

# **CITIZENSHIP AND CAST BASED DISCRIMINATION**

## **A STUDY OF DALIT COMMUNITIES**

**Case studies from Western Nepal**

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## ABSTRACT

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The primary concern of the research was to describe different aspects of fulfillment of modern full-fledged citizenship of Dalit people in Nepal. The study is focused on 'citizenship' as a unified bond of civil, political and social elements. It is expected that the study will have an importance to offer proper justice to these vulnerable groups. The study was mainly based on qualitative research methodologies. It involves thematic analysis of participant and non-participant observation, semi-structured focus group interviews and a few case studies for an in-depth study of exclusionary practices and redefining gender relations. The quantitative data or statistics were taken only from standard and recognized sources to make the research reliable and therefore the analysis would be trustworthy as well. Both quantitative and qualitative data collected through 'data triangulation' process were carefully analyzed in descriptive and qualitative manner.

The findings indicate the political citizenship of Dalit people is improved better during the recent few years in comparison to social and economic aspect. Majority of the Dalits do not have an access to health and education. The Dalits are the poorest amongst the different caste groups in Nepal. Dalit women are the most vulnerable group. They suffer from alcoholism related family violence, have no right on reproductive health and encounter extreme discrimination in everyday social and economic life. Deep rooted Hindu cultural practices, inter-caste discrimination within Dalits themselves, illiteracy, lack of proper awareness among the people and ineffective Dalit leadership are major challenges towards providing full-fledged citizenship status to Dalit people in Nepal.

In conclusion the policies that are designed in central level without participation of the target group cannot prepare people for overcoming challenges in real life situations. It requires planning, resourcing the community to meet needs, increasing people's skills and capabilities, building community networks and providing support through social action groups in order to lead improving life quality of Dalit people. These all can be achieved by empowering individuals and more importantly women in the Dalit communities. Reforms in bureaucracy and more effective awareness campaigns are needed against discriminatory practices guided by culture and as a form of social system.

**Key Words:** Dalit, women, poverty, citizenship, Hindu-culture, marginalization, participation, education, community-network.

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## 1 INTRODUCTION

Drawing insights from valid and in-depth interview responses, descriptive thematic analysis of selected community cases and secondary data; this paper aims to describe different aspects of fulfillment of modern citizenship of Dalit people in Western Nepal. The primary concern of the research is to examine their long lasting struggle for globally accepted meaning and concept of modern full-fledged citizenship in post revolution era of Nepal.

The paper does not necessarily involve in the discussion over the controversial debate on authenticity and suitability of the term 'Dalit' as this is an imported and adapted term from Bhim Rao (B.R.) Ambedkar's definition for the so called untouchable casts in the neighboring country India. In relation to this study the term 'Dalit' refers to those people who are found in the lowest rank of so called social and cultural hierarchy system practiced for centuries in Nepalese Hindu society.

As defined by The National Dalit Commission, it also refers to the people belonging to those communities who, by virtue of atrocities of cast based discrimination and untouchability, are most backward in social, economic, educational, political and religious fields and are deprived of human dignity and justice (NDC).

After the collection of both quantitative and qualitative data by using 'data triangulation' process, they were carefully analyzed in both descriptive and qualitative ways. The primary data were analyzed qualitatively whereas the secondary data in both ways. The quantitative data or statistics were only taken from standard or recognized sources to make the research reliable and so forth the analysis would be trustworthy as well.

## 1.1 Nepal- Country Profile

Nepal is a politically unrest transitional republic in the heart of South Asia, sandwiched in between the People's Republic of China towards the north and the Democratic Republic of India in south, east and west. The country is the youngest republic after the fall of 239 years old monarchy in May 2008. The beautiful mystic land of temples, exquisite nature and enriched culture is now in the transition of division into feasible and proper federal states.

At present, Nepal is going through a historical transformation in the description of its political, legal and social make-up. The continuing transition towards democracy, best embodied in the constitution-making process, is a significant time to improve the status and conditions of the social endeavors that have been historically marginalized from political decisions and deprived of the full benefits of citizenship. The numerous culturally distinct groups that are regarded or regard themselves as Adivasi Janajati (indigenous peoples), Dalits (untouchables), women and madhesi are among the major groups, and they have become a powerful voice in demanding recognition and respect for equal citizenship status.

The government has recognized the social, economic and political rights of the marginalized and discriminated groups. The government also took steps to end traditional discriminatory practices such as banning bonded labor and committed itself to eliminating “untouchability”. Nevertheless, the effective promotion, protection and access of these rights remain a challenge.

On the other hand Nepal is a rich country but inhabited by poor people. The country is rich in biodiversity and socio-cultural diversity. Majority of the people live in rural areas and rely on subsistence farming for livelihood. Although Nepal is abundant in resources- both natural and human- many of its people are deprived of access to basic needs and social services. In the meantime, Nepal has been characterized with poverty since decades and it is obviously amongst the central priorities of the country. Foreign

aid, tourism and remittance have been the foundation of national budgeting since decades in Nepal which clearly educes status quo Nepal. Differently today, understanding poverty from the view of human rights, poverty is recognized as injustice and includes marginalization, discrimination, and exploitation as central causes of poverty- which is known as Right Based Approach (Boesen & Martin 2007, 9). In Nepal, nearly one third of the population (30.8%) lives under poverty line and these are marginalized in at least one way or another (Nepal in Figures 2008, 2). Meanwhile, the high Ginny Coefficient of Nepal (41.4) indicates the inequality between the rich and poor or non-uniform distribution of income. Similarly, Nepal's Gender- related Development Index (GDI) value is 98.6% of its HDI value, which is notably high. The gender empowerment measure (GEM) for Nepal – ranks 83rd out of 109 countries- is 0.486 (Human Development Report 2009, UNDP). These figures exhibit the inequalities in achievement between women and men.

The marginalization in Nepal is further more complex than inequalities for women. According to Rural Poverty Portal powered by International Fund for Agricultural Development (IFAD), the most vulnerable and marginalized groups in Nepal are the lowest social castes, indigenous peoples and women. The Madhesis are also regularly vulnerable and marginalized groups in Nepal (Rural Poverty Portal).

This clearly shows the existing complex structures of marginalization in Nepal. However, the reasons and intensity of this marginalization can differ respective of the culture, economy, geographical locations, government policies, history, social norms or similar presented factors. Various research studies by national and international scholars and anthropologists clearly indicate that Dalit communities are the most disadvantaged and vulnerable extremely excluded groups in every aspects of the society.



## 1.2 Background

Marginalization of individuals or groups can be defined as the denial or lack of opportunity for these individuals or groups to fully participate (economically, politically and socially) in the society to which they belong. The lack of full participation means that the marginalized have less ability to even access basic societal resources, such as food, clothing, shelter, and health services. Often the marginalized are seen as outsiders, outcasts, or second-class citizens in the state or country of their citizenship. It stands to reason that if there is a marginalized group then there is also a non-marginalized group. This coupling cannot be dismissed in a discourse on marginalization because the main organizing principle in marginalization is the uneven distribution of employment, development, privileges, power, infrastructures and opportunities of all kinds in favor of the privileged, the advantaged, or the sociological majority (Tunga, 2009).

The recent research study carried out by the Action Aid, Nepal on caste based discrimination, reflected 205 existing practices of caste-based discrimination in the eight sample sites. Of these, 54 are related to denial, which includes 10 related to entry, 14 to services, 6 to access to common resources, 10 to kinship and other relationships and 14 to participation. Out of the 205 existing practices of caste-based discrimination, 9 are related to forced or discriminatory labor, 20 to dominance, 20 to inhuman treatment, 3 to social boycott, and 18 to attitudinal untouchability. Out of the 205 existing practices of caste-based discrimination, 81 are discrimination in different fields. It includes 18 related to occupation, 11 to educational institutions, 10 to political rights, 14 to government policy and programs, 7 to government and NGO offices, 13 to development programs and donors, and 8 to religious and cultural activities (Action Aid Nepal.)

According to the case study carried out by Indian Institute of Dalit Studies, some major issues related to Dalits have been incorporated in the Interim Constitution but many issues raised by the Dalit movement of Nepal are often left out as usual. The Nepal Government has generally ignored to implement the positive constitutional rules strictly and effectively. Nepal is a signatory state to a number of international conventions re-

garding to the Dalits, but there are problems in its implementation. During 12 years (1990-2002) of parliamentary process, no legislation related to Dalits was tabled and passed.

The hallmark of the Universal Declaration of Human Rights has now travelled glorious 61 years with the dreams of bringing equity and justice to all human beings regardless of their origin, ethnicity or status (OHCHR). Likewise, the further development has been the nine-core international human rights treaties with some of them supplemented by optional protocols dealing with specific concerns. The vision of UDHR has always fostered and resulted positive changes. However, the situation of the bottom billions – in the economically underprivileged regions, for example, Nepal is different. A distinct and a distinct proportion of the population is still destitute of their fundamental human needs and rights. In particular, these groups are more likely characterized by the key features of marginalization and discrimination in an alarming manner. Clearly, this condition not only needs concern but also more efforts to bring positive change.

During the past few years, Nepal has come out of its war savaged conditions. The circumstances of human rights are getting better after the post-war conditions. It is a historic moment for Nepal to design inclusive and participatory democracy and development. The Constituent Assembly Election has broadly represented women and other historically marginalized groups. Nonetheless, the appropriate division of the country into federal units remains a big challenge. Similarly, the distribution of these federations has a significant role in addressing the needs and rights of the people of Nepal.

As reported by the Office of the High Commissioner for Human Rights- Nepal:

The situation of human rights in Nepal has changed dramatically in the past three years, with the ending of the conflict. The human rights environment has also altered considerably. Conflict related violations have virtually ceased. The peace process has, among other things, resulted in an interim constitution that recognizes fundamental rights and freedoms. And the election of a Constituent Assembly has been more inclusive than any

previous legislative body. The re-establishment of democracy and the restoration of a viable National Human Rights Commission (NHRC) are equally significant. All of these serve to improve the human rights environment (OHCHR- 2010, Nepal's journey towards respect for Human Rights).

I agree with the statement from OHCHR but the weak point of the statement is that it has been either failure or turned blind eyes towards the situation of the most vulnerable people. The concept of human rights must not be simplified just with the situation of not having any armed conflict neither should it celebrate with so called democracy. Almost all Dalit people that constitutes more than 13% of the total population of the country, is still suffering from extreme marginalization, discrimination and exploitation. Deprivation of basic human rights such as food, shelter, education, health is common while suffering with obligatory work as a landless farmer (agricultural worker) in a new form of bonded labor. Their participation in decision making at any level is still either denied or not yet the reality in practice. In fact these Dalit people are not yet recognized as modern citizens.

These malpractice under the protection and encouragement of socio-cultural structures divided people into social groups of castes, which assigned the rights of these group by birth. The mechanism is fixed and hereditary. The practice of legal rights for these groups has been also unequal. The doctrine of inequality is at the core of the caste system. Dalits are often forcibly assigned the most dirty, menial and hazardous jobs, such as cleaning human waste. The work they do adds to the stigmatization they face from the surrounding society. The exclusion of 'caste-affected communities' by other groups in society and the inherent structural inequality in these social relationships lead to high levels of poverty among affected population groups and exclusion from, or reduced benefits from development processes, and generally precludes their involvement in decision making and meaningful participation in public and civil life (IDSN.)

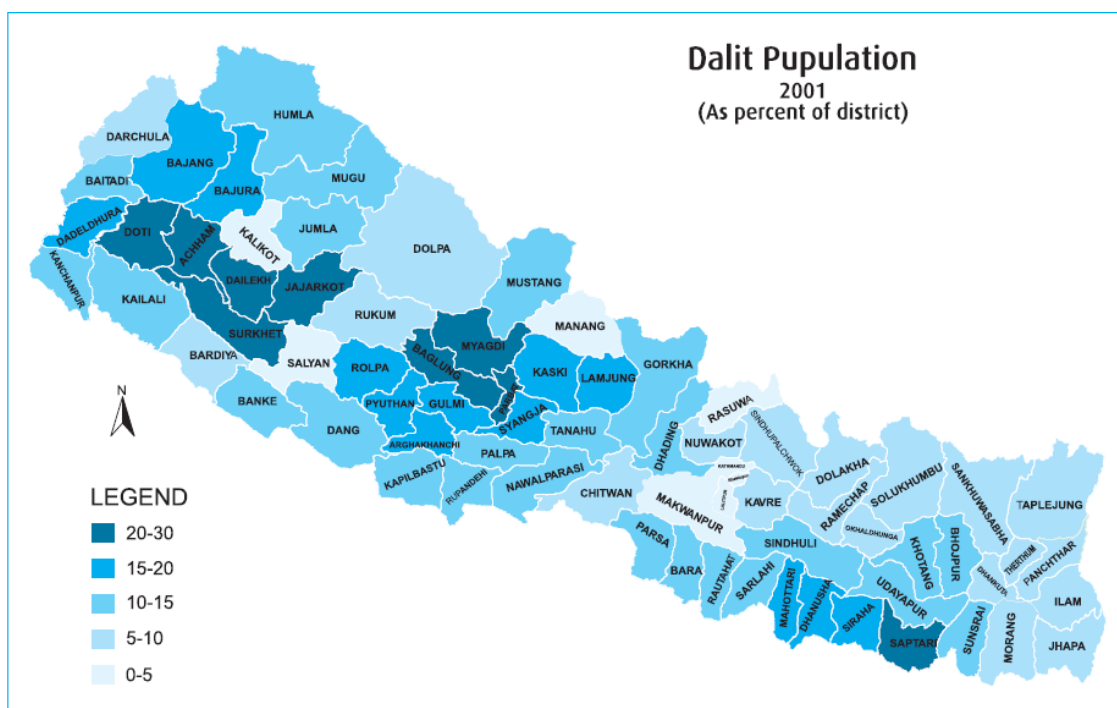


FIGURE-1: Distribution of major caste and ethnic groups in Nepal (Bhattachan 2008).

The National Dalit Commission has rectified these problems and tentatively identified 22 Dalit castes that include five of the Hill origin and seventeen of the Madhesi origin. Practice of caste-based untouchability between Dalits and non-Dalits is of binary nature, whereas it is very complicated among the Dalits. The leaders of the Dalit movements and experts on Dalit issues estimate that Dalits comprise one fourth of the total population of Nepal. However, the census data of 2001 shows that it is 14.99 percent. Kami and Sarki in the Hills and Chamar/Harij, Mushahar, Dusadh/Paswan/Pasi in the Terai are five Dalit castes with large population that ranges from 100,000 to more than a million. Viswakarmas, especially the Kamis, Damais/Dholis and Sarkis of the Hills are the only Dalit castes whose populations are distributed in all 75 districts of Nepal. Out of 183,301,212 total Hindu population of Nepal, Dalit Hindu population is 2,769,596. (IDSN 2009).

## 2 THE MEANING OF CITIZENSHIP

Basically this research is designed on the base of T. H. Marshal and Engin Fahri Isin's understanding or approach of defining citizenship as a unified bond of three elements: civil, political and social citizenship in relation to the Dalit people of Western Nepal.

Liberals believe that citizenship is a status entitling each individual to the same formal rights that are enshrined in law. The function of the political realm is to protect and maximize individual interests. Citizenship is conceptualized at the level of the nation-state that gives emphasis for independent and self-interested individuals, equal rights and rule of law. Whereas, communitarians believe that citizenship arises from an individual's sense of identity and belonging to a community, to a group. Citizenship is socially-embedded: an individual's identity is produced through its relations with others of individual interests. Group identity and group rights, sense of belonging and common good rather than the pursuit should be emphasized. Similarly, civic republicans argue for citizenship is an overarching civic identity shaped by a common public culture (stronger than separate group identities) and produced by a sense of belonging to a particular nation-state. Citizenship is defined by rights and obligations, leading to the idea of citizenship as a practice. Responsibility and civic virtues and participation in public affairs are always prioritized in their arguments (Jochum, Pratten and Wilding 2005: 8.)

As stated above the research primarily intends to describe different aspects of fulfillment of modern citizenship in relation to Dalit people in Western Nepal. It is well accepted that the inclusive participation and representation of the marginalized groups in Nepal has important factorial value for the real progress of Nepal. Meanwhile, the division of Nepal into federal units can have an effect on empowerment and alienation of certain existing groups- based on caste, culture, religion or tribe. Understanding the significance of this theme the research is designed in order to get more authentic information in all three aspect of their citizenship.

## 2.1 Analyzing civil citizenship

The concept of 'citizenship' consists a board meaning in this world today. Not only being a member of a nation-state is enough but also it demands for right to equal participation and unobstructed opportunities to enjoy the services and facilities offered by the state. The sense of belongingness to the concern state along with legal and moral duties and responsibilities is required. The recognition and respect to different cultures, ethnicity, gender, linguistic and many other identities is also essential.

Many poor and vulnerable specially women and low cast people and ethnic minorities are always either excluded from the main-stream politics or under estimated and ignored in many cases. Lack of access to the opportunities especially in education and employment participation in decision making has been also the core reason of increasing exclusion. Ownership to the capital resources mainly to the land is another ever debited and very complex issue in the field of inclusive social policies. (Byrne, 2005)

Women empowerment is the core issue in today's world. Participatory community development and concept of grass root democracy are very inter linked issues with the theory of full fledge citizenship i.e. right to participation in decision making for all the citizens regardless of gender and ethnicity.

T.H. Marshal in his article 'Citizenship and Social Class' states that:

The civil element of citizenship is composed of the rights necessary for individual freedom-liberty of the person, freedom of speech, thought and faith, the right to own property and to conclude valid contracts and the right to justice (T.H. Marshal, 1949).

Human rights are the basic rights and freedoms to which all humans are entitled (Houghton, 2006). It is the coherence of people's civil, political, economic, social and cultural rights.

Despite the fact that all human rights treaties and instruments proclaim the principles of equality and non-discrimination, in many countries, laws and practices still permit or tolerate discrimination or in countries like Nepal the practice of the treaties still remain a big challenge.

The basic civil rights of the citizens also include the right to work and follow the occupation of personal interest. In contrary of this Dalit people in Nepal don't really have this right in practice. They are obliged to follow their own traditional work such as sewing clothes, metal work, making shoes etc. while having no respect at all for this valued work. Rather they are very often harassed because of the same traditional occupational belongings. If not they have to work for the land lords as a low paid agricultural workers in most of the cases still as a new form of bonded labor or they should choose the Gulf countries as a destination in search of work again to be exploited in various ways in the capitalist industrial economy.

The state in its interim constitution of Nepal 2007, has orchestrated the fundamental rights of Dalit to basic social services, equality and participation, however, the rights are yet to be translated in real practice. And the big gap remains between the qualitative part and the quantitative distribution of these services and promises.

## 2.2 Socio-cultural composition

Nepal has been characterized with its hierarchical composition in different proxies of social composition. The tree structure of hierarchy exists in every society on the basis of caste/ethnicity, religion, language, sex. In each of this composition there exist a dominant group and the marginalized group. Interestingly, the most dominant and powerful caste groups of Nepal, Bahun-Chhetri and the most discriminated caste groups, the Dalits fall under the same racial group.

T. H. Marshal in his article further states:

By the political element in citizenship I mean the right to participate in the exercise of political power, as a member of the body invested with political authority or as an elector of such a body (T.H. Marshal, 1949).

The discussion of discrimination is directly linked with marginalization. Poverty, underdevelopment, social exclusion and economic disparities are intrinsically linked with discrimination. Marginalization normally is the condition shaped as an outcome of discrimination. As discrimination leads to economic deprivation, poverty increases discrimination, exclusion and marginalization as a whole. A marked characteristic of virtually all communities living in extreme poverty is that they do not have access on equal footing to the government institutions and services that protect and promote human rights. This inequality of access makes it difficult to seek redress against injustice, participate in public life, and influence policies. However, it is not only the poor who suffer as a result of discrimination. People can be discriminated against on multiple grounds, including race, color, descent, national or ethnic origin, gender, language, religion, political or other opinion, social origin, property, disability, birth or other status. The combination of different forms of discrimination renders certain groups particularly more vulnerable to discrimination and simultaneously to marginalization. For example, racial discrimination often affects women more than men. (High Commissioner's Strategic Management Plan, 2008-2009, 20.)



In principal and policies, Nepal as an actor of multiparty competitive democratic process, every citizens including Dalit people have right to participate in electoral process either as a candidate or voter or in other various possible democratic ways. In practice Dalit people mostly can not really enjoy these rights primarily because of the awareness level and lack of education in these communities. In many cases most of the Dalit people are misused as a vote bank by the political parties.

Moreover, since there has not been any local election since the last 14 years due to a long transition in national politics no citizens are able to enjoy this right as a citizen for the this one and a half decade in Nepal. The local governing is running through all party mechanism formed in local level accompanied and coordinated with civil society movement and NGO activities that completely lacks the participation of Dalit people. Fundamentally Dalit or Dalit led NGOs are mostly city centered and grassroots Dalit people have complain that they are either unable to represent real Dalit people or are too opportunist and selfish in nature.

### 2.3 Issues of economic and social welfare

While talking about the issues of economic and social welfare, the Dalits are the most under privileged group in Nepal. Dalits are always far away from the average stander of Nepalese society. The government claim of 21% absolute poverty is mostly backed by nearly 13% of Dalit population. Right to education, health and justice is very rare. Women, children and elderly people with in this community are always the most vulnerable group.

T.H. Marshal understands social citizenship as:

By the social element of citizenship I mean the whole range, from the right to a modicum of economic welfare and security to the right to share to the full in the social heritage and to live the life of a civilized being according to the standards prevailing in the society (T.H. Marshal, 1949).

Poverty is the state, condition or cycle, which is characterized by severe deprivation of basic human needs, including food, safe drinking water, sanitation facilities, health, shelter, education and information. It depends not only on income but also on access to services.

Poverty is frequently both a cause and a consequence of human rights violations. It erodes or nullifies economic and social rights, such as the right to health, adequate housing, food, safe water and the right to education, as well as civil and political rights, such as access to justice, and the rights to a fair trial, political participation and security of the person. Henceforth, the poverty-reduction strategies in different levels now integrate this human rights understanding in order to foster inclusive and sustainable economic growth that guarantees equal opportunities and rights for all. As a result the recent outputs of human rights mechanisms on issues connected with poverty have promoted the right to development as an essential human right. (High Commissioner's Strategic Management Plan, 2008-2009, 19.) It is also referred as right based approach in development.

The United Nations defines caste based discrimination as discrimination based on work and descent, which also applied to the context of Nepal. The caste system and practices in Nepal are the rigid outline of economic and social governance and also hierarchical order of being important. These groups are the lower caste groups in the caste structure of Hindu hierarchy who are tagged untouchables and are deprived of representation and participation in educational, economic, political, social and religious arena and deprived of human dignity and social justice due to caste based discrimination. This way, the economic and social citizenship of Dalit people is denied for centuries in Nepalese society.

### 3 ONGOING CHANGES IN POLICY FRAMEWORK

#### 3.1 Nepal interim constitution

Dr. Mary M. Cameron, a senior anthropologist of Florida Atlantic University USA in her article 'Considering Dalits and Political Identities In imagining a New Nepal'-2007; states that:

Events of late in Nepal suggest that there is no period like the present when Dalits, who have been dehumanized by the words in religious books, who are oppressed by people in their communities, and who remain virtually unprotected against discrimination by the state's ineffective criminal justice system, might imagine a better world than the one they have known for perhaps centuries. The current period is one of hope and potential. As lawmakers in Kathmandu for the past year have calculated community representational proportions, group prerogatives, legislative seats for urban and "backward" regions, and the proportion of representation by Dalit and Janajati leaders, the exchange of ideas has become invigorating (Cameron 2007. )

As Dr. Cameron expects, the Interim constitution of Nepal has clearly mentioned that, all citizens shall be equal before the law. No person shall be denied the equal protection of the laws. No discrimination shall be made against any citizen in the application of general laws on grounds of religion, race, sex, caste, tribe, origin, language or ideological conviction or any of these. The State shall not discriminate among citizens on grounds of religion, race, caste, tribe, sex, origin, language or ideological conviction or any of these.

Provided that nothing shall be deemed to prevent the making of special provisions by law for the protection, empowerment or advancement of the interests of women, Dalit, indigenous ethnic tribes, Madeshi, or peasants, laborers or those who belong to a class

which is economically, socially or culturally backward and children, the aged, disabled and those who are physically or mentally incapacitated.

There have been remarkable developments in Nepal since 2006. Emerging from a decade-long conflict in which some 13,000 people lost their lives, an estimated 1,500 disappeared and thousands were displaced, Nepal has grasped the opportunity to renounce armed conflict and move towards peace and democracy, based on the Comprehensive Peace Agreement (CPA) of November 2006 that committed all parties to respect human rights. The election of a Constituent Assembly that also functions as a legislature-parliament and is broadly representative of the people of Nepal constitutes an important advance. At its first session on 28 May 2008, the Assembly voted to end the 239-year-old feudal monarchy of Nepal and to establish a Republic. In August a new Government, led by the former revolutionary, Communist Party of Nepal-Maoist (CPN-M) was formed. The Government has made important commitments to respect human rights. Its program, presented to the Constituent Assembly in September and reflected in its first budget, broadly takes into account the progressive fulfillment of economic, social and cultural rights (OHCHR 2008, Annual Report).

### 3.2 Nepal government plans and policies

The government of Nepal endorsed the UN Millennium Development Goals and is committed to work towards achieving the Millennium Development Goals (MDGs) by 2015. The marginalized groups are not currently reached by the social services and bringing these groups into the development mainstream is seen as key to attaining the MDGs.

The Tenth Plan and Poverty Reduction Strategy Paper (2002-2007) and the current Three Year Interim Plan is built on four inter-related pillars, and the most significant change from previous plans is the addition of Pillar-3:

1 High broad based and sustained growth

2 Improvement in access/quality of infrastructure and socio-economic services in the rural areas

3 Greater social and economic inclusions of the poor, including dalits and disadvantaged Janajatis

4 Promotion of good governance to improve service delivery, efficiency, transparency and accountability

After the revolution in 2006, along with various other policy reform and steps towards more equal and just society; there has been lots of inclusive policy formation considering the equal right of Dalit people as other citizens along with number of positive discrimination clauses.

### 3.3 Election to the Constituent Assembly

The successful holding of the twice-delayed Constituent Assembly elections on 10 April 2008 constituted an important advance in the peace process. The high voter turnout -63 per cent of 17.6 million eligible voters, of whom 53 per cent were women - and the largely peaceful environment in which the election was conducted, were significant achievements. Amendments to the election laws ensured broad representation of previously marginalized groups, including women, Dalits, Janajatis (indigenous peoples) and other marginalized communities, in the Assembly. Out of the 575 seats of the Assembly, women hold 33 per cent, Janajatis 33 per cent, Dalits 8 per cent and Madhesis 34 per cent of the seats. After years of conflict, the display of respect for democratic principles through an election which also accorded representation in unprecedented numbers to women and other historically marginalized groups including dalits is to be hailed as an historic accomplishment.

The drafting of a new Constitution presents a unique opportunity to enshrine the human rights and fundamental freedoms of all Nepalese within the national legislative framework. The process of constitution-making marks the transition towards democracy in Nepal as well as the reformulation of the country's identity along lines that are more representative of the country's plurality. This process, unprecedented in the country's history, is one of both opportunities and challenges as policymakers, civil society actors and community leaders confront challenges in the state's policies and societal structures that are strongly rooted in the past. Dalits and Indigenous peoples are striving to be full participants in this process, and to achieve self-determination and protection of related collective and individual rights within the framework of a pluralistic Nepali State.

The government of Nepal is fully committed to protect and promote the human rights of its people under all circumstances with constitutional and legal guarantees and implementation of the international human rights instruments to which Nepal is a party.

### 3.4 The state of transition

Despite the historic achievement in the political atmosphere of Nepal in these last couple of years, the country now is struggling to find a consensus among political ideologies. The recent time has been hard hit by series of blockades, strikes and protests not only from identified groups and communities back led by major parties but also with mushrooming protest and strike culture amongst smaller group representing their personal or communal interest. The proliferation of separatist armed groups in Terai region demanding for separate Madhesi state is also a constant hurdle in the way forward. The constituent assembly election successfully brought a government and the constituent assembly also as a legislative parliament. The hope of people has been high to see an accountable government and parliament addressing the complex and chronic problems of political instability, poverty, corruption, bad governance, mounting foreign debt, underdevelopment and widening inequality and discrimination based on caste, ethnicity, language, religion, gender, class and region.

The nomenclature of Nepal from kingdom to republic and the road map to New Nepal have brought significant changes in the structures, representation and policies in the macro level. Nepal has signed and ratified important human right treaties. However, the grass roots of Nepal still remains jeopardized with old scenario.

On the other hand, impunity, lawlessness, unaccountable authorities, violence/counter-violence and still serious violation of human rights have escalated. And of all these, the marginalized groups are seen to be most affected creating more friction in between the authority and these vulnerable groups. The representation and participation of marginalized groups in all levels is still a big challenge.

Another significant step is to eliminate all forms of discrimination and inequality based on caste, ethnicity, language, religion, gender, region and class that has persisted for centuries under a patronage of the unitary, predatory Hindu culture. These are indeed breeding grounds of strikes, protests, insurgency and violence. Therefore a focus on



addressing human rights issues that lay at the root of the conflict and are the key to sustainable peace and development, including impunity, structural inequalities and discrimination, must remain central during the transition period.

#### 4 REVIEW OF PREVIOUS LITERATURE

As stated above this specific research has the aim to analyze the citizenship status of Dalit people in Nepal based on T.H. Marshal's understands of citizenship as an unified bond of civil, political and social elements. Definitely there has been a lot of research over the issue of Dalit people both by the national and international scholars, sociologists and anthropologists but those previous research studies were mostly unable to implement the approach of participatory and emancipatory action research. Instead, the Dalit people were objectified and their empowerment agenda were not really included as a part of research.

The issues of marginalization and human rights in Nepal have been traditionally an area of concern for the local, national and global communities. The institutions closely monitoring, evaluating and studying this theme ranges from the United Nation - representing global concern- up to local NGO -working on the grass root level. Prof. Dor Bahadur Bista, who is considered as the father of anthropology in Nepal, has described the history of hierarchical caste system and power structures in his book *Fatalism and Development*. Similarly Dr. Krishna B. Bhattachan has diagrammed the marginalized groups of Nepal in his research titled *Indigenous people and Minorities of Nepal*. And there are numerous research reports on marginalized groups in separated level under discriminated caste groups, indigenous groups, Madhesis and women. There is adequate literature to describe this research topic but the previous research studies missed the proper correlation of marginalized groups and their status as a full-fledged citizenship more specifically in relation to Dalit communities.

Since, both Nepal and India share similarities in its nature of societies, B.R. Ambedkar's indicative on inclusive social policies, including the way towards modified form of 'state socialism' (Oxford university press, 2008) and series of his other research in and around the topic also has greater influence in this research.

Similarly the studies carried out by the Indian Institute of Dalit Studies have significant contribution towards making this research more advance. The data and information from IIDS is largely used and analyzed.

Number of research reports and article over the issues of Dalit people by UNICEF and ILO over the issue of Dalit people are very relevant to this study. Similarly various article and research studies over Nepales civil society and matter of citizenship by number of Nepalese anthropologists and scholars also has high value to make this research more extensive but specific.

Senior Nepalese anthropologist and civil society activist as well as a former member of state restructure recommendation committee; Krishna Hachhethu in his article 'Civil Society and Political Participation' states that:

Currently civil society is engaging on the most ambitious state restructuring project addressing several complicated and interrelated issues, i.e. human rights, peace and conflict resolution (directed against the continuation of the Maoist violent insurgency and militarization by state); and constitution amendment or framing of a new constitution through election of constituent assembly. Civil society's agenda of state restructuring is progressive and radical than parties (Hachhethu 2006.)

Nepal government, National Dalit Commission (NDC) is the prime actor actively involved towards the activities for ensuring equal citizenship status to all Dalit people in Nepal. NDC has clarified its main objectives as; to increase the active participation of socially, economically, politically, educationally most backward Dalit Community in the mainstream of national development by preserving and augmenting their fundamental rights provisioned in the prevalent law and constitution and create the environment favorable to Dalit community to enjoy the equal rights, self-esteem, services and privileges as equal as other social groups in the Nepal's human development index (NDC.)

Dr. Mery M. Cameron's series of research studies including the recent article entitled; Considering Dalits and Political Identities In imagining a New Nepal-2007, also has valued contribution to make this research more valid and reliable. In this article Dr.

Mary has deeply analyzed the dependency of Dalit people on feudal elites, so-called high cast people in Western Nepal. In the name of tradition (riti) and culture these Dalit people are obliged to work for the land lords, have no human dignity and suppressed in many ways (Cameron 2007.)

Mr. Yam Bahadur Kishan, a Dalit right activist and the member of National Dalit Commission has briefly analyzed the legal and constitutional arrangements in relation to Dalit people in his new book titled 'The legal and constitutional arrangements in relation to Dalit rights: an analysis' published in 2008. In his study Mr. Kishan critically examines all the legal and constitutional management in regards to discriminatory practices target to Dalits and also the initiatives made for granting rights to them. Interestingly, he notices many discriminatory loopholes for allowing discrimination to Dalit people even in the current interim constitution of Nepal. Considerably most progressive constitution designed after the people's revolt in 2006 guarantees the basic human rights and democratic values while having special provision for inclusive proportionate participation and affirmative action for Dalits, women and indigenous nationalities. Still, Mr. Kisan finds the article 23(1) of the constitution indirectly promoting and protecting cast based discrimination and untouchability along with very many superstitious practices. The article 23(1) states that:

Every individual will have freedom to follow, practice and protect his or her religion giving respect to the centuries old cultural and tradition (article 23 (1), interim constitution of Nepal).

Mr. Kishan notices that even if this statement directly means every citizen will have freedom of religion, indirectly it encourages continuing the evil practice of untouchability and cast based discrimination target to Dalit.

The great anthropologist and minority right activist (late) Dr. Harka Gurung's publications are of high value in this particular study. In his article The Dalit Context Dr. Gurung has briefly analyzed the confusion about who are the Dalits, created by the Hin-

du regime and its ideologues. He starts his paper with following poem to better explain the vulnerability of Dalit people in Nepalese society:

If You had to give me this birth, Why give me birth at all? You cast me away to be born; you were cruel. Where were You at the time of my birth? Who did You help then? Chokha says: O Lord, O Keshava, don't let me go – Chokhlmela (a verse adapted from Hindu literary book- Gita Govinda, by 12<sup>th</sup> century poet Jayadeva of India, cited in: Gurung n.d. The Dalit Context.)

## 5 RESEARCH METHODOLOGIES AND DATA COLLECTION

### 5.1 Methodologies

The study is mainly based on qualitative research methodologies. The study involves participant and non-participant observation, structured and semi-structured interviews, focus group discussions and community case studies for an in-depth study of exclusionary practices and redefining gender relations.

This is a descriptive and qualitative study of the subject. The descriptive part is involved in collection of data to find the answers of questions concerning the current situation of marginalization. Similarly, the qualitative part will be used to analyze and find detailed answers on the particular topic. The data will be collected in both primary and secondary levels. The quantitative data or statistics are also collected as secondary data, which then are analyzed during the process of study.

In the context of Nepal both unstructured and semi structured theme interviews were used to collect the data. The interviews included mainly qualitative open ended questions. The qualitative open ended questions were asked to the local people, human right activists and workers, social -mobilizers, representatives of relevant organizations and NGOs. The open ended questions gave each interviewee an opportunity to answer the questions in a free manner. While interviewing the local people at the grassroots, unstructured interviews were used.

The questions changed or adapted to meet the respondent's intelligence, understanding or belief. This provided them an atmosphere of ease. It helped to continue the lively environment and spontaneity of the conversation. The interviewee had the control over the scenario and the questions were asked looking at the very atmosphere. The majority of questions were created during the interview, allowing both the interviewer and the

person being interviewed the flexibility to probe for details or discuss issues. It prevented the limited, pre-set range of answers from a respondent and also helped them to express their deep views and thoughts.

Meanwhile, the human right activists and workers, social -mobilizers, representatives of relevant organizations and NGOs were interviewed in semi structured frame. This method also produced two way conversations and was very useful to collect answers to specific topic. However, the questions did not follow a proper sequence, structure and style. But in all the cases the theme was closely maintained.

The secondary information was collected from the existing literatures. The quantitative data or statistics were collected from reliable sources. The assessments, documents, reports and surveys of relevant I/NGO, national/international government bodies and local/international media were studied. More specifically, to maintain the standards and reliability of the definitions and concepts different UN and UN sister organizations were consulted often.

The descriptive frame has been used to find the answers of questions concerning the current situation of marginalization. The attained statistics were thoroughly described or reported thereafter. Similarly, the qualitative part was applied to analyze and find detailed answers on the particular section.

The assessments and reports from different Aid Donor Countries, Aid Agencies, NGOs, INGOs, local and International Medias and Government of Nepal are used. Similarly, the pre-existing research reports and findings were consulted for the information. The available documents and surveys carried out by different stakeholders such as UNICEF, UNDP, OHCHR, NDC, IIDS, ILO etc are used and analyzed.

## 5.2 Research process, data collection and analysis method

The preliminary phase of this specific research already dates back to the year 2008. The intention behind by then was not for the thesis work for DIAK DSS degree but for some other personal and professional reasons concerning to the writer. The participants involved in this research process were fully aware and informed in advance that this will possibly be a part of academic or professional research project in future. This way there remains no place for questioning about research ethic. My involvement as a community development activist in Nepal as a senior founder member of an NGO named Center for Rural Development Nepal (CRDN) has a great influence in this study. During 2 years period of September 2008 to 2010, I visited various Dalit communities in rural villages, observed the local scenario, and conducted various focus group interviews and discussions in the Dalit communities of western Nepal. During the same time, I also have experiences of evaluating few participatory community development projects with the target group during that time. This way the writer's practical experience from the grass roots is largely included in this research in a form of descriptive and thematic analysis of the subject.

Center for Rural Development Nepal (CRDN) is an NGO established in the year 2007 having its field office at Chhoprak VDC-02, Gorkha, a western hill district of Nepal and a central office for contact and coordination in Kathmandu. The NGO was established in order to bridge the gap between local people and government agencies and put in to practice the concept of participatory community development approach. Even the latest census report 2011 states that more than 80% Nepalese population lives in rural villages. Most of these villages lack modern infrastructures of development and the local government bodies are so ineffective. In such circumstances, our motto in CRDN is: 'rural development is the only foundation for nation development'.



CRDN's expanded projects and areas of functioning include; women empowerment, resourcing local youth clubs in order to increase their participation in decision making and strengthening their leadership capabilities. Movement for Dalit right is also the prime area of concern to CRDN today. We design all our projects as a practice of participatory community development. We believe in stronger multi professional network cooperation for successive implementation of any project. In the recent days we are functioning as the most trusted mediator and facilitator in between the local communities and government bodies as well as large scale INGOs and international development agencies. This specific research largely includes my experiences, understanding and learning outcome at CRDN as a senior member of the executive committee and In-charge for Planning and Cooperation Development. I have been involved in this organization since July 2007. My active involvement to the organization starts as a senior founder member. Since the beginning, I have been handling various organizational responsibilities in: organizing youth activities, coordinating women and adult education, training and counseling rural women, strengthen organizational network and so on as per the demand of local people and decision of CRDN executive committee.

My special interest in rural community development context is related to women empowerment and initiatives to promote youth participation and leadership in rural villages of western Nepal. Moreover, I believe in multi professional action network to better perform in any kind of social work or community development work. At the moment my initiatives are continued for establishing better public relation and expanding and advancing multi professional network cooperation to the organization. My major duties include projects planning, evaluation and analysis. I always aim to make contribution towards stepping forward with new approach and dimension in rural community development work that would give more effective result on behalf of most needy Dalit people in rural communities in western Nepal.

We are to take deliberate and conscious steps for the promotion and protection of the most vulnerable Dalit women's rights and their advancement. Today's globalized world offers many opportunities and challenges while demonstrating the need for having, a

level playing field for men and women; this can only be established if we avoid prejudices and isolationism especially in the area where the women are always submissive and have very little importance in the decision making level.

In addition to this, the writer has conducted valid interviews to get in-depth responses to the questions included in appendix-1. Some of the interviews were already conducted before 2010 while I was in Nepal; where as some of them were conducted from Finland during Summer 2012 by using modern means of communication. The descriptive and thematic-meta analysis of the subject based on very recent community cases studies from the reliable and trustworthy organizations, NDC and UNFCO respectively has certainly strengthen the reliability and validity of the research.

Thematic synthesis has three stages: the coding of text 'line-by-line'; the development of 'descriptive themes'; and the generation of 'analytical themes'. While the development of descriptive themes remains 'close' to the primary studies, the analytical themes represent a stage of interpretation whereby the reviewers 'go beyond' the primary studies and generate new interpretive constructs, explanations or hypotheses (Thomas and Harden 2008.)

## 6 CHALLENGES, PROFESSIONAL ACCOUNTABILITIES AND SIGNIFICANCE OF THE STUDY

### 6.1 Limitations and setback

Meanwhile, my experiences as community development activist and data collected during September 2008 to 2010 in Nepal has really contributed a lot in this research but the rapid change in socio-economic as well as policy frame work in Nepal due to ongoing political transformation could weaken the reliability of the study. Moreover, since I have chosen the snowballing method in order to get the recent information of the target group due to the pressure of time and many other technical and practical matters, it still has the risk of excluding some of the real problems from the grassroots.

As Darlington and Scott (2002: 51) warn, regardless of how much effort is made to try to allow service users to take control of any research process ‘there is always power inherent in the researcher role’. Any such power imbalance is also likely to be maintained on the grounds of the specialist knowledge, proficient skills, prior training, qualifications and also status held by the researcher, as well as the inevitable dependency of the participant upon the researcher’s guidance and resources (cited in Carey 2010:230.)

Hinduism is one of the most dominant religious and cultural groups in Nepalese society and within this religious group the main oppression is in the form of class and caste. So-called low cast Dalit people in the grassroots locality of western Nepal were found not so eager and open to discuss with the researcher. It was really hard to find an individual Dalit person ready to talk with. They were more open when they were in a group or accompanied with NGO or human right activists, school teachers from their community or some local government or political party representatives. This is why as a researcher I

also needed to focus myself mainly in more open group discussions and interaction with Dalit activists.

Nepalese society today is badly divided on the issue of ethnicity debate after the failure of constitution assembly to deliver a new constitution because of the same most complex and possibly impractical demand of ethnic identity based federalism. Balancing and convincing different political interest groups in such a politically unrest society was another big challenge while approaching to the grassroots and delivering the facts as a research.

Moreover, the researcher had a limited economic resource; however, the use of modern means of information and communication along with social networks has made the research fast and cheap to conduct. The direct answers gathered through this process have helped the interviewer bias while the participant freely expressed their opinion. The research has reached to the wide range of respondents as it combined both traditional way of data collection and innovative idea of social networking. Despite this is a challenging task than the normal traditional research papers; I was determined to carry it in a planned and wise manner.

## 6.2 Ethical Values and professional accountabilities

Every profession has its own ethics and principal so the social work research also has. Social work ethics are mainly based on the principal of humanity and social justice. Social work as a helping profession should always respect the self determination right of his/her clients. Right to participation and assess to the decision making process also should be protected. A researcher should treat every participant as a whole. Moreover it is always needed to empower the participant to utilize his/her inner strength.

Professional accountability is central to the setting of standards and norms, and persons within the organization are responsible for planning and managing the quality and delivery of the service, both individually and collectively. From a professional perspective there is personal and collective accountability for establishing and maintaining the standards of practice (Henry, 1994: 145, quoted in Sarah, 2010:40.)

While working for the promotion of social justice it is needed to challenge any negative discrimination through our actions but some time may need to advocate and fight for positive discrimination. A social work research should always be aware enough about unjust policies and practices and be ready to work in solidarity with Social work professional. They have to keep themselves up to date with latest knowledge and skill for the profession so that they can produce better result.

Maintaining confidentiality of the participant's identity is another professional conduct of social work research. Accountability for the action, engage in ethical debate and making aware and conscious to the authorities regarding national code of ethics in relation with IFSW also comes under this.

Definitely there are always dilemmas in the field of social work and for the social work professionals and researchers. There is always conflicting interest in the society and a research is always supposed to be neutral there. Functioning as both helper and controller and working with the limited resources is always a difficult task. Overcoming those

challenges, during this specific research I sincerely tried the best to follow these professional research ethics.

### 6.3 Significance of the study

As mentioned earlier, the study on citizenship status of Dalit people in Nepal and their access to human rights has an important factorial value to give proper justice to these vulnerable group but notably also to understand the situation and to craft suggestions that contribute their empowerment, which will be a holistic approach for the sustainable development. For the time being, this particular topic shall be of global concern too as the study, transformations or changes that occur in this theme – which the issue of Dalit people of Nepal- are not only vital and crucial for Nepal but also for the remaining part of the globe. The steps Nepal will build are extensively going to be a lesson for the other war or conflict affected regions too. And henceforth, this study can be beneficial and significant for the whole South-Asia including the emerging power India where marginalization and deprivation of human rights to the poor and low cast people is still a big debate in society.

Besides that the previous research studies by other anthropologists and scholars mainly lack the proper analysis of citizenship aspect of cast based discrimination in relation to Dalit people. Moreover, this study gives the clear picture of Dalit communities in post revolutionary era of Nepal, where proportionate inclusive participation and self determination right of local people has been a crucial national agenda. The study will surely be beneficial to policy designers and Dalit right activists and of course not necessarily to mention the most vulnerable Dalit people. This paper definitely addresses and puts more emphasis to raise their genuine agenda of justice, equity, acceptance and participation in all level.

It is also expected that, this specific research will be a helpful document to many international donor countries and agencies as well as human rights and rural development activists to better focus their supportive and empowerment programs and activities towards the most vulnerable and needy communities.

## 7 CASE STUDIES AND ANALYSIS

### 7.1 Dalit women: facing multiple marginalization and exclusion

Women and men comprise almost equal proportion of Nepali population (women- 50.04%, men- 49.96 %). However with the deep seated culture the women in Nepal have been discriminated and marginalized in all ways possible. The phenomenon begins from the family to macro level governance. Nonetheless in recent years significant representation and participation in constituent assembly and government has been encouraging. Nepal has been also experiencing increment in women participation and empowerment in all levels of society however; there is still need for a radical transformation to end the existing discrimination and marginalization of women.

According to the recent Human Development Index Report by UNDP, 2009 Nepal's HPI is 39.2, GDI is 98.6% and GEM is 0.486. CIA world fact book on Nepal, says Female's life expectancy is 60.75 years (male- 61.12) and Female literacy rate is 27.3% (male- 62.7%). These data clearly solicit the marginalization of women in Nepalese and suggests more concrete and symbolic actions to be taken in order to eliminate women discrimination in Nepal

The Dalit community comprises nearly 15% of the population of Nepal amongst which almost half of the then are women. In the case of Dalit women, they are triply oppressed: by caste hierarchy, which equally affects both male and female Dalits, by the Hindu patriarchal system and by Dalit males.



In a recent case, occurred in February 2012, not so long after the state passed and started implementation of Cast Based Discrimination and Untouchability (Crime and Punishment) act 2011. A middle aged Dalit woman named Maya Bishwkarma, living in a rented room at Ghanshikuwa VDC ward no. 01 of mid hilly Tanahun district of western Nepal accidentally came to touch the water pot belonging to a so called high cast family of local Ajit Shrestha (a member belonging to the most privileged indigenous ethnic communities). Following to this the Shrestha family physically assaulted Maya in public. Their blaming was she denied cultural practice of the society and disrespected the high class family. The most remarkable point is that no other public who witnessed the assault advocated on the side of Maya. After almost 5 months of the incident, Maya is still seeking for justice in coordination with National Dalit Commission and with support from human right activists and media personal ( National Dalit Commission, 2012.)

In the marginalization context of Nepal women are status quo to slaves of slaves. The women have been subjects to gender based discrimination which further multiplies in many situation with other forms of marginalization based on social composition.

The Dalit women spend more time in the farm and domestic works than their men counterparts. And if it is compared between the women in Nepal, the time spent by the Dalit women is more than their 'high' caste women counterparts. While the interim constitution of Nepal clearly says:

Every woman shall have the right to reproductive health and other reproductive matters and no physical, mental or any other form of violence shall be inflicted to any woman, and such an act shall be punishable by law (The interim constitution of Nepal, article 9).

Dalit women are the most vulnerable who suffer from alcoholism related family violence, have no right on reproductive health and encounter extreme discrimination in everyday social life by other so called high cast groups.

The new constitution after the restoration of democracy in 1990s introduced many inclusive reforms including the establishment of National Dalit Commission. Still there were many direct and indirect discrimination and exclusion were prevailing in the societies in practice. Access to the education was still very rare to the women and children from Dalit communities. Right to property was never implemented. Child marriage, polygamy and dowry system were as usual problematic. The condition of the women belonging to so called Dalit family and remote villages was even miserable. Discriminative and exclusionary cultural and religious practices against the women were still going on.

At the same time a decade long armed revolution led by 'Communist party of Nepal-Maoists(CPN-Maoists) evoked; mainly rising up the same issues and demanding for more equality, social justice and proportionate inclusive participation of all ethnic groups, language, religion and gender. If we forget about painful miserable destruction caused by armed conflict it is another fact that the movement also contributed a lot for making these all marginalized people including Dalits aware about their rights and strengths. Participation of women in local decision making increased.

During an interview a school teacher, Prem Singh Pariyar (name changed) in a remote village of Gorkha district agrees that, Dalit people were benefited by the Maoist movement. Their participation in local decision making was increased. Labor exploitation of Dalit people in the name of culture and tradition was drastically decreased and so on. As a fusion to all party joint people's revolt against absolute monarch in 2006 it has been nearly 7 years of the end of Maoist led civil war in the country. As like all other Citizens Mr. Prem Singh is happy with situation that we don't have any more war in the country but he has experience that despite of remarkable policy changes going on in central level, the movement on behalf of Dalit people in order to give them the status of full-fledged citizenship in practice specially in remote villages where the government bodies not effectively functioning has have regressive turn over.

Mr. Pariyar further mentioned that:

I should be frank telling you that in practice we are never counted as full-fledged citizens. Our human rights are violated in every step. Our people are exploited; kids are deprived from education and health facilities. Many of us still don't have shelter and neither land is available to work nor are any other employment opportunities offered! In the local level we have no forum where we can raise these issues. We don't have local government bodies since the last 14 years! Our participation in local NGOs and civil society movement is either denied or ignored. Exceptional symbolic participation in some of them has been less effective as it comes without planning, with any efforts for awareness and empowerment in grassroots. It requires a long term strategic plan and strong determination to fight against deep rooted superstitious Hindu cultural practices. Local self governance is a must to start with (Prem Singh Pariyar, personal communication 25. 10.2009.)

In such circumstances, the social citizenship of Dalit people is not yet the reality in Nepalese society. Denial of participation in decision making, exclusion and discrimination to practice so called main stream social activities, ignorance from the state in local level and so on continues to them.

Only the policies that are designed in central level without participation of the target group cannot prepare persons for overcoming challenges in real life. Thus more stress should be laid on imparting knowledge through discussion with local people and youth, effective awareness programs like video films, case conference and street plays, interactions and meeting with social activists and so on could be more effective. The purpose of awareness programs should be for bringing positive attitudinal changes in those local who practice discrimination against Dalits and for empowering those Dalit people facing serious discrimination and social exclusion in their everyday life.

There are many approaches to community development and amongst them empowering and mobilizing local people has been an effecting way to get the positive result. Community development has been a very interesting topic so far. Community development consists of planning services, resourcing the community to meet needs, increasing people's skills and, building community networks, running support and social action groups

which lead to improving quality of life of local people and these all can be achieved through empowering individuals and communities.

Empowering and mobilizing women in the community would be an effective way to get the positive result. Fighting against discrimination and oppression requires of planning, resourcing the community to meet needs, increasing people's skills and capabilities, building community networks, running support and social action groups. It should aim to lead improving life quality of Dalit people. These all can be achieved through empowering individuals and more importantly women in the Dalit communities.

## 7.2 Dalits depriving from justice: result of strategic exclusion in authoritative bodies

Mr. Som Nath BK, a 21 years old 'Dalit' and Ms. Chandrawati Acharya (names changed), 18, from a so-called high caste, both legally adults, were romantically involved. When they decided to marry, they ran away to escape the social pressures and humiliation that they would face for trespassing a traditional boundary of the caste system, and took shelter with the boy's relatives in another VDC. Incensed at the idea of their daughter marrying into a so-called "low" caste, the parents reported the case to the Police. The Police arrested the newlywed couple after 22 days and filed a case in the district court, charging the boy of rape of a minor. The parents, allegedly using influence and fake evidence with support from the Police, had the boy convicted for sexual relation with a minor, although the girl is widely believed to be over 18. The district court sentenced the boy to 7.5 years of imprisonment. The local Dalit rights activists say this case illustrate the revenge incurred for daring to cross traditional caste boundary (Discussions with Western hills NGOs, adapted from: UNFCO, 2010.)

OHCHR explains Human rights as:

Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, color, religion, language, or any other status. We are all equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible. Universal human rights are often expressed and guaranteed by law, in the forms of treaties, customary international law, general principles and other sources of international law. International human rights law lays down obligations of Governments to act in certain ways or to refrain from certain acts, in order to promote and protect human rights and fundamental freedoms of individuals or groups (OHCHR 2010.)

In contrary to this, marginalization and exclusion context in Nepal has its root deep seated with religious, cultural and historic past. Nepal has been identified for its diverse plural social composition and geographical feature. Usually, marginalization is not just a facet of single simple reasons, there are multiple reasons leading to it. And it might happen in diverse and different forms. But in most of the cases, the defining factor for marginalization is the exclusion. The frame of exclusion therefore was used to identify these groups in different sphere across socio-cultural composition.

A senior Dalit right activist and freelance writer, Hira Biswakarma points out several loopholes and weak aspects in implementation of plans and policies designed to uplift Dalit people in his recent article for a popular national daily of Nepal.

For instance, the government policy includes promotional strategies for inter-cast marriage especially in between Dalit and non-Dalit couples. The offer of financial incentives and other various privileges in socio-economic life for the same has not have any encouraging results in practice due to deep rooted Hindu construct of society. Rather it has resulted many unexpected fraud activities again by the already privileged group pushing many Dalit female in to a more difficult situation

.Likewise, failure of the implementation of ‘one school one Dalit teacher’ policy and failure to spend even the purposed budget for Dalit people during the financial year 2010/11 are some of them. In his opinion, lack of proper coordination among the policy makers and local government bodies accompanied with transitional and unstable national politics are the major challenges. He further says that, Policies concerning to Dalit people are not really designed to solve the real problem more importantly not towards solving largely existing poverty in these communities and supporting their living which lacks basic requirements; rather it has been a strategic and populist political agenda for the ruling parties. It seems the sustainable solution is still far away like this (Bishwokarma 2012.)

Giving reference to the recent survey carried out by the parliamentary coordination committee for women and children in 35 different districts, Mr. Bishwokarma further mentions in his article that; the government agencies who are responsible to implement the policies such as police, office of government layer and chief district officer and many other concerned civil servants still doesn't really know about the declaration of untouchability free state and supplementary act of Cast Based Discrimination and untouchability: Crime and Punishment act 2011. He suggest for more budget distribution in order to prepare implementing bodies more capable through capacity building training to the officials and institutional reform.

Major Cast Group	Poverty (in percentage) Living Stander Survey-II (2003/4)	Poverty (in percentage) Living Stander Survey-III (2010/11)
Dalit	46	42
Hill-Indigenous	44	28.25
Muslim	41	20.18
Terai- Indigenous	35	26
Terai- Middle Casts	31	29
Newar	14	10.25
Bahun-Chhetri	18	12

**TABLE-1: Poverty percentages as per the cast group in Nepal.**

**Source: Nepal living stander survey2010/11 (Statistical Report Volume Two).**

Giving further reference of national poverty and life stander survey carried out by central bureau of statics as shown in table-1, Mr. Bishwokarma finds it as a shame that while having national average poverty is estimated nearly 25% average poverty in Dalit communities is 42%. The table shows that poverty in Dalit communities is reduced only by 6% within 8 years of time after the living stander survey-II in 2003/4 whereas the same table shows that it is drastically decreased in other cast groups (we should not forget that Newar community has its own cast system that includes Newar-Dalits). Al-



location of very few budgets (only 0.001% of total budget) for Dalit is a major problem in his analysis. He further suggests for short term and long term strategic planning and enough budget allocation for Dalit communities (extracted and translated from Bishworkarma's article titled 'Dlit Friendly Budget' published in 'Nagarik' national daily of Nepal, 02.07.2012.)

### 7.3 Regional and racial discrimination-Dalits in Madhesh

Madhesis are the people of the Madhes, or the lowlands that border India - constitute one of the groups that have experienced discrimination and exclusion in the past. The Madhesh ethnicity, culture and linguistics are similar to people of Bihar and eastern Uttar Pradesh states of India. The madhesi have been discriminated and excluded from the society and governance ever since the unification of Nepal. The Madhesh have their mother language (Maithili, Bhojpuri, Awadhi, Tharu, Rajbanshi, Hindi, Urdu) which is widely spoken than national language Nepali in the region. The Madhesi people have darker skin than the Pahade. On the ground of these two factors they have experienced discrimination and marginalization in the Nepalese society for a long time. In recent time, after the nomenclature of Nepal as republic, the Madhesi community has been widely participated and represented in the national politics and governance.

Bureaucracy or any other sectors of Nepal, which was largely dominated by Pahade (people from hilly region) people due to various historical and political reasons, is being changed to incorporate people from all ethnicities and geographical clusters including Madhesis. The "one nation, one culture" policy implemented by King Mahendra during his absolute rule during 60s to 80s did not only create a setback to cultures other than Nepalese but also fragmented the national unity by establishing a big gap between citizen from the hills and Southern low-land.

Right after the people's revolt in 2006 against absolute kingship towards establishing a republic of Nepal, a movement called the Madhesi movement began in the Tarai, demanding an end to discrimination against the Madhesi people. Even though, the Madhesi movement has been violent with some speculative involvement from India, the issues raised by Madhesis are relevant for the new Constitution and the constitution making process.

The movement included the agendas such as an end of; past exclusion in the public service, the military and police, from educational and employment opportunities and from public life, recognize, respect and identity to the people in Madhesh, linguistic issues - including inadequate recognition of Madhesi languages, and hostility to Hindi and so on. Demand for proper representation in the Constituent Assembly was also the prime issue. The most important demand also included for Federal division of the nation with proper autonomy and self determination right to the citizen while having proper respect and commitment towards national integrity (Support to Constitution Building, UNDP Nepal).

The first president and vice president of Nepal are Madhesis now. However, the marginalization still persists on the grass root level especially to the Dalit people in Madhesh, while the whole Madhesh has been always recognized with lack of proper quality and quantity access to social services and basic needs. Dalit in Madhesh are facing more difficult situation in their everyday life with multiple discrimination and exploitation both from Pahede people and by their own Madhesi people belonging to so called high cast elite groups and feudal land lords in Terai.

The practice of untouchability is more severe among the Madeshi community in the terai and in the hills of the Mid Western Region and Far Western Development regions of Nepal. Some Dalit groups fare better than others. For example, the literacy rate among the gaine (singers, belonging to hill Dalits) is 49% and is higher than the national average. The lowest literacy rate is found among the Mushar community, who live in

the Terai. On most socio-economic indicators, Terai Dalits fare worse than hill Dalits (UNICEF 2007.)

Dalit literacy rate is 42.84% versus a national average 48.19% in the 2001 census and as low as 21% of Terai Dalits versus 74% of Terai upper caste groups (UN Common Country Assessment, 2007).

## 8 FINDINGS AND FURTHER ANALYSIS

Towards giving Dalit people the full citizenship status, the legal ban on caste based discrimination by the former revolutionary, Maoist led government in 2009 has been a significant progress. However, still today, the statistics and the facts on the grassroots widely reveal that the socio-economic status and condition of the Dalits is very low in comparison to that of the other castes. Furthermore, socio-economic condition of the Dalit women is worse than that of Dalit men and the condition of Madhesi (Terai) Dalit is even worse than that of Hill Dalits. Among all the Dalit caste groups, Kami, Damai and Sarki of the Hills are relatively better off than others; however, 65-68 percent of Kami, Damai and Sarki live below absolute poverty line. According to the Nepal Living Standard Survey 2003-04, the Terai Dalit has the highest rate of incidence of poverty, which is 49.2 percent, followed by the Hill Dalits with 44.9 percent. Illiteracy is rampant among Dalits and very few have received higher education. These all clearly indicates that Dalit people in Nepal are far away from the real citizenship status as Marshal has defined it.

### 8.1 Landlessness and Access to credit

Landlessness is high among the Dalits. That already indicates the economic aspect of modern citizenship is lacking to them in an agrarian Nepalese society. About 85 to 90 percent of the Madhesi Dalits are landless. Among the Musahar, only 3 to 5 percent of them may have a piece of land. 44.2 percent of Dom are landless, followed by Gandarva with 41.2 percent, and Dusadh and Dhobi with 33.3 percent each. A survey study conducted by the National Dalit Commission in six districts shows that 74.14 percent of the

Dalit households do not own land. The Dalit households, who live in government land, are popularly known as Ailani Jagga ("public land"). The ownership of both irrigable and dry land is least among the Dalits (2.05 Ropanis of irrigable and 4.76 Ropanis of dry land). A majority of the Dalit households have food deficiency. The percentage is highest in the mountain area with 89.66 followed by 56.73 in the Hills and 53.61 in the Terai (Indian Institute of Dalit Studies.)

The ownership of land for the dalits in an agrarian country like Nepal has been closely seen as one of the major reasons for the outcast and existing marginalization of these groups. The access to land either for a proper housing and for agriculture- which is basically the major source of not only food but also of livelihood- is a basic right and need of these people. The land ownership has a strong role to play in securing and protecting these groups not only from poverty but also from the discriminatory and derogatory labor practices they are put into.

Significantly, the access to credit or loans in the rural and the urban financial market are land based. Land is primary necessity defining the primary eligibility to get credit. Similarly, education is an important factor to use the micro- credits and loans. The dalits, with their high illiteracy rate, have a challenge to utilize the credits properly. The dalits living in the rural areas (most of them live in rural areas) are mostly landless and lack basic education. So, the dalits generally have low or no access to the financial market.

As a result, still today, many of these people are bound to borrow money from local moneylenders in higher interest rates. Such situations often lead to a long term debt and even to regressive practices from the lender. Particularly, the lack of access to land and long term debt were the basic reasons which brought about squatters and bonded laborers. The main reasons for the existence of bonded labors including both kamaiya and haliya were the caste based discrimination and debt bondage which was worsened by the feudal legacy of the landlords who owned the debt. It has been several years that the bonded laborers have been freed by the government. But, their situation still remains jeopardized in poverty. The government has not been able to distribute land to these

groups. Even though they are freed, they still work in the farm of their landlords or are living in the city slums or rural villages in very poor living conditions.

There has been a long debate in Nepal over the issue of largely existing landlessness and poverty among Dalit people. Former revolutionary, Maoists and some other small left wing parties has been demanding for land reform that basically means redistribution of land to the poor landless agricultural worker that mainly includes Dalit people. The nation is most possibly unable to create employment opportunities through rapid industrialization still for some decades, providing land and other possible capital resources to the Dalit people seems a comparably easier solution for reducing poverty and unemployment in this community. The real obstacle in this issue is still existing massive differences in between the ruling parties that whether this redistribution should happen with compensation to the former land lord or capital owners. The major actor, Maoist party who raised this issue is against of the idea of compensating the elites whereas most of others argue for compensation. Repeatedly formed High Commission for Land Reform and Management and their recommendations are never implemented due to the same differences in between the ruling parties.

While having observation visits in Dalit communities of western Nepal during the year 2009 and 10, I experienced many Dalit people impatiently waiting for having land after the new constitution. Unfortunately, the failure of CA to give a new constitution has been another push back in this issue as well. In an interaction Mrs. Sanumaya Bishwokarma (name changed) 56 of Gorkha expressed her frustration with the following statements:

We poor people are always ignored. None of the parties and leaders cares about us. They are all same. They promised us giving land but I'm still continuing working in others farm since my childhood. We need our own land. I've no other skill and opportunities to do (Sanumaya Bishwokarma, personal communication 05.07.2012.)

There is a need for representative institutions that have the trust and confidence of citizens and the legitimacy to take decisions in the public interest and for independent or-

ganizations that can facilitate broader participation in decision-making processes. There must be maximum support and opportunities for individuals to participate in the life of their community as well as in decision making structures (Jochum, Pratten and Wilding 2005: 36-37.)

## 8.2 Further Economic and Market Discrimination

The Dalits, even in today's atmosphere, are seen to be discriminated in the economic and the production market and resources. In the research carried out by IIDS, it was observed that the Dalit castes did not get enough support from the government to form co-operatives and they were ignored by the government in getting modern skills. In most cases, Dalit castes were not allowed or faintly participated and were represented in user's groups and management committees formed for the protection, promotion and proper utilization of natural resources, including forest and water.

The dalits have been designated to dirty and heavy works in the societal practice of Nepal. Nevertheless, the wage they receive is alarmingly low in contrast to the market value of the work. A study conducted by the Team Consult exposed that 60.4 percentages of wage laborers comprise Dalits and percentages of Bahun-Chhetris (Tagadhari) and indigenous people (Matwali) is quite low. However, the wage earning for Dalits was lower than that of other castes. Similarly, according to ILO:

Dalits received on average Rs96 (about US\$1.28) for a day's work. The average wage for a female worker was Rs78 (about US\$1.04) as compared to Rs99 for a male worker. The average market wage for the same kind of job was Rs105: Rs88 for a female and Rs111 for a male worker.

The Dalits are differentiated not only in labor market but also in factory and consumer markets, and while accessing common property resources. Likewise, the discrimination continues in agricultural labor in regards of wage they receive than others. In particular,

the situation of Dalit women is poorer as they are paid less than their men and non-Dalit counterparts (IDSN).

In this regard, one of the former government officials of Gorkha district (who preferred not to mention his name) simply excused himself and tried to refuse gently the failure of government mechanism (bureaucracy) in local level. He stated:

This is the reality of our society that we have many problems to deal with together at the same time. It is not just Dalit people facing problem but of course they are the main group. The real problem is that we don't have elected local government since a long. We are in the process of nation restructuring, means Nepal is not yet a nation-state. It might still take a long for better functioning as a modern nation-state. Hopefully every citizen including Dalit people will feel deference after the new constitution which should anyway guarantee the local self governance even in the federal states (a former government official, Gorkha, personal communication 12.05.2010.)

Moreover, the supreme commander of former revolutionary as well as the leader and chairman of the largest party (UCPN-M) of the dissolved constitution assembly, Mr. Puspa Kamal Dahal (Prachanda) including other radical left leaders are found frequently using vague language concerning to the issue of Dalit rights. Considerably, leftists are found more positive and active for giving Dalit people an equal citizenship status but unfortunately their language is hard to understand for general public including Dalits. Chairman Prachanda himself states that the 'liberation' of Dalit people is possible only after the whole nation is 'liberated'. Contradictorily, being the head of the coalition government, when these Dalit people are seeking for some supportive programs by the government to tackle with miserable poverty, massive illiteracy, and extreme exclusion in social and economic life and so on; chairman Prachanda, with whom the Dalits possibly have had the greatest expectation ever since in the history tries to escape with his responsibility simply overlapping the case with the success of so called 'people's revolution' a communist takeover of the state that seems not just far away but impossible to achieve.



In an interview to a magazine published by The Maoist affiliated Dalit National Liberation Front, Nepal, Chairman Prachanda further states that:

Liberation of Dalit, women and all other suppressed class and cast is directly connected with the process of the liberation of the whole nation from feudalism and imperialism. It is not possible to have liberation only to the Dalits and workers unless the entire people's revolution achieves the success. The liberation of all suppressed cast, class and ethnicity depends on the success of people's revolution. During the period of people's war there was a situation of instant revolt against any sort of discrimination and humiliation to dalits in villages. It was largely controlled. Now when we are in peace process doing the politics of compromise, the superstitious old culture and tradition is trying to rise once again. We can see that in some cases but this is just for a short period. The level of awareness among Nepalese citizens including Dalits and other suppressed groups is already in a new height. I believe, that will defeat the traditional feudal culture (Prachanda, Chairman of UCPN-M, translated and summarized from his interview to the magazine: Voice of Dalit, Vol. 2, 2011.)

The above mentions facts, figures and discussion approves that the economic and social citizenship of Dalit people is not just a cast issue but a complicated agenda of class struggle too.

### 8.3 Social participation

The legal banning of caste based discrimination is a noteworthy step to stop the malpractices of social boycott by other higher caste groups. The legal framework has guaranteed the rights against untouchability and caste based discrimination. None shall be discriminated based on caste, lineage, community or occupation with any form of untouchability and caste based discrimination. None shall be deprived from the public services, use of public places or entering public religious places or religious functions/performances. While producing and distributing goods, services or facilities, it shall not be limited to anyone just because of caste. The law has defined such practices to be punishable and the victim has rights to get the compensation.

Even though the reestablished legislative parliament declared Nepal as “an untouchability free state” in 2006, that later was approved by the Constituent Assembly too while performing as a legislative parliament in 2008, the incident of discrimination is still visible. There is denial of entry to religious sites, including participation in events; resistance to inter caste marriages and even refusal by non- Dalits to handle water touched by Dalits. The implication of the non-discrimination law in Nepalese context still remains a big challenge.

ILO office in Kathmandu Nepal in his report on Dalits and Labour in Nepal: Discrimination and Forced Labour, further states that:

Similarly, among other instances of caste-based socio-cultural and economic exclusion, around 38 per cent of Dalits hesitate to enter temples; around 46 per cent have been prohibited from entering temples; and 35 per cent have been forced to wash their own dishes at hotels, restaurants and tea-stalls. Such socio-cultural exclusion of Dalits can be seen in a variety of socio-cultural settings: non-formal educational classes; community meetings; funeral or birth rites; wedding ceremonies; community feasts and picnics; community cultural programmes; local community-based training in health, sanitation, agriculture, cottage industries and other income-generating activities. No other group faces such forms of socio-cultural exclusion to the extent Dalits do. In the Hindu cultural universe, water is an important material thing to be protected from being polluted. This cultural logic applies in categorizing people in terms of the purity impurity continuum: water cannot be accepted for drinking and other household purposes from people who are impure. Because of this, upper caste people tend to protect the water sources (taps, ponds, etc) from being polluted by lower caste people through their touch. The implication is that, in Nepal’s rural areas many Dalits are still barred from access to drinking water (ILO 2005:22.)

Whereas, Mr. K. Gandarva 23 (name changed), who moved to Finland 5 months ago from Tanahun district of western Nepal has noticed several changes towards betterment

of Dalit people after all party joint people's revolt in 2006 but with lots of challenges in grassroots affected with Hindu cultural practices. He openly expressed his opinion that:

Maoist movement and people's revolt contributed a lot. Situation is gradually changed after the revolt in 2006. Government has been more supportive towards the community introducing new policies and reform in existing policies. We don't face any more discrimination from younger generation but the older generation is still a big challenge in local level. Old generation is not yet ready to give up cast based discrimination in the name of that culture which humiliates and dehumanize Dalit people. Furthermore, un-stable central government, ineffective local administration, largely existing unemployment problem and deprivation from capital resources, services and opportunities i.e. massive poverty in Dalit communities has great contribution for the continuation of cast based discrimination in our society. I believe minimizing the class differences should be the starting point to tackle with castism (K. Gandarva, personal communication 01.07.2012.)

During the discussion Mr. Gandarva remarkably picked the issue of education and awareness level in order to increase participation. He said that illiteracy and lack of awareness in Dalit community has contributed to exclude them from main stream and of course poverty as a core reason behind. For instance Kishan said himself along with many of his friends from Dalit communities did not cast their vote during the last constitution assembly election in 2008 because nobody offered them money!

Caste/ethnicity	Literacy rate above age 6)	S.L.C. and above	Bachelor and above
Nepal	53.7	17.6	3.4
Brahaman/Chetri	67.5	24.7	5.4
Terai	41.7	16.7	2.7
Dalit	33.8	3.8	0.4
Ethnic groups	53.6	12.9	2.0
Religious minority	34.5	9.0	1.6

TABLE 2: Literacy rates and education in Nepal by caste/ethnicity (CBS-2004, Nepal Living Standard Survey-II; GSEA Report 2005.)

On the other hands, religious and cultural segregation such as not allowing Dalits to enter the temples, strong restriction on inter cast marriage and even not accepting water touched by Dalits and so on is still largely practiced in Nepalese society. Hindu religious Pandits (priests) and scholars both in Nepal and India are found divided over the issue legitimacy on cast based discrimination and practice of untouchability. As demonstrated in the documentary films by Heidi Lipsanen and Stalin K Padma respectively, some religious leader believe that The Veda dose not have any such teaching for untouchability rather the division of cast there is just a symbolic to state human character and behavior in different situation; whereas others believe that the Veda allows for cast discrimination(follow the list of references for further details.).

Whatever of argument is, cast based discrimination both in India and Nepal is already illegal by constitutions. The misfortune is that in the name of religion so called upper cast people are not only trying to humiliate and dehumanize Dalits but also challenging the state constitution. This has created several important questions about democracy and role of government. Reform in fundamental Hindu cultural values through enough pub-

lic awareness and education to Dalits is a must for moving towards giving full-fledged citizenship status to I would also suggest that just declaring untouchability free state is not enough rather the state should also give emphasis on advertising the real teaching of Vedas over this issue to give counter for those religious elites who keep on holding their power through falsification of Veda's statements. Unfortunately, it seems the journey is tough and long but no other better alternative is seen a head.

This shows a long and difficult way to march ahead in order to provide Dalit people proper justice in social aspect of modern citizenship. Very sensitive religious and cultural issue is interlinked much with this.

#### 8.4 Education and health

The majority of the Dalits do not have access to health and education. And in the cases of access to these social services the access to quality education and health seems unfair. The dalits are the poorest amongst the different caste groups in Nepal. They can never afford for health services provided by private sector while having rare access to the government health services centered in the cities due to poverty. Also, they cannot easily use low cost health services by the government due to cast-based untouchability practiced by the non-Dalits against them. The data indicates that untouchability is declining in health sector but it has yet to be eliminated as there are few Dalit castes, which are experiencing such practices. The expansion in the education sector during the last decade has led to a literacy rate of 33.8% among Dalits by 2001, which was 17% in 1991. But this is still low compared to the national average of 53.7%. Only 0.4% of Dalits – against a national average of 3.4% have a Bachelor's degree. The statistics clearly indicates the differences for Dalits in access to education (IDSN.)

In the same manner, the Dalits do not have an access to quality education provided by the private boarding schools while the government public schools are out of basic re-

courses and in many cases totally ignored by the state and local community since only the children from poor and Dalit families send their children in such schools.

Dalit Caste groups	6 years & above of Schooling			Bachelor & above		
	Men	Women	Both	Men	Women	Both
<b>Dalit</b>	<b>43.7</b>	<b>24.2</b>	<b>33.8</b>	<b>0.5</b>	<b>0.7</b>	<b>0.8</b>
<b>Hill Dalit (1-5)</b>	<b>52.9</b>	<b>31.4</b>	<b>41.9</b>	<b>0.5</b>	<b>0.4</b>	<b>0.5</b>
2. Kami	53.1	31.4	41.8	0.5	0.1	0.4
3. Damai	55.0	35.0	44.6	0.4	0.1	0.3
4. Sarki	49.9	28.8	38.9	0.3	0.1	0.2
5. Badi	47.1	32.0	39.2	0	0	0
6. Gaine	62.3	32.1	47.5	0	1.1	0.5
<b>Terai Dalit</b>	<b>30.1</b>	<b>11.5</b>	<b>21.1</b>	<b>0.7</b>	<b>0.3</b>	<b>0.6</b>
1. Chamar	27.9	9.0	18.9	0	0	0
2. Musahar	9.8	3.8	6.9	0.3	0.3	0.3
3. Dusadh	28.5	8.6	19.1	0	0	0.2
4. Tatma	33.0	10.2	22.2	2	0	1.6
5. Khatwe	26.4	7.2	17.2	0.6	0	0.5
5. Bantar	35.9	10.2	23.4	0.2	0	0
7. Dom	14.9	5.2	10.3	0	0	0
8. Chidimar	34.0	14.9	25.1	0.2	0.6	0.3
9. Dhobi	46.5	19.1	33.6	2.1	0.9	1.8
10. Halkhor	38.1	21.7	30.1	0	0	0
11. Unidentified Dalits	47.6	23.9	35.5	0.7	0.2	0.6

TABLE 3: Percentages of Dalit caste groups (by sex) achieving certain educational status ( Bhattachan 2008).

The movement of the Dalits in Nepal is over five decades old. However, most efforts have been sporadic and incidental and have never been national in scope. Since the restoration of multiparty democracy in 1990 the Dalit movement has gained momentum, however, with the establishment of NGOs and interest groups by Dalits or those working to improve the plight of Dalits and other disadvantaged communities. Also the focus of the movement has been to tackle the issues of untouchability and other discriminatory behavior, and it has not focused on education or other social issues. Since April 2006, after the king's direct rule ended, political parties have been emphasizing the need to address the concerns of Dalits and other marginalized groups.

In Nepal, scholarships for Dalits have been popular for a number of years and began in 1996. They have provided the main intervention in the education sector for addressing social inclusion. The Local Self Governance Act 1999 provides for the upliftment of the backward and Dalit communities and guarantees distributive justice in all fields of state mechanisms of the country (UNICEF 2007.)

In contradiction to this, Birman Sarki (name changed) 43 from a remote village of Lumjung district complains that there is corruption going on in this Dalit scholarship scheme in public schools. Management committee and school administration which lacks participation from Dalit communities, are never transparent, practical and accountable. Besides that only the offer of small amount of free-ship can not really allow the parents to send their children to the schools unless stable source of income is granted to the parents. He further explains:

There is corruption in schools. They don't distribute all the scholarship that the government sends for our kids. Also I'm poor. I can't send my children to school unless I've my own land to produce crops or some other regular work where I'm better paid. We need our own local government that is responsible, accountable and transparent to us. Nobody is listening what we really need. Where is our participation? Others are taking deci-

sion for us this is not fair neither democratic (Birman Sarki, personal communication 10.08.2009.)

On the other hand, many of other Dalit people, NGOs and civil society activists as well as government officials who participated in this research were more or less agreed that, it is long process to have real citizenship status for Dalit people in practice. All of them agreed for the need of effective and strong but democratic leadership in the country. Likewise a massive brain draining in the country with thousands of both skilled and unskilled productive young people going abroad in search of better employment and education is another big challenge for Nepal both in economic aspect and for the practice of real participatory grassroots democracy. Dalit communities in western Nepal were found more affected with this as even the few fingers countable educated youths are either migrates to the cities or go abroad in search of work.

In a short telephone conversation, a programme director in a leading community development organization in Nepal; explained in brief about the need of effective programmes and policies to increase participation of Dalit people specially the women. According to him it should start with educating and making the Dalits aware enough about their rights and strengths. Female literacy classes, offer of scholarship to the Dalit kids and skill generation training to their parents in order to make them self-reliant and so on are the major projects they are lunching in the communities of Western Nepal. In his experience civic and political aspect of the citizenship of the Dalits are remarkably active in the recent years most possibly due to the changes that Maoist movement and people's revolt 2006 brought with. He mentioned that community members collectively decide their needs as well as plans to overcome this while, I/NGOs such as his organization plays a role as a facilitator and mediator in between government agencies and communities. On the other hands, the officer says increasing participation and giving access to the opportunities to Dalits is challenging due to their economic status and level of awareness. Religion and culture is still a de-facto ruller in Nepalese society while the local self-governance is not so effectively functioning as per the principal of inclusive and participatory democracy.



The officer further stated that:

After the declaration of republic, the civic and political citizenship of Dalit people is definitely increased. Activating social citizenship of Dalit people is still a big challenge in our society because of religion, culture and also because of the social construct that the long term segregation to Dalits has created. We should now focus our programs towards social citizenship of Dalits. Our programs should aim to educate and give access to opportunities to them. This is possible only after we plan how to fight with massive poverty still existing in these communities. So we should also focus on skill generation training to Dalit women while thinking of ways to better utilize the traditional skills the Dalit male has. This way we can make them ready to fight against poverty. Ensuring local grassroots democracy and local self-governance would create more comfortable environment I/NGOs to assist Dalit people in this process. Ongoing political transition should end earlier possible with positive remarks for on-obstructed way towards providing full-fledged citizenship to Dalit people (an NGO officer, Personal communication-executive summary, 12.07.2012.)

On the other hand, the study shows that, higher birth rate in Dalit communities is another reason that contributes to continue illiteracy and poverty cycle. Poorer Dalit parents are at first unable to manage educational materials to send their kids to school in order to receive so called free education, secondly the elder children have to stay at home as baby sitter for their younger brothers and sisters while the parents are obliged to go to work for the landlords. This way, thousands of Dalit children remain out of school while the government is singing the song of 'education for all' by 2015 as a target for UN's millennium development goal (MDG). An effective package of family planning education, sanitation projects, literacy campaign, skill generation trainings to women and more effective and complete free-ship package to the Dalit children is most essential to improve educational and health status of Dalit people.

Improving the educational and health status of Dalit people is a must to start with. If the government and other concerned agencies are honestly initiating this is not a difficult task either. Better education and health will offer access to opportunities and gradually help to overcome the hindrance in achieving modern full-fledged citizenship status to Dalit people.

## 9 CONCLUSIONS AND SUGGESTIONS

Recently emerging theories/approaches of feminism and multiculturalism has positive impacts towards minimizing the discrimination and oppression based on gender, race, cast and ethnicity. In the recent years there have been changes towards inclusive policies such as positive discrimination and reserved quotas in almost all field including parliament, education, judiciary and bureaucracy. These all indicate that all the marginalized people including Dalits are inch closer to enjoy their political element of citizenship.

Hinduism is one of the most dominant religious and cultural groups and within this religious group the main oppression is in the form of class and caste. Child marriage and forced marriage are noticed as the major oppression targeted to women. Deep rooted Hindu cultural practices, practice of inter-cast discrimination within Dalits themselves, largely persistent illiteracy and lack of proper education and awareness among the people and very ineffective and opportunist Dalit leadership both in politics and civil or NGO movement are noticed as major challenges on the way towards providing full-fledged citizenship status to Dalit people in Nepal.

Reforms in bureaucracy and more effective awareness campaigns are needed against discriminatory practices guided by culture and as a form of social system. Public pressure should be given to the political parties and concerning authorities. Effective implementation of current constitutional set up would result towards betterment for social and economic citizenship of Dalit people.

Moreover, not only the better constitutional and legal arrangements concerning to promote inclusive social policies (which we already have in Nepal for example at present) is enough but also the concrete action plan is needed to fight against the deep rooted

feudal character of the society and long term practiced strategic exclusionary policies including racial and cultural segregation. (Byrne 2005:121)

Awareness campaigns and effective monitoring by the authorities is required to overcome superstitious religious/cultural beliefs and practices leading towards social exclusion and discrimination. Various forms of print and electronic mass media would play vital role on this. This way the civic and social citizenship of the Dalits could be further improved.

In many cases as Nepal and India shares similarities in its nature of societies, B.R. Ambedkar's indicative on inclusive social policies including the way towards modified form of 'state socialism' would result the better solution ( Oxford university press, 2008).

Expanding the civil society movement and third sector (NGOs) activities up to the rural villages is a must. Developing multi professional network cooperation is required to overcome such a challenging problem. Every project should have specified target to develop education in order to empower and make aware the Dalit people specially women.

I strongly believe that enhancing the participation of Dalit women in mainstream development would mean providing greater opportunities and accessibility for them to make decisions, to manage their own resources and to make them self-reliant.

In order to address all of the determinants of social exclusion, it is important for any intervention designed to reduce disparities to include strengthening local capacity to manage a comprehensive response. This will ensure that an approach is context-specific and addresses the local particular determinants and dynamics of exclusion which exist within a community.

Only theoretical knowledge cannot prepare persons for challenges in real life. Thus more stress should be laid on imparting knowledge through discussion with local people

and youth, effective awareness programs like video films, case conference and street plays, interactions and meeting with social activists, visits to Local universities and NGOs are our main goals. The purpose of awareness programs is to bring positive attitudinal changes in those Dalit people who are facing serious discrimination and social exclusion.

As social worker we cannot forget the cultural and religious values of the society while promoting the wellbeing of the marginalized. Especially in the country like Nepal where the religion plays the top most roles in every aspect of normal people's life, providing Dalit people a full-fledged citizenship status seems still a long march forward to complete. Hence, we need to explore innovative ways to overcome the formidable obstacle to the empowerment of Dalit people. Every effort should have ultimate aim to improve the economic status of Dalit people and making both formal and informal education accessible to these communities. The cast based discrimination has direct connection with class struggle in Nepalese society.

The success lies in team cooperation and mutual respect for individual differences and capabilities. There has been already enough discussion over the topic of justice, equality, antidiscrimination and so on. Hence, it is the time to act on this from different level. Advocacy for necessary policies to bring equity and justice on behalf of poor and vulnerable Dalit people should have new dimensions. I would recommend better focus in improving the economic citizenship in order to give right direction to the ongoing movements for Dalit rights.

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## APPENDIX-1: QUESTIONS FOR INTERVIEW

### A. For the general public and local groups

1. How do you evaluate your situation after the people's revolt in 2006, does it feel any more comfortable since there has been lot of policy reforms in national level for the betterment of Dalit people?
2. Are you aware that every citizen is equal in front of law and any discrimination on the base of cast is punishable?
3. What is your understanding about traditional distribution of labour on the base of cast, why do you think it persist largely even today?
4. What sort of difficulties you experience when there is no proper local government since almost 15 years?
5. Whom do you see close with you and your community, government agencies or NGOs and civil society activists? Have you experienced any specific deference in between these?
6. What should be the real meaning of citizenship in practice in your opinion and where do you lack the most?
7. What do you think the central government should do the next in order to reduce largely existing poverty among Dalit communities?

B. For government authorities, NGOs, civil society and Dalit-right activists

1. How do you consider the topic 'citizenship and Dalit people' as a subject to be studied in Nepal?
2. What is our opinion about the citizenship status of Dalit people in this transitional period after people's revolt in 2006 that brought revolutionary changes?
3. Why do you think the legal and constitutional arrangements are not really implemented in practice in the local level? What would you suggest for possible solution?
4. Cast and class based discrimination is centuries old deep rooted cultural practice of Nepalese Hindu society, in such circumstances do you think only the legal and constitutional arrangements are enough to provide equal status of citizenship to Dalit people?
5. What are your efforts to ensure that every citizen enjoy the modern and full-fledged citizenship status?
6. How do you see the co-relating nature of cast and class status in Nepalese society? In case of Dalit people, should not we focus simultaneously to improvise their class status rather than prioritizing reserved and specific rights for few of them?
7. People are frustrated with unstable politics, have no trust in bureaucracy due to corruption and lack of accountability and also have no local government for a long in such situation; as a responsible actor of democratic system how are you supporting the most vulnerable Dalit communities in this long lasting struggle for full-fledged citizenship?

## APPENDIX-2: ABBREVIATION

CPA- Comprehensive Peace Agreement

GDI- Gender- related Development Index

GEM-Gender Empowerment Measure

HDI-Human Development Index

I/NGO-International/ Non Governmental Organization

NHRC-National Human Rights Commission

OHCHR-Office of the High Commissioner for Human Rights

UDHR-Universal Declaration of Human Rights

UNDP-United Nations Development Programme

VDC-Village Development Committee

UNFCO-United Nations Field Coordination Office

ERDC-Education, Research and Development Center

ECF-Education Concern Forum