, 18 August 2014

foundation for the Constituent Assembly elections that happened on 10 April 2008. The details of constitution writing through Constituent Assembly will be discussed in chapter seven.

6.4 Dalit Advocacy through NGOs

One of the key findings from my research is that the Dalit non-governmental organisations (NGOs) that emerged after the reinstatement of democracy in 1990 opened up opportunity structure for Dalit to pursue their advocacy initiatives as an alternative to the formal political structures that persisted in excluding them. Formally, NGOs are considered to be distinct from social movements, with different objectives, but in the case of the Dalit Movement, there is less of a distinction between Dalit NGOs and the Dalit Social Movement as indicated by my research. Partly, this reflects the orientation of Dalit civil society organisations towards achieving social justice outcomes. Although many NGOs focused on the provision of basic needs, Dalit NGOs primarily took a rights-based perspective as social leader, Durga Sob who pioneered Dalit NGOs argues that

Dalit NGOs are a platform for Dalit social movements, encompassing both rights based and needs based programs. Dalit NGOs are playing an important role to continue advocacy and lobbying program. Different Dalit NGOs periodically organise interaction, workshop, seminar and conference as a part of Dalit advocacy which are fulfilling the gaps. These efforts are remarkable in Dalit advocacy in Nepal.

(Durga Sob, President-Feminist Dalit Organization (FEDO), Interview, 8 September 2014).

The NGOs programs are valuable to sensitise Dalit at the grass roots level and to assert rights based movement at the central level for policy influence. Other research also confirms that NGOs primarily create local community groups for income generation and literacy programs, which are also then mobilised for rights, based programs from villages to the central levels as needed (Lamsal, 2012:79). As revealed through my research, Dalit groups formed by those NGOs are mobilised for mass rallies, protests and demonstrations to create pressure on Dalit policy formation⁴⁸. These groups are involved in local program planning through to implementation. For example, major national Dalit NGOs bring their local Dalit groups to Kathmandu for the celebration of International Day on the Elimination of racial discrimination. Durga Sob mentions the importance of local Dalit groups:

The inclusions of local committees of different NGOs are significant for mass demonstrations and celebrations of the international day. This provides equal opportunity to local Dalits to be trained in their rights. This is also an empowerment process for their advocacy.

(Interview, 8 September 2014)

After the reinstatement of democracy in the 1990s, registration of non-governmental organisations significantly increased, which was not possible in the autocratic Panchayat System. Among several factors, advocacy and human rights programs

⁴⁸Gajadhar Sunar, Interview, 17 August 2014

were key targets for opening the NGOs in Nepal. Many considered NGOs as the preferred alternative to the political process to empower local people. Except for the Nepal National Dalit Social Welfare Organization (NNDSWO), all the other Dalit NGOs were founded after 1990. While there are several Dalit led NGOs across the country, only about half a dozen Dalit organisations continue to be active from the time of their inception, both nationally and internationally (Ahuti, 2010). Among those NGOs Dalit NGO Federation (DNF), NNDSWO, Jagaran Media Centre (JMC), Feminist Dalit Organization (FEDO), Dalit Welfare Organization (DWO) and the Samata Foundation are active in raising Dalit issues at the national and international levels as well as implementing needs based programs in targeted districts as mentioned by an interviewee Hira Vishwakarma. He further highlights the importance of Dalit NGOs for Dalit rights:

Dalit NGOs are playing a vital role to raise the concern of Dalit. These NGOs are both active at the grassroots level and national level to sensitise Dalit. NGOs are playing a vital role in advocating the issues of Dalit as they conduct a mass demonstration, lobbying and interaction in association with Dalit political leaders. NGOs can organise these programs because they receive funding support from national and international organisations, which enables them to organise programs frequently.

(Hira Vishwakarma, Dalit social leader, Interview, 2 September 2014)

While there are various associations formed by Dalit for the struggle against caste discrimination in the country, NGOs have mostly played a significant role to sensitise Dalit at the grassroots level through literacy programs, micro income generation,

development and political awareness programs. Among those NGOs, Dalit NGO Federation (DNF) is an umbrella association for the currently affiliated 344 Dalit NGOs from 75 districts and has been conducting advocacy programs to influence policy at the national level (DNF, 2015). DNF was founded in 1996 with the aim of combating untouchability and all forms of caste-based discrimination. It is a common forum for raising collective voices in the Dalit community to ensure their rights, dignity and opportunity through influencing policy, networking and alliance building. Having the primary goals of protecting and promoting Dalit human rights, and strengthening the capacity of Dalit NGOs, DNF has established five regional committees to work with its member organisations throughout the country (DNF, 2015). Gajadhar Sunar highlights the importance of DNF:

DNF is an umbrella organisation of all Dalit NGOs in Nepal. It plays a key role in policy advocacy in favour of Dalit. It has also implemented capacity building of local NGOs so that they can be capable of tapping into the resources for Dalit advocacy. DNF's presence at the central and regional level is very effective.

(Gajadhar Sunar, Interview, 17 August 2014)

Nepal National Dalit Social Welfare Organization (NNDSWO) was first registered as a Dalit non-governmental organisation founded in 1982 and has extended its branches to 68 districts out of 75 districts of Nepal (NNDSWO, 2015). Like other Dalit NGOs, it has similar objectives to eliminate caste discrimination and promote equitable society, however its programs are mainly dominated by education

scholarships such as the Nepal Children Scholarship Endowment Programme (NCSEP) implemented in 15 districts of Nepal with the support of Save the Children US and USAID and Basic Education for Least Educated (BELE) programs initiated in Jhapa, Chitwan, Kaski and Surkhet Districts (NNDSWO, 2015). In regards to the role of Dalit NGOs, one of the participants opines that:

While there are many Dalit NGOs registered all over the country, only a few of them such as DNF, NNDSWO, FEDO, JMC, DWO are leading NGOs and actively working for the rights of Dalit in Nepal. Among others, NNDSWO is one of the oldest NGO continuously working to empower Dalit and conduct rights based programs in different districts. Despite the weaknesses, Dalit NGOs role is vital for Dalit advocacy in Nepal. However, the joint initiatives between Dalit political leaders and NGOs are necessary at this stage.

(Hira Vishwakarma, Social Leader, Interview, 2 September 2014)

The Feminist Dalit Organisation (FEDO) and the Dalit Welfare Organisation (DWO) are also very active Dalit national associations that were founded in the same year, 1994, but they differ in nature. FEDO mostly implements programs for Dalit women and is the one, and only Dalit women led and initiated NGO (FEDO, 2016). FEDO's programs extend the national policy to influence advocacy for local literacy, income generation and capacity building of local Dalit women. However, DWO is more renowned for their Dalit awareness program through TV and Radio. It was the first Dalit NGO to conduct a radio advocacy program from a national radio platform while there was not any other local radio station in the country (DWO, 2015). These two

organisations have been able to sustain their programs and significantly contribute to the civil society movement of Dalit in Nepal.

Among other several Dalit NGOs, FEDO has been working distinctly on the issues of Dalit women since its inception. It has been raising Dalit concern at the national and international level. We have taken part international forums such as Durban conference, United Nations conferences in Geneva and New York and in many other places to raise the concern of Dalit and Dalit women.

(Durga Sob, Interview, 8 September 2014)

Similar to other NGOs, it was found that although relatively late on the scene, the JMC and Samata Foundation are making unique contributions through media advocacy and academic discourse. JMC has been engaging with both print and electronic media such as newsletters, Dalit advocacy programs through its FM station, tele-documentaries and capacity building of Dalit journalists. Samata contributes significantly to Dalit academic discourse through research, book publication and seminars with both Nepalese and Indian Dalit academics. These publications have been a hallmark of Dalit literature, which is still insufficient regarding influencing policy formation processes through research findings. There are few international publications, primarily due to language still being an impediment in this sector. In highlighting media advocacy of Dalit, JMC Chair Rem BK says that:

Dalit issues are not sufficiently represented in the media. It was pathetic when there were very limited publications. Because of increasing social networks and online media, Dalit issues are relatively

covered, however; there is still the question of validity. With this gap, JMC and other few NGOs are playing a role in highlighting Dalit issues, which is very crucial for influencing policy makers and leaders on Dalit rights.

(Rem BK, Chair of Jagaran Media Centre, Interview, 6 August 2014)

Although Dalit NGOs are playing an important role in the Dalit Movement, it was simultaneously found that NGOs are also criticised regarding the nature of their programs. As argued by an interviewee, despite the advantages of NGOs as they are change makers in the short term, in the long run, NGOs can create weaknesses, for three reasons.

First, their programs of social and economic reform are seen as replacing political movements and obstructing substantive political and economic transformation. Second, there is evidence of Dalit brain drain to NGOs as NGOs provide higher wages, resulting in a scarcity of intellectuals in the Dalit Movement. Third, there is increasing donor dependency and loss of creativity.

(Bishwabhakta Dulal, Interview, 18 August 2014).

The scattered nature of Dalit activists in numerous NGOs, rather than one, has further weakened Dalit voices. It is reported that there were more than thousand NGOs up to 2010 working for the rights of Dalit (Sharma, 2011). Division and conflict in these NGOs are common as a result several Dalit NGO federations have been formed based on political ideology. Also, though NGOs working for Dalit and their rights have a similar ideology based on a discrimination-free society, their means of

reaching the common goal are numerous and often conflicting. The division between Dalit political leaders and NGOs leaders has been a factor in undermining the effectiveness of the Dalit Movement in Nepal (Kharel, 2007:61). As observed during fieldwork, political leaders accuse NGOs of being reformist and driven by donors. Research participant Jitu Gautam argues that NGOs are also playing a role to raise Dalit concerns, but donors mostly drive them. NGOs are bound by the rules and regulations of donors, which restrict NGOs to be radical in demanding Dalit rights⁴⁹. The blame game and division is an obstacle for unified resistance. Despite these criticisms, my research indicates that over the last two and half decades, through their work as an advocacy lobby, their publications and seminars, Dalit NGOs have contributed to the broader Dalit Movement against discrimination.

6.5 Dalit struggle for Temple Entrance

As revealed through my research, Hindu Temple Entrance program has been a key strategic focus for Dalit Movement during its 70-year long struggle as a form of symbolic resistance for religious inequality. As I discussed in Chapter 5, discrimination about Temple access is a key form of continuing social injustice for Dalit. The Hindu Temple Entrance program was also a major strategic resistance against caste discrimination. On the ground, many actions to enter Temples were

⁴⁹ Jitu Gautam, Interview, 15 August 2014

attempted during the period. However, the Government declaration of Dalit equal rights in temple entrance in 2001 particularly encouraged Dalit to do so (Maharjan and Kisan, 2013). Nevertheless, as discussed in chapter five, despite formal Government declarations, Dalit are not easily allowed to enter many places due to obstruction from local community members and the general reluctance of local government authorities to enforce the laws. The obstructions are observed by Dalit leader Ganesh BK:

There are still obstacles from local people, and there is the reluctance of the local government to support Dalit in the Temple Entrance program. Indeed, it is a frustrating matter for Dalit in Nepal because they are excluded from religious rights being Hindu. They are not allowed to freely access Temples even if there are government declarations of a nation free from caste discrimination.

(Ganesh BK, Secretary Mukti Samaj, Interview, 8 August 2014).

At the same time, Temple Entrance has been contested within the Dalit Movement as a strategy for the struggle. Opponent groups within the Dalit Movement argue that Temple Entrance typically addresses the question of Hindu religious equality, which is only one aspect of the Dalit Movement. As a result, there has been a shift from focusing on Temple Entrance to fighting exclusion from other religious institutions, which discriminate against Dalit. Maharjan and Kisan (2013:30) argue that debates of the Temple Entrance program can be captured by three perspectives: spiritual, materialist and equality and human rights. From the spiritual viewpoint,

the claim is that being Hindu, Dalit require equal rights in access to temples. Materialists argue however, that Temple Entrance is not a sufficient basis for Dalit's liberation, which rather requires the equal distribution of power and resources. From the equality and human rights point of view, Dalit efforts regarding Temple Entrance represent a form of ensuring equality in religious and cultural rights. Considering that the majority of Dalit are followers of the Hindu religion, equality in the temple is one of the major fundamental rights of Dalit in Nepal that demonstrate the needs of Dalit recognition. One research participant, Dalit leader Padam Sundas, agrees that:

70 years of Dalit Movement mostly encircled around the Temple entry program; this is not significantly successful yet. There was government declaration to make a nation free of untouchability by providing permission to the Dalit for Temple Entrance which also could not be successful because Dalit are still being strictly restricted in the temples in many places-which is a mockery to the modern democracy of Nepal.

(Padam Sundas, Dalit civil society leader, Interview, 8 August 2014)

The post-2006 period is considered comparatively open to Dalit due to the enforcement of anti-caste discrimination laws and government promulgation of a nation free from caste discrimination. However, despite state reformation and legal provision, there remains evidence of caste-based discrimination including blockades to temple entrances in many places of Nepal (Maharjan and Kisan, 2013). According to a joint press statement by the Jagaran Media Centre and the Asian Human Rights Commission, there have been 45 caste-based discrimination related cases registered in district courts across the 23 districts of Nepal during its five years' tenure after the

enforcement of the 2011 anti-caste discrimination laws (AHRC, 2016). In this period 5 Dalit from different districts have been killed in caste discrimination related cases. We see that despite reforms, systematic discrimination remains in place. This is confirmed by my research.

The legal reforms also could not substantially reduce the discrimination in Nepal. There is evidence of caste discrimination. There are many Dalit who have been thrashed, scolded, killed and humiliated due to caste prejudices. This is all because of institutional bias and caste supremacy in Nepal.

(Yam Kisan, Interview, 15 August 2014)

Despite the promises of equality and justice and some important formal changes, temple Entrance remains something Dalit are still denied. The republican government formed after the political change again, in 2006, proclaimed the nation free of caste discrimination. Focusing on Temple Entrance, Keshar BK, a Dalit activist from Gulmi district, Western Nepal, mentions that:

The republican government also could not play an effective role in terms of guarding Dalit religious rights. We are not able to enter in any public temples around our areas despite there is a government declaration of a nation free of caste discrimination and the new Act against discrimination. Moreover, I believe this is similar to all the places of Nepal, except few places.

(Keshar BK, Dalit Activist, Interview, 28 August 2014)

This research finds out that certainly, Temple Entrance is not the only site of struggle. Apart from the Temple Entrance program, Dalit struggled against several other forms of caste discrimination, among them Dalit resistance to clean animal carcasses in Siraha in 1999; Dalit rights to selling milk in Gaidakot were few remarkable Dalit struggles⁵⁰. These two events indicate that support from social and political party organisations including local people is essential to achieve social changes.

During the 70 years long history of the Dalit Movement, Temple Entrance has been a major strategic program. But, Dalit have not gained substantial achievement in this journey. There are yet many places where Dalit are excluded from entering the temples. Despite the government declaration of a discrimination free nation, Dalit are still blocked. Thus, as different than other research, this research concludes that unless there is the total elimination of the caste hierarchy, such discrimination will persist everywhere.

⁵⁰In 1999 the Chamar people in the Siraha and Saptari districts stopped cleaning animal carcasses from non-Dalit houses. Before this struggle, Dalit used to throw out the animal carcasses. But, non-Dalit as a reprisal excluded and blockaded Dalit from using taps, shops and even getting jobs in the local market and attacked Dalit. After several protests and a series of dialogues, Dalit became successful in this resistance.

Another struggle was for Dalit rights to sell milk in the dairies of Gaidakot, Nawalparasi. Local Dalit farmers were interested in selling milk in the local dairies; however, the milk of Dalit farmers was excluded. Dalit made a written application and even registered cases with the police and courts, to no avail, till a mass demonstration and the capture of the dairy including the milk tanker (BK, 2013). In the end, in 1998, management agreed to provide equal rights to Dalit for selling their milk, which was a historical achievement.

6.6. Internationalization of the Dalit Movement

In the face of continuing impediments on the domestic scene and with the growth of international rights and anti-racism movements, Dalit have increasingly turned to international forums to advocate their rights. International initiatives have provided an alternative opportunity structure for Dalit, also providing solidarity with other movements. Dalit, in these international fora mostly organised by United Nations bodies, are participating and raising their voice and concerns (Lamsal, 2012:80). Dalit organisations have lobbied the United Nations High Commissioner for Human Rights (UNHCHR) as well as submitted Shadow reports to treaty committees considering Nepal's human rights record. Dalit are using these international structures when they see that the international opportunity can help local politics and government policy when previously they have repeatedly been excluded from local structures. This research indicates that Dalit initiatives in the international forums have somehow been a contributing factor to the adoption of Dalit related policies, although there is not any direct evidence that this is the case. One of the interviewees, Durga Sob, highlights the importance of international initiatives:

Dalit participation in the international forums have been instrumental in influencing national and international actors to bring policy changes and to gain international solidarity for the movements. These forums provide space to sensitise international actors to Dalit causes. The network building with different international and regional actors is possible through these international fora.

(Interview, 8 September 2014)

The attempts of Dalit civil society organisations to internationalise Dalit problems by taking part in the World Conference against Racism (WCAR) 2001 in South Africa was a landmark in internationalising Dalit concerns as found out by my research interview. Civil Society organisations and activists were visible in this conference by taking part and presenting Dalit concerns and demonstrating for Dalit rights to be addressed specifically under racial discrimination (Lamsal, 2012:80). Despite their presence and presentations, the United Nations has not still specifically addressed Dalit issues but treats them as work and descent-based problems (IDSN, 2015). The Durban Declaration also did not specifically recognise caste-based discrimination, but it includes several provisions against racism and xenophobia.

In addition to UN forums, Dalit civil society organisations attended the World Social Forum (WSF) in India, 2004, which was organised to explore the alternative social world. Gajadhar Sunar, President of Dalit NGO Federation, argues that

...although the rationale for a World Social Forum has been questioned; at least Dalit raised their problems and issues in this forum. Dalit organisations believed that their participation in this forum was necessary at least to include Dalit concerns at such an international gathering.

(Interview, 17 August 2014)

Many Dalit leaders including local leaders under DNF's leadership demonstrated at the WSF. They continue to take part the WSF and such other forums which are almost futile and are not that corner stone to influence local policy formation.

However, the continuous representation of Dalit in such international fora is providing some support to the Dalit Movement in Nepal. President of Dalit NGO Federation (DNF), Gajadhar Sunar also highlights the importance of Dalit representation in such forums.

Dalit taking part in an international forum is very crucial at least to sensitise the leaders of international forums as well as the activists and leaders from other countries so that they can provide solidarity on the rights of Dalit in Nepal. Dalit participation in UN forums is also important because Dalit can tabulate their agenda and concerns with factual information.

(Gajadhar Sunar, President of Dalit NGO Federation, Interview, 17 August 2014)

One of the problems emerged through my research is the presence of the same Dalit activists and organisations repeatedly at every international forum, limiting the diversity of representation of Dalit. The attendance of the same NGOs and their leaders at almost every international forum likely limits the opportunities for other leaders and leaves a negative impression on the Dalit Movement. Ganesh Shreepaili, a local Dalit leader, argues that:

Local Dalit NGOs and their activists are rarely provided such opportunities at international forums. Donor agencies also provide travel funding to established non-governmental organizations and elite leaders, not to emerging NGOs. The repetition of same Dalit activist in the international forum limits opportunity to emerging leaders. These opportunities should be diversified to others as well.

(Ganesh Shreepaili, Interview on 28 August 2014).

Besides participation in international forums, the Dalit Movement is also beginning to extend into the Dalit Diaspora as caste issues operate beyond South Asia. Dalit associations founded in the UK, the USA, Gulf Countries and European countries are visible particularly to raise donations and to provide solidarity with the local Dalit struggles in Nepal. One of them, *Srijanshil Nepali Samaj-UK* is a leading association established mostly by Dalit. The members of this association are reluctant to work only for Dalit issues, as they want to serve Nepalese concerns broadly.⁵¹ This association provided financial support and moral solidarity to the Nepalese Dalit Movement, such as the direct financial contribution to the Dalit joint struggle organised in August 2015, Kathmandu. Again, although Dalit associations in the diaspora are essential to Dalit welfare, they are also divided along caste lines within Dalit groups. An interviewee observes that:

There are many associations opened for Dalit support. These associations are mainly working for Dalit welfare by providing financial donations. However, there is no unity among these associations.

(Ganesh Bk, Interview, 8 August 2014)

Dalit associations in Gulf are working as a charitable and welfare association to support the Dalit in the Gulf, as well as in Nepal, particularly those requiring treatment for major diseases such as heart problems, kidney failure, tumours and cancer. They also provide scholarships to Dalit students and support income

⁵¹ This view was expressed by most of the participants in an interaction program organised by Srijanshil Nepali Samaj –UK on 17 July 2015.

generating micro projects. Similar associations operate in Europe and USA. Among them, the North America Social Organization (NASO) was registered in the USA and is actively working for the welfare of Dalit both in USA and Nepal (Kharel, 2007:64). NASO provides significant amounts to the victims of the earthquake and Dalit struggles recently. By outlining the importance of these Diaspora Dalit associations, Tirtha Burma, President of Global Forum Against Caste-Based Discrimination (GFACD) says that:

These forums have been at least a platform to unite Dalit who migrated to different countries and raise their voice against atrocities and collect donation for poor Dalit. As a result, some donation was provided to the Dalit Movement in Nepal while there was a protest against curtailing the rights of Dalit in the new constitution.

(Tirtha Burma, President of GFACD, Skype Interview, 20 April 2015)

There are also some international associations not specific to one particular country such as the International Dalit Solidarity (IDSN), the International Commission for Dalit Rights (ICDR), the Asian Dalit Rights Forum (ADRF) and the Global Forum Against Caste-Based Discrimination (GFACD). These organisations focus on international advocacy rather than providing specific relief funds to Dalit. Some limitations are that there is a lack of coordination amongst these organisations and they limit themselves to symbolic resistance such as putting out press statements against atrocities.

There are different Dalit associations established in international level. Different associations have different priorities and agendas. There is lack of coordination amongst these associations. However, the existence of these associations matters for Dalit rights, at least to raise Dalit concern in international forums.

(Tirtha Burma, President of GFACD, Skype Interview, 20 April 2017)

As an example of international advocacy, ICDR's first Dalit March in front of the White House on 19 March 2015 subsequently followed by a Dalit conference was a historical event in raising South Asian Dalit rights issues (ICDR, 2017).

The associations opened in different countries are working in favour of Dalit welfare. Some other associations are working for Dalit advocacy. These efforts show the increasing extent to which the Dalit Movement is accessing the international stage both to influence international actors for solidarity and the local actors to create pro-Dalit policies.

6.7. Conclusion

Although there is a historical track record of resistance, Dalit continue struggling to mainstream their voices. The vicious circle of division and lack of strong leadership perpetuates the relative ineffectiveness of the Dalit Movement to achieve substantial institutional reforms for justice. Dalit division by political ideology and intra-caste associations are some examples obstructing their dynamic unification for the struggle against all forms of injustices. Furthermore, intra-caste associations have played

both negative and positive roles in the movement. A positive aspect is to provide space to empower Dalit within their caste groups, and the negative side is to obstruct the unification of Dalit.

It can be argued that most of the major political struggles in Nepal are against the unitary, exclusionary and hegemonic power structure and inequality of marginalised people—Dalit, women, indigenous nationalities and Madhesi. The huge people's participation in 1990 and 2006 street protests and demonstrations against the dictatorship evidence the Citizen's resistance for change. The Maoist insurgency and political transition were part of the change process. However, the change from authoritarian rule to democracy and a unitary system of federalism had been formally institutionalised only after the completion of the constitution writing process in Nepal.

During its long history of resistance, the Dalit Movement has been dominated by reactive strategies rather than proactive action. The proactive programs are more strategically rational than only more focusing on reactive programs directed towards institutional reform for the social justice of Dalit in Nepal. My research finds out that despite Dalits' long history, their voices have not been heard properly. Dalit movement also could be effective in achieving their rights if they were not divided

along the political ideology. Thus, this research suggests that Dalit should assert group politics for their equality and justice.

CHAPTER SEVEN

INSTITUTIONAL REFORM IN NEPAL: STATE RESTRUCTURING, FEDERALISM AND DALIT DEBATES

7.1. Introduction

In the previous chapter, we explored Dalit struggles for social justice principally through social movements, and to some extent through NGOs and international initiatives. In this chapter, we turn to recent institutional reforms such as state restructuring, and specifically federalism, to examine how these have addressed the concerns Dalit raised through the different phases of their struggle. In doing so, this chapter outlines the background to the debate in Nepal concerning federalism, the principles and contested models of federalism, and how Dalit engaged with these processes, as well as issues reflected in the new constitution of Nepal. The combination of a research data and secondary literature has been used to substantive analysis in this chapter.

As previously discussed, during the period 1990–2015, Nepal underwent a series of political changes and institutional reforms. In particular, democracy was formally reinstated in 1990, but in many ways, these earlier reforms still failed to deliver justice or equality to many groups, and so social movements pressing for change, as well as armed struggle, persisted. The Comprehensive Peace Agreement that was

occurred at the end of the Maoist led insurgency laid the foundations for a new level of reform through comprehensive state restructuring.

The state restructuring debate formally took place when the Interim Constitution of 2007 adopted federalism as a model, with the particularities of federal arrangements to be discussed by the Constituent Assembly. Federalism was considered a mechanism to create a more inclusive and people-centred form of government. The federalism debates in the first CA ended up focusing more on caste/ethnic identity overlooking capability and other development issues. About Dalit, it became apparent that the establishment of identity-based federal units would not serve Dalit interests. Other mechanisms, such as Proportional Representation (PR) came to be seen as more productive vehicles for Dalit. Based on this analysis, this chapter concludes that although Dalit identity should not be the basis for federal units, there is a strong case for Dalit continuing to mobilise identity as the basis for ensuring institutional reforms that will ensure participatory parity. For this, I will argue that Dalit should assert group differentiated politics of recognition to achieve justice.

An overview follows of the conceptual understanding of federalism and basic principles for delineating federal units. Specifically, how two Constituent Assembly (CA) worked as platforms for institutional reforms will be discussed by describing in detail. Different models of federalism proposed by various stakeholders during the

debates in Nepal, including the discussion on Dalit identity-based model has been outlined in a later section. Challenges Dalit face in the institutional reforms process are also highlighted. This chapter will conclude with a finding that to date, the institutional reform processes in Nepal, such as State restructuring and federalism, have not sufficiently addressed the issue of Dalit social justice.

7.2. The Political Significance of Federalism

Since the end of Cold War, the world has been experiencing a remarkable upsurge in the politics of place and group identity, and this is reflected in the adoption of multi-national federalism as a form of political order (Agnew, 1995:224). According to Fessha (2011), more than 90 percent of existing states are ethnically plural. In the face of such ethnic plurality and its implications for state unity or fragmentation, there are two principal options: 'to disregard the ethnic mosaic by seeking to develop a politically mono-cultural society; or to find some institutional way of embracing ethnic diversity, of which federalism is one option' (Fessha, 2011:43). As such, federalism emerged as a major tendency within post-cold war world political agendas to address ethno-regional and ethnic tensions (Smith,1995). In Western Europe, for example, for various countries, federalism was considered as a project for renegotiating the political boundaries of sovereignty and citizenship, and for many ethno regional communities was a way of refocusing a politics of identity (Smith, 1995:1).

Federalism is based on the notion of autonomy and union. It is the best known, but not the only method of giving autonomy to different groups in a society and works primarily through various groups' having some form of territorial autonomy by combining 'self-rule' and 'shared rule' (Anderson,2007:69). Through federal mechanisms, the principle of 'self' and 'shared' rules can contribute to safeguarding minority rights. It involves a whole range of institutional arrangements relating to balance in the distribution of central and regional governmental powers (Agnew, 1995:299). Federalism has been seen as an evolutionary political arrangement, rather than a fixed formula for the territorial division of government powers (Agnew, 1995:224). Although territorially based Federalism is better known, in fact, Federalism can be territorial or-territorial. Non-territorial federal arrangements were particularly relevant for societies in which distinct groups are not geographically concentrated (Lijphart, 1984:28). Belgium is the best example of non-territorial Federalism. The amended Belgium Constitution of 1970 establishes a cultural council for the French cultural community, made up of the members of the French linguistic group of both Houses (the chamber of Representatives and the states), and a cultural council for the Dutch cultural community made up of the members of the Dutch linguistic group of both Houses (Ibid). These two cultural councils serve as legislatures with the power to make laws on cultural and

educational matters for linguistic communities, which are partly defined in territorial terms (Lijphart, 1984:29).

As a multi-tiered government mechanism, federalism tries to accommodate the diverse interests of citizens to achieve broader national integration and development (Agnew, 1995). The federations of Switzerland, Canada and India, are examples of federalism being used to address diverse interest in multi-ethnic contexts (Smith, 1995). Federalism can also function as a form of empowerment and means to promote social justice (Ibid). Federalism can serve as a countermeasure to hegemonic control by dominant groups, instituting collective rights and separate, fair representation for minorities, constraining centralised political power (Smith, 1995:17).

Federalism potentially creates structured opportunities for regional voices to be heard, and within multi-ethnic federations, enables ethno-regional issues to take on a greater political saliency. Regional politics can be constituted to empower localities to tailor economic, social and cultural policies to the specific needs and concerns of their constituents (Hachhethu, 2011). In this respect, federalism protects minority rights through group representation by providing special inclusion rights and a degree of autonomy in governance (Thomas-Wooley and Keller, 1994). However, a balance must be struck between autonomy and inclusion, with neither alone sufficient to protect minority rights. In this sense, the establishment of federal

political arrangements may form part of broader State restructuring processes, including reform in other areas such as the governance system, security sector reform and so on. This broader reform may also include constitutional, political, social, economic, cultural, legal, philosophical and ideological aspects (Burgess, 2006).

The federal structure can protect minority rights through the protective measures of electoral policy, special political mechanisms and welfare measures (Føllesdal, 2011:289). The design of an electoral rule in federalism indeed enables and encourages the participation of minority groups. As well as considering the boundaries of dividing a state, federalism can also attend to minority rights by including forms of representation that are particularly attentive to diversity (Ibid). For example, forms of electoral design such as proportional representation can contribute to fair representation. As set out in chapter five, in Nepal the adoption of a PR system has been one option explored for increasing the representation of marginalised groups in the parliament.

There are however some criticisms of federalism. Federalism can promote the interests of dominant ethnic groups and undermine the rights of other minority groups (Elazer, 1991). A dominant ethnic group can use its majority status to violate the basic civil rights of association, speech and tolerance enjoyed by minorities. One can see the link between this criticism of federalism and some of the concerns about

group rights set out in chapter two. Elazer (1991) also points to the challenges for sustainable federalism in multi-ethnic states. Federalism has also been criticised as institutionalising what are in fact temporary or partial group identities as permanent ones (Agnew, 1995). It can create a permanent identity if the design of federal units is based on identity line.

7.3. Significance of Federalism in Nepal

Federalism is not a new feature of the Nepalese political agenda. The Nepal Tarai Congress floated the idea of federalism in Nepal as early as 1951 when democracy was introduced.⁵² Subsequently, after the restoration of democracy in 1990, the Nepal Sadbhavana Party and the Rashtriya Janamukti Party both demanded a federal state in Nepal, but this proposal did not draw political attention until the Maoist insurgency began in 1996 (Khanal, 2010). During the insurgency period (1996-2006), the former rebel group, now the Maoist party had highlighted the issue of ethnicity and inequality and promised for the right to self-determination, ethnic self-rule and autonomy. The Maoist party had floated their idea for nine autonomous regions for

⁵²Nepal Terai Congress was a political party founded by Vedananda Jha in 1951 with the objective of seeking autonomy for the Terai. The party was founded after a split from the Nepali Congress. Vedananda Jha became an important politician during Panchayat political system.

the distribution of power and resources without mentioning the word federalism during the insurgency⁵³.

The demand of federalism in Nepal dates back to 1951 as Tarai Congress Floated this idea. However, this became the main agenda after Madhes uprising in 2007. Federalism was perceived as one of the key demand of ethnic groups during CA process. This is indeed contested among different groups in Nepal.

(Prof. Krishna Khanal, Interview, 19 August 2014)

After the Madhes uprising (Madhes Andolan) in 2007, federalism was formally included in article 159 (1) of the Interim Constitution of 2007.⁵⁴ The first Constituent Assembly (CA) (2008-2012) also recognised the federalism agenda as a major issue in the state restructuring process (Ahuti, 2013). When the state Restructuring and State Power Distribution (SRDP) committee of the first CA explicitly proposed the principles and models of the federalism, it emphasised the issue of caste/ethnic identity. In this regard, we might note that current demands for identity-based federalism emerged out of a historical context in which ethnic identity is to be recognised (Shneiderman and Titling, 2015). However, the second CA rejected the models of the first CA and proposed a mixed model for federal units.

⁵³Prof. Krishna Khanal, Interview, 19 August 2014

⁵⁴Madhes Andolan was a backlash to Interim Constitution seeking rights of Madhesi and other 'backward groups' through federalism. The 21 days long movement was a landmark event in bringing out regional based ethno-nationalism as one of the prominent issues in the national discourse.

This research finds out that the foundation for demanding a federal state in Nepal was mainly to end discriminatory and exclusionary political mechanisms. Other research also confirms this that Nepal is a multi-ethnic and multi-linguistic country, federalism was perceived as the mechanism to manage ethnic diversity and the nature of discrimination imposed by the state (Føllesdal, 2011:289). As argued by

Khanal:

other potential reasons for demanding federalism in Nepal were managing diversity and ensuring autonomy, deepening democracy and averting possible authoritarian revival, managing unequal development, recognition of identity and desire for autonomy and self-government and breaking the dependency on the centre, and equal power sharing.

(Interview, 19 August 2014)

Federalism was also seen as challenging the persisting domination of hill high caste privileged groups and as a way of making Nepal's political system inclusive and to more empower the people (Baral, 2010). The International Crisis Group summarises that federalism is:

'Inseparably linked to resistance against political and economic exclusion by caste, ethnicity and regional identity. The pressure for ethnic provinces has to do with aspirations for fair representation in government and administration' (International Crisis Group, 2011:1).

Identity-centric federalism proposals appealed to a variety of ethnic/indigenous groups, as they offered rights to self-determination and autonomy for minorities as discussed in chapter two. Many organisations representing ethnic and regional

groups, disappointed by their failure to gain expanded rights and recognition during the democratic period of the 1990s, now saw federalism as non-negotiable (Anderson, 2007). Diverse and mainly ethnic groups have insistently demanded federalism with rights to self-determination and autonomy, but as we shall see, the new constitution has not addressed the concept of self-determination and autonomy while recognising the rights of ethnic and indigenous groups in Nepal.

7.4. Constituent Assembly: Debate on Federalism and Dalit

As the process that took place and the institutional structure created to bring forward state restructuring were quite complex, I provide a brief overview. Although there was a long historical background for demanding state restructuring, it was only after 2006 that this was set in motion (Hachhethu, 2011). In 2006 a Constituent Assembly (CA) was established as an inclusive arrangement to institutionalise mandates of political change, particularly concerning state restructuring, federalism, republicanism, inclusive governance and secularism. Federalism, as opposed to unitary government, was heavily discussed in both the first and second CA and became highly contested.

The CA, a major part of the Comprehensive Peace Accord (CPA), was formed through the election held on 10 April 2008. This CA included a total of 601 members, 240 members elected in single-seat constituencies, 335 elected through proportional

representation, and the remaining 26 seats nominated from experts (CA, 2008). For the first time in Nepalese history, this first CA was inclusive of women (33%), Dalit (8.5%), Ethnic/Indigenous minorities (33%) and Madhesi (34%), 3.83% of members also represented the backward regions, referring to the underdeveloped far western regions (Hachhethu, 2011:8; Dahal, 2008). My research finds out that although, at 8%, Dalit representation was an improvement on the previous situation of almost no representation, in fact, this was below the 13% of Dalit in total national population.

A past CA member explains the inclusion of Dalit in CA that:

The changed political system and electoral policy brought inclusion in the first Constituent Assembly. The combination of direct election and proportional representation is key to increase Dalit inclusion. There would not be any Dalit if there were not an inclusion electoral policy in Nepal.

(Laxmi Pariyar, Interview, 22 August 2014)

Besides acting as a regular legislative body, the first CA was responsible for the constitution making process, and as such played a pivotal role in restructuring Nepal by institutionalising the peoples' mandate of citizen movement, 2006. The peoples' mandate of republicanism, federalism and inclusion was addressed by the first CA (Hachhethu, 2011:2). At the first meeting on 28 May 2008, the CA declared a republican system, abolishing the monarchy. Nepal was declared a secular State and adopted a policy of inclusion allocating 45% reservation for Ethnic, Madhesi, Dalit and women in the civil service. As Krishna Khanal has discussed, in this sense the first CA accomplished major reforms:

...the first CA was essential to institutionalise the peoples' aspiration expressed in the 2006 people's protest against the unitary and tyrannical government. The agendas as federalism, Republican governance, inclusion and secularism were expressed in the protest, which CA later legitimised through the CA declaration. CA was also inclusive which reflected the voice of marginalised people of Nepal.

(Prof Krishna Khanal, Interview, 19 August 2014)

Different thematic committees were formed in the first CA to draft the preliminary reports for a new constitution. There were three major types of committees: the constitutional committee; the thematic committees; and, procedural committees. The Constitutional Committee had the responsibility of reviewing and drafting the constitution based on concept papers and preliminary drafts from thematic committees and suggestions from the CA (CA, 2008). Ten different thematic committees were also formed with the major tasks of preparing the preliminary drafts, along with concept papers on the subjects assigned to each committee or to a subcommittee to resolve contentious constitutional issues.⁵⁵

Different thematic committees were formed in the first CA. These committees were assigned to produce draft reports to be considered by the CA. The report of the committee on State Restructuring and Division of State Power was most controversial in the first CA because it had proposed ethnicity identity dominant federal provinces and other subsequent provisions.

(Laxmi Pariyar, Interview, 22 August 2014)

⁵⁵The thematic committees were formed by Constituent Assembly on 15 December 2008; these are i) Committee on Fundamental Rights and Directive Principles, ii) Committee for Protection of Fundamental Rights of Minority and Marginalized Communities, iii) Committee for Restructuring of the State and Distribution of State Powers, iv) Committee on Determination of the Form of the Legislative Organs, v) Committee on Determination of Form of Governance of the State, vi) Committee on Judicial System, vii) Committee on Determination of Structure of Constitutional Bodies, viii) Committee on Division of Natural Resources, Financial Powers and Revenue, ix) Committee on Determination of Bases for Cultural and Social Solidarity and x) Committee for Protection of National Interests.

My research finds out that the thematic committee reports developed under the first CA were arguably progressive in addressing the Dalit rights, despite being vague and inadequate. These reports addressed some Dalit issues more than previous legislation had addressed them. A few examples illustrate the provision of additional compensation in the central and provincial legislature proposed by the first CA State restructuring committee⁵⁶. The special rights known as reservation in civil service and education area noticeable proposed policy in these CA reports although the reservation policy was already introduced in 2008. The inclusion ordinance had provided 9 percent reservation quota for Dalit in civil service including Army, Police and Armed Police Forces. The new and progressive proposal, however, became controversial regarding its percentage of reservation and process of providing compensation. One of the research participants expressed the views that first CA reports were progressive:

The first CA reports were somehow progressive than other legal provision. The provision for additional compensation on top of proportional representation for central and provincial representation of Dalit was progressive as proposed by State Restructuring and Distribution of State Power (SRDP) committees. However, this provision was curtailed by the second CA.

(Bishwabhakta Dulal, Ex-CA Member, Interview, 18 August 2014)

⁵⁶Bishwabhakta Dulal, Interview, 18 August 2014

It was found that the committee on State Restructuring and Fundamental Rights were arguably clear on Dalit rights by including the special right for the Dalit community in the form of specific affirmative provisions. Reports highlighted the mixed model of electoral policy-FPTP and PR. In general, these other reports vaguely showed the concerns of all marginalised groups, while not directly focusing on Dalit, as there was no consensus on the concept of Dalit agenda itself among the thematic committees. An interviewee highlighted her observation:

The different CA committees were not clear on the Dalit agenda. Some committees had included Dalit issues under marginalised groups. This happened partly because there was no uniform agenda of Dalit. However, some committees such as State Restructuring and Fundamental Rights committees were clear on Dalit issues.

(Laxmi Pariyar, Ex-CA Member, Interview, 22 August 2014)

Despite the progressive reports, these first CA reports were also criticised by Dalit mainly for not addressing the demand of Dalit. Shortfalls were notably the failure to recommend caste-based discrimination practice to be made a crime against the state and to make provisions for restorative justice for Dalit. As revealed by this research, the CA committee's failure to address the Dalit agenda can be partly attributed to the lack of a uniform Dalit agenda and unity amongst Dalit stakeholders. Later, the Dalit joint struggle committee prepared a twenty point Dalit common agenda that focused on Dalit inclusion, empowerment with compensatory provision in political representation and affirmative action provision, but was silent on Dalit identity issues about state restructuring and federalism (Bishwakarma, 2015). Dalit was

nevertheless able to raise and include their issues in different CA reports although there was a lack of uniform agenda and unity among Dalit leaders as observed by one of the past CA members:

Dalit CA member did their best to ensure their agendas through different committees although they were mostly new and there were several challenges to them. We did not have common demands, and we had differences in understanding of those demands as well. We also had our political agendas. However, we were seriously in favour of Dalit issues during the first Constituent Assembly.

(Laxmi Pariyar, Ex CA member, Interview, 22 August 2014)

The new constitution was expected to formalise the issue of state restructuring, one of the major tasks as set out by the Comprehensive Peace Agreement (CPA), but state restructuring through adopting a federal system became one of the most contentious issues as revealed by this research. The main contested point was how federalism should deal with the issue of 'identity' and specifically whether 'single ethnic identities' or 'multiple identities' should be the basis for establishing federal units. The political parties' failure to form a consensus on identity issue caused dissolution of the first CA without writing a new constitution (Shneiderman and Titling, 2015). The CA failure to deliver new constitution triggered the formation of second CA in 2013. Nevertheless, the first CA was perhaps a more promising vehicle for reform than the Assembly that followed. The first CA was more progressive in addressing the rights of marginalised groups as mentioned by Prof. Krishna Hachhethu:

The CA committee on the state restructuring proposed 14 identity based federal units. Three different types of special regions were also proposed for minority ethnic groups. One of the main proposals of the first CA was about preferential rights for the ethnic group, which was rejected by second CA.

(Hachhethu, Krishna Prof., Interview, 20 August 2014.)

It was found that representation of marginalised groups was reduced in the second CA, with Dalit CA members reduced from about 8% to 7% thus being even more seriously under-represented. Dalit under-representation can be explained by their reduced success in the direct election. Political parties were shifting their priorities away from minority groups; for example, NC Party did not nominate even a single Dalit member for First Past the Post (FPTP) election.⁵⁷A research participant mentions the shifting priority of political parties.

The major political parties shifted their priority from ethnic issues to other. In the second CA election, some political party such as NC did not provide a ticket to Dalit candidate for FPTP election. Other political parties also did not provide as much effort to Dalit candidates that resulted in few success of Dalit in FPTP.

(Ganesh Bk, Interview, 08 August 2014)

The second CA adopted the reports and progress made by first CA. It was considered that adoption of the first CA report would ease the constitution-writing process.

⁵⁷Despite discussions about reducing the size of the CA from its 601 members, similar numbers of CA members were elected and on this occasion, among 31 political parties represented, the liberal democratic parties won a larger proportion of seats (NC-196, UML-175) leaving CPN-M (the Maoist party), which had previously had a majority, in third position.

However, the second CA failed to produce a new constitution within the first year of its formation as promised by major political parties in their election campaigns (Hachhethu, 2011). This was again due to political parties' inability to agree on contentious political issues, despite the attempts of the Political Dispute Resolution Committee of second CA to resolve them through dialogue. Because of these disputes and discontentment, a new constitution was not promulgated timely.

7.5. Principles and Models of Federalism

One of the key themes came out from my research is that the question of 'ethnic identity' heavily dominated federalism debates, and it was this issue that became the most contentious in Nepali politics. Several proposals for federalism emerged from different political actors during this period. Here follows an outline of the proposals made by the first CA and its committees; academics, activists, experts and finally political parties, all of whom advanced distinct visions for federalism. Proposals made specifically by Dalit are also examined although the debate was largely about creating federal units based on identity or viability. However, in the case of Dalit, despite demanding both territorial and non-territorial federal units—primarily promoted by civil society and experts—neither made it onto the mainstream political agenda nor were they even strongly raised by Dalit leaders.

Federal Model Proposed by CA Committee and Commission

The key principle of federal restructuring in Nepal as set by the first CA—Committee on State Restructuring and Division of State powers (SRDP)—adopted two major principles for dividing federal units: Identity and Viability (CA, 2008). These principles are the compilations of other sub-elements. Identity brought together five sub-elements: Caste/Community; language; culture; geographical/regional continuity⁵⁸, and historical continuity of ethnic groups. ‘Viability’ integrated four other sub-elements: financial integration and capability; infrastructure development and potential; availability of natural resources, and administrative feasibility. Federalism models were suggested based on these two principles, but as revealed by my research the federalism debate was in fact dominated by the issue of ethnic identity⁵⁹.

It was found that in the first CA two bodies, the CA committee and the high-level Commission intensively discussed federalism, but failed to forge a consensus, and they proposed contested provincial models encompassing both elements suggested by the CA committee. As an alternative, a mixed model was proposed that focused on multiple identities. This mixed model was discussed formally and informally in the High-level Political Mechanism and Dispute Resolution Sub-committee. These

⁵⁸Regional and historical referred to the geographical areas where ethnic groups were residing.

⁵⁹Ganesh Bk, Interview, 8 August 2014

mechanisms also could not forge any real consensus on federal units based on multiple identities, and even mixed model proposals failed to create consensus among political parties and stakeholders. Prof. Krishna Khanal opines that:

First Constituent Assembly focused more on ethnic identity based federal models. However, there were other political parties and groups who were against ethnicity based federal mechanism. However, there was a discussion of different mixed model proposals. These all alternatives could not forge consensus during first constituent assembly.

(Prof. Krishna Khanal, Interview, 19 August 2014)

The models predominantly focused on ethnic identity in determining federal states, but they were opposed by all the main political parties.⁶⁰ Using the framing principles of viability and identity, the first CA Committee proposed 14 federal units, as shown in Map 2 below. Although there was some recognition of a balance between identity and viability, the model supported by a majority of the committee members was heavily dominated by ethnic identity elements⁶¹. Among the 14 proposed provinces, nine provinces were principally based on ethnic identity, and the other five provinces were primarily based on geographical/cultural identity.⁶² Some members of this committee dissented and proposed six alternative provincial models instead. Beyond the Committee, the 14-province model was highly criticised by non-ethnic and anti-federalist groups, and many other federal models were suggested by different groups.

⁶⁰ Nepali congress and UML basically denied the ethnic identity units including other smaller parties. Nepali congress was second bigger party and UML was third in terms number of CA members representing in CA (2008-2012).

⁶¹ Ganesh Bk, Interview, 08 August 2014

⁶² The ethnic/cultural identity based proposed provinces such as Limbuwan, Kirat, Tamsaling, Newa, Sherpa, Tamuwan, Magarat, Tharuwan and Jadan.

Map 2: Proposed 14 Province Model by Restructuring of the State and Distribution of State Powers Committee



Source: CA, 2008

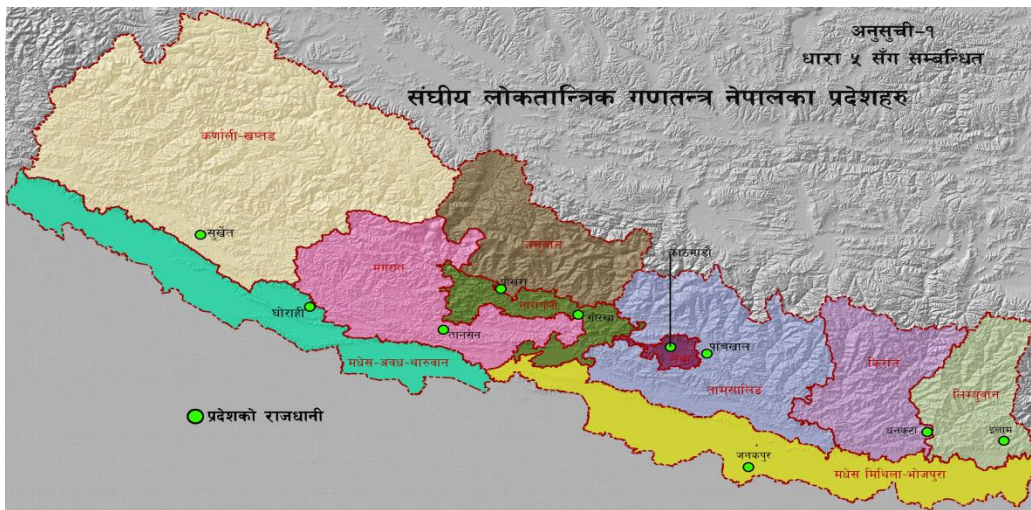
Later, a high-level Commission on State Restructuring was assigned to develop consensual models. However, members were also divided in this task. This commission was formed under the leadership of Dalit to determine the names of federal units, number and borders in November 2011. The commission later proposed 11 provincial models (see Map 3), encompassing both principles suggested by the CA committee (CA Report, 2012; Hachhethu, 2011). However, as my research indicates that it too failed to forge consensus and commission members again advanced different dissenting proposals. Problematically, in each case the proposed models focused predominantly on ethnic identity, giving greater priority to the wishes of

ethnic communities in the formation of federal units, a move opposed by the major political parties.⁶³ Indeed the proposal of a non-territorial Dalit federal unit was highly controversial among Dalit groups. An observation of a research participant:

The high-level state restructuring commission also proposed 11 provincial models dominated by the ethnic identity. This also included a non-territorial federal province for Dalit. However, there were not any details of the formation of a non-territorial Dalit province. Non-territorial Dalit province became controversial among Dalit.

(Yam Kisan, Interview, 15 August 2014)

Map 3: Proposed 10 Province Model by State Restructuring Commission



Source: CA, 2010

As emerged from this research, questions of identity and federal formation also dominated other reform processes. For example, although the CA Committee on State

⁶³Nepali congress and UML including other smaller parties denied the ethnic identity units. Nepali congress was second bigger party and UML was third in terms number of CA members representing in CA (2008-2012).

Restructuring and Division of State Power (SRDP) proposed three tiers of government—central, provincial and local—the overall debate was dominated by the question of provinces. In addition, the creation of special local regions directly under provincial units, intended to address the needs of the smaller ethnic minorities, was also controversial. Three types of special autonomous regions were proposed, Autonomous, Protected, and Special (Pandey, 2015:135). Autonomous regions denote specific areas where the majority of ethnic/indigenous people reside, based on their caste/language or culture. Proposed protected regions aimed to protect the language and culture of threatened minorities and allow them a degree of autonomy. Special regions were intended to empower ethnic communities not covered by other structures but were not considered a separate level of government (CA, 2008).

Arguing for the importance of special regions Prof. Om Gurung stated that:

The special regions as proposed by the state restructuring committee of the first CA was one of the significant proposals in addressing the rights of the tiny minorities in Nepal. This would allow them to exercise autonomy rights for their empowerment and protection of their culture and language. However, these are contested, and it was complicated to pass this proposal in the constituent assembly.

(Prof. Om Gurung, Interview, 20 August 2014)

This research shows that one of the most controversial elements proposed by the first CA was preferential rights for the dominant ethnic group in its specific province, including the reservation of the chief ministerial position for this group. The Committee proposed such rights where a large majority of ethnic people were residing in a region and where this province was based on this majority ethnic identity

(Chapagain, 2013:102).⁶⁴ For example, Limbu ethnic community would benefit from this provision if there was an identity-based Limbuwan province. Ethnic/indigenous leaders demanded this right in light of their historical oppression and exclusion from state power, arguing that it constituted a form of restorative justice for their communities (Prof Krishna Hachhethu, Interview, 18 August 2014). They claimed that preferential rights would provide compensation for the oppression caused by the unification of Nepal in 1769 and its subsequent imposition of one language, religion and culture policy (Lawoti, 2007). However, one of the research participants expressed the concern that the idea of preferential rights violates the democratic norms.

The proposal of preferential rights for ethnic groups was one of the highly controversial proposals by this committee. The preferential rights undermine the democratic value of election. Thus, this was later omitted in the second CA.

(Prof. Krishna Khanal, Interview, 19 August 2014)

This research indicates that the federal model proposed by the first CA committee was more inclined towards addressing identity issues. The ethnic groups accepted these models. However, there was disagreement by some other ethnic groups such as Tharu and other groups. Madhesi groups demanded two Madhes province, which created controversy in consideration to the demands of Tharu and another high hill caste in far eastern and western regions. The issue of identity centric federalism has

⁶⁴ Preferential rights will prevail for 10 years considering 5 years of one term election period.

not been resolved yet although the new constitution promulgated by other CA has rejected it.

Academic, Activist and Expert Views on Federal Models

Beyond the CA committee and high-level commission's proposal, there were several other suggestions from academics, activists and experts in designing federal states in Nepal. Primarily two proposals regarding the organisation of an identity-based model emerged through this research. Some scholars (Mabuhang, 2009; Hachhethu, 2011) were in favour of single caste/ethnicity based identity. Others (Baral, 2010; Khanal, 2010; Sharma, 2006) argued for the mixed models. The proponents of the ethnic identity-centric model argued that this model could help to redress past injustices experienced by those ethnic communities by providing autonomy and self-determination, and creating processes to authorise and ensure their meaningful representation. The opponents of the ethnic single identity model criticised that it would shatter inter-community harmony, increase ethnic conflicts and contribute to the development of secession movements. This debate created turmoil not only in the design of the federal state but also in writing a new constitution. According to a research participant:

The discussion of ethnicity based and mixed model federalism in Nepal was controversial during the first CA. The federalism debate as such caused to dissolve the first assembly. Second CA also adopted the basis for designing the federal units. However, looking into the debates, it is

hard to have ethnicity focused federal unit as such this created political turmoil.

(Prof. Krishna Khanal, Interview, 19 August 2014)

It emerged from my research that although there was demand for ethnic identity based federal states, it is hard to make a case for it in the context of the wider reluctance of the major political parties such as NC and UML. In some respects, the results of the second CA election were indicative of the unwillingness of large proportions of Nepali people to support single ethnic identity centric federalism, insofar as NC and UML, which opposed a single identity model won more seats. Moreover, there was also debate on the mixed model proposals mainly focused on multiple identities and the geographical distribution of proposed federal states, which was accepted by the main political parties. One of the research participants observed the debate that:

The single ethnic identity based federal arrangement was highly controversial during the constitution making process in Nepal. There were different proposals tabulated. One of them was a mixed model proposal. The mixed model proposal was accepted by the major political parties.

(Yam Kisan, Interview, 15 August 2014)

One of the fundamental issues that came through this research is that the viability based debate supports the idea of the conventional five development regions. The scholars

(Khanal, 2010; Sharma, 2014) rejected the notion that caste/ethnicity based federal units provided the solution and suggested making viable units combining ethnic/cultural identity and resource based viability. These five development regions are based on a geographic vertical division—high mountain to low land (Tarai). The basic argument behind this idea was that resources vary with geographical distribution, and if this variety is included in one province, the unit will be more viable than one divided according to ethnicity. As expressed by an interviewee:

The federalism debate was dominated by the discussion of recognising ethnic identity. However, an important element of federal provinces was to make them viable. This viability aspect was neglected although there was a different proposal for this as well.

(Hira Vishwakarma, Interview, 2 September 2014)

Moreover, it was found that some geopolitical, ethnic-regional and resource distribution factors seemed to favour mixed federal states. Nepal's two largest neighbours—India and China—were informally against single ethnic identity. Ethnic diversity and variation of resources suggested the viability of mixed model federal states in Nepal⁶⁵. As a result, the ethnic-regional and resource distribution elements justified the adoption of mixed federal units, a proposal eventually reflected in the new constitution. Considering both debates of ethnic identity centric federal vs. mixed model federal mechanism, the second CA balanced both concerns and proposed mixed model federal mechanism as suggested by few scholars. However, the mixed model

⁶⁵Ganesh Bk, Interview, 8 August 2014

federal mechanism proposed by the second CA has also been contested by the Ethnic and Madhesi groups.

Political Parties on Federal Models

It was found that the major political parties such as Nepali Congress, UML and Maoist were divided over their preferences regarding federal models in Nepal. On the debates over the different model, political parties like NC and UML proposed a model consisting seven federal states, as suggested by a minority group within the state restructuring commission (Thapa, 2017:86). This model completely overlooked the identity-centric model, instead reiterating the mixed argument combining Hill and Terai (north to south) demarcation of the border. This also contradicted with the recognition of identity demands of ethnic/indigenous and Madhesi people. While explaining reasons of why multiple identities based federal units do not resolve the problem, Prof Krishna Hachhethu stated that:

The debate of multiple identity based federal unit is not appropriate to resolve the ethnic identity recognition issue in Nepal. The fundamental problem associated with multiple identities is that it does not provide autonomy and self-rule to the particular ethnic groups. This raises the question of how the ethnic group can practice their autonomy if there is a multiple identity-based province. This does not resolve the problem faced by ethnic groups in Nepal.

(Prof Krishna Hachhethu, Interview, 18 August 2014)

As opposed to NC and UML proposal, as revealed by this research the Maoist Party continuously argued for identity centric federal states in both the first and second CAs. In the first CA, a Maoist CA member led state restructuring committee that proposed the 14 provincial model dominated by ethnic identity. Again, in the second CA, Maoists formed a federal coalition consisting of the members from ethnic/indigenous groups, Madhesi and other disadvantaged (Ahuti, 2013). This coalition continued their protest demanding ethnic identity to be given priority in creating federal states. However, the coalition was not as successful as expected and the second CA motion went against this sentiment.

Among the political parties, the Maoist party was in favour of ethnicity based federal model from the beginning. However, Maoist party was in minority position in the second CA that caused this party to accept the decision during new constitution making process.

(Anita Pariyar, Interview, 12 August 2014)

This research finds out that heavy contention about the issue of a single ethnic identity issue caused a split in some political parties. For instance, some ethnic leaders from the UML party left their party and formed a new political party named Sanghiya Samajbadi Party to lead the single identity issue⁶⁶. However, this new party could not gain substantial numbers in the second CA election. The weaker positions of the political parties pursuing the matter of ethnic identity also contributed to the difficulty of fulfilling the aspirations of ethnically marginalised people regarding

⁶⁶Ashok Rai, Interview, 18 August 2014

recognising their identity through federal mechanisms. Ashok Rai, a political leader, opines that:

The issues of single ethnic identity to make a key basis for federal designing in Nepal became controversial. This led to the formation and reformation of political parties. The formation of Sanghiya Samajbadi Party is also to continue the debate of ethnicity based federalism in Nepal. However, the weaker position of identity centric political parties caused difficulty in fulfilling the aspiration ethnic groups.

(Interview on 18 August 2014)

This research shows that the major political parties were unconvinced about the merits of ethnic identity centric federalism in Nepal and the political parties who led ethnic identity centric federalism either were a minority in parliament or divided themselves. The CPN-M party, which was arguably raising identity-based federalism in Nepal, seemed to be willing to compromise this agenda for bargaining political power. Madhesi and Ethnic political parties were not in a position to massively influence the majority based decision-making process in the parliament. As a result, the demand of identity centric federal designing was greatly overshadowed.

7.6. Dalit Claims in Federalism

While federal reform in Nepal would affect everyone, Dalit had a particular stake in the debate. As revealed by this research, one of the key issue of debate was the possibility of having access to political power by creating Dalit identity based territorial or non-territorial province. However, this view of Dalit identity-based

province was not necessarily an agreed common position with a diversity of opinion amongst Dalit activists and scholars. Sunar (2012), BK (2012), and Lawoti (2010) argued for Dalit identity-based federal units either 'territorial' or 'non-territorial', however, as revealed through my research that most Dalit activists and scholars demanded proportionate representation and special compensatory rights⁶⁷. The lack of common position resulted in negligence of Dalit demand in federalism process in Nepal.

There was not any unanimous Dalit demand in the federalism debate in Nepal. Some scholars and activist were in favour of Dalit territorial, federal province, and some were for non-territorial. Some few scholars also proposed Dalit majority based local governance. However, none of the proposals had been seriously taken by political parties. This happened because first, there was not unanimous demand and second, the federalism debate was dominated by ethnic identity issue.

(Yam Kisan, Interview, 15 August 2014)

It was found that indeed, insofar as the mainstream identity debate emphasised ethnic identity, it overlooked Dalit identity because Dalit claims in federalism were not primarily about protecting their culture and language. For example, key Dalit activists like Bishwabhakta Dulal argued that the Dalit inequality and injustice problem would not be solved by creating territorial or non-territorial units, expressing a clear reluctance to creating Dalit identity-based federal units⁶⁸. Dalit claims as emerged through this research were basically to nullify stigma, oppose oppression, and to promote social justice by asserting politics for power and achieving

⁶⁷Chhabilal Bishwakarma, Interview, 27 August 2014

⁶⁸ Bishwabhakta Dulal, Interview on 18 August

proportional representation and compensatory rights. Indeed, this preference highlights that for many, the key factor of Dalit social justice is to eliminate caste-based discrimination and to achieve equality through special measures. Another key demand was to get additional compensation on top of proportional representation and arguably reserved seats, demands that have been overlooked by the political parties and other stakeholders⁶⁹. As discussed in chapter two, the Dalit reserved seat referred to a reserved electoral constituency and special political seat allocation in direct election system where only Dalit candidates from different political parties would be allowed to contest.

The key demand of Dalit in federal affairs considering the ethnic identity domination of this debate was a full proportional representation; additional compensation referred to as special rights and reserved seats. Full proportional representation could ensure representation in the state mechanism as per their population share of 13%. The compensation was demanded to repair Dalit historical discrimination. The reserved seat was also part of the demands to fulfil the representation of Dalit in direct elections. However, these demands have been overlooked.

(Ganesh Bk, Interview, 08 August 2014)

One of the themes came through my research is that political representation is a priority of central level Dalit leader. Dalit leader demands full proportional representation, reserved seats including addition compensation on political representation. However, ordinary Dalit focuses more on the reservation and other socio-economic development programs. One of the research participants argues that:

⁶⁹Ganesh Bk, Interview, 8 August 2014

Dalit need socio-economic empowerment programs. Political representation is also important. However, focusing more on political representation does not help the ordinary Dalit. We need elimination of discrimination and access to the state's resources.

(Keshar BK, Interview, 28 August 2014)

Further, research participants agreed that Dalit federal units in certain geographical locations were not feasible to all Dalit due to their scattered nature. The problem was that if such structures were to be drawn based on basic population data, politically it would be quite impossible to draw any boundaries with Dalit majorities. Moreover, drawing boundaries with Dalit majorities would have been a form of political gerrymandering. Another research also confirms that even if majority Dalit areas could have been found, Dalit federal units in certain geographical locations would not provide social justice for all Dalit who is scattered around the country (Pyakurel, 2012). Legislation and policies formed in a proposed Dalit province would not affect other federal provinces as argued by one of the research participants:

A Dalit identity based federal province is not effective considering the nature of Dalit settlement being scattered around the country. The federal province created in some locations would not affect other locations. However, the territorial federal mechanism could be an alternative option for Dalit that would provide Dalit access to power.

(Ganesh Bk, Interview, 08 August 2014)

There was not, however, a universal view on Dalit claims. As emerged from this research, Dalit were divided by the demand of territorial and non-territorial identity-

based federal unit. For example, Sunar (2012:29) had argued for Dalit identity based territorial, federal sub-units to recognise Dalit identity, even though this was not politically endorsed. He proposed four likely sub-units based on the density of Dalit in specific district areas. The proposed first Sub province/unit includes Siraha and Saptari districts; the second unit includes Parbat, Myagdi and Baglung; the third unit includes Surkhet, Jajarkot, Pyuthan, Dailekh and Kalikot and the fourth unit includes Bajura, Achham and Doti districts with a second larger population of Dalit. However, most of the research participants, including a Dalit wing of the Maoist party, were reluctant to support this proposal.

Dalit identity-based unit would create long-term untouchable identity. Considering the dispersed nature of the Dalit settlement, the provinces to be created in a certain location would help Dalit. The ultimate goal of Dalit movement is not to establish a permanent Dalit identity but to achieve equality and integration in the society. So, the creation of Dalit identity based federal unit is not helpful for Dalit.

(Yam Kisan, Interview, 15 August 2014)

What another key demand of Dalit emerged through my research is the non-territorial federal mechanism. Other research also confirms the importance of non-territorial mechanism. The scholars such as BK (2012) and Lawoti (2010) suggested this mechanism. The proposed *'Dalit legislative council'* would be a form of non-territorial representation, including 35 members directly elected from the provinces and some members in a nomination category (BK, 2012). This proposal was endorsed neither by Dalit wings of the major political parties nor by the public. Nevertheless,

the state restructuring commission of the first CA endorsed this non-territorial mechanism for Dalit; even though here were no details regarding the formation procedure and jurisdiction of such non-territorial Dalit units (CA, 2011). Arguing for the importance of non-territorial federal units, UML leader Ganesh BK suggested that:

Even if federal territorial states are not possible due to the scattered nature of Dalit residing in Nepal, there is still the possibility of a non-territorial federal mechanism so that Dalit could use their political power regarding legislating Dalit policy, directing the Government towards the protection of Dalit rights and working as a watchdog for Dalit. This could be a formally elected body which is authorised like a commission. A form of elected Dalit Council in the shape of the non-territorial province would be relevant and is practised in other federal countries like in Belgium, Norway, Spain, Canada and New Zealand.

(Interview, 8 August 2014)

My research interview indicates that neither Dalit leaders nor the main political parties were clear on the Dalit identity based federal proposals and none of these proposals was strong enough to support the case for Dalit identity-based federal units. Perhaps due to the lack of a unanimous political agenda, Dalit did not succeed in securing proportionate representation with compensatory provisions or special rights⁷⁰. The lack of common agenda, insufficient research, study and discussions weakened the probability of addressing the Dalit agenda in this process, and the

⁷⁰Ganesh BK, Interview, 8 August 2014

question of the Dalit identity based federal unit was somehow overlooked. Hira Vishwakarma argues that:

There was not any unanimous Dalit agenda, particularly on Federalism. Dalit leaders were in confusion as for whether to demand a federal province or not. This confusion led to the non-recognition of Dalit in the federalism process in Nepal.

(Interview, 2 September 2014)

Nevertheless, the above proposals were indicative of the diversity of views concerning the forms of federal design that could benefit the Dalit in Nepal. The proportionate representation with compensatory rights as stipulated in first CA draft reports address the recognition of Dalit group rights. There were disputes concerning the basic principle of compensatory rights mainly for an additional percentage on top of proportional representation. My research interview indicates that Dalit claims are a fair representation, affirmative action and inclusion rather than a separate Dalit federal unit.

Dalit Identity Debate

The differences of opinions amongst Dalit interview subjects in this study and the differences expressed during the debate raise larger issues about how Dalit in Nepal feel about “Dalit” as a unifying identity. This issue relates back to earlier discussions about recognition and group politics. In some respects, questions over identity took on a different meaning in the context of Dalit demands. Most of the research participants argued that recognition of Dalit identity not directly address the nature

of injustice faced by Dalit. Nevertheless, replacing the word is also not an immediate solution to the Dalit problem. Indeed, as argued by Fraser (2003) reevaluation of subjugated identity is appropriate in the case of Dalit. The research participant argues that the reevaluation of Dalit as traditional artisan people could play a significant role to unite Dalit. In favour of Dalit identity, Bishwabhakta Dulal says:

The word Dalit has been established as a strong political tool in South Asia. There were many instances of changing the identity with different words that could not bring substantial change into Dalit lives. Simply changing the word Dalit does not bring a solution to Dalit problems. Thus, instead of changing the word, we need to revalue the meaning of Dalit that can be a uniting effort for all Dalit.

(Interview, 18 August 2014)

Dalit as identity is somehow contested among different Dalit groups. A fraction of Dalit leaders and youths argue that Dalit identity as such is a derogatory term and it humiliates them. Dalit, as defined by Nepali dictionary, is 'oppressed' or 'untouchable', which some groups of Dalit do not want to associate. My research interviews find out that some Dalit leaders are taking initiatives to replace the word Dalit with other alternative word such as 'Shilpi' as discussed in the previous chapter. In favour of replacing Dalit identity, CA member Dil Nepali argues that:

Dalit is itself very derogatory for us. We have been facing many challenges being lower caste. Dalit denotes the meaning of lower caste and untouchable. Associating this meaning will never provide us with the opportunity for liberation. If we continue to use the Dalit word, we will always experience discrimination. Thus, we need to change the word Dalit to 'Shilpi', which denotes an artisan and is far better than Dalit.

(Interview, 12 August 2014)

However, most Dalit activists like Durga Sob and Rem Bishwakarma argued that Dalit identity not as an identity requiring protection but only in the course of ensuring dignity and justice:

Dalit movement is not for identity politics about creating separate federal Dalit states. Rather, it is a dignity movement. Dalit needs dignity, social justice and equality in every step of their life in regards to access state resources, opportunity and power. The debate of Dalit identity-based federal states hardly supports the goal of our Dalit movement. It is merely futile debate.

(Durga Sob, Interview, 8 Sept. 2014)

It is in this context the Jagaran Media Center (JMC), Chairperson commented that:

The Dalit identity based federal unit cannot become autopia. Dalit federal unit cannot help Dalit to eliminate rampant caste discrimination. Ethnic identity is to preserve, but Dalit identity must be eliminated one day. If we create such political mechanism, Dalit will always remain Dalit, and we cannot imagine their liberation

(Rem Bishwakarma, Interview, 8 Aug. 2014).

These views reflect that Dalit identity is contested but changing it also does not bring an immediate solution. In regards to the identity recognition in federalism, these views reflected the rejection amongst many for the idea that the model of recognition that ethnic groups were seeking would not serve Dalit. The core demand of Dalit in the federalism debate then remained proportionate representation with additional compensation. Dalit leaders advocated for proportionate representation at every level of the State, with additional compensation, particularly in political representation rather than recognition of Dalit identity.

The identity debate is contested in Nepal. Some groups strongly argue that identity should be a key form of political organization for Dalit and others oppose this. Among Dalit, a minority group are strongly advocating to change identity from 'Dalit' to 'Shilpi'. However, the majority of participants interviewed in this research strongly argue that Dalit should remain their identity. They claim that Dalit identity has been already established and it has been recognised by the new constitution.

There are some advantages and disadvantages associated with identity debate. One of the key advantages is that a common Dalit identity is playing a role in uniting sub caste categories of Dalit groups. This identity has provided a sense of belonging and a common platform for raising their concern. Identity indeed has brought power to the movement.

However, there are some disadvantages in embracing a Dalit identity as a basis for political claims. The meaning of Dalit has traditionally been negatively portrayed as suppressed, even though this is been now changing. Dalit movements are indeed trying to revalue the meaning of Dalit identity as 'a group of people having their own artisan and profession'. Revaluing identity creates a strong sense of belonging to all Dalit sub caste groups.

This thesis strongly argues for revaluing identity by appropriating and refiguring the discriminatory aspects of identity. The positive form of group identity can help to

unite Dalit against injustices. In order to ensure their justice, Dalit group politics is necessary.

Political Participation in Federalism

Political participation occurs within the electoral arena, or with protest activities directly aimed at decision-making processes. Institutionalized acts, such as voting or standing for office, have traditionally been considered as the cornerstones of democratic engagement (Theocharis & van Deth, 2017: 8). Political participation includes such activities as voting, signing petitions, blogging, demonstrating or attending meetings. Each of these concrete activities are forms of political participation, but voting and party activities are generally depicted as the electoral mode of participation (Theocharis & van Deth, 2017: 15). In this sense, political participation is about access to votes, governance and decision making processes.

Dalit participation in formal political structures has been slowly increasing since 1990 although the multidimensional exclusion of Dalit persists in Nepal. Dalit gradually started to take part in the formal political process through the nomination of Dalit members for political party committees and election contests. This participation matters because, as argued by Girard (2014), in the widely accepted understandings of democratisation, politics happen through *formal* systems of

participation. It is considered that taking part in democratic voting and contesting elections are prerequisites for active and continuous engagement in formal politics (Franklin, 2004 and Lijphart, 1997). Nevertheless, Dalit often lack the tools and political resources to engage in formal participatory processes beyond voting.

One of the key reasons for the lower participation of Dalit is the domination of non-Dalit in political and governance system. In other words, even in a democratic regime the informal norms that traditionally excluded Dalit continue to block Dalit from formal participation and decision-making processes. In particular, the leadership of political parties is traditionally held by upper caste men (Ahuti, 2013). Dalit and other marginalised groups are mostly party cadres rather than leaders. Dalit, in general, are considered as a vote bank for political parties rather than as leaders.⁷¹

As Constitutional Assembly member Anita Pariyar described the situation:

Political parties still do not believe that Dalit makes competent leaders. They are reluctant to provide roles and responsibilities, particularly leading roles for Dalit. This is not only in one party but also with all the parties in Nepal as they carry conservative ideas and always see Dalit as incapable.⁷²

Political participation is however about more than voting and standing for office. It is also about attending public meetings and engaging in public deliberations, acts that indicate political interest and engagement. Field research indicated, however,

⁷¹Interview Ganesh Shreepaili, Interview on 28 August 2014

⁷²Interview with CA Member Anita Pariyar on 12 August 2014

that though the vast majority of Dalit vote in the elections, there was little evidence of subsequent formal political engagement. Rather Dalit are often found using simple means for political engagement, to influence political actions and learn about political issues in their community. They talk to local political representatives, share their opinion with more outspoken Dalit, or simply remain silent during meetings to communicate agreement or disagreements. These informal political channels often lead to misrepresentation of Dalits' views and interests. It would thus seem that despite the fact that the democratisation process has opened up formal space to Dalit, Dalit exclusion continues in informal and formal politics.

The federalism debate has been more focused on the political representation of ethnic minority groups in Nepal. As discussed, most of the debates have been around how ethnic identity can be addressed through political representation. This debate fundamentally lacks the concern of other aspects of marginalization. It is here noteworthy to mention the interview excerpts of one of the participants.

‘Nepali federalism debate has focused on the ethnic identity and political representation. Nevertheless, in Dalit case, protection of their identity is not key issue. There is not as such discussion on the process of Dalit inclusion in politics.’

(Rem Bishwakarma, Interview on 8 August 2014)

Political participation is one of key factor that helps to ensure the representation of the interests of distinct groups and represents a key means to empower communities by including them in political processes. As discussed earlier, no political party in Nepal is led by Dalit . Only very few of Dalit are included in the central committees and the proportion of Dalit in local committees is low.

The problem is that proposed federal mechanisms have been almost silent on the question of broadening political participation. There are neither specific proposals nor any programs focusing on political education for the marginalized groups, access to voting, access to government services and the process of decision-making. One of the participants specifically raised the concern of lack of political participation to Dalit in Nepal.

‘Dalit are mostly left out from political process. There are not any specific political program to ensure the participation of Dalit in political process. Some Dalit are in political committees at local to central level but they get neither specific intervention nor the encouragement. Government and political parties never conduct any forms of political education on access to vote, access to government services, Dalit participation of decision making process..’

(Ganesh Shreepaili, Interview on 28 August 2014)

This fundamental debate has been left out while designing the federal mechanism. Thus, this requires greater effort to ensuring the participation of Dalit in political process in a changing context.

7.7. New Constitution: Federalism and Dalit

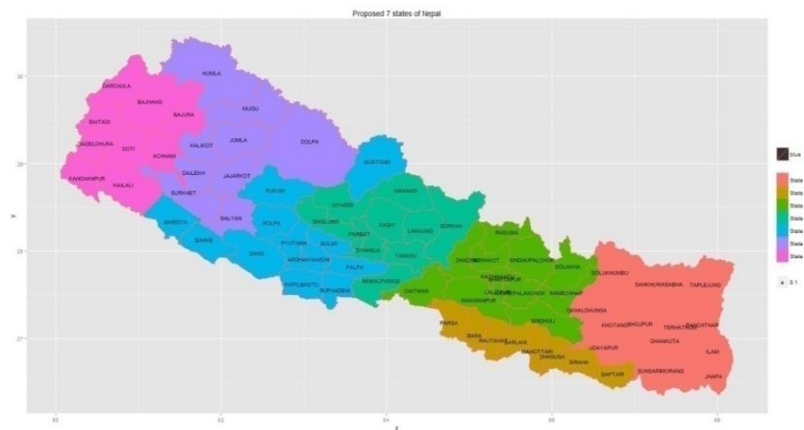
Despite the long debate on ethnic identity on federalism, the new Constitution did not address the single ethnic identity issues in the manner that ethnic and Madhesi groups had been demanding. This constitution adopted seven provinces (see Map 4) based on a mixed principle. However, the Constitution did not determine their names or boundaries, leaving this to be concluded by a high-level commission as envisaged by the new constitution. In the face of ongoing protests by Madhesi and ethnic/indigenous groups, there is yet dilemma on the implementation of federal governance structure in Nepal. Despite the protests of Madhesi, ethnic groups and Dalit, the new constitution was endorsed by 85% of the members of the second CA, which arguably curtailed the rights enshrined in the Interim Constitution (2007), and the draft reports of the first CA. My research participant confirms that:

The new constitution is not as progressive as the reports of first CA committees. The first CA committees had proposed an ethnic identity based federal units. In the case of Dalit, the additional compensation on top of proportional representation was a key proposal, but it was not included in the new constitution.

(Ganesh Bk, Interview, 21 September 2015)

Moreover, while the Constitution establishes a three-tier government (Central, Provincial and Local), the borders of the province and local structures was not fixed. The Constitutional Commission later determined the specific numbers and borders of local government. Furthermore, this constitution does provide an arrangement for special, protected and autonomous regions for the protection of social and cultural rights of the ethnic community (Chapagain, 2013:107). However, it is not clear yet how and where those regions will be determined.

Map 4: 7 provinces as proposed by New Constitution of Nepal, 2015



Source: New Constitution, 2015

As indicated by my research, there were demands for a full proportional representation system, especially from Dalit, but the new constitution adopted a mixed electoral system, which combines 60% direct election and 40% proportional

representation. This provision thus rejects the huge demand of ethnic, indigenous, Madhesi, Dalit and other marginalised people (Ahuti, 2010). Madhesi people continue to demand that the electoral constituency is determined based on population proportions. If this were to occur, around 50% of the candidates would be elected from the Madhes region. The new constitution has mixed elements to determine the electoral constituency, which includes population and geography (Constitution of Nepal, 2015). An interviewee claims that:

Full proportional representation was a key demand of all the marginalised groups in Nepal. However, the major political parties led by elite groups were reluctant to provide full proportional representation as a key electoral system. This is indeed the politics of political parties seeking power to dominate the state.

(Krishna Bk, Interview, 21 September 2015)

Immediately after the dissemination of draft constitution, the Madhesi people began a protest program demanding a Madhes province, population-based electoral constituency, proportional representation of Madhesi and their equal citizenship rights (Sah, 2015). In the course of protest and unrest in Madhes region, almost four dozen people were killed while confronting police and armed forces (Sah, 2015). Agitators consequently imposed a blockade at the transit border point, and India also continued its economic embargo of Nepal (BBC, 2015). Though there was a subsequent amendment to the new constitution to address the inclusion of Madhesi and another group, the agitating parties were not satisfied and continued their protest against constitutional provisions until the new government decided to amend

the constitution on September 2016 (Hindu, 2016). This coalition government assured Madhesi groups that it would fulfil their demands, and at this point, they stopped their protest programs.

My research indicates that Madhesi people are not the only groups who have been alienated by the new constitution. Major ethnic groups were left dissatisfied regarding their demands for proportional representation, identity-based federalism, and the redrawing of the electoral constituency. The marginalised groups are dissatisfied because particular communities dominate the existing state structure; marginalised groups are deprived of adequate representation in the state structures argued by research participants:

The new constitution has left marginalised groups dissatisfied mainly because it did not establish a federal state based on ethnic identity. It has not endorsed the full proportional representation system. The mixed electoral system and recently proposed seven provinces not specifically address the issues of ethnic and marginalised groups in Nepal.

(Krishna BK, Telephone Interview, 21 September 2015)

This research also shows that the new constitution has not sufficiently addressed the Dalit rights, although Dalit were insistently raising their agenda. Dalit's minority position in the parliament and political party mechanism is one of the key reasons that obstructed Dalit issues. Dalit members were also divided by their political ideology that was also an impediment to making uniform agenda and creating pressure jointly (Samata, 2010; Ahuti, 2013). Apart from this, the overall structural

domination is the main factor that neglects the issues of Dalit social justice. For these reasons, leaders of political parties neglected to address the Dalit agenda in the new constitution effectively.

It was found that Dalit organised a series of protest programs in the aftermath of a new constitution. They were primarily dissatisfied by curtailed rights to additional compensation in political representation in Central and Provincial governments, full proportional representation, Dalit reserved constituency and determination of reservation. Ganesh BK, Dalit political leaders, specifically mentioned that:

The new constitution has not addressed the issue of Dalit demands such as full proportional representation and additional compensation. The additional compensation together with political representation was proposed by the first CA. However, it has been curtailed by the new constitution. The demand for political reserved seats is also not included.

(Telephone Interview, 21 August 2015)

As indicated by my research, despite the concerns of Dalit, there are gains worth noting. The creation of specific constitutional commissions such as the Women's Commission, Dalit Commission, Janajati Commission, Madhesi Commission, Tharu Commission and Muslim Commission along with the National Human Rights Commission are, nevertheless, examples of addressing the demands of disadvantaged groups. These commissions can collect complaints or recommend changes in the laws,

policies, and practices of areas that deny rights to their respective communities. However, as reflected by past member of Dalit commission and interview participants in this research, the recommendation of Dalit commission is not implemented due to the widespread institutional bias and barriers⁷³.

On the elimination of caste-based discrimination and untouchability, Article 24 of the Constitution (2015) is crucial, establishing that no person shall be treated with any untouchability or discrimination in any private or public place on the grounds of caste. Nevertheless, as argued by an interviewee, this article does not meet the demand of Dalit, as they did not push for caste discrimination to be made a serious punishable crime against State.

The anti-caste discrimination provision is not much different from the provision of the interim constitution, 2007 and anti-caste discrimination prohibition act, 2011. Dalit demands to make caste discrimination a serious crime against the state. However, this constitution has only made caste discrimination a social crime. The constitutional provision does not bring substantial change if there is not effective implementation.

(Krishna Bk, Telephonic Interview, 21 September 2015)

The new constitution provides special rights of inclusion for Dalit in all agencies of the state based on the principle of proportional inclusion, by making special legal

⁷³Min Bishwakarma, Interview, 18 August 2014

provisions of empowerment, representation, and participation of the Dalit community. In addition, there are provisions for free education with scholarships from primary to higher levels of education and special provisions to pursue higher education in technical and professional subjects. Another article provides that Dalit will have health care and social security arrangements and rights to protect and modernise their traditional occupation and technology (Constitution, 2015). According to the Constitution, the State will provide land on a one-off basis for landless Dalit families. Nevertheless, all these rights will be determined in the laws to be made. Despite having such constitutional provision, implementation of those provisions remains to be brought into effect, and one can raise questions about whether this will occur and if so, how and when.

7.8. Struggle and Obstacles for Dalit in Institutional Reform Process

My research reveals that despite being reasonably represented in the both Assemblies, due to internal and external factors, Dalit voices received a limited hearing during the constitution making process. As mentioned by research participants, first, as they had historically been denied representation, Dalit members had no previous knowledge and skills in parliamentary procedures. Second, Dalit were divided across different political ideologies and their roles in political

parties varied⁷⁴. Some of the CA members were capable of influencing political party leaders and the CA process; however, most of them were not in a position to do so due to their lack of experience in leadership and limited political education.

In general, political parties nominated weaker Dalit CA members. They did not have proper skill and knowledge in the legislative process. Most of them were political party follower. This affected the effective performance of CA members to influence their agenda.

(Dil Nepali, Interview, 12 August 2014)

It was found that the political parties mostly nominated comparatively weaker Dalit members for the CA positions. This nomination was purely based on the self-interest of the political parties that did not consider the ability of Dalit members during the appointment process. This resulted in the inability of Dalit CA members to effectively influence the Dalit agenda on different CA committees. In the First Assembly, as observed by a research participant, Dalit CA members were not appropriately included in various committees, initially because of the non-existence of a Dalit caucus. After almost one year of the first CA, Dalit were able to form their CA members' forum, which consequently prepared a 12-point common agenda of Dalit to be incorporated in the new constitution⁷⁵. Dalit political leaders also formed a joint

⁷⁴Bishwabhakta Dulal, Interview, 18 August 2014

⁷⁵Bishwabhakta Dulal, Interview, 18 August 2014

struggle committee to influence the constituent assembly on Dalit causes. Consequently, CA committees began to realise Dalit agendas in the assembly.

Despite ideological differences and their limited capacity, Dalit managed to raise Dalit issues. As an example CA member, Anita Pariyar explains that:

The main achievement of the Dalit Movement is to influence the CA process through a Dalit CA caucus in First Constituent Assembly, which was subsequently restricted in second CA. However, we formed Dalit CA member coordination committee in the Second Constituent Assembly. We have been able to develop the common agenda to influence political parties on Dalit agenda through this committee. Dalit Movement played a good role in influencing political parties to ensure Dalit participation and inclusion in the constituent assembly.

(Anita Pariyar, CA member, Interview, 12 August 2014)

Dalit in the Second Constituent Assembly also continued their advocacy and influencing role.

However, one of the major weaknesses in second CA was that Dalit CA members could not influence political leaders to ensure special rights to Dalit in political representation as it was agreed by the CA committees of the first and second CA.

(Ganesh BK, Interview, 8 August 2014).

Dalit CA members again formed informal Dalit coordination committees in second CA because the formal caucus was restricted. Dalit continued creating pressure for

their rights. However, when the first draft of the constitution was released for citizen consultations, Dalit protested against curtailed Dalit rights in the draft constitution. Dalit joint struggle committee organised a protest program in Kathmandu on 4 August 2015, which was repressed by the government (IDSN, 2015). However, later political parties agreed to retain Dalit rights in the constitution, although to a limited degree.

Despite the continued effort of Dalit CA member in the second CA, there was heavy curtailing of the Dalit demands in the draft constitution. This compelled Dalit to protest against the draft constitution. As a result, political parties agreed to ensure Dalit demand.

(Ganesh Bk, Telephonic Interview, 20 August 2015)

One might ask why Dalit were not more successful in achieving their objectives in the constitution-making process and this period of state restructuring. One factor as revealed through my research is unity. Lack of united effort and common agenda of Dalit, even across other differences, was a prerequisite in influencing the constitution-making process. The division among Dalit CA members along the lines of political ideology weakened their ability to establish a common agenda in different thematic committees (Pyakurel, 2012:67). Although the Dalit CA caucus provided an informal space within CA and platform for Dalit CA members, it remained less than fully functional and was not able to deliver more effective results (SAMATA, 2010). Nevertheless, although this inefficiency, Dalit CA members played a role in pressing their agenda in their respective committees, their differing political ideologies got in

the way of their aligning over a unanimous agenda. The party affiliated Dalit organisations remained tightly bound within the particular party's ideological framework. As a result, they have had difficulties in setting a common agenda of Dalit while their role was limited to a consultative one.

During the process of constitution making in Nepal, one of the key gaps Dalit faced is that they did not have a timely common agenda. Similarly, the division by political party lines was also another problem. Even though they had a common agenda, it was not effectively advocated by Dalit CA members and leaders due to their different views and ideology.
(Hira Vishwakarma, Interview, 2 September 2014)

As indicated by my research, the further problem was that political parties were the major actors who led the political process, but they did not sufficiently pay attention to the Dalit agenda, even though there were no major disputes with this agenda⁷⁶. Political exclusion from decision-making forums affected the ability of Dalit to progressive reform. Dalit leaders were neither in decision-making positions, nor they were in the majority to influence their agendas. With political parties more focused on national agenda, the proposals of Dalit, ethnic minorities and women became less prioritised during CA process. Most of the Dalit members in CA nominated by political parties were comparatively weaker as they lacked leadership and were mainly followers within a political party⁷⁷. Ignorance and reluctance of the political parties on Dalit representation and issues were key obstacles, among others, in the constitution making process.

⁷⁶Ganesh BK, Interview, 8 August 2014

⁷⁷Bishwabhakta Dulal, Interview, 18 August

Overall, as my research finds that while Dalit issues were represented in the CA thematic reports to some extent, there was a lack of proper understanding on Dalit issues by the CA member in different committees. Under-representation of Dalit and lack of their unity in all thematic committees caused ineffectiveness in properly raising their issues. Moreover, the reluctance of the main political parties toward Dalit issue is a key challenge, which affected the reflection of Dalit issues in the new constitution. A strategic question was whether it makes sense to demand recognition of Dalit identity as a tactic to progress social justice reform. Arguably, the CA process demonstrated that identity was a fraught space by which to advance a Dalit political agenda.

7.9. Conclusion

The mainstreaming of Dalit identity through creating separate Dalit federal units, either on a territorial or non-territorial basis was neither politically endorsed, nor recommended by experts. Even if Dalit majority areas could have been found establishing Dalit federal units in certain geographical locations would not have provided social justice for all Dalit, who are scattered around the country. In this sense, the core demand of Dalit became ensuring proportionate representation with compensatory provisions and special rights for socio-economic empowerment. The demand for an identity based federal political unit became a controversial political

agenda. The major political parties who insistently resisted single identity-based federalism won the majority of votes in the second CA and derailed the firm demand of identity-based States. This suggests that a focus on identity has proved unsuccessful within this political context. However, Dalit should continue to assert group differentiated politics of recognition to achieve unfulfilled demand for their social justice in Nepal.

CHAPTER EIGHT

DISCUSSION AND CONCLUSION

The key purpose of this study was to examine the dynamics of socio-political structures that underpin the inequality and injustices, which Dalit community in Nepal experience, with a view to determining the institutional reforms required to achieve social justice for this group. The study indicates that hegemonic power relations and recurring patterns of caste discrimination are at the root of inequality and injustice experienced by Dalit in Nepal. Moreover, recent efforts to address such inequalities as part of the recent political transformation from a unitary to a federal system have been insufficient since they have a principally focused on ethnic identity, merely including Dalit as an element in this process. By contrast, the central argument I have made, arising out of my findings, is that special measures and multidimensional institutional reforms will be required to achieve participatory parity and remedy of long-standing injustices that Dalit experience. Such special measures might include reserved seats, proportional representation and reservations for socio-economic empowerment. This is, however, unlikely to occur unless Dalit themselves can strongly assert a group differentiated politics of recognition. Certainly, deep-rooted inequality and injustices are unlikely to be eliminated immediately; that is why there is a need for special measures for the holistic development of Dalit, coinciding with the Dalit assertion of group politics.

This chapter commences by reiterating the main findings of the research. It then considers the implications of the research for theories concerning social justice and policy. Section three sets out the significance of the study and recommendations for further research. The final section summarises the conclusions.

8.1 The significant Empirical Findings of the Study

This thesis examined the dynamics of socio-political structures to determine the institutional reforms required to achieve social justice for Dalit. It dealt with the long-standing inequality of Dalit in Nepal and how contemporary political transformations, including state restructuring and federalism, are seeking or failing to address such inequality. It was found that despite the long historical resistance of Dalit, caste discrimination persists to a significant extent.

Profoundly Entrenched Inequality and Injustice

The persisting hegemony of dominant groups and caste discrimination continues to negatively affect the socio-cultural, economic and political experience of the Dalit community in Nepal. As discussed in chapter five, the practice of untouchability occurs in the public and private spheres, for example in the form of restrictions about public temples, hotels, water tap, private homes, inter-caste marriages, and cultural functions. In the economic sphere, landlessness, the persistence of bonded labour and

restriction in Dalits' opportunities to participate on an equal footing in trade and business are key areas of discrimination. In the political sphere, Dalit continue to be excluded from political representation and are denied leadership positions. Such practices persist despite the fact that caste discrimination has been formally outlawed and in the face of Nepal's ratification of international human rights instruments prohibiting discrimination and requiring recognition of equal rights for all people.

By showing how structural injustices founded on caste hierarchies continue to have multidimensional effects on Dalit lives, the research questions the viability of a program of assimilation to dominant cultural norms that themselves devalue the identity of Dalit. Thus, even though Dalit follow the same religious and cultural tradition as dominant groups in Nepal, their equality will require an active and positive revaluation of Dalit group identity, combined with their distribution of power and resources. This finding is consistent with the argument developed at a more theoretical level by scholars such as Young (1990) and Fraser (2003), that liberal approaches that emphasise individual level equality of opportunity are not sufficient to achieve social justice.

Slow pattern of Change in Caste Discrimination and Untouchability

Despite continuing efforts against caste discrimination, the research did indicate that changing pattern of caste discrimination is slow. As argued in chapter 5, there are everyday direct forms of discrimination such as the use of derogatory language or behaving in an explicitly discriminatory way in public spaces, restriction in the temple and inter-caste marriage as evidenced by self-reported experiences of discrimination from the interview participants in this study. It is acknowledged that as a qualitative study, this cannot form the basis of a claim of a robust trend, but it is indicative of change. However, there is an indication of change into the pattern of direct caste discrimination. This research indicates that the major reasons for the changes are increasing levels of awareness about caste discrimination among Dalit and non-Dalit, increasing modernisation, and legal measures protecting Dalit rights. For example, the recent anti-discrimination law is more progressive than previous discrimination laws. Unlike past laws, recent ones specifically cover discrimination that takes place in private settings. The level of punishment is also harsher than was previously the case, with sentencing options available to imprison of perpetrators between one and three months and fined up to 25,000 Nepali Rupees. Nevertheless, biased attitudes and practices in state institutions continue to undermine fully effective implementation of these laws. To counter such institutional biases, full inclusion of Dalit at all levels; from policy, formulation of the systems of implementation will be required.

Moreover, as I argued in chapter six, the work that local NGOs and community-based organisations have been doing on social awareness seems to be contributing to the improvement in awareness and sensitivity to caste discrimination at the village level. Nevertheless, there remains a need for effective and practical efforts from Government both to sensitise people against such discrimination and to penalise perpetrators.

My study also indicated that patterns of caste discrimination differ somewhat according to geographical location, due largely to different attitudes and levels of awareness of people living in that particular place. For example, incidences of caste discrimination seem to be more prevalent in the western regions than in the eastern regions (Katuwal, 2008:116). The research participants expressed their views that the level of discrimination at Tarai regions of Nepal is more complex than at the hill regions. Similarly, there is another assumption that the socioeconomic status of Dalit also makes a difference in the perception and behaviour of non-Dalit to Dalit. This assumption was found to be true as most of the interview participants also agreed that the presence of an educated, and more economically prosperous Dalit leader whose social status enables him or her to speak out against perpetrators could make

a difference in inter-caste behaviour. At the same time, the lower social status of Dalit persists through their lifecycle, thereby entrenching discrimination and domination.

As expressed by the interview participants, being the most illiterate and politically disempowered, Dalit often live with humiliation and are not able to resist inhumane practices. The lower self-esteem and humiliation hinder Dalit from becoming leaders in any institutions. This demonstrates the Dalit exclusion from opportunities and benefits. The humiliation also extends to accessing other educational, economic and political opportunities. For example, as discussed in chapter five, Dalit are not able to raise their concern directly in local political meetings, often use the informal medium to convey their concerns such as talking to Dalit leader. Often they simply remain silent during meetings.

As discussed in chapter five, in this study, interview participants reflected a view that Dalit often will not speak against higher caste as they fear such action could damage their relationship with the clients who ensure a minimal subsistence from their traditional occupations. For Dalit who are caught in traditional occupations in rural areas, this patron-client relationship remains a trap. However, this pattern has been now slowly decreasing due to the diminishing level of Dalit involvement in

traditional professions, increasing foreign labour opportunities and sensitization among Dalit about their rights.

Caste Violence and their role in social conflict

Caste-based violence has been taken lightly by both the State and dominant groups, but today, caste violence represents one of the potential risks for worsening social conflict in Nepal. The younger generation, particularly Dalit, seem to be retaliating against caste based violence and exploitation. As discussed in chapter six, there are some initiatives to create forces against caste discrimination and its perpetrators such as '*Dalit Youth force*'. Ongoing caste violence and oppression might motivate Dalit youth to join revolutionary wings/forces. This was already evident in the significant number of Dalit youth who participated in the Maoist rebel force, and indeed the Maoists drew on Dalits sentiment against untouchability and caste discrimination. The fact that when they were in a ruling position, the Maoists did not actively and efficiently address caste discrimination left many Dalit with a sense that no government will help them. As a result, some Dalit consider initiating an armed struggle against caste discrimination. Were this to happen, it could trigger broader conflicts in Nepal.

Ubiquitous Institutional Bias and Barriers

Institutional bias and barriers, as distinct from direct forms of caste discrimination continue to impede social justice for Dalit. The dominant groups utilise their caste privilege and supremacy to hinder Dalit to access justice. Higher caste groups dominate the state institutions such as law enforcement mechanisms, there are pervasive implicit biases, as discussed in chapter five, often leading to the negligence of discrimination related cases. As argued by Holroyd, (2015:30) implicit bias is not easy to detect but stigmatises minority groups. In relation to Dalit, the dominance of higher caste is also a barrier for Dalit justice as higher caste uses their privilege, networks and power to protect culprits. This study reveals that despite anti-discrimination laws, widespread institutional biases and barriers persist. For example, police refuse to register first information reports (FIR) against caste discrimination case, and sometimes crimes are not registered as caste discrimination but rather classified as types of other crime. Police negligence and caste bias remain a massive obstacle to their being a tool for justice (Kharel, 2007:57; HRW, 2016). A recent example involved police refusing to register the element of caste discrimination in the murder of a Dalit boy in the Kavre district in the case of an inter-caste marriage (Pressenza, 2017). After protests by Dalit activists the case was prosecuted as one of caste discrimination, but, the real culprit has not yet been punished.

The principal institutions that ought to be ensuring justice for Dalit, such as political parties, the police administration and chief district officers are similarly reluctant to press caste discrimination cases as argued in chapter five. Ordinary Dalit, who are often illiterate and poor, rarely press caste discrimination cases, are forced to compromise and withdraw cases and may themselves be penalised even if they are victims. At the same time, key Dalit government institutions are almost powerless and unable to effectively and independently work for the rights of Dalit. For example, the Dalit Commission formed under a ministerial decision in 2001. However, it is still not the constitutional body and arguably not able to work as a semi-judicial mechanism. The key weakness of Dalit Commission was. First, there was not a constitutional right given to the commission for acting as a semi-judicial mechanism. Second, as discussed in chapter seven, the recommendation of the commission is not implemented by the law enforcement mechanism due to widespread institutional bias. As a result, many Dalit continue to experience severe human rights violations, but voiceless before the law.

Unheard Dalit Voice in Nepalese Political Transformation

This research uncovered ahistorical track record of Dalit struggle and resistance but found that Dalit are still struggling to mainstream their voices, as described in chapters six and seven. The trends demonstrate that most of the major political protests in Nepal have been against the unitary, exclusionary and hegemonic power

structures, and have sought to address the inequality of marginalised people such as Dalit, women, indigenous nationalities and Madhesi. Along with other marginalised groups, Dalit extensively contributed to bringing about the political changes, but these changes have not substantially addressed the issues of Dalit. Political movements such as the people's protests of 1990 and 2006, combined with the Maoist insurgency and subsequent political transition are evidence of citizen participation against hegemonic power structures, but the changes they sought are yet to be fully institutionalised. The promulgation of a new constitution in 2015 should be instrumental in institutionalising changes and the rights of marginalised groups but is to be implemented.

As discussed in chapter seven, the political transformations associated with creating a federal system have not involved a direct link with the identity of Dalit, for example creating Dalit federal units. The demand for identity-based federal political units for Dalit was controversial, and there was not a strong base for influencing political parties in relation to this agenda. Although identity issues were strongly raised in the first CA, due to the weaker position of identity proponents in the second CA, the demands concerning ethnic identity issues became ineffective. The major political parties who strongly resisted single identity-based federalism won the majority of the votes in second CA and this derailed the demands based on ethnic identity.

The failure to respond to the demand for federal units by ethnic identity provoked Madhesi and ethnic groups to protest. Nevertheless, because of the importance, they placed on this issue, Madhesi people have continued to protest and demand amendment of the constitution to ensure recognition of Madhes provinces. It can be anticipated that this matter will be cause for ongoing upheavals.

The core demand of Dalit concerning federalism was the adoption of an electoral system of proportionate representation with compensatory provisions. One of the key demands of Dalit was to guarantee the additional compensatory rights of political representation at central, provincial and local federal structure. To achieve social justice through redistribution of resources, Dalit also demanded the special provisions for socio-economic empowerment.

This research indicates that special political representation measures such as additional compensation in central, provincial and local representation are relevant to guarantee the representation of Dalit in federal mechanisms. Research participants mainly Dalit political leaders affirmed that full proportional representation including additional compensatory measures as proposed by the first CA committee is the main demand in the federal mechanism rather than Dalit identity based federal units. They further reflected the view that considering the dispersed nature of Dalit, either territorial or non-territorial identity based federal

units was not the solution to the multidimensional nature of injustice of Dalit in Nepal.

Because of the focus on ethnicity based federal units, in the end, the polity overlooked the concerns of Dalit. Despite facing multi-dimensional nature of injustice, federal restructuring procedure did not fairly recognise Dalit concerns of social justice. Neither demand of full proportional representation nor additional compensation was accommodated in this journey. There are several factors for the negligence of Dalit interest, among them; the Dalit internal division and lack of common agenda in federal polity were main problems. The hegemonic power structure and ethnic identity dominated federal debates are also key other factor causing negligence on Dalit concerns.

Divided Dalit Movement and Fragile Struggle

Despite the barriers to political recognition described above, there has been some progress in the development of Dalit movements. During the long history of resistance as discussed in chapter six, the Dalit movement has been characterised by a reactive strategy, for example, protesting against atrocities and governments' reluctance to promote inclusive policy formation. By contrast, demands concerning temple entry, equal rights for selling milk to dairy companies are examples of

proactive programs. These are more strategically rational. The movement has achieved three outcomes. First, Dalit liberation became valuable in the broader Nepalese political, social and cultural movements. Second Dalit have come to realise the importance of a united struggle for their liberation. Third, in some respects, the Dalit movement has compelled political leaders to provide some types of relief program for Dalit.

However, the movement has faced numerous barriers. This study suggests that Dalit movement has been divided by their political ideology and caste divisions argued in chapter seven. As result of this internal division, Dalit movements have been relatively ineffective in asserting their rights. Internal divisions add to Dalits' lower socioeconomic condition, the persistence of hegemony and lack of awareness. In the face of persistent hegemonic power relations, Dalit are hesitant to express their voices against and come out to protest against malicious forms of discrimination. Additionally, their socioeconomic condition impedes Dalits' participation in a broad Dalit movement. As they are mostly wage earners, Dalit are unlikely to be able to take part in mass protests and demonstrations for their rights.

Dalit movements have also been hampered by a lack of strong Dalit political leadership. Dalit political leaders are divided into different political parties. There is also rivalry among the leaders such as no one is ready to accept leadership. Moreover,

the literature review demonstrates that there is division among the social Dalit leaders as referred to NGOs activists and political Dalit leaders. As discussed in chapter six, they blame each other. There is also lack of collaboration among these leaders. However, recent events indicate that both fractions of leaders protested against the CA when there was curtailing of Dalit rights in 2015. The situation may be improved as Dalit political leaders have formed a unified Dalit struggle committee where all political Dalit leaders and cadres are involved.

This research has revealed that Dalit political leaders have been reluctant to act on certain agendas such as federalism and forms of governance. As discussed in Chapter 7, the overemphasis on the single identity debate side lined Dalit concerns for special measures for political representation such as reserved electoral constituency, additional compensation in addition to proportional representation including non-territorial provinces for Dalit. The reserved electoral constituency referred to a reserved seat, as discussed in chapter 2 and 7, is an alternative political mechanism that guarantees the representation of marginalised groups in the direct election system. In relation to Federalism, the research suggests that most Dalit leaders were reluctant to pursue federalism as an important part of their agenda for Dalit rights. Despite the proposal of high-level Commission on the non-territorial provincial model, the Dalit movement did not positively embrace it and thus make it a core demand. Few of the Dalit leaders persistently raised this issue, and so it was not

heard by the relevant authorities. Dalit leaders were also reluctant to advocate non-territorial Dalit provinces. It seems that the lack of common agenda and unity among Dalit leaders and CA members failed to robustly influence in the CA process.

Unreachable Social Justice for Dalit in Nepal

Despite the indication of increasing policy awareness and implementation of inclusion policies, changes are slow and unlikely to ensure equality and justice for Dalit in the foreseeable future. As indicated by literature review of chapter two, fast track implementation of policies, inspired by those adopted in South Africa could then be helpful to achieve Dalit inclusion. As shown in Figure 2 equality and justice are the primary goals of Dalit. This modality displays that for achieving equality, different levels of policy implementation is necessary. For example, the first step is to provide affirmative action in the form of reservations, proportional representation, quotas and special rights. The implementation of affirmative action brings us to the next level, where there is an increasing standard of inclusion of Dalit in the private and public sectors. The growing level of inclusion itself then provides the conditions for achieving equality and justice. Importantly, equality means equality of outcome and not only process, but procedural equality combined with affirmative programs creates the conditions for substantive equality in the conditions of a hierarchical society like Nepal.

Figure 2: Equality and Justice Model

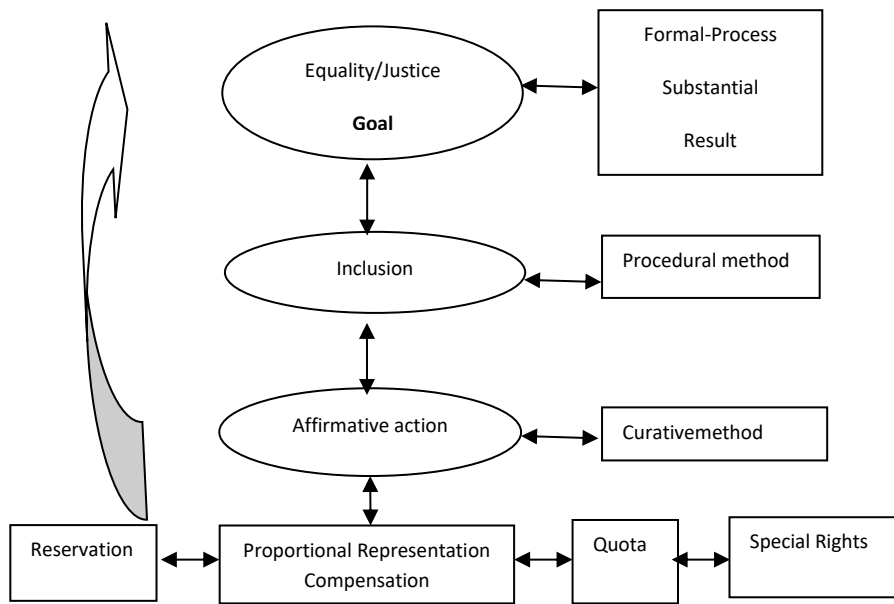


Figure 2 (Source: Author's Illustration)

Group differentiated Recognition Politics: A strategic option for Dalit

There is a debate on whether the ultimate goal of Dalit movement is to integrate Dalit in mainstream society or to retain a Dalit identity through collective or group politics. On this question, Dalit political leaders and social activists are clear. They see the ultimate goal of the Dalit movement as integrating into mainstream politics and not separate group politics. Dalit group politics is just short term strategy of Dalit movement to unite them under a common agenda.

As discussed in chapter four, a number of contemporary social justice theories contend that recognition of groups like Dalit as a separate group and transformative redistribution are necessary to achieve social justice. These theories establish political rights as fundamental in this process. The political power of minorities and social groups makes a real difference in the distribution of scarce resources, which provide the basis for equality. Since injustice is a by-product of institutional rules and regulations, which go beyond the individual level, theorists argue for the necessity of group differentiated rights (Young, 1990; Kymlicka, 1995; Williams, 1998; Fraser, 2003). Thus, as distinct from liberal approaches that understand liberation as the elimination of group difference, theorists like Young (1990:157) claim that positive self-definition of group difference is the condition of liberation.

It is accepted that equal treatment approaches alone cannot address structural injustices and that these require group differentiated approaches. This is not, however, the same as long-term recognition of a specific group. Nevertheless, group recognition is better than dominations domination can create more conflict. To reduce conflict, group recognition and unity in diversity are inevitable. This research supports the claim of Fraser (2003) as she argues for the importance of both redistribution and recognition to achieve social justice for marginalised groups. Being a highly marginalised group, Dalit are systematically excluded from socioeconomic, education, and political opportunities, resources and their identity has been

stigmatised and devalued. Thus, Dalit need both redistributions of resources and recognition of identity for their justice. To achieve justice, Dalit should assert group differentiated politics of recognition as a short-term strategy. However, this research shows that there is still dilemma within the Dalit movement about whether to adopt the group politics of recognition or not.

Certainly, this research has shown that even though Dalit identity is contested, it has provided a common entity, which has been a useful tool for combating caste-based discrimination. Most of the respondents in my study as discussed in chapter seven, particularly Dalit social and political leaders, affirmed that Dalit word is not derogatory, but rather serves to unite the community. They stated the importance of identity. Amongst the younger generation, only small fraction of people sees the Dalit word as derogatory. It is reflected that Dalit, as defined by earlier Nepali dictionary, meant a derogatory word such as oppressed and untouchable, which they hate. For example, the Dalit wing of *Sanghiya Samajwadi Forum Nepal* (a political party) is advocating the word '*Shilpi*'(skilful) community to replace *Dalit* in the Constitution. However, the majority of participants expressed their view that Dalit is a politically coined identity as recognised by the national and international institution as well as Nepalese constitution, should be revalued it positively that can valorise their identity.

It is important here to note that Dalit struggles perhaps differ from other minority struggles aimed at recognition. As described in chapter seven, interviewee in this study pointed out that the Dalit movement is not the same as other ethnic movements, which are fighting for the protection of their cultural and linguistic identity. Because the Dalit identity is associated with the negative perception of untouchability, the Dalit fight is one about the elimination of all forms of derogatory perception and establishing dignity. Dalit are not fighting for the political construction of their identity or to sustain it forever; rather they are fighting for the destruction of negative identity. Nevertheless, I argue that identity and dignity are interrelated. If there is no recognition of identity, how can there be dignity for that group. My research indicates that Dalit should consider the interrelationship of these concepts and government and political parties need to recognise Dalit identity, which needs to be asserted strategically for Dalit equality and justice.

Political Participation/Representation: Key factor for Dalit Justice

My research demonstrates that at the central level Dalit leaders see political representation as critical. Dalit priorities thus vary according to their situation and status. The political leader demand, for ordinary Dalit, what matters is access to State resources. Nevertheless, there is a wider understanding that political representations one of the key determinants for the resolution of other problems as

it determines the national policy and provisions discussed in chapter five, six and seven. I agree with Phillips that amongst leaders, there is over-emphasis on representation in legislative assemblies rather than on what the representative do (Phillips, 1995:3). Thus while the emphasis on political representation is not itself a problem, it should not distract from other dimensions of the problem. Nevertheless, the provision of political representation proportional representation should remain key area of focus insofar as it both increases opportunities for Dalit in politics while also supporting broader policy change and Dalit empowerment.

Moreover, my research indicates that to ensure fair representation, special measures will be required as argued in chapter seven. This might be achieved through some of the measures discussed above, for example, “Dalit reserved seats” to be determined by Dalit voters alone. As outlined above, recent institutional reform efforts did not bring about such measures that would ensure Dalit political representation. This failure must in part be attributed to the reluctance of political parties, which continue to marginalise Dalit and not advocate Dalit interests. In addition to political representation, political participation of Dalit is a key factor for achieving Dalit justice. Dalit participation in voting processes, access to governance and decision making will all help to ensure Dalit representation.

Recent political changes, particularly the formation of local, provincial and central government have achieved substantial inclusion of women and Dalit. Nevertheless, the inclusion of marginalised groups has not achieved the level of representation proportional to population. Thus, further efforts are required to strengthen political participation and proportionate representation in the changing political context of Nepal.

8.2. Theoretical and Policy Implications of the Study

This study drew on theories of social justice that were developed, principally in the Global North and for marginalised groups in those contexts. As such, they can illuminate the Dalit case, but in turn, the Dalit case can speak back to them.

The prevailing discourse about how best to achieve social justice for Dalit suggests that the end goal should be assimilation into dominant social groups and abolition of specific Dalit identity. Most respondents understood Dalit politics as one of dignity, implying this assimilation frame. In one sense, this is appropriate. However, the problem with this position is that it fails to appreciate that in practice, and because of historical and entrenched structures of injustice, without recognition of their group identity and the construction of a positive self-image, dignity is itself threatened. As argued by Taylor (1992) the politics of recognition is also a politics of equality and dignity. The development of a positive image of Dalit inherited professions, skills and knowledge will themselves bring dignity. Thus, this research seeks to counter the claim in the Dalit movement that there is a conflict between dignity and identity

and to assert the strategic value of a group-differentiated politics of recognition. The group politics of recognition demands the formation of institutions such as Dalit Council, and electoral measures such as proportional representation, Dalit reserved seats or other mechanisms to ensure political representation.

In examining the current literature and research data, it became apparent that the Dalit problem will not be cured solely by the redistribution of resources, but requires socio-economic-political transformation. As the injustice Dalit suffer involves an amalgam of economic, political and cultural issues, these issues should be addressed distinctively but also in dialogue with each other. The critical pathways to achieve these ends redistribution and recognition suggested by Fraser (2003) and politics of group difference argued by Young (1990). These theories were contextualised in western societies in the context of the injustice experienced by women and other disadvantaged groups, however, and in some respects, they remain useful in examining the experience of injustice in the south Asian context of a hierarchical caste society.

As suggested by Andrews (2013) this study also emphasizes the importance of focusing on informal institutional reform as a way of addressing the discrimination and social stigma manifest in informal institutions such as 'culture' and 'beliefs'. In the case of caste discrimination, it is equally important to highlight people's negative

attitude, discriminatory behaviour and practices, which are indeed deeply rooted in the society. Although Andrews' theory was developed in the context of the donor driven development and institutional reformation, the argument that without understanding the informal institution, reform is not sustainable applies here also. This research demonstrates that this particular theoretical approach is appropriate to deal with social stigma, caste discrimination.

This study exhibits that liberal justice as equality of opportunity and individual rights are not sufficient to rectify the multi-dimensional nature of structural injustice faced by the Dalit of Nepal. To remedy the structural injustice one need group differentiated rights such as affirmative action, proportional representation, reserved seats including autonomy. The individual rights including assimilation into dominant groups, therefore, does not necessarily offer pathways out of Dalit inequality rather further marginalise them in the hierarchical society. This study in this sense supports a group-based theory for the greater justice of Dalit in Nepal.

Nevertheless, the study also indicates that the types of recommendations that follow from a concept of minority rights as articulated by Kymlicka (1995) are not fully applicable for Dalit. Indeed, the kinds of cultural recognition that his theory advocates, and the political structures required to ensure it has, in the Nepal case been more appropriate for Nepali ethnic minorities. Thus, although Dalit need

recognition as a distinct group for strategic reasons, the issue is not long-term recognition of their cultural distinctness.

Turning now to the policy implications, the findings of this study on the persistent and multidimensional experience of inequality amongst Dalit should supplement and inform the contemporary restructuring process in Nepal. Its conclusions should also arm Dalit and policy reformers with a vision, and empirical support for special measures such as full proportional representation, additional compensatory provisions, affirmative action and reserved seats. As an empirically informed study of Dalit injustice and the reforms required addressing it, it provides material for academicians; policy researchers and practitioners that can enrich their understanding of the complex, multidimensional nature of Dalit injustice and assist them to undertake further specific research on this subject.

While this research confirms the existence of widespread bias and institutional barriers in enforcing anti-discrimination law and provisions, the state needs to take effective and immediate action to implement the existing legal provision and reform institutions so that they become responsive and inclusive. The types of electoral reforms discussed above, such as proportional representation and reserved seats, as well as ensuring the presence of Dalit in all aspects of policy-making will be helpful in reducing existing institutional biases and barriers. Moreover, the creation of an

independent Dalit Council could be useful. Such a body would ensure that the interests of Dalit are represented in all aspects of the legislative process, to promote the proper implementation of existing legal provisions, make recommendations to the law enforcement institutions and to ensure appropriate responses to the cases concerning violations against Dalit. These political measures need to be supplemented by a multi-dimensional socio-economic empowerment package and measures to raise awareness about institutional bias and discrimination within the broader population. Considering the magnitude of inequality, a principle of affirmative action, which to date has been implemented in a restricted way, should be applied to all state institutions and programs. A fast track system of affirmative action could help to close the gap between Dalit and other groups' representation in State mechanism and would generate a multiplier effect.

While political representation for Dalit will be necessary, the political parties should implement inclusion policies to ensure the meaningful representation of Dalit in their party committees and decision-making processes. They would then be in a better position to advocate other measures. Moreover, the anti-discrimination law should be implemented in relation to political parties. Penalizing their political cadres if they perpetuate caste discrimination would be a key step in discouraging caste violence and discriminatory practices in Nepal.

With respect to reducing biases, discrimination and practices, which are indeed informal social institutions, a multidimensional approach should be adopted and executed by government institutions, and civil society organisations, as well as the broader public. To this end, massive awareness raising programs against caste-based discrimination such as awareness raising related public service announcements, street drama against caste discriminations, and notices through print and online media, television could be helpful. Public sensitisation mobile camps at the local level, street drama, performative studies, research, trainings for the police and related government institutions are also important. However, one of the key aspect of fighting against discrimination is to empower Dalit of Nepal by providing them special affirmative packages comprising of socio-economic, educational, political empowerment. While Nepal has already adopted affirmative action policies for Dalit and other marginalised groups with respect to political representation, public service and the education sector, these are partial and insufficient. To bridge this gap, a special Dalit development package is necessary that should benefit the local disadvantaged Dalit rather than only those who are educated and economically empowered.

While separate empirical research would be required to develop a model for a Dalit development package, a tentative format can be drawn from this research. It should, for example, include economic empowerment through modernisation of Dalit's

traditional occupation, capacity enhancement for alternative professional development, and easy access of bank loans and markets for entrepreneurship. Similarly, in the education sector, free education and scholarships for Dalit children from primary to higher education, inclusion of Dalit teachers and parents in different committees, and elimination of all forms of discriminatory behaviour in education sector ought to be components of a comprehensive approach. In the social sector, reform should include elimination of caste discrimination, inclusion of Dalit in all community users groups and committees. Dalit inclusion in all local to central political structures, adoption of inclusion policy and its effective implementation are few key areas to address for Dalit empowerment.

A key implication for policy is that Dalit should strategically assert a group differentiated recognition politics. In doing so, Dalit should consider their efforts to reduce internal caste divisions and ideological differences by emphasising the basis for unity among a diversity of Dalit groups. For this, the revaluation of the subjugated Dalit identity can be great value for unifying Dalit.

8.3 Recommendations for further Research

This research has focused on different aspects of Dalit disparity and potential areas of institutional reform. In its attempt to examine overall inequality and injustice and Dalits' struggle for institutional reform, it has however not focused in tightly on any

one particular area. The multidimensional nature of the problem requires multi-dimensional research, but at the same time, the specification of research on specific areas (education, employment and so on) will be necessary to draw specific conclusions and make specific policy recommendations.

One question to which this research point concerns the possibility of collaborative struggle amongst Dalit across south Asia, something that could be better enhanced. Although some efforts are being made to create a South Asian Forum for Dalit rights, they have been insufficient, and succeeding will need broader level political efforts. In this context, subsequent research can be focused on the power politics amongst and between Dalit in South Asia to examine the obstacles to pursue and press such collaborative efforts.

For Dalit in Nepal, further research on how Dalit in India have deployed group-differentiated rights, primarily for political representation would be useful. For example, the Indian constitution has provided reservations for Dalit and other groups. In India, Dalit have also created Dalit based political parties. In Uttar Pradesh of India, Bahujan Samaj is a major political party led by Dalit women. Nepalese Dalit could be benefited by considering and drawing the Indian experience of enforcing differentiated group rights.

While this research has focused on institutional and structural aspects of Dalit inequality and justice, there are several areas that ought to be the focus of future

research. There is very limited empirical research commissioned by Dalit scholars. Other non-Dalit scholars have not also widely focused on Dalit subjects in their research work. Thus, to mainstream the subject of Dalit injustice, there needs to be more research conducted by Dalit, non-Dalit Nepal is and international scholars. To this end, some of the prominent areas to focus on immediately include phenomenological research of Dalit experience of caste discrimination and performative studies. The performative studies is a process of acting on the caste discrimination and screening to the participants involved in this process. The phenomenological studies focusing on select cases to explore situations in-depth will be necessary to show the cause and effects of Dalit human right violations. Similarly, performative studies may provide opportunity to the participants to reflect and learn from the process. In this study, both Dalit and non-Dalit should be research participants.

Finally, based on the finding that internal and ideological divisions among Dalit in Nepal have negatively influenced the success of their struggles, further research needs to be conducted on the nature of these conflicts and the strategies to overcome them.

8.4 Conclusion

The persistence of discrimination and injustice has been the effect of the social reproduction of the caste system. My in-depth phenomenological interview data demonstrate that caste stratification penetrates Dalits' lives. As such they are still and will for the foreseeable future remain one of the least developed communities in Nepal, largely excluded from educational, economic and political opportunities and denied social status. Efforts to repair such inequality have been insufficient and will continue to be so, so long as deep institutional reformation is rejected in favour of more welfare programs. The vicious cycle of discrimination and its manifestation of socioeconomic, education and political marginalisation can only be broken through special measures that will ensure participatory parity across social, political and economic spheres. To achieve and bring about this institutional change and to alter the existing dynamics of power politics, Dalit need first to assert a group differentiated politics of recognition.

Even though the Dalit identity is contested among Dalit groups, this research indicates that Dalit identity is a matter of unity and resistance for their power struggle. The Dalit movement has already established Dalit as a separate group identity, and the new Constitution has endorsed this identity, despite dissent from some Dalit groups. Replacing this identity with new words like 'Shilpi', as some

groups suggested will not assist in this process. Rather positive self-identification and transforming identity into weapon for struggle is crucial. Any discursive shift that inhibits the unification of Dalit and increases ideological and caste line division among Dalit will only be harmful.

Previous studies on Dalit have concluded that assimilation should be the key goal of the Dalit movement (Ahuti, 2010). These studies have primarily been based on secondary literature reviews, and they have not been informed by sufficient attention to contemporary theories of social justice. Drawing on primary empirical research and a rich analysis of the theoretical literature, I argue that there is no any evidence of being Dalit easily integrated within the hegemonic social structures in the foreseeable future, and dominant groups will continue to, directly and indirectly, exclude Dalit. Although most Dalit leaders reject Dalit identity politics and claim that the Dalit movement must be dignity movement, in the way it has been playing out, the contemporary Dalit discourse has become a politics for recognition. A separate group politics for equality and justice through recognition of the group is the most realistic short-term strategy.

Despite institutional biases and the weak enforcement of existing legal provisions against discrimination, incidents of caste-based discriminations are now increasingly

reported by the mass media, and indeed, we see instances of active support for Dalit victims and demand to penalise the perpetrators of caste based discrimination. Institutions need to become more responsive to these demands and effectively and comprehensively implement the anti-caste discrimination laws and provisions. At the same time, although we see increasing national and international collaboration on Dalit issues, there remains an urgent need for unified and coordinated resistance against all forms of caste-based discrimination at the national and international level. Further research in this field would be of great help in illuminating South Asian Dalit strategy to assert their rights in South Asian power politics.

BIBLIOGRAPHY

- Acharya, B. (2008). The dimension of Rural Development in Nepal. *Dhaulagiri Journal of Sociology and Anthropology*, 2, 181-192.
- Action Aid. (2011). Why is freedom for Haliya still a far-fetched dream? Retrieved from <http://www.actionaid.org/nepal/2011/03/why-freedom-haliya-still-far-fetched-dream>
- ADB. (2011). *Overview of Gender Equality and Social Inclusion in Nepal* Retrieved from Kathmandu: <https://www.adb.org/sites/default/files/institutional-document/32237/cga-nep-2010.pdf>
- ADB. (2013). *Country Poverty Analysis Nepal* Retrieved from Kathmandu: <https://www.adb.org/sites/default/files/linked-documents/cps-nep-2013-2017-pa-detailed.pdf>
- Adhikari, B. B. (2012). Book Review: Caplan, A. Patricia (1972). *Priests and Cobblers: A Study of Social Change in a Hindu Village in Western Nepal*. San Francisco: Chandler Publishing Company. In (Vol. 5, pp. 277-280): Tribhuvan University.
- Adhikari, R. (2010). *Local Governance Institutions in Nepal: Status and Challenges*. Retrieved from www.academia.edu/1831963/Local_Government_Institutions_in_Nepal_Status_and_Challenges
- Agnew, J. (1995). *Postscript: Federalism in the Post-Cold War Era*. In G. Smith

- (Ed.), *Federalism: The Multi-ethnic Challenge*. London and New York: Routledge.
- Ahmed, T., & Buchan, R. (2011). Minority Rights in International Law. *International Community Law Review*, 13(4), 331-332.
- AHRC (2016). Fourth Anniversary of Anti-caste discrimination law in Nepal: Government Negligence in its Implementation [Press release]. Retrieved from <http://www.humanrights.asia/news/ahrc-news/AHRC-STM-084-2016>
- Ahuti. (2010). *Nepal Varna Bebasthara Barga Sanghars (Varna System and Class Struggle in Nepal)*. Kathmandu: Samata Foundation.
- Ahuti. (2012). *Varna System: Past and Present*. Kathmandu: SAMATA Books.
- Ahuti. (2013). First Constitution Assembly: Constitutional Struggle of Dalit Community. In R. Maharjan & Y. Kishan (Eds.), *Dalan Biruddha Pratirodh*. Kathmandu: Samata Books.
- Alcoff, L. M., Hames-Garcia, M., Mohanty, S. P., & Moya, P. M. L. (Eds.). (2006). *Identity Politics Reconsidered*. New York: Palgrave Macmillan.
- Alcoff, L., & Palgrave, C. (2006). *Identity politics reconsidered* (1st ed.). New York: Palgrave Macmillan.
- Anaya, J. S. (1995). The Capacity of International Law to Advance Ethnic or Nationality Rights Claims. In W. Kymlicka (Ed.), *The Rights of Minority Cultures*. Oxford: Oxford University Press.
- Anderson, E. S. (1999). What Is the Point of Equality? *Ethics*, 109(2), 287-337.

doi:10.1086/233897

- Anderson, G. (2007). *Federalism: An Introduction*. Kathmandu: Forum of Federations/UNDP.
- Andeweg, R. B. (2000). Consociational democracy. *Annual Review of Political Science*, 3(1), 509-536. doi: 10.1146/annurev.polisci.3.1.509
- Andrews, M. (2013). *The Limits of Institutional Reform in Development: Changing Rules for Realistic Solutions*. Cambridge and New York: Cambridge University Press
- Armstrong, E., Mary, B. (2008). Culture power and institution: A Multi-Institutional Politics Approach to Social Movements. *Sociological Theory*, 26(1), 74-99.
- Australian Pro Bono Center. (2011). *What is Social Justice?* Retrieved from UNSW, Australia: http://www.probonocentre.org.au/wp-content/uploads/2015/09/Occ_1_What-is-Social-Justice_FINAL.
- Baral, L. (2007). *Need of Federal System* (NCCS Ed.). Kathmandu, Nepal: NCCS.
- Baral, L. (2010). Federalism in Nepal: Compulsions, and Pitfall. *Nepali Journal of Contemporary Studies*, 10(1).
- Baral, L. (2011). Citizen Movement, Construction of Culture and Constitution Building, In K. Hachhethu (Ed.), *New forms and Characteristics of Nepali State*. Kathmandu: Nepal Center for Contemporary Study.
- Barali, R. (Ed.). *BhagatSarwajitBishwakarma and Dalit Andolan*. Kathmandu:

SAMATA Books.

- Barnett, R. E. (1998). *The structure of liberty: justice and the rule of law*. Oxford: Clarendon.
- Barry, B. (2000). *Culture and Equality: An Egalitarian Critique of Multiculturalism*. Cambridge: Polity Press.
- Barry, B. (2005). *Why Social Justice Matters*. Cambridge, UK: Polity Press.
- Barry, B. (2013). *Culture and Equality: an egalitarian critique of multiculturalism*. Oxford: Wiley.
- BBC. (2009). A Case of Caste Discrimination and Untouchability to Students by their School Teachers. *BBC*.
- BBC. (2015). Nepal blockade: Six ways it affects the country. *BBC*. Retrieved from <http://www.bbc.com/news/world-asia-35041366>
- Bech, T. (1975). Nepal: The Gaine Caste of Beggar-Musicians. *The World of Music*, 17(1), 28-35.
- Bell, T. (2008). Nepal Abolishes Monarchy as King Gyanendra Given Fortnight to Vacate Palace, News. *Telegraph*. Retrieved from <http://www.telegraph.co.uk/news/asia/nepal2044579/Nepal>
- Bennett, L., Dahal, D. R., & Govindasamy, P. (2008). *Caste, Ethnic and Regional Identity in Nepal Further Analysis of the 2006 Nepal Demographic and Health Survey* Retrieved from Kathmandu: <https://dhsprogram.com/pubs/pdf/FA58/FA58.pdf>
- Bernstein, M. (2005). Identity Politics. *Annual Review of Sociology*, 31, 47-74.

- Beteille, A. (1996). *Caste, Class and Power*. Delhi: Oxford University Press.
- Bhattachan, K. (2004). *Report on Indigenous Nationalities & Minority Groups in Nepal*. Retrieved from London:
https://madhesi.files.wordpress.com/2006/09/bhattachan_report.pdf
- Bhattachan, K. (2005). Nepal: From absolute monarchy to 'democracy' and back - The need for Inclusive Democracy. *Inclusive Democracy, 1*(4).
- Bhattachan, K. H., Kamala; Gurung, Yogendra; Bishwokarma, Chakraman. (2002). *Existing Practices of Caste-Based Untouchability and Strategy for a Campaign of Its Elimination*. Retrieved from Kathmandu:
https://books.google.com.au/books/about/Existing_Practices_of_Caste_based_Untouc.html?id=-W_aAAAAMAAJ&redir_esc=y
- Bhattachan, K., Sunar, Tej, Bhattachan, Yashokanti. (2008). *Caste based Discriminations in Nepal*. New Delhi: IIDS.
- Bill, T. (2015, 16 September 2015). Constituent Assembly endorses Nepal's Constitution 2072 with two-thirds majority, to promulgate on Sunday. *The Kathmandu Post*. Retrieved from
<https://thehimalayantimes.com/kathmandu/constituent-assembly-endorses-constitution-bill/>
- Birks, M., Chapman, Y., & Francis, K. (2008). Memoing in qualitative research: Probing data and processes. *Journal of Research in Nursing, 13*(1), 68-75.
- Bishwakarma, J. (2013). The struggle of Pashupati Temple Entry: State Stepped

- Down. In R. K. Maharjan, Yam (Ed.), *Dalan Biruddhako Pratirodh (Assertion Against Oppression)*. Kathmandu: SAMATA Books.
- Bishwakarma, M. (2009). *Social Inclusion in School: A Case Study of Badagaun VDC*. (Masters), Tribhuvan, Kathmandu.
- Bishwakarma, M. (2012). Federalism in Nepal: Identity Politics and Pragmatic with Dalit Community. *Participation*, 13(1), 80-87.
- Bishwakarma, M. (2015). Contentious Identity Politics in Federalism: Impasse on Constitution Writing in Nepal. *International Journal on Interdisciplinary Civic and Political Studies*, 9(2), 13-23.
- Bishwakarma, M. (2016). Democratic politics in Nepal: Dalit political inequality and representation. *Asian Journal of Comparative Politics*. 2(3), 261-272
- Bishwakarma, N. S., Gajadhar; BK, Sushil (Ed.) (2012). *Sanghiyatako Bahasma Dalit*. Kathmandu: Dalit NGO Federation; Institute of Dalit Studies.
- BK, A. (2013). Milk Selling Struggle in Gaidakot: the movement for Social and Economic Justice. In R. K. Maharjan, Yam (Ed.), *Dalit Biruddhako Pratirodh (Resistance Against Suppression)*. Kathmandu: SAMATA Books.
- BK, A. B. (2013). *The Stigma of the Name: Making and Remaking of Dalit Identity in Nepal*. Kathmandu: Social Science Baha.
- BK, G. (2011). *Non-territorial Province Is an Appropriate Means of Ensuring Dalit Identity*. Paper presented at the Federalism Symposium, Kathmandu.
- BK, J. (2012) Vicious Cycle of Non-Representation Kathmandu: SAMATA

- BK, M. B. (2006). *Social Inclusion in Micro-Finance* Retrieved from Kathmandu:
http://www.socialinclusion.org.np/new/files/Man%20Bahadur%20BK-Social%20Inclusion%20in%20Microfinance_1336453342c2td.pdf
- BK, M. B. (2012). *Situation of Dalit community in State Mechanism* (N. Bishwakarma, G. Sunar, & S. BK Eds.). Kathmandu: DNF and IDS.
- BK, S. (2012). Federalism debate and Dalit. In N. S. Bishwakarma, Gajadhar; BK, Sushil (Ed.), *Dalit in Federalism Debate*. Kathmandu: DNF and IDS.
- BK, S. B., Nirmalkumar; Sunar, Gajadhar. (2012). Introduction. In S. B. BK, Nirmalkumar; Sunar, Gajadhar (Ed.), *Dalit in Federalism Debate*. Kathmandu: DNF.
- Blau, P. M., Calhoun, C. J., Meyer, M. W., & Scott, W. R. (1990). *Structures of power and constraint: papers in honour of Peter M. Blau*. Cambridge [England]; New York, NY, USA; Cambridge University Press.
- Bloomfield, P. (Ed.) (2008). *Morality and Self-Interest*. Oxford: Oxford University Press.
- Blumer, H. (1969). Collective Behaviour. In A. M. Lee (Ed.), *Principles of Sociology*. New York: Barnes & Noble.
- Borgstrom, B. (1980). *The Patron and the Panca: Village Values and Panchayat Democracy in Nepal*. New Delhi: Vikas Publishing House.
- Boston, T. a. R., U. (2003). Affirmative Action: Perspectives from the United States, India and Brazil. *The Western Journal of Black Studies*, 27(1).

- Brown, A. R. (2010). Feudalism Social System. *Encyclopaedia of Britannica* Retrieved from <https://www.britannica.com/topic/feudalism>
- Brown, C. (1983). Unemployment Theory and Policy, 1946–1980. *Industrial Relations*, 22(2), 164-185.
- Buechler, S. M. (2000). *Social Movements in Advanced Capitalism*. Oxford: Oxford University Press.
- Bufacchi, V. (2012). *Social injustice: essays in political philosophy*. New York: Palgrave Macmillan.
- Burgess, M. (2006). *Comparative Federalism: Theory and Practice*. New York: Routledge.
- Calhoun, C. J. (1982). *The question of class struggle: social foundations of popular radicalism during the industrial revolution*. Oxford: B. Blackwell.
- Cameron, M. (2007). Considering Dalits and Political identity in Imagining a New Nepal. *Himalaya*, 27(1), 13-26.
- Cameron, M. M. (1998). *On the edge of the auspicious: Gender and caste in Nepal*: University of Illinois Press.
- Canon, D. (1999). Electoral Systems and the Representation of Minority Interests in Legislatures. *Legislative Studies Quarterly*, 24, 331-385.
- Caplan, P. (1972). *Priests and Cobblers: A Study of Social Change in a Hindu Village in Western Nepal*. San Francisco: Chandler.

Capotorti, F., & United Nations Centre for Human, R. (1991). *Study on the rights of persons belonging to ethnic, religious, and linguistic minorities*. Retrieved from New York: (9211540836;9789211540833)

Castellino, J., Redondo, D. (2006). *Minority Rights in Asia*. Oxford: Oxford University Press.

CBS (2004). *Nepal Living Standard Survey, Statistics Report 1-2*. Kathmandu: Central Bureau of Statistics.

CBS. (2011) *Nepal Living Standard Survey, Statistics Report 1-2*. Kathmandu: Central Bureau of Statistics.

CBS. (2011). *Nepal in Figures*. Retrieved from Kathmandu: <http://cbs.gov.np/>

Central Bureau of Statistics (CBS). (2011). *National Population and Housing Census 2011*. Retrieved from Kathmandu: <http://cbs.gov.np/image/data/Population/National%20Report/National%20Report.pdf>

Central Bureau of Statistics(CBS). (2011). *National Population and Housing Census 2011, General and Social Characteristics Tables (Household and Population, Age Sex Distribution, Relationship, Marital Status and Religion)*. Retrieved from Kathmandu: <http://cbs.gov.np/image/data/Population/District%20Level%20Detail%20Report/Volume05Part01.pdf>

- Central Bureau of Statistics(CBS). (2011). *National Population and Housing Census 2011 Social Characteristics Tables (Caste/Ethnicity, Mother Tongue and Second Language)*. Retrieved from Kathmandu:
<http://cbs.gov.np/image/data/Population/District%20Level%20Detail%20Report/Volume05Part02.pdf>
- CESCR. (2009). General comment no. 21, Right of everyone to take part in cultural life (art. 15, para. 1a of the Covenant on Economic, Social and Cultural Rights. Retrieved from <http://www.refworld.org/docid/4ed35bae2.html>
- Chapagain, R. (2013). Engendering Human Rights in the Federal Scheme: Reflections on Proposals in New Constitution, In V. R. Raghavan (Ed.), *Nepal as a Federal State: Lessons from Indian Experiences*. New Delhi: Vij Books India Pvt. Ltd.
- Chavez, C. (2008). Conceptualizing from the Inside: Advantages, Complications, and Demands on Insider Positionality *the Qualitative Report*, 13(3), 474-494.
- Constituent Assembly. (2008a). *Report on State Restructuring and State Power Distribution*. Retrieved from Kathmandu: <http://www.can.gov.np>
- Constituent Assembly. (2008b). Thematic Committees. Retrieved from <http://www.can.gov.np/np/committees/view/14>
- Constituent Assembly. (2010c). *Concept Paper of the Committee on Forms of State Governance (Nepali Version)*. Retrieved from Kathmandu: <http://www.can.gov.np>

- Constituent Assembly. (2010d). *Concept Paper of the Committee on State Restructuring and Distribution of State Power (Nepali Version)*. Retrieved from Kathmandu: <http://www.can.gov.np>
- Cox, T. (1994). The Current Socioeconomic Status of Untouchables in Nepal *Sociology and Anthropology, 4*(Occasional Paper), 90-109.
- Craig, G. B., Tania; Godon, David. (2008). *Social Justice and Public Policy*. United Kingdom: University of Bristol Policy Press.
- Creswell, J. W. (2009a). Mapping the Field of Mixed Methods Research. *Journal of Mixed Method Research, 3*(2), 95-108.
- Creswell, J. W. (2009b). *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches, (3rd Ed.)*. Thousand Oaks Calif: Sage Publications.
- Crosby, F. J. (2004). *Affirmative Action is dead: Long live Affirmative Action*. USA: Yale University Press.
- Crosby, F. J., Iyer, A., & Sincharoen, S. (2006). Understanding affirmative action. *Annual review of psychology, 57*(1), 585-611.
- Dahal, D. (2008). *The Constituent Assembly Election and Challenges Ahead*. Kathmandu: FES Nepal.
- Dahal, D. (2011). Social change and Inclusive Democracy. In K. Hachhethu (Ed.), *New Forms and Characteristics of Nepali State* Kathmandu: Nepal Centre for Contemporary Study.

- Dahal, D. R. G., Yogendra Bahadur; Acharya, Bidhan; Hemchuri, Kamala; Swornakar, Dharma. (2002). *Situational Analysis of Dalit in Nepal: National Dalit Strategy Report, Part 1*. Retrieved from <https://www.scribd.com/document/76524704/Situation-Analysis-of-Dalit>
- Dahl, R. A. (1996). Equality vs. Inequality. *Political Science & Politics*, 29(4), 639-648.
- Dain, F. R., & Michigan Historical Commission. (1968). *Education in the wilderness*. Lansing: Michigan Historical Commission.
- Dalit Civil Society Organisation (DCSO) and IDSN. (2015). *Human Rights Situation of Dalit Community in Nepal* Retrieved from Kathmandu: <http://idsn.org/wp-content/uploads/2015/11/Nepal-UPR-2015-Dalit-Coalition-and-IDSN-report.pdf>
- Department of Education. (2009). *Flash Report on School Level Educational Statistics of Nepal*. Retrieved from Kathmandu: <https://stepsinnepal.files.wordpress.com/2011/01/basic-education-in-Nepal-facts-and-numbers-2009-10.pdf>
- Deshpande, A. (2008). Quest for Equality: Affirmative Action in India. *Indian Journal of Industrial Relations*, 44(2), 154-163.
- Deshpande, A. (2013). *Affirmative Action and Private Sector*. Kathmandu: SAMATA Foundation.
- Devkota, P. M. (2002). *Dalits of Nepal: Issues and Challenges*. Kathmandu:

Feminist Dalit Organisation

- Dische, M. (2008). World Society and Global Justice: A Cosmopolitan Perspectives. In R. Bhargava, M. Dusche, H. Reifeld (Ed.), *Justice, Political, Social Judicial*. New Delhi: SAGE Publication India Pvt. Ltd.
- DNF. (2013). *An Assessment of the situation of Dalit in Education Policy Gaps, Challenges and Prospects*. Retrieved from Kathmandu: http://dnfnepal.org/publication_files/0h9yw8x7An%20Assessment%20of%20the%20situation%20of%20Dalit%20in%20Education.pdf
- DNF. (2015). About Us. Retrieved from <http://dnfnepal.org/page/about-us>
- Dorling, D. (2015). *Injustice: Why social inequality still persists* (Vol. 2nd). Bristol: Policy Press.
- Du Preez, W. P. (1980). *The politics of identity: ideology and the human image*. Oxford, Eng: Blackwell.
- Dubrow, J. K. (2015). Political Inequality is International, Interdisciplinary, and Intersectional. *Sociology Compass*, 9(6), 477-486.
- Dumont, L. (1970). *Homo hierarchicus: the caste system and its implications*: Weidenfeld & Nicolson.
- Dundes, A. (1984). Defining Identity Through Folklore. *Journal of Folklore Research*, 21(2), 149-152.
- Durlauf, S. N. (2008). Affirmative Action, Meritocracy and Efficiency. *Politics, Philosophy, Economics*, 7(2), 131.

- DWO. (2014). Dalit. Retrieved from <http://www.dwo.org.np/dalit.php>
- DWO. (2015). About DWO. Retrieved from <http://www.dwo.org.np/about.php>
- Eberhardt, J. L., & Fiske, S. T. (1994). Affirmative Action in Theory and Practice: Issues of Power, Ambiguity and Gender Versus Race. *Basic and Applied Social Psychology, 1*(75), 201-220.
- Edgeworth, B. (2012). 'From Plato to NATO: Law and Justice in Historical Context'. *University of New South Wales Law Journal, 35*, 417.
- Edrisinha, R. (2005). Multination Federalism and Minority Rights in Sri Lanka. In W. H. Kymlick, Baogan (Ed.), *Multiculturalism in Asia*. Oxford: Oxford University Press.
- Edwards, P., Roberts, I., Clarke, M., DiGuseppi, C., Pratap, S., Wentz, R. (2002). Increasing response rates to postal questionnaires: Systematic review. *British Medical Journal of Ethnics and Migration Studies, 3*(24), 1183.
- Einsiedel, S. v., Malone, D., & Pradhan, S. (2012). *Nepal in Transition: from people's war to fragile peace*. Cambridge: Cambridge University Press.
- Einsiedel, S. v., Malone, D., & Pradhan, S. (2012). *Nepal in Transition: From People's War to Fragile Peace*. Cambridge: Cambridge University Press.
- Ekantipur. (2014). MadhesiMorchha presses for identity-based federalism. *Ekantipur Daily*.
- Elazar, D. (1991). *Federal Systems of the World: A Handbook of Federal, Confederal and Autonomy Arrangements*. London: Longman.

- Elazer, D. J. (1991). *Exploring Federalism* Tuscaloosa, AL: University of Alabama Press.
- Election Commission of Nepal. (2008). Election to Members of the Constituent Assembly Act.
- Ethridge, D. E. (2004). *Research methodology in applied economics: organizing, planning, and conducting economic research* (2nd ed.). Ames, Iowa: Blackwell Publishing.
- Ezzy, D., & Ebrary, I. (2002). *Qualitative analysis: practice and innovation*. Crows Nest, N.S.W: Allen & Unwin.
- FEDO. (2012). *Public Service Tracking towards Dalits and Marginalised Groups* Kathmandu: FEDO/CECI.
- FEDO. (2015). About Us. Retrieved from <http://www.fedonepal.org/about-fedo>
- Fessha, Y. (2011). *Institutional Recognition and Accommodation of Ethnic Diversity: Federalism in South Africa and Ethiopia*: Ashgate Publishing Group.
- Fleischacker, S. (2004). *On Adam Smith's "Wealth of Nations": A Philosophical Companion* (Course Book. ed.). Princeton, N.J: Princeton University Press.
- Føllesdal, A. (2011). Rebuilding the Ship while at Sea Introduction to the Special Issue on Nepal's Constitution Writing Process. *International Journal on Minority and Group Rights*, 18(3), 287-291.
- Folmer, S. (2007). Identity Politics Among Dalit in Nepal. *Himalaya*, 27(1), 41-53.

- Frances, R. (2003). Self-determination and Minority Groups. *Fordham International Law Journal*, 26(3), 453-499.
- Franklin, M. N. (2004). *Voter Turnout and The Dynamics of Electoral Competition in Established Democracies since 1945*. Cambridge: Cambridge University Press.
- Fraser, N. (2003). Rethinking Recognition: Overcoming Displacement and Reification in Cultural Politics. In B. Hobson (Ed.), *Recognition Struggles and Social Movements: Contested Identities, Agency and Power* (pp. 21-32). Cambridge: Cambridge University Press.
- Fraser, N. (2003). Social Justice in the Age of Identity Politics: Redistribution, Recognition, and Participation. In N. H. Fraser, Axel (Ed.), *Redistribution or Recognition?* Verso.
- Gaines, K. (2007). The Civil Rights Movement in World Perspective. *OAH Magazine of History*, 21(1), 57-64.
- Galanter, M. (2011). *Affirmative Action* (S. Foundation Ed.). Kathmandu: SAMATA Foundation
- Ghose, S. (2003). The Dalit in India. *Social Research*, 70(1), 83-109.
- Gilbert, G. (2002). Autonomy and minority groups: A right in international law? *Cornell International Law Journal*, 35(2), 307-353.
- Gilmour, D.A. & Fisher, R.J(1991). Villagers, forests and foresters – the philosophy, process and practice of community forestry in Nepal. Kathmandu, Sahayogi

Press.

- Girard, M. A. (2014). Stepping into Formal Politics: Women's Engagement in Formal Political Process in Irrigation in Rural India. *World Development*, 57, 1-18.
- Goldman, A. H. (1976). Affirmative Action. *Philosophy & Public Affairs*, 5(2), 178-195.
- Gorringe, H. (2005). *Untouchable Citizens: Dalit Movements and Democratisation in Tamil Nadu* (Vol. 4). New Delhi: SAGE Publication.
- Gorringe, H. (2009). Subaltern Politics and Dalit Studies. *The Journal of Imperial and Commonwealth History*, 37(1), 151-155.
- Gosepath, S. (2001). The Global Scope of Justice. In P. Thomas (Ed.), *Global Justice*. Massachusetts: Blackwell Publishing Inc.
- Government of Nepal (GON). (2012). Education in Nepal. Kathmandu: Government of Nepal
- Government of Nepal. (2014). Labour Migration for Employment. Retrieved from <http://www.lawcommission.gov.np>
- Government of Nepal (GON). (2015). Constitution of Nepal. Kathmandu: Government of Nepal
- Grant, M. J., & Booth, A. (2009). A typology of reviews: an analysis of 14 review types and associated methodologies. *Health Information & Libraries Journal*, 26(2), 91-108.

- Grant, M. J., & Booth, A. (2009). A typology of reviews: an analysis of 14 review types and associated methodologies. *Health Information and Libraries Journal, 26*, 99-108.
- Gray, J. (2008). A 'formidable Challenge': Australia's Quest for Equity in Indigenous Education. *Australian Journal of Education, 52*(2), 197-223.
- Group, C. (2011). *Nepal Identity Politics and Federalism*. Retrieved from Kathmandu: <http://www.crisisgroup.org.np>
- Guneratne, A. (Ed.) (2010). *Dalit of Nepal: Towards Dignity, Citizenship and Justice*. Kathmandu: Himal Books.
- Guru, G. (1993). Dalit Movement in Mainstream Sociology. *Economic and Political Weekly, 28*(14), 570-573.
- Gurung, H. (2005). Dalit Context. *Occasional Papers in Sociology and Anthropology, 9*, 1-12.
- Gusfield, J. R., Laraña, E., & Gusfield, H. (1994). *New social movements: from ideology to identity*. Philadelphia: Temple University Press.
- Gutmann, A. (2003). *Identity in Democracy*. USA: Princeton University Press.
- Gutmann, A. (2009). *Identity in Democracy*. Princeton: Princeton University Press.
- Habermas, J. (1981). New Social Movements. *Telos, 49*, 33-37.
- Hachhethu, K. (2007). *Madheshi Nationalism and Restructuring the Nepali State*. Kathmandu.
- Hachhethu, K. (2010). *Forms of Federal Structures at Provincial Level*. Paper

- presented at the Federalism Dialogues, Nepal.
- Hachhethu, K. (2010). *Forms of Federal Structures at Provincial Level*. Paper presented at the Federalism Dialogues Proposed 14 Federal Provinces
- Hachhethu, K. (2011). Political Transformation and Constitution Making. In K. Hachhethu (Ed.), *New forms and Character of Nepali State* Kathmandu: NCCS.
- Hachhethu, K. (2011a). Form and Structures of Federal Nepal. In K. Khanal (Ed.), *Constitution Making and Restructuring the State*. Kathmandu: NCCS.
- Hachhethu, K. (2011b). Political change and Constitution Building. In K. Hachhethu (Ed.), *New Forms and Character of New Nepali State*. Kathmandu: NCCS.
- Haksar, V. (1998). Collective Rights and the Value of Groups. *Inquiry*, 41(1), 21-43.
- Hamal, C. (2017, 30 July 2017). Dalit Discrimination *Nagrik News*. Retrieved from <http://www.nagariknews.com/news/24462/>
- Harold A, G. (1987). *Sacralization of a Social Order* (Vol. 1). Delhi: Chanakya Publications.
- Harold A, Gould. (1990). *The Hindu Caste System: Politics and caste* (Vol. 3): South Asia Books.
- Harris, C. I. (1993). Whiteness as Property. *Harvard Law Review*, 106(8), 1707-1791.
- Harrison, G. (2001). Bringing Political Struggle Back in African Politics, Power

- &Resistance. *Review of African Political Economy*, 28(89), 387-402.
- Hart, C. S. (2012). *Aspirations, Education and Social Justice: Applying Sen and Bourdieu*. London: Bloomsbury Publishing.
- Hart, H. L. A. (1961). *The concept of law*. Oxford: Clarendon.
- Hassan, I. (2011). Affirmative action and the master narrative. *Georgetown Journal of Law & Modern Critical Race Perspectives*, 3(1), 103.
- Haviland, C. (2015, 19 September 2015). Why is Nepal's new constitution controversial? NEWS. *BBC News*.
- Hayek, F. A. (1984). *Hayek's Social and Political Thought*. Oxford: Oxford University Press.
- Hayek, F., A. (1984). Equality, Value, and Merit. In M. Sandel (Ed.), *Liberalism and Its Critics*. New York: New York University Press.
- Head, E. (2009). The ethics and Implications of paying Participants in Qualitative research. *International Journal of Social Research Methodology*, 12(4), 335-344.
- Henrard, K. (2004). Equality Considerations and Their Relation to Minority Protections, State Constitutional Law and Federalism. In G. A. J. Tarr, Williams Robert F. and Marko (Ed.), *Federalism, Sub-national Constitutions and Minority Rights*. USA: Prager Publishers.
- Heredia, R. C. (2000). Subaltern alternatives on caste, class and ethnicity. *Contribution to Indian Sociology*, 34(1).

Hindu. (2016, 02 September 2016). End in sight for Nepal blockade *The Hindu*.

Retrieved from <http://www.thehindu.com/news/international/nepal-to-amend-constitution-to-address-madhesis-demands/article8014180.ece>

Hobson, B. M. (2003). *Recognition struggles and social movements: contested identities, agency and power*. New York; Cambridge, U.K: Cambridge University Press.

Hodges, B. D., Kuper, A., & Reeves, S. (2008). Qualitative Research Discourse analysis. *BMJ Online*, 370, 570-572. doi: DOI: 10.1136/bmj. a879 · Source: PubMed

Hodžić, E., & Mraović, B. (2015). Political Representation of Minorities in Bosnia and Herzegovina: How Reserved Seats Affect Minority Representatives' Influence on Decision-making and Perceived Substantive Representation. *Ethno politics*, 14(4), 418-434.

Hofer, A. (1976). A Settlement and Smithy of Blacksmiths (Kami) in Nepal. *Kailash: A Journal of Himalayan Studies*, 4(4), 349.

Holroyd, J. (2015). Implicit racial bias and the anatomy of institutional racism. *CJM: Criminal Justice Matters* (101), 30-32.

Human Rights Watch (HRW). (2016). UN Human Rights Council: General Debate on Ending discrimination based on caste and descent. Retrieved from <https://www.hrw.org/news/2016/03/11/un-human-rights-council-general-debate-ending-discrimination-based-caste-and-descent>

- Hwang, H., Kim, K. (2015). Social Media as a tool for Social Movements: the effect of social media use and social Capital on Intention to Participate in Social Movements. *International Journal of Consumer Studies*, 39(5), 478-488.
- ICDR. (2017). Global March. Retrieved from <http://icdrintl.org/home-2/>
- ICRC. (2009). Families of Missing Persons in Nepal, Story of their Needs Retrieved from <https://www.icrc.org/eng/assets/files/2011/families-of-missing-persons-Nepal-report.pdf>
- IDSN. (2013). An appeal of 12 Days National Campaign against Caste Based Discrimination and Untouchability [Press release]. Retrieved from http://idsn.org/wp-content/uploads/user_folder/pdf/New_files/Nepal/2013/Nepal_-_Appeal_of_12_Days_National_Campaign_against_caste_discrimination.pdf
- IDSN. (2013). Nepal: Dalit political participation and the 2013 election. Retrieved from http://idsn.org/wp-content/uploads/user_folder/pdf/New_files/Nepal/2013/IDSN_Nepal_briefing_paper_-_Dalit_political_participation.pdf
- IDSN. (2015). Police action against Kathmandu protest organised by Dalit lawmakers and rights activists. Retrieved from <http://idsn.org/police-action-against-kathmandu-protest-organised-by-dalit-lawmakers-and-rights-activists>
- ILO. (2005). *Dalit and Labour in Nepal: Discrimination and Forced labour* (ILO

- Ed.). Kathmandu.
- INSEC. (2010). *INSEC Conflict Victim Profile*. Retrieved from Kathmandu:
<http://www.insec.org.np/victim/>
- INSEC. (2014). *Human Rights Year Book*. Kathmandu: INSEC.
- Jackaon, B. (2005). The Conceptual History of Social Justice. *Political Studies Review*, 3, 356-373.
- Jayal, N. G. (2015). Affirmative action in India: Before and after the neo-liberal turn. *Cultural Dynamics*, 27(1), 117-133. doi:10.1177/0921374014564652
- JMC. (2016). About Us. Retrieved from
<http://www.jagaranmedia.org.np/pages/details/1>
- Jones, P. (1999). Group Rights and Group Oppression. *The Journal of Political Philosophy*, 7(4), 353-377.
- Jones, P. (2016). Group Rights. In *Stanford Encyclopedia of Philosophy*. Standford: Stanford University.
- Kantipur. (2014). Inter-Caste Marriage Displaces Dalit Family. *Kantipur*. Retrieved from <http://www.ekantipur.com/2014/01/01national/inter-caste-marriage-displaces-dalit-family/383228.html>
- Katuwal, S. B. (2008). The Issues and Concerns of Dalit Labourers in Nepal, In P. Mohanty, R. C. Malik, & E. Kasi (Eds.), *Ethnographic Discourse of Other: Conceptual and Methodological Issues*. UK: Cambridge Scholars Publishing.
- Khan, A. (2004). Equality Considerations and Their Relation to Minority

- Protections, State Constitutional Law and Federalism. In G. A. J. Tarr, Williams Robert F. and Marko (Ed.), *Federalism, Sub-national Constitutions, and Minority Rights* (pp. 25-39). USA: Praeger Publishers.
- Khan, B. U. R., Muhammad Mahbubur. (2012). *Protection of Minorities: Regimes, Norms and Issues in South Asia*. UK: Cambridge Scholars Publishing.
- Khan, B. U., & Rahman, M. M. (2012). *Protection of Minorities: Regimes, Norms and Issues in South Asia*: Cambridge Scholars Publishing.
- Khanal, K. (2007a). Committed Insurgents, a Divided State and the Maoist Insurgency in Nepal. In M. Lawoti (Ed.), *Contentious Politics and Democratisation in Nepal*. New Delhi: SAGE.
- Khanal, K. (2007b). Federal Systems: Concept and Experience" (in Nepali). In K. Khanal (Ed.), *Federal System in Nepal: Challenges and Opportunity*. Kathmandu: National Peace Campaign.
- Khanal, K. (2010). *Forms of Federal Structures at Provincial Level*. Paper presented at the Federalism Dialogues, Proposed Federal Provinces
- Khanal, K. (2010). Nepal's Experiment with CA Elections: Lessons for Future Choice. *Nepali Journal of Contemporary Studies*, 10(1).
- Khanal, K. (2011). International Assistance and Roles in Constitution Building. In K. Hachhethu (Ed.), *New Forms and Characteristics of Nepali State*. Kathmandu: Nepal Centre for Contemporary Study.
- Khanal, K., Pyakurel, Uddhab, Gelpke, Frits. (2012). *Dalit Representation in*

National Politics in Nepal. Lalitpur: NNDSWO.

Kharel, S. (2007). The Struggle for Full Citizenship for Dalits in Nepal: Approaches and Strategies of Dalit Activists *Himalaya*, 27(1), 55-69.

Khatiwada, P. P. (2014). *The Nepalese Peace Process: Faster Changes, Slower Progress*. Retrieved from Berlin:

Kiruppalini, H. (2011). *The Challenges of Ethnic Federalism in Nepal* Retrieved from Singapore

<https://www.isas.nus.edu.sg/ISAS%20Reports/ISAS%20Brief%202014%20-%20Email%20-%20The%20Challenge%20of%20Ethnic%20Federalism%20in%20Nepal.pdf>

Kisan, Y. B. (2005). *The Nepali Social Dalit Movement*. Kathmandu: Legal Rights Protection Center.

Kisan, Y. B. (2011, 22-25 April 2011). *Ethnic Identity-based Federalization and Dalit*. Paper presented at the Federalism Symposium, Kathmandu.

Kisan, Y. B. (2012). Dalit and Non-Territorial Federalism: Relevance and Importance. In N. Bishwakarma, G. Sunar, & S. BK (Eds.), *Dalit in Federalism Discourse*. Kathmandu: DNF.

Kisan, Y. B. (2012). *Gender and Social Inclusion Perspectives: The existing Nepalese Law Review and Recommendation*. Kathmandu: SPCBN/UNDP.

Kitschelt, H. P. (1986). Political Opportunity Structures and Political Protest: Anti-Nuclear Movements in Four Democracies. *British Journal of Political Science*,

16, 57-85.

Koirala, B. (1996). *Schooling and the Dalit of Nepal: a case study of Bungkot Dalit Community*. (PhD), University of Alberta, Canada.

Kolenda, P. (1978). *Caste in Contemporary India: Beyond Organic Solidarity*. USA: Waveland Press Inc.

Krieken, V., Hobbis, D., Smith, P., Hutchins, B., Martin, G., & Maton, K. (2015). *Sociology*. Sydney: P. Ed Australia.

Krook, M. L., & O'Brien, D. Z. (2010). The Politics of Group Representation: Quotas for Women and Minorities Worldwide. *Comparative Politics*, 42(3), 253-272.

Kruip, G. (2008). Traditional Concept of Justice in Christianity. In M. D. R. Bhargava, & H. Reifeld (Ed.), *Justice Political, Social, Juridical* (pp. 312). New Delhi: SAGE Publications Inc.

Kufuor, K. O. (1998). The developing countries and the shaping of GATT/WTO antidumping law. *Journal of world trade*, 32(6), 167.

Kukathas, C. (1992). Are There Any Cultural Rights? *Political Theory*, 20(1), 105-139.

Kukathas, C., & Pettit, P. (1990). *Rawls: a theory of justice and its critics*. Cambridge: Polity Press.

Kymlicka, W. (1995). Introduction. In W. Kymlick (Ed.), *The Rights of Minority Cultures*. Cambridge: Cambridge University Press.

Kymlicka, W. (1995). *Multicultural Citizenship*. London: Oxford University Press

Inc.

Kymlicka, W. (2000). Nation Building and Minority Rights. *Journal of Ethnic and Migration Studies*, 26, 183-212.

Kymlicka, W. (2004). Justice and Security in the Accommodation of Minority Nationalism. In J. Squires, Modood, Tariq, May, Stephen (Ed.), *Ethnicity, Nationalism and Minority Rights*: Cambridge University Press.

Kymlicka, W., He, B. (2006). *Multiculturalism in Asia*: Oxford University Press.

Lamsal, H. B. (2012). Role of Dalit Civil Society Against Untouchability: Challenges and Prospects. *Nepal Journal of Social Science and Public Policy*, 2(1), 75-84.

LANCAW. (2006). News on Declaration of Untouchability Free Nations. Retrieved from <http://lancaunepal.wordpress.com>

Lawoti, M. (2003). Centralising Politics and the Growth of the Maoist Insurgency in Nepal. *Himalaya*, 3, 49-57.

Lawoti, M. (2007). *Contentious Politics and Democratization in Nepal*. New Delhi: SAGE Publication.

Lawoti, M. (2010, 10 July 2010). Dalit and Federalism. *Kathmandu Post Daily*.

Lawson, S. F., Payne, C.M. (1998). *Debating the Civil Rights Movement, 1945-1968*. Lanham MD: Rowman & Littlefield.

Lijphart, A. (1984). *Democracies: Patterns of majoritarian and consensus government in twenty-one countries*. New Haven: Yale University Press.

Lijphart, A. (1997). Unequal Participation: Democracy's Unresolved Dilemma.

- American Political Studies*, 91(2), 1-14.
- Louis, D. (1966). *Homo Hierarchical, the Caste System and its Implication*. London: Cox & Wyman Ltd.
- Ludden, D. (2002). Introduction. In D. Ludden (Ed.), *Reading Subaltern studies a critical history, contested meaning and the globalisation of South Asia*. London: Anthem.
- Mabuhang, B. (2009). Who's Afraid of Ethnicity? Federalism is About Ethnic Autonomy and Ending Years of Discrimination by the Central Administration. *Nepali Times*
- Macklem, P. (2008). Minority rights in international law. *Icon-International Journal of Constitutional Law*, 6(3-4), 531-552. doi:10.1093/icon/mon019
- Maharjan, R., Kisan, Yam. (2013). Suppression and Resistance History. In R. Maharjan, Kisan, Yam (Ed.), *Resistance Against Suppression*. Kathmandu: Samata Books.
- Mahat, P. B. (1999). *The situation of Sarki Children in Primary Education, Arghkhanchi*. (MA), Tribhuvan University, Kathmandu.
- Makalu. (2015). Untouchability Practices. Biratnagar: Makalu TV.
- Manchanda, R. (2010). Introduction. In R. Manchanda (Ed.), *States in Conflict with Their Minorities: Challenges to Minority Rights in South Asia*. New Delhi: SAGE Publications India Pvt. Ltd.
- Mandal, B. C. (2014). Globalisation and Its Impact on Dalits. *Afro Asian Journal of*

- Social Sciences*, 5(5), 1-18.
- Manderson, D. (2012). Social injustice. *University of New South Wales Law Journal*, 35(2), 408-416.
- Marglin, F. A. (1977). Power, purity and pollution: aspects of the caste system reconsidered. *Contributions to Indian Sociology*, 11(2), 245-270.
doi:10.1177/006996677701100201
- Marshall, C., & Rossman, G. B. (1999). *Designing qualitative research* (Vol. 3rd). Thousand Oaks, Calif: Sage Publications.
- Marshall, C., & Rossman, G. B. (2016). *Designing qualitative research* (Vol. Sixth). Thousand Oaks, California: SAGE.
- Martin, G. (2015). *Understanding social movements*. New York: Routledge.
- Marx, K. (1904). *A Contribution to the Critique of Political Economy*. United States: International Library Publishing Co.
- McAdam, D. (1982). *Political Process and the Development of Black Insurgency*. Chicago, IL: University of Chicago Press.
- McGarry, A., & Jasper, J. (2015). *The Identity Dilemma: Social Movements and Collective Identity*. Philadelphia: Temple University Press.
- Melucci, A. (1980). The new social movements: A theoretical approach. *Social Science Information*, 19(2), 199-226. doi:10.1177/053901848001900201
- Menon, N., Nigam, Aditya. (2008). *Power and Contestation: India since 1989*. Halifax, Winnipeg, London, New York: Fernwood Publishing/Zed Books.

- Mensah, S. (2004). A Review of SME Financing Schemes in Ghana. *International Journal of business and Management*, 5(12), 198
- Meyer, D. S., & Staggenborg, S. (1996). Movements, Counter movements, and the Structure of Political Opportunity. *American Journal of Sociology*, 101(6), 1628-1660.
- Miller, D. (1976). *Social justice*. Oxford [Eng.]: Clarendon Press.
- Miller, D. (1999). *Principles of social justice*. Cambridge, Mass; London: Harvard University Press.
- Miller, D. (2002). Group Rights, Human Rights and Citizenship. *European Journal of Philosophy*, 10(2), 178-195. doi:10.1111/1468-0378.00155
- Ministry of Education and Sports. (2013). Scholarship Act. Retrieved from <http://www.lawcommission.gov.np>
- Ministry of Federal Affairs and Local Development (MOFALD). (2017). District Development Committee. Retrieved from <http://mofald.gov.np/ddc>
- Ministry of Labour and Employment(MOLE). (2014). *Labour Migration for Employment A Status Report for Nepal: 2013/2014*. Retrieved from Kathmandu, Nepal:
- Mitnick, E. J. (2004). *Rights, groups, and self -invention: Group -differentiated rights in liberal theory*. (Dissertation/Thesis), ProQuest Dissertations Publishing U6- Dissertation, Retrieved from <http://usyd.summon.serialssolutions.com>

- Mohara, P. (2011). *A Study on Intercaste Marriages between Dalit & non-Dalit of Panchakanya VDC*. Kathmandu: SIRF/SNV.
- Moisala, P. (2013). "Nobody Should Be Forced to Make a Living by Begging": Social Exclusion and Cultural Rights of Gaine/Gandharva Musicians of Nepal. *Yearbook for Traditional Music*, 45, 13-27.
- Morton, K. (1980). *Caste: the emergence of the South Asian social system*. Philadelphia, PA: Institute for the Study of Human Issues
- Mosley, A. G., & Capaldi, N. (1996a). *Affirmative action: social justice or unfair preference?* Lanham: Rowman & Littlefield Publishers.
- Moya, P., M. L (2006). What's Identity Got to Do with It? Mobilizing Identities in the Multicultural Classroom. In L. M. Alcoff, M. Hames-García, S. P. Mohanty, & P. M. L. Moya (Eds.), *Identity Politics Reconsidered*. US: Palgrave Macmillan US.
- Mueller, C. (2003). Recognition Struggles and Process Theories of Social Movements. In B. M. Hobson (Ed.), *Recognition struggles and social movements: contested identities, agency and power*. New York: Cambridge, U.K: Cambridge University Press.
- Muthaiah, P. (2004). Politics of Dalit Identity. *The Journal of Political Science*, 65(3), 385-402.
- Muthukkaruppan, P. (2014). Dalit: the making of a political subject. *Critical Quarterly*, 56(3), 34-45.

- Nash, R. (1990). Bourdieu on Education and Social and Cultural Reproduction. *British Journal of Sociology of Education*, 11(4), 431-447.
- National Dalit Commission. (2004). *Curriculum Review in Dalit Perspective*. Kathmandu: National Dalit Commission.
- National Dalit Commission. (2013). Caste Based Discrimination Untouchability Act. Retrieved from <http://www.ndc.gov.np>
- National Planning Commission. (2012). Three Years Plan of Nepal. Retrieved from <http://www.npc.gov.np>
- Nawal, A., B. Sanjay. (2015). Dynamics of Discrimination. *The Kathmandu Post*. Retrieved from <http://kathmandupost.ekantipur.com/printedition/news/2013-05-14/dynamics-of-discrimination.html>
- NDC. (2016). Caste Category of Dalit. Retrieved from <http://ndc.gov.np/np/cms/4>
- NEFIN. (2012). Urging Government for Agreement. Retrieved from <http://www.nefin.org.np/>
- Nepali, M. (2013). Dalit and Territorial Federalism In N. Bishwakarma, G. Sunar, & S. BK (Eds.), *Dalit in Federalism Discourse*. Kathmandu: DNF.
- Nepali, P., Pyakurel, K., Sharma, S., & Boeker, U. (2011). Livelihood Options for the Landless in an Agrarian Society: A case study from far western Nepal. *International Journal of Rural Studies (IJRS)*, 18(1).
- Nepali, P., Pyakurel, Kailash, Sharma, Sagar, Boeker, Ulrike. (2011). Livelihood Options for the Landless in an Agrarian Society:

- Nepali, S. (2014, 07/01/2014). The Nations Fails Dalit, Op-ed. *The Kathmandu Post*.
- NewERA. (2005). *Baseline survey of selected community managed and government managed public schools in selected districts*. Retrieved from Kathmandu:
- NNDSWO. (2011). *The Human Rights Situation of Dalit in Nepal*. Kathmandu: NNDSWO.
- NNDSWO. (2015). Historical Background. Retrieved from http://www.nndsw.org.np/index.php?page=aboutus-content&content_id=3
- Norman, W. (2006). *Forging Identities: The Politics and Ethics of Nation-building*. In. Oxford: Oxford University Press.
- Oestreich, J. E. (1999). Liberal Theory and Minority Group Rights. *Human Rights Quarterly*, 21(1), 108-132. doi:10.1353/hrq.1999.0011
- Offe, C. (1985). New social movements: challenging the boundaries of institutional politics. *Social Research*, 52(4), 817-868.
- Olsen, G. M. (2011). *Power and Inequality: A comparative introduction*. Toronto: Oxford University Press.
- Omvedt, G. (1994). *Dalit and the Democratic Revolution*. New Delhi: Sage Publication.
- Onazi, O. (2009). Towards a Subaltern Theory of Human Rights. *Global Jurist*, 9(2), 8-25. doi:10.2202/1934-2640.1307
- Onesto, L. (2007). The Evolution of the Maoist Revolution in Nepal in an Adverse International Environment. In M. Lawoti (Ed.), *Contentious Politics and*

- Democratisation in Nepal*. New Delhi: SAGE.
- Pai, S. (2008). Changing Dialectics of "Dalit" Aspirations: Demand for Affirmative Action. *Indian Journal of Industrial Relations*, 44(2), 227-233.
- Palys, T. (2008). Purposive Sampling. In L. M. Given (Ed.), *The Sage Encyclopaedia of Qualitative Research Methods* (pp. 697-698). Los Angeles: SAGE.
- Palys, T. S., & Atchison, C. (2014). *Research Decisions: Quantitative, qualitative, and mixed-method approaches* Nelson Education.
- Panday, T. R. M., Surendra; Chemjong, Dambar; Pokhrel, Sanjeev; Rawal, Nabin (2006). *Forms and Patterns of Social Discrimination in Nepal*. Retrieved from Kathmandu:
- Pande, R. (2003). Can Mandated Political Representation Increase Policy Influence for Disadvantaged Minorities? Theory and Evidence from India. *The American Economic Review*, 93(4), 1132-1151.
- Pandey, N. (2015). Peace Audit of Nepal:2012. In D. S. Chandran & P. R. Chari (Eds.), *Armed Conflicts in South Asia 2013: Transitions*. London, Newyork, NewDelhi: Taylor & Francis.
- Pandey, N. N. (2010). *New Nepal: the fault lines*. Los Angeles: SAGE.
- Pandey, TR., S. M., D. Chemjong, S. Pokhrel, N. Rawal. (2006). *Forms and Patterns of Social Discrimination in Nepal: A Report*. Retrieved from Kathmandu:
<http://unesdoc.unesco.org/images/0014/001460/146086e.pdf>
- Pandit, L. D. (2009). *Nepalko Sansadiya Nirwachan Darpan*. *Sopan Press*.

- Parajulee, R. (2000). *The Democratic Transition in Nepal*. Maryland: Rowman & Littlefield Publishers In.
- Parekh, B. C. (2000). *Rethinking multiculturalism: cultural diversity and political theory*. Cambridge, Mass: Harvard University Press.
- Parish, S. M. (1996). *Hierarchy and its discontents: culture and the politics of consciousness in a caste society*. Philadelphia: University of Pennsylvania Press.
- Pariyar, B., & Lovett, J. C. (2016). Dalit identity in urban Pokhara, Nepal. *Geoforum*, 75, 134-147. doi: 10.1016/j.geoforum.2016.07.006
- Pariyar, T. (2013). Dalit in Maoist, In R. Maharjan & Y. B. Kisan (Eds.), *Dalit in Federalism Discourse*. Kathmandu: DNF.
- Phillips, A. (1998). *The Politics of Presence*. New York: Oxford University Press, Incorporated.
- Pitkin, H. F. (1967). *The concept of representation*. Berkeley: University of California Press.
- Pogge, T. (2001). *Global justice*. Malden, Mass; Oxford: Blackwell Publishers. *Policy Gaps, Challenges and Prospects*. Retrieved from Kathmandu: http://dnfnepal.org/publication_files/
- Polletta, F., & Jasper, J. M. (2001). Collective Identity and Social Movements. *Annual Review of Sociology*, 27(1), 283-305.
- Post, K. (2016, 09/04/2016). 2 panels set up for state restructuring, News.

Kathmandu Post.

- Prajulee, R. P. (2000). *The democratic transition in Nepal*. Lanham: Rowman & Littlefield.
- Prashrit, M. (2015). Nepal Varna Bebasthako Prabesra Bikas (Entry and Development of Varna System in Nepal). *Mulyankan Online*. Retrieved from <http://emulyankan.com/nepalma-modnath/>
- Preda, A. (2013). Group Rights and Shared Interests. *Political Studies*, 61(2), 250-266. doi:10.1111/j.1467-9248.2012.00975.x
- Pressenza. (2017). NEPAL: AjitMijar's death – not suicide, but murder. *Pressenza International News Agency*. Retrieved from <https://www.pressenza.com/2016/07/nepal-ajit-mijars-death-not-suicide-murder/>
- Pushpendra. (1999). Dalit Assertion through Electoral Politics. *Economic and Political Weekly*, 34(36), 2609-2618.
- Pyakurel, U. (2010). Dalit Assertion and Democratic Transition. *Nepali Journal of Contemporary Studies*, 10(2).
- Pyakurel, U. (2012). Non-territorial Federalism. In N. Bishwakarma, G. Sunar, & S. BK (Eds.), *Dalit in Federalism Discourse*. Kathmandu: DNF.
- Pyakurel, U. P. (2011). A Debate on Dalit and Affirmative Action in Nepal. *Economic and Political Weekly*, 46(40), 71-78.
- Radu, G.-A. (2013). Equality and Justice. *Revista de Stiinte Politice* (37/38), 273.

- Rao, A. (2009). *The caste question: Dalit and the politics of modern India*. Berkeley: University of California Press.
- Rasaili, S. (2007). *Balighare Pratha and Dalit*. Retrieved from Kathmandu:
- Rasaili, S. (2014). *Changing Pattern of Intercaste Relation*. (MA), Tribhuvan University Kathmandu.
- Raut, N. (2012), Causes and impact of Privatisation in Nepal: A Theoretical Review, *Banking Journal*, 2(2), 1:22.
- Rawat, R. S. (2013). Occupation, Dignity, and Space: The Rise of Dalit Studies. *History Compass*, 11(12), 1059-1067.
- Rawls, J. (1971). *A theory of justice*. Cambridge, Mass: Belknap Press of Harvard University Press.
- Rights, C. f. H. (1991). *Study on the Rights of Person Belonging to Ethnic, Religious and Linguistic Minorities*. Retrieved from New York:
- Rootes, C. A. (1997). Social movements and politics. *African Studies*, 56(1), 67.
- Rosenfeld, M. (1991). *Affirmative action and justice: a philosophical and constitutional inquiry*. New Haven: Yale University Press.
- Sa-Dhan. (2010). *The interface on Financial Inclusion of Dalit, Tribals and Religious Minorities: Issues, Challenges and Way Forward*. Retrieved from New Delhi:
- Sah, S. P. (2015). Why the Madhesi people revolted in Nepal *Madhesi Youth*. Retrieved from <http://www.madhesiyouth.com/opinion/why-the-madhesi->

people-revolved-in-nepal/

SAMATA Foundation. (2010) Policy Paper on Confusion in Dalit Transformation in the New Constitution of Nepal. Lalitpur: SAMATA Foundation.

Sandel, M. (1984). Introduction. In M. Sandel (Ed.), *Liberalism and Its Critics*. New York: New York University Press.

Satyanarayana, K. (2013). Experience and Dalit Theory. *Comparative Studies of South Asia, Africa and the Middle East*, 33(3), 398-402.

Save the Children, US (2004), Everyone Counts: Dalit Children and Education, Kathmandu

Scaff, L. L. (1975). The Concept of Political Participation. *Political Research Quarterly*, 28(3), 447-462.

Schiff, J., & Cambridge University, P. (2014). *Burdens of political responsibility: narrative and the cultivation of responsiveness*. New York, NY: Cambridge University Press.

Seidman, I. (1998). *Interviewing as qualitative research: a guide for researchers in education and the social sciences* (Vol. 2nd). New York: Teachers College Press.

Service, E. P. R. (2014). Nepal's political parties and the difficult road towards a new Constitution.

Shah, G., Mander, H., Thorat, S., Deshpande, S., & Baviskar, A. (Eds.). (2006). *Untouchability in Rural India*. New Delhi: SAGE Publications.

- Sharma, K. (2006). The political economy of civil war in Nepal. *World Development*, 34(7), 1237-1253.
- Sharma, P. (2006). Provincial Models of Federal Republic Nepal. Retrieved from <http://demrepubnepal.blogspot.com.au/2006/07/pitambar-sharmas-federalism.html>
- Sharma, P. (2008). *Unravelling the Mosaic: Special Aspects of Ethnicity in Nepal*. Kathmandu: Himal Books.
- Sharma, P. (2014). *Some Aspects of Nepal's Social Demography*. Kathmandu.
- Sharma, P. (2014). State Restructuring in Nepal: Context, Rationale and Possibilities. In B. E. Karki, Rohan (Ed.), *The Federalism Debate in Nepal*. Kathmandu: UNDP/SPCBN.
- Sharma, S. (2011, 13-11-2011). Fragmented Voices. *The Kathmandu Post*. Retrieved from <http://www.ekantipur.com/the-Kathmandu-post/2011/11/13oped/fragmented-voices/228178.html>.
- Shneiderman, S., & Tillin, L. (2015). Restructuring States, Restructuring Ethnicity: Looking Across Disciplinary Boundaries at Federal Futures in India and Nepal. *Modern Asian Studies*, 49(1), 1-39.
- Shrestha, K. K., & McManus, P. (2007). The Embeddedness of Collective Action in Nepalese Community Forestry. *Small-scale Forestry*, 6(3), 273-290.
doi:10.1007/s11842-007-9020-4
- Shrestha, T. (2013). Characteristics of Dalit Intellectuals. *Kantipur Daily*. Retrieved

from http://www.ekantipur.com/kantipur/news/news-detail.php?news_id=309035

Shrestha, T. (2014). *Baljihirahane Atit Aljihirahane Bartaman*. Kathmandu: Discourse Publication.

Shrivastava, M. (2008). Power and Contestation: India since 1989. In (Vol. 62, pp. 291-297). ST JOHNS: Committee on Canadian Labour History and AU Press.

Siem, B., Oettingen, M. V., Mummendey, A., & Nadler, A. (2013). When status differences are illegitimate, groups 'needs diverge: Testing the needs-based model of reconciliation in contexts of status inequality. *European Journal of Social Psychology*, 43, 137-147.

Singh, A. K. (2006). *Restructuring of Nepali State: A Madhesi Perspectives* Kathmandu: NCCS.

Singh, B. (2007). The Left, Caste and Dalit: A Troubled Relationship. Retrieved from <https://bhupindersingh.ca/2007/01/24/the-left-caste-and-Dalit-a-troubled-relationship/>

Smith, G. (Ed.) (1995). *Federalism The Multiethnic Challenge*. New York, London: Longman Group Ltd.

Sob, D. (2012). The Situation of the Dalit in Nepal: Prospects in a New Political Reality. *Contemporary Voice of Dalit*, 5(1), 57-62.

doi:10.1177/0974354520120105

Son Hing, L. S., Bobocel, D. R., Zanna, M. P., Garcia, D. M., & Gee, S. S. (2011). The

- merit of meritocracy. *Journal of Personality and Social Psychology*, 101(3), 433-450.
- Soorya Moorthy, R. (2008). Untouchability in Modern India, *International Sociology*, 23 (2):283-293.
- SouthAsia. (2015). I feel ashamed of being a Nepalese. *southasia.com.au*. Retrieved from <http://www.southasia.com.au/2015/08/03/i-feel-ashamed-of-being-a-nepalese/>
- Statistics, C. B. o. (2014). *Population Monograph of Nepal: Social Demography*. Retrieved from Kathmandu:
- Stroh, A. (2010). Electoral rules of the authoritarian game: undemocratic effects of proportional representation in Rwanda. *Journal of Eastern African Studies*, 4(1), 1-19. doi:10.1080/17531050903550066
- Subedi, B. P. (2010). Caste/Ethnicity Diversification in Kathmandu Metropolitan: Changing Social Landscape of Kathmandu City. *Journal of Geography and Regional Planning*, 3(8), 185-199.
- Suhrke, A. (2014). *Restructuring the State: Federalist Dynamics in Nepal*. Norway and Nepal: CHR Michelsen Institute.
- Sunam, R. (2014). Marginalised Dalits in International Labour Migration: Reconfiguring Economic and Social Relations in Nepal. *Journal of Ethnic and Migration Studies*, 40(12), 2030-2048.
- Sunar, G. (2012). Dalit and Territorial Federalism. In N. S. Bishwakarma,

- Gajadhar; BK, Sushil (Ed.), *Dalit Federalism Debate*. Kathmandu: DNF and IDS.
- Sunar, T. (2011). Models of Federal Structure and Probability of Territorial Federalism. In N. S. Bishwakarma, Gajadhar; BK, Sushil (Ed.), *Dalit in Federalism debate*. Kathmandu: Dalit NGO Federation and Institute of Dalit Studies.
- Sutton, J., & Austin, Z. (2015). Qualitative Research: Data Collection, Analysis, and Management. *The Canadian journal of hospital pharmacy*, 68(3), 226.
- Thapa, D. (2017). *Mapping federalism in Nepal*. Retrieved from Kathmandu: http://www.c-r.org/downloads/accord-26-nepal-web_0.pdf
- The Record (2017) Data Reveals Local Elections a Disaster for Gender Equality, Kathmandu
- Theocharis, Y., & van Deth, J. W. (2017). *Political Participation in a Changing World: Conceptual and Empirical Challenges in the Study of Citizen Engagement* (First ed.). London: Taylor and Francis.
- Thimmaiah, G. (1993). *Power Politics and Social Justice, Backward Castes in Karnataka*. New Delhi: Sage Publication.
- Thomas-Woolley, B., & Keller, E. J. (1994). Majority Rule and Minority Rights: American Federalism and African Experience. *The Journal of Modern African Studies*, 32(3), 411-427.
- Thomas-Woolley, B., & Keller, E. J. (1994). Majority rule and minority rights:

- American federalism and African experience. *The Journal of Modern African Studies*, 32(3), 411.
- Tilly, C., & Wood, L. J. (2009). *Social movements, 1768-2008* (2nd ed.). Boulder: Paradigm Publishers.
- Times of India. (2008, Jan 18, 2008). Dalit word is unconstitutional: Scheduled Caste Commission. *Times of India*. Retrieved from <http://timesofindia.indiatimes.com/india/Dalit-word-is-unconstitutional-Scheduled-Caste-Commission/articleshow/2710993.cms>
- Times, H. (2010, 2010-6-12). Villages Declared Untouchability Free. *Himalayan Times*.
- Tingey, C. (1994). *Auspicious Music in a Changing Society: The Damai Musicians of Nepal*. New Delhi: Heritage Publisher.
- Tropp, A. (1965). The Social Functions of Education Systems. *Social and Economic Studies*, 14(1), 1-7.
- Taylor, C. (1992). *Multiculturalism and "The Politics of Recognition"*. New Jersey: Princeton University Press.
- Taylor, R. (2009). Rawlsian Affirmative Action. *Ethics*, 119(3), 476-506.
doi:10.1086/598170
- Tzanakis, M. (2011). Bourdieu's Social Reproduction Thesis and The Role of Cultural Capital in Educational Attainment: A Critical Review of Key Empirical Studies. *Educate*, 11(1), 76-90.

- UNDP. (2001) *Reducing Disparities: Balanced Development of Urban and Rural Areas and Regions within the Countries of Asia and the Pacific*. In UNDP (Series Ed.). New York: UNDP.
- UNDP. (2014) *Human Development Report*. Kathmandu: UNDP.
- UNDP. (2017). *Human Development Reports*. Retrieved from New York:
<http://hdr.undp.org/en/composite/HDI>
- UNDP. (2017). *Human Development Reports*. Retrieved from USA:
<http://hdr.undp.org/en/countries/profiles/NPL>
- UNGA. (2016). *Report of the Special Rapporteur on minority issues*. Retrieved from
<http://www.ohchr.org/EN/Issues/Minorities/SRMinorities/Pages/annual.aspx>
- UNICEF. (2006). *Situation of Children and Women in Nepal 2006*. Retrieved from
Kathmandu: https://www.unicef.org/sitan/files/Nepal_SitAn_2006.pdf
- United Nations General Assembly. (2016). *Report of the Special Rapporteur on minority issues*. Retrieved from New York:
http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/.../A_HRC_31_56_en.doc
- United Nations Human Rights. (2017). *International Covenant on Civil and Political Rights*. Retrieved from
<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>

- United Nations. (1991). *Minority Rights reports of Sub-commission on the Prevention of Discrimination and Protection of Minorities*. Retrieved from US:
- United Nations. (2001). *Reducing Disparities: Balanced Development of Urban and Rural Areas and Regions within the Countries of Asia and the Pacific*. Retrieved from New York:
- United Nations. (2012) Federalism discourse in three districts in the Eastern Tarai. *Field Bulletin*. Kathmandu: United Nations.
- Upreti, B. C. (2006). The Maoist Insurgency in Nepal: Nature, Growth and Impact. *South Asian Survey*, 13(1), 35-50.
- Upreti, B. R., Sharma, S. R., Pyakuryal, K. N., & Ghimire, S. (Eds.). (2010). *The Remake of a State Post-Conflict Challenges and State Building in Nepal*. Kathmandu, Nepal NCCR North-South, Human and Natural Resources Studies Centre, Kathmandu University.
- Van Dyke, V. (1977). The Individual, the State, and Ethnic Communities in Political Theory. *World Politics*, 29(3), 341-369.
- van Rensburg, W. (2004). Social Justice. *Education as Change*, 8(1), 1-2.
doi:10.1080/16823200409487077
- Vasil, R. K. (1990). *What do the Maori want? New Maori political perspectives*. Auckland, N.Z: Random Century.
- Verma, V. (2008). Class, Democracy and Conception of Justice in India. In R.

- Bhargava, M. Dusche, & H. Reifeld (Eds.), *Justice: political, social, juridical*. Thousand Oaks; New Delhi: SAGE Publications.
- Vishwakarma, H. (2002). The Dalit of Nepal and their struggles for social justice. *Development, 45*(3), 90-92.
- Walder, A. G. (2009). Political Sociology and Social Movements. *Annual Review of Sociology, 35*(1), 393-412.
- Wall, S. (2007). Collective Rights and Individual Autonomy. *Ethics, 117*(2), 234-264.
- Warwick-Booth, L. (2013). *Social Inequality*. UK: Lees Beckett University.
- Webster, J. C. (1996). Understanding the Modern Dalit Movement. *Sociological Bulletin, 45*(2), 189-204.
- Weisethaunet, H. (1998). *The Performance of Everyday Life: The Gaine of Nepal*. Oslo: Scandinavian University Press.
- White, L. A. (2003). Liberalism, Group Rights and the Boundaries of Toleration: The Case of Minority Religious Schools in Ontario. *Canadian Journal of Political Science/Revue Canadienne de Science Politique, 36*(5), 975-1003.
- Wiarda, H. J. (2014). *Political Culture, Political Science, and Identity Politics: An Uneasy Alliance*. Farnham: Ashgate Publishing Ltd.
- Wickeri, E. (2011). "Land is life; land is power": landlessness, exclusion, and deprivation in Nepal. *Fordham International Law Journal, 34*(4).
- Williams, M. S. (1998). *Voice, Trust, and Memory*. Princeton: Princeton University Press.

- Willis, K. (2006). Analysing Qualitative Data, In M. Walter (Ed.), *Social Research Methods: An Australian Perspectives*. Melbourne: OUP.
- Wilson, J. J. (2013). *Civil Rights Movement*. United States: ABC-CLIO.
- World Bank/DFID. (2006). *Unequal Citizens Gender, Caste and Ethnic Exclusion in Nepal*. Retrieved from Kathmandu:
<http://siteresources.worldbank.org/EXTSOCIALDEV/Resources/3177394-1168615404141/NepalGSEASummaryReport-part1.pdf>
- Yatri, A. (2012). Federalism, Political Parties and Dalit. In N. S. Bishwakarma, Gajadhar; BK, Sushil (Ed.), *Dalit in Federalism Debates*. Kathmandu: DNF and IDS.
- Young, I. M. (1990). *Justice and the Politics of Difference*. New Jersey: Princeton University Press.
- Young, I. M. (1997). Unruly Categories: A Critique of Nancy Fraser's Dual Systems Theory. *New Left Review*, 1(222), 1-11.
- Young, I. M. (2000). *Inclusion and democracy*. Oxford: Oxford University Press.
- Young, I. M. (2001). Equality of Whom? Social Groups and Judgments of Injustice. *Journal of Political Philosophy*, 9(1), 1-18.
- Youth, M. (2015). A Summary of Human Rights Violations in Madhesh, Nepal. Retrieved from <http://www.madhesiyouth.com/human-rights/summary-of-human-rights-violations-in-madhesh-nepal/>
- Zeigler, H. (1970). Education and the Status Quo Notes and Comments.

Comparative Education, 6(1), 19-36.

Zelliot, E. (1996). The Dalit Movement. *Dalit International Newsletter*.

Zene, C. (2010). Self-consciousness of the Dalit as “Subalterns”: Reflections on

Gramsci in South Asia., from University of London

[http://eprints.soas.ac.uk/11711/1/ZENE_C_Self-](http://eprints.soas.ac.uk/11711/1/ZENE_C_Self-Consciousness_of_the_Dalit_%28RM_-_Jan_2010%29.pdf)

[Consciousness_of_the_Dalit_%28RM_-_Jan_2010%29.pdf](http://eprints.soas.ac.uk/11711/1/ZENE_C_Self-Consciousness_of_the_Dalit_%28RM_-_Jan_2010%29.pdf)

Zuber, C. I. (2015). Reserved Seats, Political Parties, and Minority Representation.

Ethno politics, 14(4), 390-403.

APPENDIX

A: LETTER OF INTRODUCTION



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Dr Danielle Celermajer

Associate Professor

Initial Consent for Interview

Dear,

I am a PhD candidate at the University of Sydney. I am researching at the University of Sydney in Australia as part of my PhD. I am working under the supervision of Associate Professor Dr Danielle Celermajer in the Department of Sociology and Social Policy.

This research aims to find out about the institutional measures that would assist in achieving social justice for Dalit in Nepal. I am also analysing the underlying causes and nature of injustices and current state restructuring and federalism processes. I am in the early stages of the research project and am currently making initial contact with the potential participants to see if they wish to participate in an interview. To assist me in answering my research questions I wish to interview Dalit representatives and leaders, particularly current Members of Parliaments, Political leaders, activist and community representatives. I am therefore looking for your active participation in this research to share your experiences of injustices and policy recommendations.

Should you wish to participate in the research, I will explain the research and the process in detail. The interview will take about 90 minutes and with your permission, I would like to audiotape the interview. You should feel under no compulsion to agree to this interview and if you do so, you will be free to withdraw at any stage. To cover any costs, you might incur, we will provide you 800 Nepali rupee (the equivalent of AUS\$10.00).

Should you agree to participate, I would like to ensure that your involvement will be strictly confidential unless you give your explicit permission to be named in this research. Any research data gathered from the results of the study may be published however no information about you will be used in any way that is identifiable unless you give us your explicit permission to do so.

As part of the research, we have submitted an application to the Human Research Ethics Committee of the University of Sydney. If you wish to participate in an interview or to seek further information, please contact me by email at mom.bishwakarma@sydney.edu.au.

If you wish to contact my supervisor, Dr Celermajer, she can be reached at Telephone: +61 2 9351 764, Email: Danielle.celermajer@sydney.edu.au

Kind Regards,
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B: INTERVIEW QUESTIONS

Interview Questions-1

Dalit Member of Parliament (MPs)

Date of Interview:

Length of Interview:

Place of Interview:

Researcher's Introduction: I am Mom Bishwakarma, a PhD candidate in the Department of Sociology and Social Policy, University of Sydney, Australia. I am pursuing a study on State Restructuring, Dalit Identity and Representation in Nepal. Dr. Danielle Celermajer, Associate Professor at the University of Sydney, Australia, is supervising my work on this project. As part of the study, I am conducting interviews with a number of Dalit leaders and representatives of Dalit communities. The interview will take approximately 90 minutes. I would like to thank you for taking the time to participate in this interview. All information that we will discuss throughout the interview will be confidential. There are no right or wrong answers to the questions. What I am truly interested in is hearing about your experiences, opinions, ideas and feelings.

Participant Information:

Name:Age.....
Gender..... Districts ...
Marital StatusEducational Background.....
OccupationOrganizational Affiliation.....

Interview Questions

Dalit Problems/Injustices

1. Tell me about yourself.
2. Which caste group are you in? (Dalit sub group)
3. Where are you from? What is the nature of your work?
4. As you are from Dalit group, have you ever experienced caste discrimination/untouchability? (Elaborate)
5. What type of discrimination/untouchability is happening to Dalit in Nepal?
6. What do you think are the major causes of this discrimination/untouchability?
7. Are there parts of Nepal where discrimination is worse? (High prevalence regions)
8. Does discrimination/untouchability take place only in public places (Temples, Schools, Hotels and others)
9. What about the discrimination in private places?

10. In your view, what types of measures would address the level of discrimination/untouchability?
11. Do you think that there have been changes in terms of discrimination patterns especially after the reinstatement of democracy in the 1990s?
12. What are the key problems/issues for Dalit apart from discrimination/untouchability (for example in relation to socioeconomic, education and politics)?

Policies, Implementation and Barriers

1. Do you think that the legal/policy provisions for the elimination of caste discrimination, Dalit empowerment and development are sufficient?
2. What about legal provision for caste based discrimination/untouchability? Is the penalty system sufficient? (Do you think that there are other systems of penalty that would be better? Are there other reform efforts that would help?)
3. What are the main policies that currently exist for Dalit empowerment? Are they being properly implemented? Do you think they are sufficient?
4. What are the current laws and policies to ensure fair representation for Dalit? Are they being properly implemented? Are they sufficient?
5. Do Government institutions provide a good level of support for the implementation of policies and laws? (Structure/Staff) Are there particular institutions that are better or worse? If not, is there any bias towards Dalit issues in terms of policy formulation and implementation?
6. If the current level of support is not sufficient, what are the main implementation challenges?
7. What do you think are the major causes for ineffectiveness of policies? (Prompt – give examples)
8. Are there any examples, where you experienced barriers while you were in your official position?
9. Was it possible to challenge these barriers? If so, how?
10. What type of role do you think that Dalit leaders/civil society/community should play in influencing the government on the formulation and implementation of policy?

Socio-political and legal reform for Dalit

1. What do you think ought to be the main socio-economic reform agenda?
2. Do you think it has been systematically raised?
3. What are the weakness of Dalit leaders, organizations, and civil society?
4. Do you think Dalit have been able to raise their voice jointly?
5. What are main challenges to make united efforts?
6. What are the issues that should be included in the new constitution?
7. How is it possible to ensure the issues of concern to Dalit will be taken into consideration in the new constitution and in the post-constitution scenario for policy formulation?
8. What institutional reform do Dalit want? (Do they need any Council, department, commission from central to local level and socio-economic policy)
9. How can that institutional reform works in favor of Dalit?

10. In your opinion, what are key elements to address which actually would address the social justice of Dalit in Nepal?

State Restructuring, Federalism and Dalit Minority Rights

1. What do you know about Nepalese state restructuring and the federalism process?
2. What are main Dalit issues for federalism?
3. How will these issues be addressed?
4. Do you think that there are specific issues that Dalit face that are not faced by other minorities? Are these addressed by federalism?
5. There have been a number of principles suggested for federalism, such as districts according to ethnicity or multiple identities. What do you think of these proposals? What could be basic principle to address while adopting the federal system in Nepal? (Ethnicity identity or multiple identities)
6. Which principle more relates to Dalit in Nepal? What type of federal arrangement would best work for Dalit? Why?
7. What about non-territorial federal unit for Dalit? Is that compatible to address the Dalit issues? If not? Why not?
8. How do you think that federalism could be organized so as to ensure social harmony between ethnic and caste groups?
9. Do you believe current reform process will bring substantial changes in Nepal?
10. What could be basic elements for change and development?

Identity Politics and Dalit

1. Do you think that there is such a thing as an identity for Dalit? Is that contested in your community?
2. How would you define Dalit identity?
3. Do you think that it is a stigmatized identity?
4. Do you think that a common Dalit identity is useful for promoting justice for members of Dalit communities? What do you think about the arguments that it would be better not to argue on the basis of Dalit identity but simply to integrate?
5. What measures could be taken to reduce the stigma associated with 'Dalit identity'?
6. What do you think has made it possible for the Madhes and other ethnic communities in Nepal to promote their agendas? Why do you think Dalit have not been able to do the same for their own agendas?
7. Is Identity politics the best way to ensure social inclusion in Nepal? If not, why not?

Is there anything else you would like to share etc.?

Thank you.

Interview Questions-2

State Restructuring and Minority Rights Experts

Date of Interview:

Length of Interview:

Place of Interview:

Researcher's Introduction: I am Mom Bishwakarma, a PhD candidate in the Department of Sociology and Social Policy, University of Sydney, Australia. I am pursuing a study on State Restructuring, Dalit Identity and Representation in Nepal. Dr. Danielle Celermajer, Associate Professor at the University of Sydney, Australia, is supervising my work on this project. As part of the study, I am conducting interviews with a number of Dalit leaders and representatives of Dalit communities. The interview will take approximately 90 minutes. I would like to thank you for taking the time to participate in this interview. All information that we will discuss throughout the interview will be confidential. There are no right or wrong answers to the questions. What I am truly interested in is hearing about your experiences, opinions, ideas and feelings.

Participant Information:

Name: Age.....

Gender..... Districts ...

Marital Status Educational Background.....

Occupation

Organizational

Affiliation.....

Interview Questions

Dalit Problems/Injustices

1. What do you think the major problems/Injustices faced by Dalit group in Nepal?
2. What are the nature and causes of problems/injustices?
3. What are the major forms of caste based discrimination in Nepal (Discrimination in public/ private places; direct and indirect ...others)
4. Do some caste or religious groups discriminate against Dalit more than others? Is discrimination worse in some regions?
5. Do you think that there have been changes in terms of discrimination pattern especially after the reinstatement of democracy in the 1990s?
Other than discrimination and untouchability, what are the main problems that Dalit face?

Policies, Implementation and Barriers

1. Do you think that the legal/policy provisions for the elimination of caste discrimination, Dalit empowerment and development are sufficient? If not where do you see the gaps?
2. Do you think the current policies have been effectively implemented? If not, where are the main barriers (Structure/Staffs/Attitude)?
3. Do you see challenges within Dalit communities or organizations that get in the way of them advocating for their needs and concerns?

Socio-political and legal reform for Dalit

1. What do you think ought to be the main socio-economical reform agenda for Dalit in Nepal?
2. Do you think it has been systematically raised?
3. What are the weakness of Dalit leaders, organizations, and civil society?
4. Do you think Dalit have been able to raise their voice jointly? What are main challenges to make united efforts?
5. What main issues should be included in new constitution?
6. How is that possible to ensure that issues of concern to Dalit will be taken into consideration in the new constitution and in the post-constitution scenario for policy formulation?
7. What institutional reform do Dalit need for their social justice?

State Restructuring, Federalism and Dalit Minority Rights

1. What are main Dalit issues/concern for state restructuring and federalism in specific?
2. Do you think that there are specific issues that Dalit face that are not faced by other minorities? Are these addressed by federalism?
3. There have been a number of principles suggested for federalism, such as federal units according to ethnicity or single identity vs. multiple identities.
4. What do you think the best principle for dividing federal units would be to support justice and rights for Dalit?
5. What about non-territorial federal unit for Dalit? Is that compatible to address the Dalit issues? If not? Why not?
6. How do you think that federalism could be organized so as to ensure social harmony between ethnic and caste groups?
7. Do you believe current reform process will bring substantial changes in Nepal?

Identity Politics and Dalit

1. Do you think that there is such a thing as an identity for this community? Is that widely accepted or contested?
2. How would separate group identity contribute Dalit to integrate in mainstream society since they have similar culture, religion and language?
3. What do you think the major strategies for Dalit political, social leaders to adopt in order to promote their agendas?
4. Is Identity politics best way to ensure social inclusion in Nepal? If not, why not?

Is there anything else you would like to share etc.?
Thank you.

Interview Questions-3

Dalit Political Larders

Date of Interview:

Length of Interview:

Place of Interview:

Researcher's Introduction: I am Mom Bishwakarma, a PhD candidate in the Department of Sociology and Social Policy, University of Sydney, Australia. I am pursuing a study on State Restructuring, Dalit Identity and Representation in Nepal. Dr. Danielle Celermajer, Associate Professor at the University of Sydney, Australia, is supervising my work on this project. As part of the study, I am conducting interviews with a number of Dalit leaders and representatives of Dalit communities. The interview will take approximately 90 minutes. I would like to thank you for taking the time to participate in this interview. All information that we will discuss throughout the interview will be confidential. There are no right or wrong answers to the questions. What I am truly interested in is hearing about your experiences, opinions, ideas and feelings.

Participant Information:

Name:Age.....
Gender..... Districts
Marital StatusEducational Background.....
OccupationOrganizational Affiliation.....

Interview Questions

Dalit Problems/Injustices

1. Tell me about yourself.
2. Which caste group are you? (Dalit sub group)
3. Where are you from? What is nature of your work?
4. As you are from Dalit group, have you ever experienced caste discrimination/untouchability? (Elaborate some cases or forms of discrimination)
5. What type of discrimination/untouchability is happening to Dalit in Nepal?
6. What do you think the major causes of this discrimination/untouchability?
7. Are there parts of Nepal where discrimination is worse? (High prevalence region)
8. Does discrimination/untouchability take place only in public places (Temples, Schools, Hotels and others)

9. What about the discrimination in private places?
10. In your view, what types of measures would address the level of discrimination/untouchability?
11. Do you think that there have been changes in terms of discrimination patterns especially after the reinstatement of democracy in the 1990s?
12. What are the key problems/issues for Dalit apart from discrimination/untouchability?
13. Do the political leaders and cadres still practice caste discrimination in your party? Is there any provision to punish the perpetrators?

Policies, Implementation and Barriers

11. Do you think that the legal/policy provisions for the elimination of caste discrimination, Dalit empowerment and development are sufficient?
12. What about legal provision for caste based discrimination/untouchability? Is the penalty system sufficient? (Do you think that there are other systems of penalty that would be better? Are there other reform efforts that would help?)
13. What are the main policies that currently exist for Dalit empowerment? Are they being properly implemented? Do you think they are sufficient?
14. What are the current laws and policies to ensure fair representation for Dalit? Are they being properly implemented? Are they sufficient?
15. Do Government institutions provide a good level of support for the implementation of policies and laws? (Structure/Staff) Are there particular institutions that are better or worse? If not, is there any bias towards Dalit issues in-terms of policy formulation and implementation?
16. If the current level of support is not sufficient, what are the main implementation challenges?
17. What do you think are the major causes for ineffectiveness of policies? (Prompt – give examples)
18. Are there any examples, where you experienced barriers while you were in your official position?
19. Was it possible to challenge these barriers? If so, how?
20. What type of role do you think that Dalit leaders/civil society/community should play in influencing the government on the formulation and implementation of policy?
21. Do you think the political leaders have been able to work jointly for Dalit issues? If not, what are the major challenges?
22. Do you think there is any role of political leaders to implement the policies?

Socio-political and legal reform for Dalit

11. What do you think ought to be the main socio-economic reform agenda?
12. Do you think it has been systematically raised?
13. What are the weakness of Dalit leaders, organizations, and civil society?
14. Do you think Dalit have been able to raise their voice jointly?
15. What are main challenges to make united efforts?
16. What are the issues that should be included in the new constitution?

17. How is it possible to ensure that issues of concern to Dalit will be taken into consideration in the new constitution and in the post-constitution scenario for policy formulation?
18. What institutional reform do Dalit want? (Do they need any Council, department, commission from central to local level)
19. How can that institutional reform works in favor of Dalit?
20. In your opinion, what are key elements to address which actually would address the social justice of Dalit in Nepal?

State Restructuring, Federalism and Dalit Minority Rights

11. What do you know about Nepalese state restructuring and the federalism process?
12. What are main Dalit issues for federalism?
13. How will these issues be addressed?
14. Do you think that there are specific issues that Dalit face that are not faced by other minorities? Are these addressed by federalism?
15. There have been a number of principles suggested for federalism, such as districts according to ethnicity or multiple identities. What do you think of these proposals? What could be basic principle to address while adopting the federal system in Nepal? (Ethnicity identity or multiple identities)
16. Which principle more relates to Dalit in Nepal? What type of federal arrangement would best work for Dalit? Why?
17. What about non-territorial federal unit for Dalit? Is that compatible to address the Dalit issues? If not? Why not?
18. How do you think that federalism could be organized so as to ensure social harmony between ethnic and caste groups?
19. Do you believe current reform process will bring substantial changes in Nepal?
20. What could be basic elements for change and development?

Identity Politics and Dalit

8. Do you think that there is such a thing as an identity for Dalit? Is that contested in your community?
9. How would you define Dalit identity?
10. Do you think that it is a stigmatized identity?
11. Do you think that a common Dalit identity is useful for promoting justice for members of Dalit communities? What do you think about the arguments that it would be better not to argue on the basis of Dalit identity but simply to integrate?
12. What measures could be taken to reduce the stigma associated with 'Dalit identity'?
13. What do you think has made it possible for the Madhes and other ethnic communities in Nepal to promote their agendas? Why do you think Dalit have not been able to do the same for their own agendas?
14. Is Identity politics the best way to ensure social inclusion in Nepal? If not, why not?

Is there anything else you would like to share etc?

Thank you.

Interview Questions-4

Dalit Social Leaders

Date of Interview:

Length of Interview:

Place of Interview:

Researcher's Introduction: I am Mom Bishwakarma, a PhD candidate in the Department of Sociology and Social Policy, University of Sydney, Australia. I am pursuing a study on State Restructuring, Dalit Identity and Representation in Nepal. Dr. Danielle Celermajer, Associate Professor at the University of Sydney, Australia, is supervising my work on this project. As part of the study, I am conducting interviews with a number of Dalit leaders and representatives of Dalit communities. The interview will take approximately 90 minutes. I would like to thank you for taking the time to participate in this interview. All information that we will discuss throughout the interview will be confidential. There are no right or wrong answers to the questions. What I am truly interested in is hearing about your experiences, opinions, ideas and feelings.

Participant Information:

Name:Age.....

Gender..... Districts ...

Marital StatusEducational Background.....

OccupationOrganizational
Affiliation.....

Interview Questions

Dalit Problems/Injustices

1. Tell me about yourself.
2. Which caste group are you? (Dalit sub group)
3. Where are you from? What is the nature of your work?
4. As you are from Dalit group, have you ever experienced caste discrimination/untouchability? (Elaborate some cases or forms of discrimination)
5. What type of discrimination/untouchability is happening to Dalit in Nepal?
6. What do you think are the major causes of this discrimination/untouchability?
7. Are there parts of Nepal where discrimination is worse? (High prevalence regions)
8. Does discrimination/untouchability take place only in public places (Temples, Schools, Hotels and others)
9. What are the discrimination in private places?

10. In your view, what types of measures would address the level of discrimination/untouchability?
11. Do you think that there have been changes in terms of discrimination patterns especially after the reinstatement of democracy in the 1990s?
12. What are the key problems/issues for Dalit apart from discrimination/untouchability? (For example in relation to socio-economic, education and politics)?

Policies, Implementation and Barriers

1. Do you think that the legal/policy provisions for the elimination of caste discrimination, Dalit empowerment and development are sufficient?
2. What about legal provision for caste based discrimination/untouchability? Is the penalty system sufficient? (Do you think that there are other systems of penalty that would be better? Are there other reform efforts that would help?)
3. What are the main policies that currently exist for Dalit empowerment? Are they being properly implemented? Do you think they are sufficient?
4. What are the current laws and policies to ensure fair representation for Dalit? Are they being properly implemented? Are they sufficient?
5. Do Government institutions provide a good level of support for the implementation of policies and laws? (Structure/Staff) Are there particular institutions that are better or worse? If not, is there any bias towards Dalit issues in-terms of policy formulation and implementation?
6. If the current level of support is not sufficient, what are the main implementation challenges?
7. What do you think are the major causes for ineffectiveness of policies?
8. Are there any examples, where you experienced barriers while you were in your official position?
9. Was it possible to challenge these barriers? If so, how?
10. What type of role do you think that Dalit leaders/civil society/community should play in influencing the government on the formulation and implementation of policy?
11. Do you think the social organization as a catalyst for change have been able to work jointly and effectively for Dalit cause? If not, what are the major challenges?

Socio-political and legal reform for Dalit

1. What do you think ought to be the main socio-economic reform agenda?
2. Do you think it has been systematically raised?
3. What are the weakness of Dalit leaders, organizations, and civil society?
4. Do you think Dalit have been able to raise their voice jointly?
5. What are main challenges to make united efforts?
6. What are the issues that should be included in the new constitution?
7. How is it possible to ensure that issues of concern to Dalit will be taken into consideration in the new constitution and in the post-constitution scenario for policy formulation?
8. What institutional reform do Dalit want? (Do they need any Council, department, commission from central to local level)
9. How can that institutional reform works in favor of Dalit?

10. In your opinion, what are key elements to address which actually would address the social justice of Dalit in Nepal?
11. How can social organizations work for greater influence on Dalit issues?

State Restructuring, Federalism and Dalit Minority Rights

1. What do you know about Nepalese state restructuring and the federalism process?
2. What are main Dalit issues for federalism?
3. How will these issues be addressed?
4. Do you think that there are specific issues that Dalit face that are not faced by other minorities? Are these addressed by federalism?
5. There have been a number of principles suggested for federalism, such as districts according to ethnicity or multiple identities. What do you think of these proposals? What could be basic principle to address while adopting the federal system in Nepal? (Ethnicity identity or multiple identities)
6. Which principle more relates to Dalit in Nepal? What type of federal arrangement would best work for Dalit? Why?
7. What about non-territorial federal unit for Dalit? Is that compatible to address the Dalit issues? If not? Why not?
8. How do you think that federalism could be organized so as to ensure social harmony between ethnic and caste groups?
9. Do you believe current reform process will bring substantial changes in Nepal?
10. What role do you see to play for making common agenda of Dalit in state restructuring process?

Identity Politics and Dalit

1. Do you think that there is such a thing as an identity for Dalit? Is that contested in your community?
2. How would you define Dalit identity?
3. Do you think that it is a stigmatized identity?
4. Do you think that a common Dalit identity is useful for promoting justice for members of Dalit communities? What do you think about the arguments that it would be better not to argue on the basis of Dalit identity but simply to integrate?
5. What measures could be taken to reduce the stigma associated with 'Dalit identity'?
6. What do you think has made it possible for the Madhes and other ethnic communities in Nepal to promote their agendas? Why do you think Dalit have not been able to do the same for their own agendas?
7. Is Identity politics the best way to ensure social inclusion in Nepal? If not, why not?

Is there anything else you would like to share etc?

Thank you.

Date of Interview:
Length of Interview:
Place of Interview:

Researcher's Introduction: I am Mom Bishwakarma, a PhD candidate in the Department of Sociology and Social Policy, University of Sydney, Australia. I am pursuing a study on State Restructuring, Dalit Identity and Representation in Nepal. Dr. Danielle Celermajer, Associate Professor at the University of Sydney, Australia, is supervising my work on this project. As part of the study, I am conducting interviews with a number of Dalit leaders and representatives of Dalit communities. The interview will take approximately 90 minutes. I would like to thank you for taking the time to participate in this interview. All information that we will discuss throughout the interview will be confidential. There are no right or wrong answers to the questions. What I am truly interested in is hearing about your experiences, opinions, ideas and feelings.

Participant Information:

Name:	Age.....
Gender.....	Districts
Marital Status	Educational Background
Occupation	Organizational Affiliation.....

Interview Questions

Dalit Problems/Injustices

1. Tell me about yourself.
2. Which caste group are you? (Dalit sub group)
3. Where are you from? What is the nature of your work?
4. As you are from Dalit group, have you ever experienced caste discrimination/untouchability? (Elaborate some cases or forms of discrimination)
5. What type of discrimination/untouchability is happening to Dalit in Nepal?
6. What do you think are the major causes of this discrimination/untouchability?
7. Are there parts of Nepal where discrimination is worse? (High prevalence regions)
8. Does discrimination/untouchability take place only in public places (Temples, Schools, Hotels and others)
9. What about the discrimination in private places?
10. Have you ever realized any sort of discrimination, bias in your office (Government department/Ministry etc.)? Elaborate....
11. In your view, what types of measures would address the level of discrimination/untouchability?
12. Do you think that there have been changes in terms of discrimination patterns especially after the reinstatement of democracy in the 1990s?

13. What are the key problems/issues for Dalit apart from discrimination/untouchability?

Policies, Implementation and Barriers

1. Do you think that the legal/policy provisions for the elimination of caste discrimination, Dalit empowerment and development are sufficient?
2. What about legal provision for caste based discrimination/untouchability? Is the penalty system sufficient? (Do you think that there are other systems of penalty that would be better? Are there other reform efforts that would help?)
3. What are the main policies that currently exist for Dalit empowerment? Are they being properly implemented? Do you think they are sufficient?
4. What are the current laws and policies to ensure fair representation for Dalit? Are they being properly implemented? Are they sufficient?
5. Do Government institutions provide a good level of support for the implementation of policies and laws? (Structure/Staff) Are there particular institutions that are better or worse? If not, is there any bias towards Dalit issues in terms of policy formulation and implementation?
6. If the current level of support is not sufficient, what are the main implementation challenges?
7. What do you think are the major causes for ineffectiveness of policies? (Prompt – give examples)
8. Are there any examples, where you experienced barriers while you were in your official position?
9. Was it possible to challenge these barriers? If so, how?
10. What type of role do you think that Government officials like you should play in influencing the government on the formulation and implementation of policy?

Socio-political and legal reform for Dalit

1. What do you think ought to be the main socio-economic reform agenda?
2. Do you think it has been systematically raised?
3. What are the weaknesses of Dalit leaders, organizations, and civil society?
4. Do you think Dalit have been able to raise their voice jointly?
5. What are main challenges to make united efforts?
6. What are the issues that should be included in the new constitution?
7. How is that possible to ensure that issues of concern to Dalit will be taken into consideration in the new constitution and in the post-constitution scenario for policy formulation?
8. What institutional reform do Dalit want? (Do they need any Council, department, commission from central to local level)
9. How can that institutional reform work in favor of Dalit?
10. In your opinion, what are key elements to address which actually would address the social justice of Dalit in Nepal?

State Restructuring, Federalism and Dalit Minority Rights

1. What do you know about Nepalese state restructuring and the federalism process?
2. What are main Dalit issues for federalism?
3. How will these issues be addressed?

4. Do you think that there are specific issues that Dalit face that are not faced by other minorities? Are these addressed by federalism?
5. There have been a number of principles suggested for federalism, such as districts according to ethnicity or multiple identities. What do you think of these proposals? What could be basic principle to address while adopting the federal system in Nepal? (Ethnicity identity or multiple identities)
6. Which principle more relates to Dalit in Nepal? What type of federal arrangement would best work for Dalit? Why?
7. What about non-territorial federal unit for Dalit? Is that compatible to address the Dalit issues? If not? Why not?
8. How do you think that federalism could be organized so as to ensure social harmony between ethnic and caste groups?
9. Do you believe current reform process will bring substantial changes in Nepal?
10. What role do you see to play for making common agenda of Dalit in state restructuring process?

Identity Politics and Dalit

1. Do you think that there is such a thing as an identity for Dalit? Is that contested in your community?
2. How would you define Dalit identity?
3. Do you think that it is a stigmatized Identity?
4. Do you think that a common Dalit identity is useful for promoting justice for members of Dalit communities? What do you think about the arguments that it would be better not to argue on the basis of Dalit identity but simply to integrate?
5. What measures could be taken to reduce the stigma associated with 'Dalit identity'?
6. What do you think has made it possible for the Madhes and other ethnic communities in Nepal to promote their agendas? Why do you think Dalit have not been able to do the same for their own agendas?
7. Is Identity politics the best way to ensure social inclusion in Nepal? If not, why not?

Is there anything else you would like to share etc? Thank you.

Interview Questions-6 Dalit Community Leaders

Date of Interview:

Length of Interview:

Place of Interview:

Researcher's Introduction: I am Mom Bishwakarma, a PhD candidate in the Department of Sociology and Social Policy, University of Sydney, Australia. I am pursuing a study on State Restructuring, Dalit Identity and Representation in Nepal. Dr. Danielle Celermajer, Associate Professor at the University of Sydney, Australia, is supervising my work on this project. As part of the study, I am conducting interviews with a number of Dalit leaders and

representatives of Dalit communities. The interview will take approximately 90 minutes. I would like to thank you for taking the time to participate in this interview. All information that we will discuss throughout the interview will be confidential. There are no right or wrong answers to the questions. What I am truly interested in is hearing about your experiences, opinions, ideas and feelings.

Participant Information:

Name:	Age.....
Gender.....	Districts
Marital Status	Educational Background.....
Occupation	Income level (<20, 20-50, 50+ thousands)
Organizational Affiliation.....	

Interview Questions

Dalit Problems/Injustices

1. Where are you from? What you do?
2. Which caste group are you? (Dalit sub group)
3. As you are from Dalit group, have you ever experienced caste discrimination/untouchability? (Elaborate some cases or forms of discriminations)
4. Where most caste discrimination/untouchability does happen? (Public/Private places)
5. What types of discrimination you face generally (direct/indirect such as verbal abuse, physical assault etc...)?
6. What do you think are the major causes of this discrimination/untouchability?
7. In your view, what measures or policies would address the discrimination/untouchability problem to solve in Nepal?
8. Do you think that there have been changes in terms of discrimination pattern and level in comparison to now and in the past?
9. What are other problems/issues apart from discrimination/untouchability (Social/economic/educational/Political)?

Policies, Implementation and Barriers

1. Do you know are there any legal provision against discrimination/injustices? Do you believe these provisions have been implemented to the local level?
2. Have you ever experienced the bias attitude of police administration by not registering FIR and not helping Dalit for other problems? In your opinion, why do these things happens?
3. Are there any other Government policy which is helping Dali at rural level such as for education, income generation, skill development, political participation, and empowerment? Have these provision benefited to you and your community? Are these sufficient?

4. What about legal provision for caste based discrimination/untouchability? Is the penalty system sufficient? (Do you think that there are other systems of penalty that would be better? Are there other reform efforts that would help?)
5. What are the main barriers, in your opinion, to formulate and implement the policy? How would these be solved?

Socio-political and legal reform for Dalit

1. What are main issues (socio-economic, educational and political) do you want to be included in new constitution and in other laws?
2. Do you think Dalit have been able to raise their voice jointly? What are the main weakness of Dalit?
3. What institutional reform do Dalit want? (Do they need any Dalit Desk in Police/ Dalit Teacher in school and?) Central to local level.

State Restructuring, Federalism and Dalit Minority Rights

1. What do you know about Nepalese state restructuring and federalism process?
2. Do Dalit need their own separate federal units?
3. What do Dalit community want like single ethnic based federalism or multiple identities or mix model federalism?
4. What about non-territorial federal unit for Dalit?
5. Do you believe current reform process will bring substantial changes in Nepal for Dalit?

Identity Politics and Dalit

1. Do you think that there is such a thing as an identity for this community? Is that widely accepted or contested in your community?
2. Do you think that it is a stigmatized Identity?
3. Do you think that a common Dalit identity is useful for promoting justice for members of Dalit communities? What do you think about the arguments that it would be better not to argue on the basis of Dalit identity but simply to integrate?
4. What measures could be taken to reduce the stigma associated with 'Dalit identity'?

Is there anything else you would like to share etc?

Thank you.