

Nationalities, Movements and Nepali State

Keshab Man Shakya

Background

The terminology '*Janajati*' was heard in Nepal just before the 1990 people's democratic movement, which ultimately established constitutional monarchy and multi-party democracy. The written form of the word, '*Janajati*' had appeared in the book entitled *Janajati Issues* in Nepal by Sitaram Tamang published before the 1990 movement. Before this book, there was another book called *Unseen Realities in Nepali Politics* in underground circulation. It was written by Gopal Gurung. The terminology *Mongol* was used to denote the ethnic communities, which are now understood as *Janajati*. In the later years of the *Panchayat* system, few politicians of *Janajati* origins started forming a secret group known as '*Magurali*' denoting *Magar, Gurung, Rai* and *Limbu*, the four ethnic communities famous for being recruited in the British Gorkha army. The terminologies such as *Mongol* and *Magurali* connote communal interpretation whereas *Janajati* seeks to articulate the issue scientifically and academically for the political and social status of these communities. Henceforth, the terminology *Janajati* became the accepted word to mean the movement of the communities who identified themselves with this issue. In 1992, *Nepal Janajati Mahasangh* was formed and the English name for this organisation was Nepalese Federation of Nationalities. The English translation of *Janajati* is Nationality. Obviously, *Janajati* is more political in meaning whereas *Mongol* is more communal.

The United Nations declared the year 1993 as the year of Indigenous Peoples and later the decade of Indigenous Peoples. The terminology *Indigenous* was translated as *Adivasi* in Nepali. The *Nepal Janajati Mahasangh* took notice of the UN declaration and sought to establish linkage with the UN action. In order to fit with the UN terminology, the name of *Nepal Janajati Mahasangh* was revised as *Nepal Adivasi Janajati Mahasangh*, which translates into English as Nepalese Federation of Indigenous Nationalities (NEFIN). *Adivasi Janajati*

became the phrase used jointly to mean the movement of indigenous nationalities. The coining of this phrase has opened a new dimension to the ethnic movements in Nepal. The so-called Dalits also frequently started using the phrase *Dalit Janajati* meaning Dalit Nationalities. This opened a new way of looking at the Dalit movement as the movement did not only limit to the social activism but also created scope for political quality. Claim of Dalits could be understood as another form of Nationalities movements. Although Dalit leaders have rarely interpreted their movement in this term, it has scope to define the political claim of Dalits. We cannot rule out the possibility of 'Madhesi Nationalities concept' in future. Similarly, the Karnali people can imagine of defining their political ambition in terms of *Khas* nationalities. Presently, Nepal is not yet considered as a nation. If these political notions become a reality, it should be taken as a positive step towards the politics of nation-building.

In 1992 soon after the formation of *Nepal Janajati Mahasangh*, it defined *Janajati* as the indigenous communities who have their own language, culture, and historical territory. They do not fall under the Hindu *Varnashram* (caste system) and their identities are marginalised and oppressed by the state. These days the word, *Adivasi*, is much used. The word *Adivasi* is considered as politically neutral and in line with the international movement. Most of the international organisations active in Nepal term them as Indigenous Peoples and common Nepalese also have started using this terminology. The popular use of the word, *Adivasi* is slowly diluting the political intention of the original term of *Janajati*. With the donor-fund infiltrating in the *Janajati* movements, the present leadership is also overwhelmed with the utility of the term *Adivasi*, which has given them opportunity to get lucrative consultancy jobs and entertaining international travels to attend the meetings and workshops. Those who are studying the *Janajati* as one of the democratic movements are getting slowly disappointed. The reasons are obvious that *Adivasi* connotes the identified communities as indigenous. That is all. It is very difficult to differentiate the Nepali peoples based upon their indigenesness. The *Khas* peoples are the indigenous in Karnali, who were once strong Buddhists. The *Madhesi* peoples are indigenous in Terai, for example the *Maithilis*. They are all *Adivasi* by their historical existence, but they are not *Janajati*. The *Khas* peoples at present are the ruling elites who are staunch Hindus

and similarly, culture and religion of the *Madhesi Brahmin*, *Rajputs* and *Kayathas* have state protection and have relatively privileged socio-economic position.

When translating the meaning of *Janajati* as Nationalities, it connotes that these peoples are the subunits of Nepal as a nation-state and they have a respectable political identity. When defining Nepal as a nation-state composed of various Nationalities, all the Nationalities seem to have equal political status, not as the second-class citizens, whose territories were once defeated by the Shah ruler Prithvi Narayan Shah. In a monarchy formed by defeating the numerous principalities, it was natural to define its peoples as subjects and establish their social status. But after the 1990 political movement, the kingdom was also defined as a multi-party democratic state with sovereignty lying with the people.

When defining indigenous peoples' movement differently from the *Janajati* movement, it gives a different connotation. The term "indigenous" is often used in the present day international affairs as the movement of the once colonised peoples of South America called Indian peoples and has been extended to the territories which are being ruled by the previous colonisers. The term 'indigenous' is a civilised word for the colonised. In Americas, the natives are called *Indians*. The word 'Indigenous' derives from these *Indians*. The UN declaration of ILO convention 169 gives the value of right to self-determination by these 'indigenous' peoples in the modern day world. This convention was found useful in settling the political conflict between the indigenous peoples and the once coloniser community of Guatemala. The *Janajati* movement should not be compared with the phenomena of settling the conflict of colonisation. The Nepalese rulers should not be compared to the western colonisers. The ethnic issues in Nepal lie with state structure and they should be defined as the collective members of a state of federal nature.

King Prithvi Narayan Shah defined Nepali state as a common garden of four *Jats* (castes) and thirty six *Varna* (races), which connote as the synthesis of the collective identities of the Nepalese peoples. It was not to mean a colony of Gorkha rulers. The four *Jats* mean *Brahmin*, *Chhetri*, *Baishya* and *Shudra*, the four tiers of Hindu caste system and thirty six *Varnas* mean different ethnic identities. These *Varna* identities were functioning as independent nations before the unification. Hence, the *Janajati* movement is trying to emphasise that these ethnic identities

should be defined as Nationalities rather than just the racial subjects.

Time has changed since the rule of Prithvi Narayan Shah. A vast difference can be easily observed in political, social and economic conditions of the 21st century from those of the 17th century. The globalisation of education, entertainment, social habits, communication and trade has changed the concept of citizenship and civil responsibilities of the state. The western concept of freedom has attracted the present generation of Nepal too. The 1990 constitution that was framed after the popular movement intended to make all the citizens of Nepal equal. The constitution attempted to make political parties the centre of the state affairs considering that political parties represented people. Prior to 1990, monarchy was the centre of the state. But the 1991 constitution recognised constitutional monarchy and Hindu state to accommodate the position of king and the definition of the state. Defining Nepal as the Hindu state with *Nepali* as the only state language was a manipulation from the palace to double ensure the power of monarchy as the Hindu king and as the incarnation of *Bishnu* for the divine right to rule. On top of that, the army was made directly responsible to the crown. These manipulations narrowed the power of parliamentary democracy and supreme sovereignty of the people. The discriminatory elements remained intact. Language, religion, culture and social position of one particular ethnicity i.e. *Brahmin-Chhetri-Thakuri* procured special privilege and advantage over other ethnicities such as *Dalit*, *Janajati* and *Madhesi*. The marginalised ethnic people felt that their status was of the second-class citizens. Even the major political parties who were successful in getting elected to the parliament ignored the voice of these people, making the ideals of democracy farcical. As a result, these people were compelled to agitate against the state.

A leftwing political party boycotted the mainstream politics from the second parliamentary election to wage the armed people' war for a republican state although it participated in the first parliament with a republican agenda through its open forum, *Jan Morcha Nepal*. The people's war of the Communist Party of Nepal- CPN (Maoists) lasted a period of ten years. In October 2003, king Gyanendra dismissed elected prime minister and appointed one prime minister after another at his own discretion, thus destroying the very democratic norms and values. In February 2005, the king chaired the cabinet himself killing completely the spirit of the 1991 constitution as if the *Panchayat* system

of the king's direct rule made a comeback. The parties took to the street for regaining democracy. These political upheavals brought out the debates on state restructuring.

Agendas of the Nationalities Movement

Secularism

Founding of the *Nepal Janajati Mahasangh* in 1991 was the outcome of the secularism movement. After the people's movement in 1990, the king constituted a constitution drafting commission for making a new constitution. On the second day of the opening of the commission office, the *Buddhist Youth Group* (BYG) of Kathmandu submitted a suggestion to make Nepal a secular state. The BYG called a consultation meeting with the *Dharmodaya Sabha* (Buddhist National Organisation) and national organisations of *Magar, Tamang, Gurung, Thakali, Tharu* and *Kirat*. The consultative meeting decided to call a large meeting for making Nepal a secular state in the new constitution. There were 135 organisations comprising Buddhist, Muslim, Christian, linguistic and ethnic communities including Dalits. The meeting formed an action committee to advocate secularism and to act as a pressure group. The committee organised a historical peaceful rally participated by more than one hundred thousands. The debate of the constitution-writing was soon overwhelmed by the issue of secularism, especially in civil societies. The debate got wide coverage in the media raising awareness among the stakeholders. At the same time, one of the ministers of the interim government representing the palace interest made a threat of self-immolation in case the constitution failed to define Nepal as a Hindu kingdom.

The commission submitted the draft constitution defining monarchy as Hindu, not the kingdom. The clause read, "Nepal is a multi-linguistic, multi-cultural, multi-ethnic Hindu monarchical ...Kingdom." The interim government made the only correction in the draft by adding "," in between Hindu and Monarchical making Nepal as a Hindu kingdom. This annoyed thousands advocating secularism. The action committee further got organised into a struggle committee and convened various workshops to agitate against the Hindu Kingdom provision of the constitution. Finally, the organisations of the *Janajati* communities held a national conference and declared establishment of *Nepal Janajati*

Mahasangh. There were seven founding organisations. The federation had fourteen council members, two each from the member organisations. Seven of the council members became the executive office bearers. Suresh Ale Magar, representing *Nepal Magar Sangh*, was selected to lead the federation in the capacity of General Secretary, while I, representing *Nepal Bhasha Mangka Khala*, was entrusted as Secretary. Satya Narayan Chaudhary, representing *Tharu Kalyankari Sabha*, became Treasurer.

Due to the strong relation with the secularism movement, the definition of *Janajati* is that *Janajatis* are the indigenous peoples of Nepal who fall outside the four *varnas* of Hindu caste hierarchy and who have their own religions other than Hinduism. The census of 2001 brings out ethnic distribution of the population with 38 % *Janajati*, 12 % Dalit, and 5 % Muslim and other religions. They support the secularism agenda. The remaining 45 % of the population are the communists and congressmen politically, who however support secularism. Their ideologies don't allow the Congress and Communist parties to support Hindu kingdom. The supporters of Hindu kingdom are thus in minority. The 1991 Constitution of Nepal is obviously a compromise between the king, Nepali Congress and United Left Front Nepal; Hindu kingdom is the concession given to the king.

It was 238 years ago that the concept of Hindu kingdom emerged from king Prithvi Narayan Shah declaring Nepal as the *Asali Hindusthan* to reflect that India lost the Hindu nationhood with the rules by the Muslim and the British. Shah kings and Rana prime ministers continued the process of establishing Nepal as a Hindu kingdom. The logic behind making Nepal a Hindu kingdom was to conceptualise the king as the incarnation of Lord *Bishnu* with the divine right to rule over the people. People were consequently categorised into four Hindu castes as *Brahmin*, *Chhetri*, *Baisya* and *Shudra* and coerced to respect a code of conduct called *Muluki Ain*, which gave differential social rights to the castes spread into hierarchy. The high positions of the government and the army were allocated to the high caste Chhetris and Brahmins respectively. Dalits were oppressed as untouchables and compelled to serve *Brahmins* and *Chhetris*. *Janajatis* were limited to laborious jobs such as carrying loads and to low rank of army with the status of *Shudra*. Newars were fitted into *Baisya* to engage in trade.

The *Panchayat* regime of the king also continued the concept of a Hindu kingdom. People were disappointed with the continuity of the Hindu kingdom provision in the new constitution framed after getting democracy. The provision brought forth confusion even on the rationality of democracy. Democracy and Hindu kingdom are always contradictory. The honesty of the leaders of the major political parties became questionable from their public speeches on the pride of Nepal being the only Hindu state in the world. The interim government led by Krishna Prasad Bhattarai of the Nepali Congress was instrumental in making Nepal a Hindu kingdom by inserting qualifying Hindu to the Kingdom rather than to monarchy as mentioned by the constitution drafting commission. Secularists found it dishonesty of the Brahmin and Chhetri political cadres. Since then, *Janajati*, Dalits and other religious minorities have been continuously agitating for secularism.

Equality among Languages of Nepal

The unfair treatment to the languages of the nationalities by the state has been a long-standing issue. Bhanubhakta's *Ramayan* in *Khas* or *Gorkha* language is credited to integrating Nepal with a single language. *Nepal Bhasha* writers were jailed and punished with confiscation of their property by the *Rana* regime. The first press printed literature in Nepal was a Buddhist text *Pragyaparamita* in *Nepal Bhasha* by Pundit Nisthananda Bajracharya. The sufferers for writing in *Nepal Bhasha* were Chittadhar Tuladhar, Baikuntha Prasad Lakaul, Kedar Man Byathit, Siddhicharan Shrestha, Yog Bir Singh Kansakar, Dharmaditya Dharmacharya, Phatya Bahadur Singh and many others.

The actual name of the present Nepali language was *Gorkha Bhasha*, but to give it a national status, it was changed into *Nepali Bhasha* while *Nepal Bhasha* was given a derogatory name of *Newari*. *Newars* of Kathmandu valley have been demanding proper recognition to their language. With the overthrowing of the *Rana* oligarchy in 1951, *Nepal Bhasha* and Hindi got some state recognition on radio broadcasts and literary magazines. The king's *Panchayat* regime made broadcasting and printed literature in *Nepal Bhasha* and Hindi illegal. *Newars* in the Kathmandu valley led by Prem Bahadur Kansakar organised public literary meetings in street corners and waged protests for years against it. The criticism of the government's language policy was taken as proxy to the criticism of the *Panchayat* system. The leaders of the

movement such as Hitkar Bir Singh Kansakar, Bhikshu Sudarshan were jailed and tortured. This movement gave birth to hundreds of young poets and language agitators. After the referendum on the *Panchayat* system following the student unrest in 1979, a young *Nepal Bhasha* activist Padma Ratna Tuladhar accompanied by Durga Lal Shrestha and Malla K. Sunder appeared in the scene and organised thousands of young Newar activists into *Nepal Bhasha Mangka Khalaa*. This organisation staged mass rallies to get state recognition to *Nepal Sambat*.

Encouraged by the language movement of the *Newars, Magars, Gurungs, Tamangs, Tharus, Rais* and *Limbus* also organised to write in their languages. After the establishment of *Nepal Janajati Mahasangh*, the language movements got momentum resulting in numerous publications of literary magazines in their languages. Lobbying by the *Nepal Janajati Mahasangh* instituted a commission on languages led by Bairagi Kainla during the elected government of the Nepali Congress. As per the recommendations of the Commission, new programmes were broadcast in various languages by the state radio. Textbooks for primary classes were also printed in various mother tongues to exercise the constitutional provision. But the democratically elected governments of the NC and the UML disappointed the language activists by making *Sanskrit* compulsory in the school and by broadcasting national news in *Sanskrit* respectively. The state's special treatment to *Sanskrit* language and its neglect to the demands of the *Janajatis* for more space of their languages were highly contradictory.

It is the language policy of the state that marginalises the *Janajati* peoples in education, government jobs, judiciary, etc. *Brahmins* and *Chhetris* with *Nepali* as mother tongue are in advantage and capture the positions in education, government and judiciary. Combined with the nepotism (*Afno Manchhe*) and language policy, 90 % of the government jobs and educational opportunities are in the hands of *Brahmins* and *Chhetris*. The state subsidy to *Sanskrit* schools, colleges and university and generous scholarships to the *Sanskrit* students have enabled the *Brahmins* to get advantage over other communities when it comes to recruiting government officials by the Public Service Commission due to the language paper and medium of examination. This is one of the strong reasons why *Brahmins* with *Sanskrit* degree monopolise government administrative positions.

To test the constitutional tolerance to the legal recognition of the languages other than *Nepali*, Kathmandu and Rajbiraj municipalities and Dhanusha District Development Committee used *Nepal Bhasha* and *Maithili* in respective local government bodies. A case was filed in the Supreme Court claiming that use of languages other than Nepali is unconstitutional. The Supreme Court decided against the recognition of use of non-Nepali language as unconstitutional. This decision of the Supreme Court was annoying to the language activists.

Nepal Janajati Mahasangh has been advocating a tri-lingual education policy and official use of local languages in the local government bodies. The tri-lingual policy suggests educating the *Nepali* students in mother tongue, second language (any other language of Nepal, can be Nepali) and English (as international language). Besides Nepali, one or two local languages can be officially recognised for local government bodies. The 1991 constitution had provision for primary education in mother tongue at the people's own effort without state commitment for resources.

Ethnic Autonomy

Being frustrated with the constitutional definition of Nepal as a Hindu Kingdom and Supreme Court's decision on the illegal status of non-Nepali languages, the Janajati peoples started reviewing the rationality of the present set-up of the Nepali state. The *Janajati* intellectuals and Brahmin political analysts felt the need of new state structures with the provision of autonomy to the ethnic communities. At the same time, the Maoists proposed a republican set-up along ethnic lines. They declared nine provincial autonomous governments on the basis of ethnic identities- two *Khasan* provinces (*Karnali-Bheri* and *Seti-Mahakali*) in the mid and the far west, *Magarat* and *Tamuwan* in the west, *Newar* and *Tamsaling* in the centre and *Kirat* in the east covering all the hills and mountains. *Tharuwan* and *Madhesh* cover the western and eastern Terai. Under each province, there are sub-autonomous regions (sub-provinces) such as *Lama* autonomous region in Karnali, *Magar* autonomous region in Karnali-Bheri. The minorities are represented in the provincial as well as sub-provincial committees. These provincial set-ups and local governance operated by the peoples' governments of the Maoists at different levels demonstrated the feasibility of the ethnic autonomies. The ethnic communities got the

impression that they can have functional autonomies in the *Nepali* state. The chief of the peoples' government in *Karnali-Bheri* province was a Dalit (Khadga Bahadur Biswokarma) whereas the chiefs in other provinces were from the major *Janajati* groups such as *Gurung* in *Tamuwan*, *Magar* in *Magarat*, etc.

There are numerous books and magazine articles on various models of provincial set-ups of the Nepali state. *Nepal Janajati Mahasangh* has facilitated many workshops and debates on state restructuring to raise awareness among its members. A Swiss professor of political science was also invited in a workshop to present on the Swiss model of inclusive democracy. Om Gurung, General Secretary of the *Nepal Adibasi Janajati Mahasangh* openly called upon the masses on the need of Nepal to be "Democratic Republic" where *Janajati* peoples will have autonomies similar to the ones laid out by the Maoists. On behalf of *Mahasangh*, Malla K Sunder, Keshab Man Shakya and Arjun Limbu prepared a paper on restructuring the Nepali state from the *Janajati* perspective and disseminated in a two-day national workshop. The paper suggested various elements of an ethnic autonomy at provincial and sub-provincial levels and minority rights for local governance; and representation (40%) in both the permanent constitutional assembly and the parliament.

The autonomous provincial governments can largely satisfy the concerns of the ethnic communities that are related to language, education and management of natural resources, social justice, development issues and representative governance. The central government that should focus on monetary, foreign relations and national defence issues should also be ethnically representative. There is need of a permanent constituent assembly for regularly interpreting and revising the constitution. These suggestions definitely entail a complete restructuring of the Nepali state

Conclusions

Restructuring the State

The demand for restructuring the Nepali state has become a serious topic of political discussions. The Maoists and the mainstream parties are right to advocate the need of a constituent assembly. Monarchy is quite unpopular. Along with restructuring the state, secularism, equality

of languages and ethnic autonomies need to be taken as the genuine issues of the *Janajati* peoples. Numerous models of state restructuring have appeared in the market reflecting various interests. However, most of the models have proposition for province/region and local level autonomies. Some models propose sharing of power at the centre including both houses of parliament and cabinet. Reservation in education sectors and government jobs is considered as important.

Equally important are the processes of restructuring and the inclusion of *Janajati* representatives in it. An election to the constituent assembly to write a new constitution is the most democratic process. How far the new constitution would go for representing the *Janjatis* needs to be seen

Inclusive Democracy

Democracy is the political ideal almost uncontested. Even the Maoists who launched the people's war for ten years now support democracy. The parliamentary parties see the need for making democracy inclusive by giving more space to *Janajati*, *Dalit*, *Madhesi* and women. The Nepali Congress (Democratic) demonstrated inclusive inclination for the first time by allocating seats for four communities in the central committee.

The term inclusive democracy is actually borrowed from Swiss democracy. In 2004, *Nepal Adibasi Janajati Mahasangh* organised a workshop on Swiss democracy where a Swiss professor of Political Science delivered lecture on Swiss democracy. Swiss democracy, which is also called inclusive democracy, is a confederation of local autonomies with the constitutional provisions for diverse languages and ethnic groups. Such a model of democracy just inspired the Nepali political intelligentsia. The constitutions of Belgium, South Africa, Spain and Afghanistan have since been of special interest to them for designing state structures and constitutional provisions inclusively.

The other suggestion is to rearrange the constituencies for increasing ethnic representation in the parliament. There are also suggestions for ethnic autonomies in province, sub-province and village levels to ensure inclusion. But it is the political parties that should come out with their models of inclusive democracy so that it becomes an interest of public debate.

Social Inclusion

Traditional Nepali social structures are quite exclusionary. Discrimination based on language, caste, religion and culture cause social exclusion. Untouchability practiced in various areas water tap, prohibition for entry into Hindu temples, etc. help exclude *Dalits*. The *Janajatis* feel that they are excluded from governance because of their backgrounds of language, religion and culture. Muslims and other religious minorities are also excluded in many ways. These communities are unable to get fair share in education, government jobs and occupations that produce negative impact on their economic, social and political advancement. On the other hand, we find that the high caste Hindu communities such as *Brahmin* and *Chhetri* are ahead in every sphere of public life. With their access to high positions of government jobs, political parties, army, judicial positions, they enjoy privileged life.

Social exclusion in Nepal is very much related to Nepali state as a Hindu kingdom and to monarchy designed under Hindu rituals. Nepali state will be an inclusive and democratic nation only when it becomes secular.

Minority Rights

There are many ethnic communities whose population is very small (less than 100,000). These populations will always find difficulty in getting their representation at national and regional levels. They can have some representation at village levels. For them to have representation at various levels of governance, the state should have some special provision. A commission has to be instituted to look into the minorities. Sadly, debates on minority rights have so far drawn little attention.