



# IDENTITY MOVEMENTS OF MARGINALIZED GROUPS IN NEPAL

## *FOUNDATIONS FOR INCLUSIVE REPRESENTATION*

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### 1. RECENT POLITICAL DEVELOPMENTS

Nepal witnessed a historic political transition with the commence of the twenty-first century, changing characteristics of the political system that were not only fundamental, but that still seemed impervious to reform only years before the transformation. The monarchy has been abolished, and so have the unitary state structure and the state's association with the Hindu religion. In place of a Hindu unitary kingdom, the country has been declared a secular federal democratic republic in the new Constitution of the country promulgated on 20 September 2015 by the Constituent Assembly. The new Constitution has also given an official status to languages other than Nepali. The promulgation of the new Constitution has not only ended the prolonged transition that the country had been witnessing, but also formally abolished the centuries-old Shah dynasty. The Constitution proclaims that sovereignty and state authority are vested in the people, not in the monarchy as stated in Nepal's previous constitutions. As written in its Preamble, the Constitution is determined to establish an egalitarian society on the basis of the principles of proportional inclusion and participation ensuring an equitable economy, prosperity and social justice. It has created a federal democratic republic with the introduction of seven provinces, ending all types of possibility of reinstatement of the monarchy and the unitary state. The form of governance of the country shall be a multi-party, federal democratic republic with the lower house of parliament elected on the basis of a mixed electoral system (first-past-the-post and proportional representation). So, passing the new constitution was not just a reform of some aspects of previous constitutions, but a radical overhaul of the fundamental principles of the country's political system.

### 2. IDENTITY MOVEMENTS AND DEMAND OF POLITICAL REFORM

Modern Nepal had been constituted as a unitary Hindu kingdom from its foundation until the recent past. The Nepali monarchy, an institution associated with the formation of the Nepali state in 1768, had a traditional affiliation with Hinduism. The Hindu high-caste hill group (that consists of *Chhetri*, *Bahun* and *Thakuri* and constitutes about 31% of the total population) had the highest social status, by which they were able to control the state's resources, and to enjoy all powers and privileges while excluding others. In addition, only Nepali language, which is the mother tongue of the Hindu high-caste hill group, had received recognition from the state as an official language. These four fundamental characteristics of the Nepalese political system - (a) the monarchy, (b) the unitary form of governance, (c) the state's official association with Hinduism, and (d) the recognition of Nepali as the sole official language - were regarded as indispensable and inseparable components of the state's structure. These four components were promoted as the four pillars of Nepal's political structure until it amended an Interim Constitution in December 2008. So, Nepali identity, in the past, was moulded out of these four components. Nepali identity had been constructed on the basis of the dominant culture, religion and language of the Hindu high-caste hill group. But at the same time Nepali society has been ethnically, culturally, religiously and linguistically diverse since its existence. While the promotion of the four political institutions had been unsuccessful in decreasing this diversity, it had protected the domination of the culture, religion and language of the Hindu high-caste hill group and it had marginalized and even excluded cultures, religions and languages of others from the state's structure. The Hindu high-caste hill group, and its cultural values, religion and language became the dominant and privileged features of

Nepali state and society while other groups such as non-Hindu *Janajati*<sup>1</sup>, Hindu lower-caste *Dalit* (untouchables in the Hindu caste system) and non-Nepali speaking *Madhesi*<sup>2</sup> were excluded from the mainstream of Nepali state and society, and ended up as under-privileged and marginalized groups. These groups were not only marginalized culturally, religiously and linguistically due to the state sponsored supremacy of the Hindu high-caste hill group, but also excluded from the mainstream of the state's politics and economy.

With the promulgation of the 1962 Constitution (under the *Panchayat* regime), the state adopted a one-language policy declaring the Nepali language to be the national language of the country, because of which speakers of other languages felt suppressed (Gurung 2003; Lawoti 2010). Any attempt to revive other languages was interpreted as communalism (in the sense of an ethnic identity that stimulates communal violence) by the state (Malla 1979: 173). The period of the *Panchayat* regime was the time during which the Nepali state made intensive efforts to evolve itself into a nation-state by creating a homogeneous national identity with a common religion, culture and language (Pfaff-Czarnecka 1997: 423; Pradhan 2002: 11; Hangen 2010: 31).

The Constitution of the Kingdom of Nepal of 1990, promulgated under the multiparty democracy (after the abolition of the autocratic *Panchayat* regime), declared Nepal a 'Unitary Hindu and Constitutional Monarchical Kingdom'. Even though the 1990 Constitution recognized Nepal as a multi-ethnic and multilingual nation, it retained the Hindu identity of the state, and did not recognise languages other than Nepali (previously known as the *Gorkhali* language, *Khas kura* or *Parbate kura*)<sup>3</sup> as the official language. Thus, the hegemony of the religion and language of the high-caste hill group continued even under the 1990 Constitution. So, it could not promote the spirit of an inclusive democracy, and recognize the diversity and plurality of Nepali society. This Constitution failed to incorporate the aspirations of the indigenous and other marginalised groups. Their hope of recognition of plurality of Nepali society remained unfulfilled. However, an open atmosphere (i.e. freedom of expression and other rights) guaranteed by the 1990 Constitution provided ample opportunities for identity-based movements within the established political structure. These movements clearly demanded a more inclusive policy that could recognize the identity and basic rights of marginalised groups. This situation compelled the state to recognise cultures, religions and languages of all marginalised groups. It allowed a space for the assertion of voices of the excluded, under-privileged and marginalised groups. Non-Hindu indigenous groups and other religious minorities continued to demand that Nepal should become a secular state instead of a Hindu state. These groups demanded a multi-linguistic policy with the right to use local languages at the local administration instead of only Nepali. The demands for religious and linguistic rights were tied up with the demand for federalism. Indigenous and *Madhesi* groups had envisaged that they would achieve these rights if the demand for federalism were fulfilled.

Identity movements by indigenous and other marginalized groups demanding equal rights, including religious and linguistic freedom, began to emerge after 1951 when the Nepali polity opened up with the abolition of the oligarchic Rana regime<sup>4</sup> and the introduction of multiparty democracy. They even raised the issue of autonomous regions. A regionally oriented party, the Nepal Tarai Congress, first raised the issue of an autonomous Tarai region in 1951 under the leadership of Vedananda Jha. The party also demanded recognition of Hindi as a language of state administration in the Tarai (Joshi and Rose 1966: 202; Gaige 1975: 109). However, the issue fizzled out after the first parliamentary election held in February 1959, which turned out to be a disaster for this party. In his autobiography, Bisheswor Prasad Koirala, then Home Minister, mentions the *Kirati* people's demand for an ethnic autonomous region in the *Majh-Kirat* region (a region traditionally inhabited by the *Rai* indigenous group in the Dudh Kosi and Arun river basins) during his visit to Bhojpur in 1951 (Koirala 2055 BS: 162-163). Ethnic and identity movements became active in an organized manner from the 1980s when the party-less authoritarian *Panchayat* regime (1960-1990) became more liberal.<sup>5</sup> Most of these movements confined themselves to the preservation of ethnic and linguistic identities by forming cultural associations and publishing cultural magazines

<sup>1</sup> The term *Janajati* is used as a synonym of indigenous groups in Nepal. Therefore, *Janajati* and indigenous groups are used as interchangeable terms in this paper.

<sup>2</sup> *Madhes* is the plain land situated in the southern part of Nepal spread from East to West, which is also commonly known as Tarai. People originally living there are known as *Madhesi* whose languages and cultures are similar to those of Northern India. Therefore, *Madhes* and Tarai are used as interchangeable terms in this dissertation.

<sup>3</sup> *Gorkhali* language, *Khas kura* or *Parbate kura* was renamed 'Nepali language' only in 1933 as a part of the construction of homogeneous national identity (Gellner 1997: 5). It is an offshoot of *Sanskrit* - an ancient language of the Indo-European family. It is the mother tongue of the high-caste hill group and hill Dalits.

<sup>4</sup> The Rana regime was an oligarchic system always headed by a premier belonging to a particular family group called Rana. Nepal was ruled under this regime for 104 years (from September 1846 to February 1951). The regime had maintained total isolation from the rest of the world.

<sup>5</sup> *Panchayat* was the political system of Nepal from 1960 to 1990. The system was introduced by King Mahendra after overthrowing the first democratically elected government of Nepali Congress and dissolving the parliament on 16 December 1960. The system was reformed after the national referendum held on 2 May 1980. For example, members of the parliament (known as *Rastriya Panchayat*) were supposed to be directly elected from their constituencies on the basis of universal franchise.

(Gurung 1997: 526; Gurung 2004: 435; Sharma 1997: 483). However, numerous ethnic organizations and political forums that came into existence during the eighties advocated ethnic identity and equal rights. A forum called *Shetamagurali* was formed during this time to bring together non-Hindu hill indigenous communities such as Sherpa, Tamang, Magar, Gurung, Rai and Limbu. The Nepal Tarai Congress was reorganized under a new name Nepal Sadhvawana Parishad in 1985 (later transformed into Nepal Sadhvawana Party in 1990) with a mission of ensuring equal rights for Madhesi people. But these movements were not strong enough to change the existing structure of the Nepali state. It was only after the restoration of multiparty democracy in 1990 as an outcome of the April 1990 mass movement (i.e. *Jan Andolan I*) that political leaders and activists from historically excluded groups such as *Janajati*, *Dalit* and *Madhesi* began to demand an inclusive democracy including full religious rights and a multi-linguistic policy.

The issue of federalism also explicitly surfaced in Nepal's political discourse after the successful end of the April 1990 movement. During the time when the Constitution of Nepal 1990 was being drafted to replace the 1962 Constitution (promulgated under the autocratic *Panchayat* regime), some political leaders of hill *Janajati* and *Madhesi* groups questioned the unitary state structure of Nepal given the country's linguistic, ethnic and geographical heterogeneity, and demanded a federal state structure (Hoftun et al 1999: 327-333). Meanwhile, an umbrella organization of indigenous associations called the Nepal Federation of Indigenous Nationalities (NEFIN) was established in July 1990 and brought together about twenty ethnic and cultural associations. They began to assert their rights and identities with a new intensity. They demanded that the state recognize their unique culture, religion and language. Various groups and associations contested the Hindu identity of the Nepali state when the Constitution was being formulated between May and October 1990. There were demonstrations by Buddhist, Christian, and Muslim associations, and ethnic organizations representing the predominantly non-Hindu hill indigenous groups, which demanded that Nepal would be declared a secular state. This position was supported by leftist, liberal, and republican elements (Hutt 1993: 37; Pfaff-Czarnecka 1997: 444; Sharma 1997: 488). The grievances of the hill indigenous groups and other non-Hindu groups against the Hindu state were intertwined with their perceptions of the state having privileged the culture and religion of the Hindu high caste hill group. The NEFIN also demanded that Nepal be transformed from a unitary state into a multi-nation state, referring to all indigenous groups as separate nations (Sharma 1997: 489). On the other hand, vigorous obstruction to the demand that Nepal be declared a secular state, came from the palace, the army and orthodox Hindu organizations (with support from their fundamentalist brethren in India) (Thapa and Sijapati 2003: 34-35).

During *Jan Andolan I*, some elements within the United Left Front, notably the CPN (4<sup>th</sup> Convention), and other radical leftist parties outside of the Front came out in favour of replacing the monarchy with a republic (Hutt 1993: 31-32). Radical leftist parties, including CPN (Mashal) and CPN (Masal), formed an alliance called the United National People's Movement (*Sanyukta Rastriya Jan Andolan* in Nepali), which demanded the abolition of the monarchy and the transformation of the country into a republic.<sup>6</sup> They demanded the immediate promulgation of an interim constitution and elections of a Constituent Assembly with the intention to abolish the monarchy, but their voice was not strong enough to sustain the movement toward republicanism. On the other hand, the Royal Palace was concerned with the fact that election of a Constituent Assembly would move the country toward republicanism. The major political parties of Nepal, including the Nepali Congress and the CPN (UML), did not question the monarchy. They only wanted to transform the country from an autocratic monarchy into a constitutional monarchy. During the writing of Nepal's 1990 Constitution, the Nepali Congress was guided by its leader Bisheswor Prasad Koirala's policy of 'national reconciliation' with the monarchy.<sup>7</sup> In contrast, the United Left Front, including the CPN (UML), did not have strong support from the public to challenge, let alone abolish the monarchy (Malagodi 2013: 136).

Despite of these movements and demands, the Constitution of the Kingdom of Nepal of 1990, promulgated under multiparty democracy (after the abolition of the autocratic *Panchayat* regime), proclaimed Nepal to be a 'Unitary Hindu and Constitutional Monarchical Kingdom'. Even though the 1990 Constitution recognized that Nepal is a multi-ethnic and multilingual nation, it retained the Hindu identity of the state, and did not recognize languages other than Nepali as the official language. Thus, the hegemony of the religion and language of the Hindu high-caste hill group continued even under the 1990 Constitution. So, it could not promote the spirit of an inclusive democracy, and recognize the diversity and plurality of Nepali society. This Constitution failed to incorporate the aspirations of the indigenous and other marginalized groups envisaged during *Jan Andolan I*. Their hope of recognition of plurality of Nepali society remained unfulfilled. Chaitanya Mishra (2007: 115), a renowned sociologist of Nepal, argues that "*The 1990 Constitution, despite its relatively*

<sup>6</sup> It is worthwhile to recall that the first general assembly of the parent Communist Party of Nepal (CPN) held in January 1954 had already passed a resolution advocating the establishment of a republic by an elected Constituent Assembly (Thapa and Sijapati 2003: 22).

<sup>7</sup> It was the policy called for by Bisheswor Prasad Koirala in December 1976 on his return from exile in India through which he wanted to offer a compromise between his political party, the Nepali Congress Party, and then King Birendra to protect Nepal's national sovereignty and identity.

*progressive nature, not only failed to resolve several longstanding and key contradictions within the 'cultural' domain, but also continued to provide primacy to Hindu religion and the Nepali language”.*

The radical leftist parties immediately refused to recognize the 1990 Constitution. They only considered it as an initial step on the way to a republican state. So, the 1990 Constitution created a conflict with its birth. However, the two major political parties, the Nepali Congress Party and the CPN (UML), compromised and reconciled themselves to the idea of a constitutional Hindu monarchy with a unitary form of government. The new constitutional arrangement continued the religious discrimination of non-Hindus and the linguistic discrimination of non-Nepali speaking *Janajati* and *Madhesi* groups. Malagodi (2010: 76), after a careful study of the 1990 Constitution, concludes that the 1990 Constitution envisaged Nepalis as people who ought to be Hindu, Nepali-speaking and 'loyal subjects' of a Hindu king. The constitution did not approve a federal state structure either. However, the issue of federalism along with secularism and multilingualism remained essential topics in Nepal's political discourse since then. Politicians and scholars who were in favour of federalism argued that a federal system was suitable to Nepal because of the country's linguistic and ethnic diversity, and federalism would recognize the identity of all groups. They also claimed that a federal system would lead to more efficient development because it would decentralize development policies and ensure ownership to local end-users.

The linguistic monopoly and intolerance of the Hindu high-caste hill group became more evident in the subsequent years. In 1993, the Nepali Congress government made *Sanskrit*<sup>8</sup> a compulsory subject in secondary schools, and in 1995 the CPN (UML) government decided to broadcast news in *Sanskrit* despite the fact that it is the mother tongue of no one in Nepal. These decisions reflected the influence of top-level politicians in both political parties who belonged to the Hindu high-caste hill group (Bhattachan 2001: 48; Toffin 2006: 233). At the same time, the recognition of other languages than Nepali at the level of local administration was rejected in June 1999 when the Supreme Court declared Kathmandu Metropolitan City's decision to recognize the *Newari* language<sup>9</sup> at the local level unconstitutional. This verdict prevented Kathmandu Metropolitan City from using the *Newari* language in its local administration. Thus, the identity movements could not achieve significant reforms in the structure of the Nepali state after *Jan Andolan I*, either. However, an open atmosphere (i.e. freedom of expression and other rights) guaranteed by the 1990 Constitution provided ample opportunities for identity-based movements within the established political structure. These movements clearly demanded a more inclusive policy that could recognize the identity and basic rights of marginalised groups. This situation compelled the state to recognise cultures, religions and languages of all marginalised groups. It allowed a space for the assertion of voices of the excluded, under-privileged and marginalised groups. Non-Hindu indigenous groups and other religious minorities continued to demand that Nepal should become a secular state instead of a Hindu state (Hoftun 1993: 19; Toffin 2006: 233; Malagodi 2010: 68). These groups demanded a multi-linguistic policy with the right to use local languages at the local administration instead of only Nepali. They also demanded news to be broadcast in all languages, *Sanskrit* to be an optional instead of a compulsory subject in school education, and state support for school level education in all mother tongues.<sup>10</sup> The demands for religious and linguistic rights were tied up with the demand for federalism. Indigenous and *Madhesi* groups envisaged that they could achieve these rights only if the demand for federalism were fulfilled.

### 3. THE MAOIST MOVEMENT

The CPN (Maoist) began an armed insurgency movement in Nepal in February 1996 to oust not only the constitutional monarchy but also parliamentary democracy. The insurgency triggered a civil war that would last over a decade and would cost more than 17,000 lives. The CPN (Maoist) championed the identity issue as it defied the cultural, religious and linguistic monopoly of the Hindu high-caste hill group. Along with other rights, it demanded equal religious rights for indigenous and non-Hindu groups, and called for an end to the state's alignment with Hinduism and the Hindu monarchy. The movement also raised its voice in favour of equal linguistic rights for non-Nepali speaking indigenous and *Madhesi* groups. The Maoist movement further raised the issue of ethnic autonomy. The dominance of the Hindu high-caste hill group across ethnic, cultural, religious, and linguistic lines, and in terms of the distribution of power and resources is regarded as an important cause of the Maoist insurgency (Baral 2006: 197-198; Subba 2006: 52; Mishra 2007: 109; Toffin 2013: 36). Of the 40-point demand issued by the CPN (Maoist) to the government just before the Maoists formally started the armed conflict in February 1996, five demands were directly concerned with the indigenous and other oppressed groups: ethnic autonomy, regional devolution, a secular state, the end of ethnic oppression and equality of all languages (Gurung 2003: 8). Two other demands were related to abolishing monarchy although they did not explicitly mention it. One of these two demands was: "A new Constitution should be drafted by representatives elected for the establishment of a people's

<sup>8</sup> *Sanskrit* is an ancient language from which many Indo-Aryan languages, including the Nepali language, have originated. Although it is very rich in literature, this language is the mother tongue of no one and nobody speaks this language at the community level.

<sup>9</sup> The *Newari* language (also called *Nepal Bhasa*) is the native language of the *Newar* community who are considered to be the indigenous inhabitants of the Kathmandu Valley.

<sup>10</sup> Demands for news broadcast and school level education in major ethnic and regional languages were fulfilled step-by-step in the 1990s. Also, the government withdrew its decision to make *Sanskrit* a compulsory subject in school-level education.

democratic system” (Point No. 10) and the second was: “All special privileges of the king and the royal family should be abolished” (Point No. 11) (Thapa and Sijapati 2003: 213). The CPN (Maoist) believed that the country would be transformed into a republican state if a new constitution was drafted by elected representatives. But the other major political parties did not accept the Maoist proposals at that time.

So, abrogation of the 1990 Constitution, election of a Constituent Assembly and abolition of the monarchy held the stage in the country’s political discourse since the mid-nineties. The major political parties including the Nepali Congress and the CPN (UML) (who had faith in parliamentary democracy and constitutional monarchy), however, were not in favour of abrogating the 1990 Constitution, but rather wanted to amend it. These parliamentary political parties never envisaged to hold elections for a Constituent Assembly to write a new constitution and to abolish the monarchy. They only proposed to reduce some of the perks and privileges of the King by radically amending the 1990 Constitution. This became clear in November 2001, when then government led by Prime Minister Deuba rejected the main demand of the Maoists: elections to form a Constitutional Assembly. Because of the rejection, the Maoists ended their four-month old truce with the government and unilaterally ended the ceasefire declared in July 2001.

During the course of the insurgency, the Maoists increased awareness among indigenous groups, Dalits, women and other oppressed groups regarding their ethnic and cultural identities (Baral 2009: 4). To secure the rights and autonomy of indigenous and *Madhesi* groups, the CPN (Maoist) in September 2001 formed nine autonomous regions under a United Revolutionary People’s Council. Of these nine autonomous regions, six were based on ethnicity and three based on region. The CPN (Maoist) did not, however, explicitly mention federalism during the insurgency; they only mentioned giving autonomy to local indigenous groups. However, it was the CPN (Maoist) that first tabled the option of creating autonomous regions for addressing the issues of ethnicity, language and religion, and for the equal distribution of the state’s power and resources (Baral 2009: 4). Thus, the two movements - one organized by indigenous people’s associations under the leadership of NEFIN adopting peaceful means of protest, and another one organized by the CPN (Maoist) adopting the means of an armed insurgency - had a cumulative effect on the formation of ethnicity- and regional-based identity. Scholars of Nepali politics agree that the strongest opposition to the cultural domination of the Hindu high-caste hill group came from the Maoist and the *Janajati* movements (Khanal 2006: 169-171; Toffin 2006: 233; Tamang 2006: 271-272). This was one of the areas where the agenda of the indigenous people and that of the CPN (Maoist) converged (Gurung 2003: 12). So, these movements made significant contributions to forcing the Nepali state to accept multiculturalism and inclusive democracy. The two movements brought the issue of various rights, including religious and linguistic rights, to the forefront. They demanded secularism with equal status for all religions, and multilingualism with the right of using local languages at the local government level instead of only Nepali.

#### 4. THE BEGINNING OF THE TRANSITION

The Seven-Party Alliance – an alliance formed by the seven agitating parliamentarian political parties formed on May 2005 to protest against the King’s take-over of February 2005 – called a nationwide mass protest movement on 6 April 2006 against the autocratic monarchy and called it *Jan Andolan II*, which literally means the second wave of the mass movement. The Maoists extended their support to this call. The major political parties and the Maoists had a clear-cut plan about what to do with the old structures of the Nepali state after the successful end of *Jan Andolan II*. Major political parties like the Nepali Congress and the CPN (UML) already had a common plan with the CPN (Maoist) to first sideline the King, then abolish the monarchy and declare the country a republic. (Toffin 2006: 220-221). Eventually, on 24 April 2006, King Gyanendra succumbed and reinstated the House of Representatives. The major political parties formed a government. Beside this, they conceptualized new structures for the state: federalism, secularism and multilingualism. They discarded the single-cultural paradigm and stepped forward for the multi-cultural paradigm instead. They wanted equal space in the state’s power structure and equal share in the state’s resources for all Nepalis who have different sub-national identities. However, majority of the Nepali political elites (then parliamentarians) first liked to associate them with the overarching national identity, not with sub-national identities such as ethnic, regional, religious and linguistic identities etc. An elite opinion poll conducted by International IDEA in 2008 showed that an overwhelming majority of them (87 percent) first liked to identify themselves as Nepali only (International IDEA 2008: 77). Among the general public too, public opinion polls taken between 2008 and 2011 revealed that a vast majority liked to identify them as Nepali only, not with any sub-national identity (The Asia Foundation 2011: 42). A series of recent public polls also reveal that more general public think that relations between different castes, ethnicities and religions are improving between 2017 and 2020 (Giri et al 2020: 74). This demonstrates that the rise of the ethnicity- and regional-based identities does not harm the national identity overall, and thus does not necessarily or even likely drive the country to disintegration.

## 5. POLITICAL REFORMS AND INCLUSIVE REPRESENTATION

An overwhelming majority of the elected members the Constituent Assembly (over 90 percent) endorsed the new Constitution on 20 September 2015. In Article 4(1), the new Constitution defines the ‘State of Nepal’ as ‘an independent, indivisible, sovereign, secular, inclusive democratic, socialism-oriented federal democratic republican state’ (Constituent Assembly Secretariat 2015). This clause of the Constitution unambiguously states that Nepal is a secular federal republican state and has paved the way to formalizing other basic structures related to federalism such as the demarcation and naming of the federal provinces, and the distribution of responsibilities among the central, provincial, and local levels. With regard to the language issue, the new Constitution of 2015 has given the federal provinces the right to select one or more languages as the language(s) of administration in the respective provinces. Among its other main features, the Constitution adopted a mixed electoral system for the first time in the country’s history. The House of Representatives shall consist of 275 members of whom 165 (60 percent of the total number of MPs) will be elected through a first-past-the-post electoral system from 165 electoral constituencies, while another 110 MPs (40 percent) will be elected using a proportional electoral system where voters vote for party lists, treating the whole country as a single electoral district. This provision has been made to ensure the representation of women, marginalized groups and backward regions. How important this provision is shown by the increasing representation of marginalized groups in the recent lower-house assemblies.

Adibasi-Janajati group makes up 29 percent in the total population of the country. Their representation in the House of Representatives of 2017 (formed after the first election after the endorsement of the new Constitution) was 24 percent. So, this group was slightly under-represented by 5 percent. However, their representation had been increased compared to 21 percent of the House of Representatives of 1999. Madhesi group (including Tharu and Muslim) were slightly over-represented in the House of Representatives of 2017; making up 26 percent of the country’s population, they made up 27 percent of the House of Representatives. Their share in the House of Representatives of 1999 was only 20 percent. Even though Dalit group makes up 14 percent of the total population, they made up only 7 percent in the House of Representatives of 2017. Pathetically, their presence was nil in the House of Representatives of 1999.

**Table 1: Members of House of Representatives 1999, 2017 and 2022**

SN	Group	1999	2017	2022	Share in Population
1	Khas-Arya	59%	42%	48%	31%
2	Adibasi-Janajati	21%	24%	24%	29%
3	Madhesi (including Tharu, Muslim)	20%	27%	22%	26%
4	Dalit (both hill and Madhesi)	0%	7%	6%	14%
	<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

Source: Neupane 2000: 70 & Baral 2009: 5

Despite the fact that the representation of the marginalized communities that were excluded in the past in the country’s legislature has remarkably increased in the later parliament, the representation of Khas-Arya group was still significantly higher than their share in the total population. While they make up 31 percent of the country’s total population, their representation was 42 percent in the House of Representatives of 2017, which is even increased to 48 percent in that of 2022. Though these proportions were tremendously lower compared to the House of Representatives of 1999 (59 percent), their representation was still remarkably higher than their share in the total population.

## 6. THE WAY FORWARD

Undoubtedly, the new Constitution has recognised and assimilated the multi-ethnic, multi-lingual, multi-religious and multi-cultural characters of the Nepali state. It has recognised the voices of the entire spectrum of the people, not of only majority, advantaged and dominant groups. It has guaranteed the proportional representation of all of the groups in the parliament. However, disproportional dominance of Khas-Arya group still continued. As of the elections of House of Representatives of 2022, the presence of Khas-Arya group even increased to 48 percent: higher than their share in the country’s population by 17 percent. It was so because most of the candidates from Adibasi-Janajati, Madhesi (including Tharu and Muslim) and Dalit groups across parties failed to win the first-past-the-post (FPTP) elections for the House of Representatives of 2022. This led the lower-house parliament to become less inclusive than the one formed in 2017. Though the representation of Adibasi-Janajati group has been the same in 2017 and 2022 (i.e. 24 percent, lower than their share in the total population by 5 percent), the representation of other two groups, Madhesi and Dalit, has declined in 2022 from 27 percent to 22 percent and from 7 percent to 6 percent respectively. It divulges that as the election of Khas-Arya group under the FPTP system exceeds their share of the national population, their election under the proportional representation system will further reduce the representations of marginalised groups. Here, it is worthwhile to briefly discuss the reservation policy in the civil service

of Nepal. Reservation policy was introduced in the civil service through the second amendment of the 'Civil Service Act 1993' in 2007. The amended act insures that 55 percent of the seats of total vacancy would be for open competition while the rest of the 45 percent would be allotted for the reservation for six specified categories. Assuming 45 percent seats allotted for the reservation as 100 percent, 33 percent seats are reserved for women, 27 percent for Adibasi-Janajati, 22 percent for Madheshi (including Tharu and Muslim), 9 percent for Dalit, 5 percent for people with disability and 4 percent for backward areas. There is no reservation for dominant groups such as Khas-Arya in the civil service. They have to fight under the open competition (i.e. within 55 percent of the total vacant seats). However, they too have additional opportunities to enter the civil service through the reserved seats of women, people with disability and backward areas. Unlike the reservation policy of the civil service, the reservation policy of the House of Representatives insures the presence of Khas-Arya with certainty under the proportional representation system as per their share in the national policy. This privilege obviously reduces the representations of other disadvantaged and marginalised groups in the House of Representatives. In this sense, the reservation policy of the civil service is more progressive and inclusive than that of the House of Representatives. If we look into the global trend, no other countries in the world allot reserved seats for dominant groups. So, removing of the reservation for Khas-Arya group in the House of Representatives is justifiable.

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