

# A LAND OF OUR OWN

CONVERSATIONS WITH DALIT MEMBERS OF CONSTITUENT ASSEMBLY

**Suvash Darnal**





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**SUVASH DARNAL**

TRANSLATED BY  
**PRAWIN ADHIKARI**

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**Samata Foundation**

Pulchowk

Phone: 977-01-5520851

E-mail: [info@samatafoundation.org](mailto:info@samatafoundation.org)

Website: [www.samatafoundation.org](http://www.samatafoundation.org)

**Jagaran Media Center**

Buddhanagar

Phone: 977-01-4780597

E-mail: [info@jagaranmedia.org.np](mailto:info@jagaranmedia.org.np)

Website: [www.jagaranmedia.org.np](http://www.jagaranmedia.org.np)

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## EXPRESSION OF GRATITUDE

Fifty members represent the dalit community in the Constituent Assembly. Given the long history of total absence of dalits in any avenue of state legislature, this is an achievement of historical proportions. With the recent change, the advent of dalit representation in political, economic, social and all other sectors has started. This transformation is a result of the participation of, and sacrifices made by, the dalit community in the five decades long Dalit Movement, all movements for democracy that have taken place since 1950, the decade long People's War, and the People's Movement of 2006.

We are currently at an important juncture in our effort to institutionalize the hard-won change by protecting our rights in the new constitution. The efforts of fifty dalit CA members alone will not suffice: the entire dalit community must remain aware and alert. The issues of the dalit community do not concern dalit CA members alone, as there is a majority of non-dalit members in the CA who have endured a long and hard struggle against all forms of oppression. There is a separate and important place for their role in this struggle. It is necessary to first unite dalit CA members from different political backgrounds and create a list of shared grievances and aspirations of the dalit community. This book has been prepared to aid that effort by aggregating the views of eighteen uniquely representational dalit CA members.

As a part of a Non-Governmental Public Action (NGPA) research project under London School of Economics and Political Science, close to sixty individuals were interviewed to identify key elements with decisive roles in the Dalit Movement of Nepal. The draft of this book was prepared after journalist Purna Basnet, and Professor Dr Celayne Heaton-

Shrestha of University of Sussex, who was the supervisor for the project, suggested that a book of interviews with selected few CA members be published. Although it has not been possible to include all the interviews conducted during the investigation project, we want to thank everybody who gave their time for the interviews. Our cordial thanks to Basnet and Heaton-Shrestha for the suggestion to publish this book, and for their invaluable comments on the interviews. Also, we thank Padam Sundas, Rem Bishwokarma and Binod Pahadi for their help in selecting interviews to include in the book.

J. B. Bishwokarma did the research and the preliminary editing. Shiromani Dhungana, Kamal Pariyar, Laxman Darnal and Biru Nepali helped with the interviews. Urmila Bishwokarma helped with the typing of the text, and Chiranjivi Karnabehari and Amit Gautam helped with the accounts and management. Dhruba Basnet and Ashok Darnal took the pictures in the book. We thank them all.

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I have worked on this book originally in Nepali. Prawin Adhikari has translated it into English. We thank you all for your gracious and patient wait for the time it took us to publish this book amidst load-shedding and other technical difficulties

## CONSTITUENT ASSEMBLY FOR DALITS

**Suvash Darnal**

Nepalese society is going through a phase of rapid disintegration, integration and reintegration. The Constituent Assembly overthrew the 240 years old Hindu Monarchy through its declaration on 28 May, 2008, and established a Democratic Republic. Not only did this break away from history and traditional values and norms, but it also directed the nation towards a new epoch in its history. The Shah monarchy that started with Drabya Shah's conquest of the throne of Gorkha in a footrace found its end with the reign of Gyanendra Shah. This revealed a massive heap of faults accumulated by the unitary monarchy and its discriminatory and flawed economic policies. It also opened up the challenging avenue of a new, inclusive and proportionally representative state structure. The seed of restructuring that was sowed in remote corners of the country so effectively shook the foundations of the state that it has now become the mainstream of the state's functions. The Peace Talks, Comprehensive Peace Agreement, Interim Constitution and the elections for the Constituent Assembly have brought to the surface long-neglected issues of caste, indigenous ethnicities, genders, groups and regions. The issue of state-restructuring has gained legitimacy from the inclusive CA with its 601 members. Political parties are not in a position to brush aside this issue since the necessity, desire and imperative for change has become firmly established.

### **The situation and condition of dalits in Nepal:**

Nepali dalits are divided among three communities: the Khas hill community, the Madheshi community and the Newar community. The condition of dalits everywhere is fundamentally the same. The

characteristics of the problems they face are also similar. Nonetheless, the particular condition of Madheshi and dalit women is far more heart-rending and grave in comparison to the already dismal condition of the hill and Newar dalits. The tradition of untouchability and caste-based discrimination, which is a special product of the Hindu feudal culture that developed in the Indian sub-continent over thousands of years, is dominant in South Asia. This doctrine divides people into the pure and the impure based on their birth. Not only does this tradition discriminate against people born into the community designated impure by excluding them from the political, social, cultural, economic and all other spheres of human life, it also perpetrates an extreme atrocity in the form of untouchability practices. The lives of dalits in the modern history of Nepal was fixed according to the dogma that the dalit community existed solely to provide services to the rest of the society, and not with any rights of its own. King Jayasthiti Malla of Kathmandu in the 13<sup>th</sup> century, and King Ram Shah of Gorkha in the 18<sup>th</sup> century established various decrees to rigidify the caste system in Nepal, and Rana Prime Minister Janga Bahadur calcified it as a characteristic of the law of the land when he issued the Civil Code of 1854. The Civil Code of 1854 designated dalits as untouchables: the water they touched was to be deemed contaminated by impurities, and dalits were to be excluded from all socio-cultural activities. For dalits, Any activities aimed at studying to acquire knowledge, adopting a trade or vocation with the intention of earning a better living, or organizing the community politically became entirely prohibited. Harsh punitive legal measures, up to capital punishment, were instituted to punish any infraction of the set laws. The Civil Code of 1854 established a judicial system where dalits and non-dalits were handed out different sentences for the same crime. The lives of dalits were fixed to that of working in the service of all classes of the society. They were forcefully limited to the vocation or labor that was designated for them by the society or people of the so-called upper-castes. This community, which is finally breaking free of the boundaries imposed upon it by history and continuously

progressing, is known in India and Nepal as the Dalit Community. The dalits of Nepal have been fighting for the past six decades against thousands of years of instituted and systematic exclusion, oppression and discrimination.

This long, arduous struggle by dalits has managed in mitigating the degree of oppression imposed upon the dalit community by the State and by the society, but neither the civil society nor the State has shown the determination and the mettle required to bring all forms of caste-based discriminations to a conclusive end. After the Civil Code of 1964, promulgated by King Mahendra, declared untouchability-related practices and discrimination illegal, all constitutions and laws written since have followed suit. The constitution of 1990, written after the historical People's Movement of 1990, mentions that untouchability and other caste-based discriminations are illegal, and that the State would undertake special programs designed to develop and uplift the dalit community. The Interim Constitution of 2006, apart from provisions similar to the constitution before it, also adds that the representation of dalits in each sector and level of the State would be guaranteed. However, all such gestures have been limited to the page and nothing has yet translated into action. If we analyze these facts, it appears as if writing these laws and regulations into the documents of the State, or guaranteeing absolute equality before the law, is deemed adequate measure to combat the effects of thousands of years of systematic creation of social, economic and political exclusion and inequity, and to remove all remnants of a traditional discriminatory psychology. As a result of this lack of insight, the limited attempts or gestures made by the State have not been successful in creating any meaningful results.

The mission of the Ninth Five-Year Plan of the erstwhile HM Government of Nepal, 1997-2002, was to increase the capability of the dalit community and other backward communities. The Tenth Plan, 2003-2007, was defined

as strategy to eliminate poverty. It was said that social inclusiveness would be the main priority of the State. Programs were designed to address the poor and bring the classes excluded from the State structure into the mainstream. According to the second Life-standard Survey of Nepal, 2003/2004, the average income of dalits is still very small. Whereas Newars lead the per person average annual income count with 38,193 rupees, and Bahun-Chhetris earn 24,399 on average per person, dalits earn only 12,144. Madheshi dalits earn only 10,889. In the past 15 years, the percentage of population living in absolute poverty in Nepal has decreased from 42 percent to 31 percent. But, of this 11 percent decrease, roughly half falls in the share of Bahun-Chhetris. Their level of poverty has decreased by around 46 percent. Poverty is the biggest problem faced by dalits. Even now, more than 47 percent of dalits live under the line of absolute poverty. There is no study into the access of dalits to agricultural land. A 2003 study conducted in a few villages of Baglung and Parbat by Self-Sustainability Forum shows that about 77 percent of dalits don't have the land required to produce enough food to last through a year. The state of dalits in health and education sectors is similar. According to the census of 2001, the literacy rate of Nepal is 58 percent while that among dalits is 33 percent. 43 percent of children in the hills and 76 percent of children in the Madhesh are not in a position to attend school. The number of dalits who pass the School Leaving Certificate exams is extremely small, and not even one percent of total college graduates in the country are from the dalit community. Similarly, dalits get an 80 percent share of the child mortality rate, and 80 percent of all child labor in the country consists of dalit children.

The representation of dalits in non-governmental and various sectors of civic life are negligible. This fact becomes clear if one scrutinizes the working committees of Federation of Nepalese Journalists, Nepal Bar Association, Chamber of Industry and Commerce and other vocational and human rights organizations. A 2005 study undertaken by the World

Bank and DFID shows that, before the formation of the Constituent Assembly, the domination over all sectors of the state by Bahun-Chhetris was at a whopping 90 percent, while the representation of dalits was abysmal. The representation of dalits in the judicial administration is non-existent. It is amazing that not one person from the dalit community has ever been appointed to the post of a judge in this country. The governments in the past were not in the habit of ensuring dalit representation in constitutional bodies, commissions and committees. The political parties, who ought to have been playing the role of facilitators in bringing about those changes, have yet to institute dalit representation within their leadership and decision-making levels of their organizations. They are in the habit of hoodwinking the public by including one or two dalit persons in the central committee or appointing a few dalits as leaders at the grassroots level. The Madheshi Janadhikar Forum, which came into existence after the Madhesh Movement, does not have a single dalit in its leadership.

### **The Changed Landscape**

The People's War started by the Maoist Party in 1996 brought a wave of energy to the dalit community. The Maoists formed the Dalit Liberation Front under the leadership of Tilak Pariyar, in 1997. The Front defined the Dalit Movement in relation to the State structure and the attempt to gain State power. According to that analysis of the the dalit condition, it wasn't enough to be content with superficial modifications to the reactionary and bourgeoisie state mechanisms. Rather, for true and total liberation of dalits, the feudal, Brahministic state-structure and the medieval feudal culture should be totally destroyed, and a new socialist or a people's socialist state structure and progressive socialist culture should replace the old system and culture. The Maoist Party also raised the issue of guaranteed proportional representation in the political, social and economic sectors of the new state-structure, and the provision for additional and special rights for the community until it can compete with

other community as equals in every sense and every front. (*Nepal Dalit Liberation Front, Political and Organizational Report, Third National Convention, January 2007*).

This policy of tying the dalit issue to the question of the structure of the state attracted dalits to the Party. 14 year old dalit youth Dil Bahadur Ramtel of Gorkha became the first martyr of the People's War that started on February 13, 1996. Around 1,150 dalits have been killed by the State during the decade-long People's War.

During its talks with the government, the Maoist party raised the issue of a constituent assembly. This was not a new agenda in the Nepalese context: it had been raised repeatedly in the past 50 years. However, this time around, it became a popular slogan after exploited groups like dalits, women, indigenous ethnicities and Madheshis adopted the agenda of a constituent assembly. Consequently, this time around, the demand for a constituent assembly could not end in any kind of a compromise. Energized by this demand for change, the 19 days long People Movement of 2006 concluded successfully under the leadership of Seven Political Parties and the Maoist Party. The Comprehensive Peace Agreement was signed between the government and the Maoists. The election for the Constituent Assembly became a mixed process with the first past the post system and the proportional system.

The elections for Constituent Assembly held on 8<sup>th</sup> April, 2008, transformed the traditional image of society. No other state structure before this was as inclusive in terms of ethnicities, languages, regions, genders, and groups. 216 members are of indigenous ethnicities, 196 are Madheshi, 198 are women, and 50 are dalits in an assembly of 601 members. The minority groups, the disabled and people of Third Gender are also represented. Although it is not proportional representation for only 8 percent of the CA to comprise of dalit members whereas the proportion of dalits in the

population is at 13 percent, this is an adequate number to influence the creation of a new constitution. Although the five-percent gap between the proportion of dalits in the population and that of dalit representatives in the CA may seem a trifling matter, for the community, which has remained backward in the political, social and economic sectors for so long, this is a huge and significant disparity. Other groups, like the minority, Muslims, backward regions and Third Gender are also represented in the CA, but in numbers that are nowhere near adequate.

In the parliaments that were formed in 1992, 1995, and 1999, and in the Interim Legislature, the representation of Bahun-Chhetris was 57 percent, 63 percent, 61 percent and 50 percent respectively. But, in the Constituent Assembly, the share of Bahun-Chhetris has shrunk to 30 percent, while the representation of women, indigenous ethnicities, Madheshis and dalits has increased.

| <b>Caste and Ethnic Representation in the Highest Body of the State</b>             |                                      |                                      |                                      |                                 |                                  |
|---|--------------------------------------|--------------------------------------|--------------------------------------|---------------------------------|----------------------------------|
| <b>Caste/Ethnicity</b>  | <b>House of Representatives 1992</b> | <b>House of Representatives 1995</b> | <b>House of Representatives 1999</b> | <b>Interim Legislature 2006</b> | <b>Constituent Assembly 2008</b> |
| Bahun-Chhetri   | 117 (57.07)                          | 131 (63.90)                          | 126 (61.46)                          | 166 (50.30)                     | 163 (27.12)                      |
| Indigenous  | 46 (22.42)                           | 36 (17.55)                           | 38 (18.53)                           | 74 (22.42)                      | 216 (35.94)                      |
| Ethnicities<br>Madheshis  | 41 (20)                              | 38 (18.53)                           | 41 (20)                              | 72 (21.81)                      | 196 (32.61)                      |
| Dalits  | 1 (0.48)                             | -                                    | -                                    | 18 (5.54)                       | 50 (8.30)                        |
| Total Seats (%)   | 205 (100)                            | 205 (100)                            | 205 (100)                            | 330 (99.77)                     | 601 (100)                        |
| <i>Source: Election Commission, Parliament Secretariat, and Bhim Prasad Bhurtel</i> |                                      |                                      |                                      |                                 |                                  |

\* Madhese Dalit is counted in both palce in Madhese and dalit. Some ethnic group are also counted within the Madhese and Indiginous group. Similarly, some madhese bahun are also counted in bahun chhetri Colum as well. So, The final number of CA member and percentage seems to be mismatching.

Seven of the dalit CA members have been elected directly. Dalit women Durga Bishwokarma and Sita Boudel have been elected from Kaski and Nawalparasi respectively. Khadga Bahadur Bishwokarma, Tilak pariyyar, Mahendra Paswan, Tej Mijar, and Gopi Achhami Sarki have been elected from Kalikot, Banke, Siraha, Kavre and Morang respectively. All seven dalit members of the CA who have won elections are Maoists. Regardless of whether they were chosen through direct elections or through the Proportional Representation system, they have equal rights and duties in the CA. Dalit representatives have the historic opportunity to include their agenda in the constitution through the CA.

Institutions like the International Crisis Group have placed Nepal fourteenth on the list of most inclusive countries around the world. This is a great transformation. The main challenge now is to constitutionally deliver the benefits of this change to the lowest strata of the society. The relevance and legitimacy of a change should be determined by measuring what the lowest strata of the society gains from the effected change. Although the changes of 1950, 1980 and 1990 were significant for the societies of the time, the legitimacy of those changes were challenged as after each moment of transformation people of the lower echelons of the society raised their voice to demand further change. The Maoist People's War that started in 1996 successfully challenged the hegemony of a particular caste group over the unitary state structure. Within ten years of change, the achievements of 1990 had stultified and become limited, and the need for another People's Movement became apparent. The decade long armed struggle and peaceful movements made possible the changes we have today.

### **What is in the book?**

This book is but a small part of a larger, more detailed study done on the state of the Dalit Movement. Around 60 individuals were interviewed as a part of the “*Study to identify important elements that have contributed to the present*

*state of the Dalit Movement*,” undertaken for London School of Economics and political science’s non government public action program. The conclusions herein are a product of interviews with dalit leaders and activists, political leaders and cadres, representatives of the civil society, and representatives of the People’s Liberation Army. However, the opinions presented in this book are solely those of the dalit members of the CA. Oral and written interviews were conducted with dalit members of the CA to find out the particulars of dalit rights related issues being incorporated into the new constitution, and the preparations done and strategies adopted by the CA members to ensure the inclusion of issues they advocate.

Interviews with Tilak Pariyar and Parashuram Ramtel illuminate the massive upheaval in the dalit community as a direct result of the participation by dalits in the People’s War, and contain accounts of the sacrifices made by the dalit community in the course of the People’s War. The Movement that has steadily gripped the Terai-/Madhesh region has successfully challenged and changed the traditional balance of ethnic and regional power, but why has it failed to bring any qualitative change in the lives of the Madheshi dalits, who comprise some forty percent of the population of the region? Shambhu Hazara Paswan, Ramani Ram and Shanti Chamar provide precise answers to this question.

The situation of dalit women is dismaying in every sense and every sector. Their lives become increasingly burdened by the mounds of problems created by the State and by the society around them. Discrimination and prejudices against the dalit women are rife even within the dalit community. How will dalit women break the chain of injustice that keeps them in bondage and enter mainstream politics? How have these members of the CA managed to come this far? There is nothing but insecurity in the society, in their families, and in the parties. How would they run the country if they were given the chance? Interviews with Durga Bishwokarma, Rima Nepali, Kalawati Paswan, Ramani Ram and Shanti Chamar provide the answers.

New Nepal is the topic *du jour* in the social circles in Kathmandu, but New Nepal hasn't made the scantest difference in the lives of the dalits living outside the urban centers. Instead, it has further complicated the problems with which they have always lived. Ahuti, Santa Bahadur Nepali, Padam Lal Bishwokarma, Parashuram Ramtel, and Binod Pahadi define New Nepal from a fresh perspective in their interviews. They define New Nepal as a dalit-oriented construct. They have presented succinct and clear opinions on issues of fundamental rights, state-restructuring, election processes, the structure of state governance and the much talked about issue of federalism. The essence of the opinions expressed by the dalit members of the CA is as follows:

### **Economic Sector**

Most dalits don't have a single tract of land. The right to ownership of land by dalits and other landless communities must be established in accordance with the principal that those who till the land should also own the land. The state should impose a limit on the acreage of land that may be owned by an individual, and distribute the remaining land among landless farmers and the poor. Dalits should get priority in this process. Since the issue of comprehensive land reform is very important for dalits, the issue should be included in the constitution itself.

Most dalits have their original and traditional vocations, trades and skills. The skills and knowledge developed by dalits as a part of their heritage should be modernized. The state should adopt policies that provide dalits with the trainings, loans and regulation of the market that is necessary for dalits to practice their hereditary vocations. The state should make its main priority the process of protecting and developing vocations and trade of dalits. Forms of labor and so-called traditions, like share-cropping, *baliya*, *kbali*, etc., which deliberately keep the dalit community economically backward, should be constitutionally abolished and all exchanges of labor should be monetized.

Governmental, non-governmental, national and multi-national companies daily sell their shares. Last year, government-owned Nepal Telecom sold hundreds of thousands of shares to its employees. If the state had adopted a policy of reserving just a fraction of those shares for sale to dalits, it could have proved a milestone in the path towards the economic development of dalits. Therefore, the new constitution should include provisions mandating government, non-government, national and multinational companies to set aside a fixed part of their shares for sale exclusively to the dalit community and the poor.

The vocations and skills of dalits should be urbanized.

### **Political representation and participation:**

There should be constitutional guarantees for proportional representation, and in many sectors, additional special rights, for dalits at all State, community, central and local levels and sectors where policies and programs are formulated.

The constitution should bar any federal state from decreasing or eliminating the provisions for proportional representation at the federal state level, although, depending upon the relative condition of dalits in a particular federal state, the federal state should have the right to increase the proportion for representation or additional special rights. There must be a central mechanism to monitor the activities of all federal states regarding the rights of dalits. The Dalit Commission should be made a constitutional body.

### **Legal protection**

The preamble of the constitution should include the definition of caste-based untouchability as a crime against humanity.

It must be mentioned in the constitution that untouchability and other caste-based discrimination may not be practiced anywhere wheresoever, and that the legal definition of it as a crime is not limited merely to public spaces.

A special court should be instituted to address instances of untouchability and other caste-based discriminations.

All existing laws that denigrate or abuse the dignity of dalits or violate their human rights should be abolished and a special Dalit Rights Protection Bill should be passed.

### **Educational Sector**

The provision for dalit students to study free of cost up to any level of their choice with a scholarship should be defined as their fundamental right.

Technical schools and universities should give priority to widening the circumference of the hereditary knowledge of dalits in various vocations and trades. Similarly, technical schools should be established to research into the skills and capabilities of dalits so that their set of skills can be used more efficiently and appropriately.

All items in educational curricula that are denigrating and derisive towards the dalit community should be removed immediately.

### **Employment sector**

In the government, private and non-governmental employment sectors, there must be fixed percentage of reservations designated exclusively for dalits.

Therefore, the most important question to ask at the moment is: how have dalit CA members prepared for this monumental task? What will be

their role in the creation of a new constitution? What is the structure of the new State that dalit CA members envision? Is there any coordination and cooperation between dalit CA members affiliated to different political parties? What is included in the agenda of the dalit community, and what challenges exist on the path to incorporating them into the new constitution? Through interviews with uniquely representational 18 dalit CA members, this book attempts to answer those questions.





## BINOD PARIYAR PAHADI

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UCPN-Maoist, Rupandehi

A member of the Constituent Assembly under the Proportional Representation system, **Binod “Pahadi,”** 39, represents the UCPN-Maoists. Pahadai, who has remained an active journalist since 1990, has worked in *Lumbini Daily* and *Janarajya Weekly* published from his home town and *Nepalipatra Weekly* and *Himalaya Times* published from Kathmandu. Currently the editor of *Kathmandupatra* and *Nepalimancha*, Pahadi is the chairperson of the first community FM station established under the initiation of dalits in Butawal. After completing two tenures as the chairperson of the Rupandehi branch of Federation of Nepalese Journalists, Pahadi became a central member of the organization. Pahadi, who served as the general secretary of Nepal Oppressed Dalit Liberation Society, was a leader of the Dalit Civic Movement after the success of the People’s Movement of 2006.

### **When did you become active in the Dalit Movement?**

I started opposing untouchability and caste-based discrimination as soon as I became aware that such practices exist. I joined politics in 1989 through ANNFSU-6th. I was the founder of the Rupandehi branch of Oppressed Dalit Front. The Front had been active in distributing pamphlets and writing wall-slogans during the People's Movement of 1990. Since 1990, I have been active in journalism, and in parallel, in the Dalit Movement. Between 1992 and 1997, I worked as a district member of the United People's Front led by Baburam Bhattarai. We were among the people who demanded a Constituent Assembly after the People's Movement of 1990 ended in a compromise between the larger parties and the Royal Palace.

### **You left Dalit Liberation Society, which has a long history, to work with Dalit Civic Movement. What was the reason behind that?**

What I can say from my experiences between 1994 and 2006, during which period I worked in the mainstream of the Dalit Movement, is that the Movement is still incapable of moving forward politically. Although Dalit Liberation Front has played a powerful role in taking dalits forward in the National Liberation Movement, it has not been able to become the common mechanism for representing the sentiments of the average dalit. Even after all of the changes brought by the People's War and the People's Movement, it couldn't become the common mechanism capable of carrying forward the issues of dalits that are not in people's organizations affiliated with political parties. Even now the issues of dalits are neglected, abandoned in the streets, and there is a very large body of dalits who have not been accommodated into the folds of party-affiliated dalit organizations. There are many dalits who are active in the arts, in journalism and in working for non-governmental organizations, but who don't want to join any political party. Since we saw the need to serve and include dalits engaged in various vocations and trades, we informally started the

Dalit Citizens' Movement. Dalit Citizens' Movement has also been investigating into instances of exploitation and discrimination against dalits and bringing the exploiters to justice and into the purview of law.

I separated from Dalit Liberation Society in 2006, before the unification of Nepal Dalit Liberation Front and Dalit Liberation Society. I had played a role in unifying these organizations since both shared similar agenda and it made no sense to function as two separate entities. I wholeheartedly embrace the ideas and programs brought forward by the Dalit Liberation Front. But, my conclusion is that a people's organization cannot escape the limits of its parent political party. For that reason, there is a need for a Dalit Civic Society that can carry forward the common agenda of all dalits. While at Dalit Liberation Society, we played the important role of bringing to the people for open discussions the positive issues raised by the Maoists during their People's War. We engaged in a campaign to bring to the people positive issues raised by any and all parties, while at the same time actively jeopardizing their efforts to dupe the public through lies. Through the Liberation Society, we protested against the suspicion with which dalits were regarded, and the inclination for oppression and extreme exploitation of dalits during the People's War.

**You are also involved in journalism. What is your opinion of the portrayal of the Dalit Movement by the media?**

If we consider the entire South Asian context, Nepali media is far ahead on its attitude towards dalit issues. It has failed to raise dalit issues as we expect, desire or hope it would, but our media has been far more helpful than the Indian media. Rather, I feel, we have failed in instructing the media on the importance and nuances of dalit issues. The media is searching for these informations, but we are failing to provide them. The media was biased against us during the Panchayat regime. The media that was oblivious of dalit issues even after the establishment of the multi-party democracy has become positive and aware after the start of the

People's War. Although it has sought out news on dalit issues since, it hasn't been as effective as it should be.

Although the media has been sympathetic and given its emotional support to the Dalit Movement, it hasn't been much helped ideologically. The media coverage of incidents of untouchability and the Chamar Movement between 1999 and 2001 illustrates this reality. There have been numerous erroneous news items in the media in the name of uplifting dalits. There is a need for powerful, effective dalit organizations that can guide the mainstream media on covering and raising dalit issues in the media.

**What, in your opinion, should be the role of the media in the context of recent changes?**

Since there is restructuring happening in every sector of the society, the media needs to restructure itself, too. Both the state-run and private sectors of the media should be restructured. There should be dalit representation in policy-making bodies like the National Press Council. Similarly, it is necessary to formulate a policy on how state-run media like Gorkhapatra Daily, Nepal Television, National News Committee, and Radio Nepal should raise and handle dalit issues, and that also requires physical participation by dalit journalists. The news that appear daily, or reports on untouchability incidents, can sometimes work towards perpetuating untouchability instead of ending it. Such news items should be extensively analyzed before they are published. The state should show a special initiative in that direction.

Dalit media workers have many problems: they are being oppressed and exploited physically, mentally, monetarily and socially. The state should initiate programs aimed at helping them.

### **How do political parties evaluate the role of dalits in bringing about the current political change?**

Dalits have made the largest share of contribution to the current political changes. Dalits have been physically participating in movements for change ever since they raised their voice against the Rana regime in the late 1940s. We also see distinguished roles by dalits like Bishe Nagarchi and Mani Ram Gainey in the campaign to unify Nepal. Bange Sarki sacrificed his life during the war against the East India Company. Since then, dalits have been a big part of all peaceful movements of 1950, 1980 and 1990, and since 1996, in the Maoist People's War. But dalits have been betrayed by the government led by the very political party that taught dalits to be vocal about their issues. Dalits, who have been time and again betrayed and short-changed politically, have reached a destination after immense struggles and sacrifices, only to be once more denied the opportunity to make the fight decisive. But, one positive aspect of the decade long People's War is that now there are fifty dalit members in the CA.

### **What is New Nepal as dalits conceive it?**

Dalits want a New Nepal where discrimination no longer exists. Dalits were oppressed by a crowned tyrant in the past, but they don't want to be exploited by uncrowned tyrants in days to come. To ensure that, we must guarantee representation of dalits in sectors like the army, police, civil administrative service, and non-governmental organizations and industries that function under government regulations. If proportional representation can be guaranteed in the constitution, all ethnicities, languages and genders can share a feeling that they belong to the state and that the state belongs to them. We have to look no further than the six-decade long Indian experience of creating a constitution where untouchability is deemed a crime to realize that such a textual exercise is insufficient, as the plight of Indian dalits has not changed at all for the better since 1947. Therefore, if we

want concrete change in the lives of dalits, we must emphasize political and economic reform programs.

### **What provisions are required in the constitution to empower dalits?**

Dalits should be provided with employment and land to empower them economically. Dalits don't have the land required to eke out a livelihood. Although a land reform was implemented in 1964, dalits didn't get anything out of it. Feudal landlords parceled their land to register in the name of their dogs out of the fear that they might have to part with their property. A commission has been formed with the mandate of implementing a revolutionary land reform. For that to be effective, the state should collect statistics on all land holdings in the country and nationalize all land. Then the land should be redistributed according to the principle of proportionality. If such a step is not taken, this program for land reform will meet the same fate as that of 1964.

Education should be established as a fundamental right. The pair of education systems as they exist are producing two distinct classes of citizens. One system is producing skilled manpower capable of competing at the national and international level, and the other system is producing unskilled, unemployable citizens. Such duality of education systems shouldn't exist in a country. Therefore, the education sector should be restructured to produce a uniform class of equally skilled manpower. Parents in this country have committed suicide out of despair because they failed to provide good education to their children. To avoid that, education should be made cost-free up to higher-education levels. That is not enough for the dalit community, so they also need scholarships.

The privatization of the health-care sector has taken it beyond the reach of the average citizen. People have been killing themselves because they

can't access affordable health-care. To end this cycle, health should be established as a fundamental right of the citizen. Similarly, employment should be included in the list of fundamental rights. For the moment, there should be a guarantee for "One job per family," and dalits should get the preference in that regard. Foreign employment has made the country fiscally stronger. But system for that should be made more transparent. The state should utilize natural resources like forest resources, water and the land to create employment opportunities within the country.

### **What kind of a state or federal structure will be appropriate for dalits?**

The federal structure should be created not with a particular ethnicity, language or region in focus, but all languages, genders and communities. The representation of dalits in proportion to their population should be guaranteed within each federal state. Concerning the state-structure, the legislative body at the center should be bicameral: an assembly of directly elected representatives from all election constituencies, and an upper assembly where representatives of all ethnicities, languages and regions convene. There must be a special election constituency where dalits compete with dalits, from where only dalits may win elections and come to the legislative body.

### **What challenges do you see in incorporating dalit agenda in the constitution?**

The main challenge we see is in creating a common understanding and a set of common agenda. That will require a round-table discussion between CA members, dalit civic society and people's class-based organizations. We will be proud to carry forward the agenda prepared by such an assembly. The task of raising dalit issues in the CA is not just the dalit CA members' duty, but that of every single CA member, so all 601 members of the CA should make it their agenda. If the problems of the dalit

community are not addressed, the entire country will have to suffer the consequences of that failure.

Political leaders should give up the habitual hypocrisy of making sweet speeches before the public but going stiff with indignation when the time comes to distribute rights, as if it pains them to part with their ancestral inheritance. Since the CA has been formed after a great revolution, everybody is hoping that this body will address dalit issues. If we fail those expectations, history will find us guilty—not just the fifty dalit CA members, but each member of this august assembly. Some traditionalists still bristle at the prospect of an empowered dalit community. We will fight against those people in the CA, but we should also take to the streets our movement to safeguard dalit rights. Thousands of young dalits should become the members of a street parliament to keep vigil over our activities. The Dalit Movement should embolden itself, so that dalit members of the CA don't lose their courage when faced with adversities.

### **What exactly are the dalit members doing in the CA?**

There is a network comprising of all dalit members that has been formed to create a common dalit agenda that rises above the selfishness of party politics. We are also keeping a watch over the government and doing everything to increase, qualitatively and quantitatively, the state of dalit participation in the government. But dalit CA members haven't yet reached an agreement upon the common dalit agenda to be included in the constitution. We are also educating non-dalit members of the CA on dalit issues. If we cannot be forceful about raising dalit issues in the CA, history will never forgive us, and future generations will condemn us. We must be able to use the opportunity before us as much as possible on behalf of exploited dalits.

**While the issue of constitutionally guaranteeing dalit rights is in its place, can't there be programs designed to bring immediate relief to dalits?**

We may be able to provide some simple relief, but the atmosphere to do something concrete doesn't exist. Dalit Liberation Front has submitted suggestions to the Prime Minister, the Finance Minister and the Planning Commission to implement programs designed to bring immediate relief to dalits. The scholarship that was being distributed to dalit students since 1995 has not been very effective. It has been like doling out candy to the kids. It is not possible to raise the status of dalit students by providing 250 rupees annually. We have requested the Finance Minister to introduce programs aimed at dalits in the education, employment and health sectors.





## **BISHWA BHAKTA DULAL “AAHUTI”**

**UCPN—Maoist, Kathmandu**

**Bishwa Bhakta Dulal**, 43, is a member of the Constituent Assembly under the Proportional Representation system, and a politburo member of UCPN-Maoist. He was born in an average family in Naya Naikap of Kathmandu, and has been continuously active politically in Ramechhap, Kavre, Dolakha and Sindhupalchowk districts. *Songs of the Sage*, *New House* and *Descent* are translated titles of his poetry collection and novels respectively. He is also the writer of *Dalan*, a television series about the oppression of dalits. He has published many analytical articles in newspapers and magazines, including his book *The Issue of Dalit Liberation in a Hindu Society*. Ahuti, who played a role in writing the 1990 constitution, has since been active in the leadership level of Dalit Movement as the general secretary of Nepal Oppressed Dalits Liberation Society and Nepal National Dalit Liberation Organization.

### **What is your socio-economic background?**

I was born in Jholetol of Naikap in Kathmandu in 1966. I have two brothers and two sisters in the family. We had 5-6 *ropanis* of fields and two *ropanis* of rice paddies. The produce from our land fed us for about four months of the year. We were a family of cobblers, and that is how we earned a living. I passed SLC from the village school and joined Pulchowk Engineering Campus with the intention of becoming a civil engineer. But I became a full-time political activist after thirteen months of study.

### **What was the state of caste-based discrimination in Kathmandu in those days?**

There were separate wells. If we went to the well of non-dalits, they would fill the water for us out of the fear of the water becoming impure. If there was a religious ceremony, or a death, in the house of a non-dalit, dalits were not allowed to walk past the house. Although there was discrimination and harassment at the school because we were dalits, we were not forced to sit separately. Caste-based discrimination was serious and pervasive.

### **What attracted you to politics?**

Nepali Congress was influential in the village. Although I was quite young during the referendum of 1980, I was actively involved in canvassing for NC. Grandfather would bring *Illustrated China* to make covers for books. It had large photos of Mao Zedong and Zhou Enlai and other leaders. Grandfather used to say that communists would end the caste system and make the rich and poor equals. I became more attracted to the communists because of the talk about ending the caste system and treating everybody as equals. Consequently, I got in touch with the communist party around 1984. There used to be a Proletariat Organization led by Rup Lal Bishwokarma. After coming into contact with that organization, I became naturally more active with the communist party. I met Rup Lal

Bishwokarma, who used to be underground, only after the advent of democracy in 1990. But I was in regular contact with other party workers before that.

**What roles have you undertaken in the party so far?**

I worked in the Youth Organization first, then in the district-level Cultural Organization. I worked for a long time in the central committee of the Labor Organization. In 1992, I was elected Kathmandu District Secretary of NCP-Unity Center, and in the same year the Chitawan General Convention elected me to the Advisory Committee. I have worked in the central leadership since 1994.

**Although there is a long history of the communist party and communist movement, why is it that we still don't have a solid stance on Dalit Liberation?**

Whether the communists, or any other party, they have been built in the context of the Hindu feudal society. Therefore, it is natural for their workers to retain a part of the Hindu feudal culture. Another aspect of this is the fact that the cultural transformation part of the communist movement remained very weak for a long time. Although there was a lot of talk about political revolution, the movement for a cultural revolution remained weak, and therefore the parties couldn't formulate a substantial stance on dalit liberation. It was natural for upper-caste Hindus to dominate the leadership of the party, and the participation of dalits in politics was abysmal, and these reasons compounded the failure of communist parties to create solid policies on dalit issues. After mid-90s, the communist movement made a giant ideological leap and took the party to a greater height. It is only after that leap that communist parties started to seriously consider the issues of dalit liberation and formulate policies.

### **How do you describe the theoretical aspects of the dalit issues?**

The dalit issues isn't simply a cultural problem. It is an added caste problem that is a class-based problem, which is to say, it is inextricably linked to a class struggle. Although it takes caste dimensions, it is in no way different from a class struggle. This is a special kind of a caste problem where cultural, political and economic problem become one, while simultaneously it is also a problem of class.

### **What is indicated by the mushrooming of dalit organizations in every political party after the independently active Nepal Oppressed Dalit Liberation Society was dismantled?**

The dalit movement had no momentum until 1990. It was necessary to utilize the rights to write, speak, express and organize that were gained after 1990 to establish the dalit issue as a central political issue. Therefore, although we were aware that an independently functioning organization wouldn't last long, it was necessary at the time to start an independent organization. Dalit Liberation Society was a result of that need. It created an platform where people from all organizations could convene. It used the multi-party democracy to establish the dalit issue as a central political issue. So, it was not a mistake to create that organization. Whatever role it did manage to play, it did so very well.

It was not unnatural for dalits from ideologically divergent political parties to want to start separate organizations. However, if good sense had prevailed then, we could have kept the independent forum intact and started other party-affiliated fraternal organizations. But it is wrong to say that the dalit movement got diluted because separate dalit organizations came into existence. Even though we use our respective organizations to forward separate agenda, we can share a common ground on certain common issues or policies. But it is true that there were problems when we failed to correctly implement the opinions of the common front.

Since it is not materially feasible to create a common organization of that kind under the existing circumstances, such an organization wouldn't have any relevance. But it is necessary for there to be a common forum for dalits working in separate organizations. It is necessary to launch a common struggle on the basis of shared goals and programs.

**But, is it imperative for political parties to create dalit organization in lieu with other people's organizations?**

Every community experiencing an extreme form of duress needs a separate people's organization, and such organizations do come into existence. For instance—the laborers have a special set of problems, and they do become organized. Similarly, farmers and women are separate groups with extreme forms of duress and their separate organizations do come into existence. Therefore, since dalits also suffer excessive exploitation, a people's organization for dalits becomes necessary. It will fulfil three roles: it will organize dalits; it will take dalit issues to the political arena; and , it will force political parties to regard dalit issues seriously. Since these three results are also necessary, it is necessary to create a people's organization for dalits.

**Although monarchy has long been abolished, there doesn't seem to be any change in the new republic in the way the administration or the state mechanism views dalits. What might be the reason behind this?**

With the end of monarchy, and with the establishment of the republic, the Hindu feudal unitary state structure that has remained organized for 240 years is disintegrating. But the change has remained confined to the political sphere, so it hasn't had any real transformational impact at the social level. Naturally, it takes a long time to bring democratic change to the entire society. But, even after the establishment of democracy, no political party showed the mettle to create and implement a master plan to translate into meaningful action their numerous declarations that Nepal

had become an untouchability-free country. If we can write a new constitution that creates a package program capable of bringing about those changes, the exploitation of dalits will automatically end. However, if even the new constitution fails to solve the problems of dalits, although we will be a democracy on page, the danger exists that traces of feudalism will continue to linger.

### **How do the political parties evaluate the participation of dalits in the five-decade long Dalit Movement, in the Maoist Revolution and in the People's Movement?**

It is not that the sacrifices made by dalits in the movement has not been valued at all, but the political parties should have shown a lot more seriousness and sincerity towards the contributions made by dalits, and they should have ensured dalit representation at each level of policy-making and party leadership, which they have failed to do so far. The struggle of 1950, the struggle against the Delhi Agreement, the Land Movement of 1965, the Maoist People's War and the People's Movement of 2006—dalits made their fair share of contribution at each of these political junctures. Dalit settlements were the only safe place that political parties had for their underground activities during the Panchayat regime. Dalits did put themselves in harm's way to help the movement against the Panchayat regime. But that courage and sacrifice has been forgotten today.

### **The massive political changes have not displaced the culture of old aesthetics rooted in discriminatory psychology. What should be the aesthetics of New Nepal be like?**

The aesthetics of New Nepal are tied to our culture. Because this multi-lingual, multi-ethnic and multi-cultural land was dominated by a single ethnicity, language and culture, the psychology of people has become warped to favor the aesthetic results of that domination. But, all languages, cultures, ethnicities, groups and communities should move towards

liberation through a political revolution. The speciality of our culture is this culture of equality. If we can progress towards a culture of equality, naturally our psychology will also undergo a similar transformation. Then a culture will arise where everybody is seen as equals, of the same creed.

The Nepali culture to arise next should have three qualities: it should be socialism-oriented; it should be loyal towards national independence; and, it should be democratic. If the aspect of national independence becomes weak, a fatalist attitude becomes dominant, and if it doesn't become democratic, it will fail to create an egalitarian culture. Therefore, the most important thing that remains to be seen is if we can successfully dismantle the feudal Hindu structure. Once that is dismantled, our outlook and attitude, how we think, our psychology, our expectations from aesthetics, everything will change. For that reason, the new constitution should be able to dismantle the feudal Hindu structure.

**What are the issues that need to be incorporated into the new constitution in order to establish dalit rights in the socio-cultural, economic and political sectors?**

Primarily, land must be constitutionally guaranteed to dalits through a revolutionary land reform program. Traditional models like *bali-ghare* should be abolished by the constitution, and all exchanges of labor and wages must be made monetary. There must be constitutional provisions to grant priority to dalits over modernized industries and vocations that are related to traditional skills of dalits. These three things must be done in the constitution to address economic issues.

When entering a federal structure, a non-territorial state unit should be created for dalits. There should be a constitutional guarantee of inclusive and proportional political representation at all levels from the local, federal to the central level. There should be constitutional guarantee for cost-free education for dalits, along with provisions for scholarships. There

should be a proportional quota system applied in higher education. The preamble to the constitution should mention that discrimination based on caste and practice of untouchability is a grave crime against humanity. Untouchability and caste-based discrimination should be declared serious social offences and protection from such treatment should be enshrined as a fundamental right of the citizen. Similarly, a provision should be made for a constitutional body like Dalit Rights Commission. It should be specified that the rights granted to dalits by the state center may not be infringed upon or reduced by federal states, but may be enhanced or increased if deemed necessary. Also, all federal states must have the provision for proportional representation.

If these ideas can be inculcated into the constitution, laws can be created for their implementation. If the constitution doesn't create inroads for these ideas, they cannot be translated into legislature.

### **What will be the structure of the non-territorial division of federal states?**

It is not possible to create a geographic state unit of dalits, and such a structure shouldn't be created even if it were possible, because that would increase the rift between dalits and non-dalits. Dalits aren't a single ethnicity or a single linguistic community. Since there are many different languages and ethnicities within the dalit community, it is not possible to create an ethnic state unit for dalits in imitation of states for other ethnicities. However, to guarantee political rights and economic programs directed at dalits, who are scattered across the country, we should create a non-territorial regional state unit. This could be called the National Dalit Union or Dalit Board, whose membership could comprise of one male and one female representative from each of the federal states. This could function as a cabinet of ministers of sorts, or a federal state government, with the authority to allocate budgets for dalit development, or to negotiate with the central government on dalit issues, etc. This board, in coordination

with the central government, could in turn coordinate with federal state governments to manage the disbursement of budgets allocated by the central government for dalit-centered programs. If constitutionally guaranteed dalit rights get impinged or violated, this board could make it into a national issue and argue for those rights with the central government on behalf of dalits. However, such a non-territorial state unit of dalits wouldn't be able to raise taxes or keep a police organization, or carry out other functions of a federal state.

### **What kind of electoral system is necessary to guarantee dalit rights?**

The new electoral system should guarantee the right of proportional representation for dalits. Similarly, regardless of the mechanism for election of candidates, dalits should have the right to recall the representatives they elect.

### **All the dalit members of the CA have united to create the *Dalit CA Members United Forum*. What particular activities is the forum engaged in?**

We have created the *Dalit CA Members United Forum* in order to raise a unified and forceful voice on dalit issues. It is doing two things: raising questions in the legislative assembly about incidents of exploitation and oppression of dalits, and working in the CA in a unified manner to ensure dalit rights in the new constitution. We have issued a joint statement protesting the fact that there was no dalit representation in the cabinet of ministers or in various other commissions and bodies. And we have issued an appeal for everybody to struggle against the numerous instances of exploitation or caste-based discrimination against dalits. We are also holding regular discussions to ensure that the efforts of all dalit members of the CA are pooled together towards including dalit issues in the new constitution. We are coordinating between dalit members of the CA who represent their respective parties in various constitutional committees. Through those members, we will bring the issues

discussed at specific constitutional committees to the *Forum*, hold another round of discussions, and take the issues back to the committees. This has helped reach the voice of dalits to each constitutional committee.

**What is the personal role of someone who has reached the CA in a political capacity, instead of their role as an elected representative?**

When I and three other dalit colleagues were in the CA Regulations Committee, we had focused all of our attention towards ensuring dalit representation in each of the constitutional committees. That was initially not included in the agenda of the Regulations Committee. After a lot of struggle, we managed to establish mandatory representation of dalits in all topical committees, all regulatory committees, and in the main Constitutional Committee. This was possible because of the unified struggle by all CA members. If we remain united, we can get most of dalit issues incorporated into the constitution; if we become fragmented, our struggle dilutes and our campaigns become weak. Therefore, apart from struggling in my personal capacity, I will work hard to unite dalit CA members.

**Is there good coordination between dalit members of the CA to incorporate dalit issues into the constitution?**

We have arranged for a system to bring various topical issues being discussed in constitutional committees to the Forum and take the feedback that come from discussions in the Forum to the original committees. This has made it possible for each dalit CA member to stay abreast of developments in each of the constitutional committees, and to have a say in the issues being discussed in each of these committees. It makes us aware, and it facilitates the task of including dalit issues in the constitution through our activities in constitutional committees. Dalit CA members are also preparing to go on a nationwide drive to collect feedback directly from the people of the country. We are also preparing plans to take our struggles further if the need for it arises.



## BISHWENDRA PASWAN

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Dalit Janajati Party, Siraha

**Bishwendra Paswan**, 50, is the central chairperson of the Dalit Janajati Party and a member of the Constituent Assembly under the Proportional Representation system. Paswan, whose permanent residence is in Mirchaiya of Siraha, joined erstwhile CPN-ML and then CPN-UML with the intention of alleviating the hardship of Madheshi dalits. When he realized he didn't like CPN-UML's policy regarding ethnic issues, he started the Dalit Janajati Party in 2002. Paswan, who was also the central member of the Oppressed Castes Upliftment Forum, was a central member of the UML affiliated Liberation Society. For his leadership of the famous "carrion-boycott" movement of 2001, in Siraha and Saptari, Paswan was awarded the *Prakash Kafle Annual Award for Human Rights*, 2001.

**What is your reason behind starting yet another political party in an already crowded field of political parties?**

I became active in student politics in 1972. Later, when I became a part of communist parties, I came to realize that dalits are the most exploited, oppressed and poor. Nepali Congress and UML became parties that sought to perpetuate feudal ethnic hegemony and distract the people with illusionary promises. Dalit Janajati Party was created in this context to create strict laws against caste-based discrimination, to bring dalits into the mainstream of state politics, and to lead a revolution to guarantee the rights of dalits in every sector of the state. This party was formed to represent the minority indigenous people, the Muslims, and dalits. It has been struggling against the unitary state and political discrimination, economic exploitation and social injustice ever since its conception.

**Couldn't you do all of this from within the UML?**

I felt with UML that I couldn't, and therefore went my separate way. Many of my friends who joined UML or Nepali Congress have stories about similar experiences. Big parties talk big, but do nothing. They convince you with words, but never translate their promises into practice. In my experience, Nepali Congress and UML are experts at doling out dreams and using them to stay in power.

**How will you compete with national parties in the name of dalits and Janajatis?**

Our main goal is to fight on behalf of dalits, indigenous ethnicities and other groups that have been disenfranchised. We are fighting for proportional representation at every level and sector of the state and for special reservations. Because our intention is good, we are bound to grow as an organization. Our first National Convention that was held recently saw representatives from 56 districts as participants. Our organization is growing roots especially into the dalit, indigenous ethnicities and Muslim communities. We got very good results in five districts in the Terai during

the CA elections. It is an important achievement for a political organization to get 34 thousand votes within a short time of coming into existence.

### **What is the situation of the Madheshi dalits?**

In the hilly regions of Nepal, it is only the rich who can afford to eat rice. The poor and dalits eat oat, barley and potatoes. In the Terai, even the poor and dalits eat rice. But this doesn't give an accurate picture of their plight. The dalits of Terai work in the households of other families throughout the year to survive. They have neither their own homes, nor any land to call their own. How is it possible that they, who work more than eighteen hours daily in what is called Nepal's grain-house, are still poorer than the people of Karnali? Because the representation of our class at policy making and implementation has always been nil. Those who conducted politics on our behalf sold off our names to the highest bidder. The Terai is a devastated landscape where inequity, and the gulf between the rich and the poor, is immense. Therefore, in the Terai exists exploitation of the nature that are unimaginable in any other context. There are incidents of discrimination here that don't happen elsewhere, but the Madheshi leaders are totally oblivious of all of this.

### **What did Madheshi dalits get out of the Madhesh Movement?**

It has become crystal clear that the Madhesh Movement was simply a totalitarian and ethnocentric ploy by Madheshi feudal and unitary leadership to seize a larger share of power away from leaders Pahadi ethnicities. Just as the hegemony of Pahadi rulers is not acceptable, the hegemony of the feudal class of Terai leaders is not acceptable to us. Therefore, we continue to unveil the conspiracies being hatched by that feudal group of Madheshi leaders.

Initially, we were duped into thinking that the Madheshi Movement will also benefit the Madheshi dalits, so we participated in it. But the movement was not successful in achieving its true direction. Madheshi dalits, the

disenfranchised, and Muslims continue to languish as they did before. There is only one reason behind our failure to achieve anything real after the amount of sacrifices we made: the fact that the Madhesh Movement was led by the feudal class of the Terai who operate with hegemonic and totalitarian intent. Therefore, we need a popular movement that serves all the people.

### **What are the immediate needs of the Madheshi dalits?**

If dalits take a legal case to the court, they do not get a hearing. Instead, the exploiters are rewarded. There is no guarantee of law. Laws that are against the interest of dalits, the poor, the landless and the dispossessed have not been abolished. There must be strict laws that provide for at least ten years imprisonment for people who practice untouchability or caste-based discrimination. The laws that were made in the past to protect the interest of the rich and the landowning class should be abolished. All citizens should have equal rights over natural resources like water, the forests and the land. The poor and the dalit community, who toil daily like beasts of burden, should be made the masters of the land they till. The government has not been able to stand firmly on this regard. The government should be capable of seizing the tracts of land previously owned by the erstwhile king, landowners, and religious entities, and distribute it among dalits and the poor.

The representation of dalits in every sector and level of the army, police and civil service should be guaranteed. Otherwise, no amount of good laws will make any difference. Similarly, the children of dalits should receive free education. The loans taken by dalits from moneylenders in the villages should be repaid, there should be quotas for employment of dalits, and ration-cards should be distributed. If this much can be done, the dalits of Madhesh can experience a modicum of relief and gain trust in New Nepal.

**You are the only member in the CA from your party. How do you advance your agenda in the CA?**

The dalit members of CA who are affiliated with big political parties are not honest about exercising their vote of conscience. They are tightly lashed to their party's political wagon. They understand that unless they blindly follow the party line their careers can be put in jeopardy. Therefore, the effort to coordinate and cooperate between dalit members of the CA has not been successful. But we don't have such shackles on us, so we continue to fight the lone fight. If the thought is correct, the entire society joins the cause. We will never compromise with anyone on dalit and indigenous issues.

**What are your agenda for the new constitution?**

On the issue of federal states, we have demanded that each region must have two states. In proportion to the population, three zones must be made to separate the Himal, Shahalesh and Buddha zones. Shahalesh is the progenitor of the Bol community of eastern Nepal. He is established as a hero among the dalits and disenfranchised people of that region. Similarly, the pacifist Buddha is a symbol of the indigenous Janajati people. There must be provisions for proportional representation in each state and appropriate reservations. This will guarantee the full extent of dalit rights. Similarly, we have suggested a Prime Minister who is elected by the parliament, and a ceremonial President.

**What challenges do you see in writing the new constitution?**

Since we are worried that our agenda will be overlooked, we are preparing our own draft of the new constitution. We are determined to write a democratic and inclusive constitution, but if the new constitution doesn't end ethnic, regional, and class discrimination, it will not be acceptable to us. Since some of the leaders of the large parties are stuck with traditional thinking, the challenges are numerous.





## CHHABILAL BISHWOKARMA

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CPN-UML, Rupandehi

**Chhabilal Bishwokarma**, 46, a member of the Constituent Assembly under the Proportional Representation system, is a central member of CPN-UML. Bishwokarma started his political career with ANNFSU while studying at Butwal Multiple Campus. He joined the Indian Army, but later quit to be more active in the dalit movement, politics, and sports. He has worked as a volleyball coach at the national level, and as a member of the National Sports Council. Bishwokarma led the dalit movement as the general secretary of Nepal National Dalit Liberation Society and as the chairperson of Nepal Society for Liberation of Oppressed Castes. He also worked as the vice-chairperson of the Dalit Development Committee under the Ministry of Local Development. After the People's Movement of 2006, Bishwokarma was the Minister for Agriculture.

**You rose from the ranks of a political activist to the central member of UML, a member of the Constituent Assembly and finally a minister. What sorts of struggles did you have to endure to reach this point?**

I don't think of it as a big achievement. But I do think of it as an attempt to take the dalit movement to greater heights. Because my primary talent was in organizing people, I didn't spend much time working on local level party committees. I focused more on establishing the idea that social and organizational work within the dalit community is also an important part of party work. Now we have proof that unless we invest effort into foundational activities, the main objective cannot be satisfactorily furthered. Obviously, one has to negotiate through numerous obstacles when one works from within a political party. But, I feel that if one is dedicated to one's duty and perseveres with diligence, success is inevitable.

**When did you start your formal journey with UML?**

My political journey started in 1980 with a youth organization in Syangja called Social Reform Initiative. I started working with ANNFSU in 1985 and was elected to the student union in the college. I was also in contact with organizations affiliated with the Dalit Liberation Movement. I have been executing the directives of the party since 1990.

**What is the general attitude among party workers towards social issues?**

It is one thing to become involved with politics, but something entirely different to be able to remain dedicated to the work. It is important to receive responsibilities according to one's capabilities, and to successfully deliver in a given role. Whereas the attitude towards dalit issues is concerned, UML understands that it is an integral part of its political directive. After UML accepted this in principle, it has brought about concrete changes in practice. I won't claim that all members of the party are equally enlightened on the issue, but the political work of including

dalits in the party ranks, understanding dalit issues and working to establish dalit rights has been a priority within UML. I think UML as a political party is comparatively more aware of dalit issues. But it is clear that we, the dalit members of the party, have played a very important role in bringing the party to the present situation politically.

### **What policies does UML have regarding dalits?**

In Nepal's context, dalits are really the base, the foundational part of the population: this group has been dedicating its life to the operation of the society in its function as technical craftsmen and artisans. Unless this group of working-class artisans becomes aware of its rights and unites to attain them, no real political change is possible in Nepal. Therefore, the work within dalit communities is the most important part of the work we do as a political party. UML is firmly resolved to fully establishing dalit rights.

### **Political parties are right in their place to raise dalit issues, but why has an organization like Dalit Liberation Society, which played a pivotal role in initiating the Dalit Movement, disappeared from the political radar?**

Dalit Liberation Society was in disarray, disorientated about its function. It could not function as a common front, nor could it operate independently. Each political party within it maintained its own clique. There was a desperate struggle for influence. When we realized that there was a conspiracy afoot to eliminate the progressive UML-affiliated stream that would have taken the Dalit Movement to greater heights, we decided that the strife would not only jeopardize the Dalit Movement, but also derail the agenda for progressive changes, we decided to reform the Society. Our step to reform the Society played a crucial role in legitimizing the efforts of Dalit Liberation Movement, in making political parties accountable to the reformed organization and making the dalit community more politically engaged. Now, each party has its own dalit organization. This has helped in identifying common concerns and going forward

together in the spirit of cooperation. At the moment, it is necessary to break all walls of narrow-mindedness in order to make the dalit influence in national politics more effective.

**You had worked on behalf of UML among Nepali people living in India. What is the situation of Nepali dalits there?**

I have gathered a diverse set of experiences from my time working among Nepali people in India. When I was given the responsibility, the Royal Coup had been imposed upon Nepal, and the people had lost their rights. It had become necessary to work from India in order to fight for the rights of the people and democracy. In this context historically monumental activities like the 12-Point Agreement between the Maoists and Seven Political Parties took place with the initiative and support of Non-Resident Nepalis. The first unified proclamation by political parties against the Royal Coup came from India. Nepalis living in India had a great part establishing democracy in Nepal. But, in the subsequent changes that have been taking place, their contribution and aspirations have not been respected. There are more than six million Nepalis living in India, engaged in various occupations or enterprise. If the education, experience and wealth they have accumulated can be harnessed in service of the country, the exercise of building a New Nepal will be meaningful.

The political importance of Nepali dalits working in India is enormous. It is predominantly dalits from Mid-Western and Far-Western regions that are engaged in menial labor in various parts of India. They are disorganized socially and politically. If we can organize this group and carry their voice forward, it would be very influential in determining the outcome of the Dalit Liberation Movement in Nepal.

**Is it a great achievement for the Dalit Movement that there are fifty dalit representatives in the Constituent Assembly?**

Feudal monarchy has been defeated and the Nepali people have emerged

victorious to institute a democratic republic in Nepal. Sons of common people have become the President and Prime Minister of the country. Dalits are proud of this achievement. But we must still ask this question—will dalits get to finally experience the results of these changes? Although it is remarkable that there are fifty dalit members of the CA, it is not nearly impressive a number. Dalits have made great sacrifices for the political changes happening today. Therefore, the rights of dalits must be enshrined in the constitution, and those rights must be translated into action.

### **What can dalits living in rural villages expect from your role in the CA?**

It is time to translate the dream of a New Nepal into reality. Dalits must be able to experience concrete change in their daily lives as a result of the changes that are happening. The democratic government must bring forward powerful programs to break the chain of feudal oppression that surrounds rural dalits. It is a matter of shame and dismay that there wasn't a single dalit representative in the first democratic council of ministers that was formed after such unprecedented upheaval. The state has not been able to positively address our expectations and aspirations. We, the fifty dalit members of the CA, are like a permanent opposition party.

### **What sorts of preparations are being made to guarantee dalit rights in the new constitution?**

We must guarantee the development of unimpeded access of dalits into political, social, economic, educational and cultural spheres. To make that possible, it is expected that the dalit civil society and all dalit political organizations will play their vital roles. We must coordinate our efforts triangularly from the streets, the parliament, and the government.

The issue of landownership is the most important question for dalits. Therefore, land must be redistributed equitably through a scientific land-

reform policy. It is imperative to establish the ownership of those who till the land over the land on which they put their labor. Among landless farmers, cattlemen and the dispossessed, we find that a staggering majority is dalit. *bali-ghare* is still prevalent as a tradition. This affects dalits a lot. It isn't enough to be given land to settle—agricultural land is also needed for subsistence. For these reasons, agricultural reform must be introduced with a special focus on the dalit community. Only when technology, seeds, irrigation, market and transportation, and investment opportunities reach the farmer collectively does production become effectively result-oriented. Similarly, animal husbandry and investment in dairy farming can improve the economic condition of dalits. There should be a greater emphasis on vocational education, while also implementing the policy of “One school, one dalit teacher.” Traditional skills of dalits must be modernized and given official scholarly recognition through certification of proficiency. Dalits should be reserved priority rights in industries and occupations operated by dalits. There should be provision for unimpeded access to opportunities and promotions within the army, police, civil service and non-government sectors. These things cannot be achieved easily yet, therefore we must remain prepared to play an intrusive and influential role when required.

### **What will a federal structure look like where the rights of dalits are also secure?**

The question of reformation of the state is a complicated one. How many federal states will there be? On what basis? How will privileges and duties be divided? These are complicated questions. In this background, enough home work is required to decide how to ensure dalit rights, and in what form. Because dalits are scattered across the country, there may be no obvious majority or autonomy in a particular region. Although a political party draws up specific plans for the structuring of federal states, it is necessary to discuss the details in depth out among the people. Since all major parties have, on principle, accept the ideology of inclusiveness

and proportional representation, special provisions must be made for compensating the dalit community which has forever been marginalized and denied opportunities by the state. Leaving these things to the discretion of individuals or organizations usually results in recommendations and policies that never translate into action, so it is important to concretely establish many of these provisions in the constitution itself.

It is the state's responsibility to make it possible for those who had been denied opportunities in the past to compete as equals with the rest of the country. The government shouldn't get stuck in a quagmire of semantics over terms like quotas and reservations; but it should bring effective programs that can create change. This idea can be accepted as a common platform among political parties. There are challenges ahead of us, but we have the ability and determination to confront the challenges on our march forward. All political parties must empower the marginalized communities and groups through the constitution being written if they want to avoid a situation where the people feel cheated by the document and contemplate writing yet another constitution that does them justice.





## DURGA BISHWOKARMA

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UCPN—Maoist, Kaski

**Durga Bishwokarma**, 27, is the youngest member of the CA. She represents the people of Kaski-4 and is a member of the UCPN-Maoist Party. Bishwokarma was born into an average dalit family in Adhikaridanda of Dhikure, Kaski, and went underground in 1999 to actively join the Maoist Party under the alias “Asmita.” Bishwokarma, who started her political journey with the Maoist affiliated Students, Women and Dalit Front when she was studying in class eight, was arrested by security forces and suffered extreme torture at their hands. During the interim government, she became the vice-chairperson of the Kaski chapter of the Dalit Development Committee under the Ministry for Local Development. Bishwokarma, who lost her younger sister, Dhan Kumari Bishwokarma, alias “Samikshya,” during the People’s War, is currently the chairperson of Martyrs and Disappeared People’s Families Society, Kaski, and a member of the Tamuwan State Committee.

### **What is your socio-economic background?**

Socio-economically speaking, I come from a very poor family. The state of my family is no different than that of the average dalit family. The social discrimination rampant around us created a unique political awareness in my family. I inherited that consciousness from my family and therefore became involved in politics. Although there are various creeds of communist parties in the country, I preferred the policies adopted by the Maoists to bring about a societal change, so I joined the party. Since the Maoists champion the issues of the exploited class, ethnicities, regions and genders, it is natural to have a preference for the Maoists.

### **Does it feel like greatness has been thrust upon you, since you became a member of the Constituent Assembly at the tender age of 26?**

I was arrested by the erstwhile Royal Nepal Army in 2001, at the very beginning of my career in student politics. After I was released in 2003, I became the treasurer of the Kaski chapter of ANNFSU-Revolutionary. I was arrested and released again in 2004, after which I became a regional member of the ANNFSU-Revolutionary. A year later, I became the chairperson of the Kaski district chapter of All Nepal Women's Association—Revolutionary. Since 2007, I have been active as chairperson of Martyrs and Disappeared People's Families Society, Kaski, and a member of the Tamuwan State Committee, and as the district vice-chairperson of Dalit Development Society. I believe it is my uninterrupted service to the the party and my contributions to the revolution even after enduring imprisonment and extreme torture that has led to my being given the responsibility of a seat in the CA. Furthermore, it is only the Maoist Party that has been promoting the youth by giving them vanguard responsibilities.

**What is the state of representation of dalits in Maoist organizations? While working in the party's people's organizations, did you find a concordance between the party's official position on dalits and the behavior of party members?**

The participation of dalits in Maoist student and women's organization is substantial, respectable and almost decisive. The participation of dalit women in the People's Liberation Army is impressive. Dalit women are present in the party's district and regional level in good numbers, but we are just beginning to see the same level of representation at the party's center. Although not enough attention was given to developing it during the years of the People's War, at present there is an increased emphasis on creating opportunities. The party has given priority to developing the leadership capacity of dalits and dalit women within the party.

The main reason behind this impressive and enthusiastic participation of dalits in the Maoist Party is the party's policies which are aligned with the emotions of the people. The People's War has contributed massively towards raising the level of consciousness among dalits. It has enlightened the wage-earning laborer, the average farmer and other exploited class. Dalits have become motivated and progressive. The Maoist policy of empowering dalits with special rights and proportional representation has attracted more and more dalits to the party. This has forced other parties to take up dalit rights and interests and be serious about it. It is solely because of the accurate and relevant policies of the Maoist Party that there are fifty dalit members of the CA today.

Apart from the rare few exceptions, there are no instances of discrimination within the party just because someone is a dalit or a woman. During the years of the People's War, whenever I revealed the fact that I was a dalit, the understanding people would be openly glad, but those who still carried some vestigial part of their feudal upbringing would be awkward. If a

party worker practices social discrimination, the party does punish that person. But, I have never experienced an instance of discrimination that was traumatic. Although the party and leadership are clear on the policies and ideology regarding dalits, there are occasions of upper-caste arrogance and feudal thought, and it is up to dalits to fight against such thinking and remove it.

**In your opinion, what has been the nature of contribution made by dalit women to the effort of establishing a federal republic?**

Our party highly values the decade-long People's War, the People's Movement of 2006, and all other struggles in which the participation of women and dalits has been high. Since the martyrdom of Dil Bahadur Ramtel, more than eleven hundred dalits have sacrificed their lives during the armed struggle and the People's War, and many are still missing. In Kotwada of Kalikot, unarmed dalit women confronted armed police personnel and seized their weapons. The jailbreak in Gorkha, in which two dalit women were also involved, is considered of international significance. Similarly, the dalit community used its skills and experience to help the war effort. Let us not forget the help they provided in the form of art, music, physical and moral support. Dalit women faced inhumane torture, rape and murder in their quest to contribute to the People's War, and nobody should forget that. History will certainly have a favourable evaluation of the courage and sacrifice shown by the dalit woman during the armed struggle and the peaceful People's Movement.

**Do you believe that, after such a long and arduous struggle the New Nepal, of which dalits have dreamed for so long, will become a reality?**

Centuries old feudal monarchy has ended, and a democratic federal republic is being established in the country. Although Nepal has become a republic, the dream of New Nepal has not yet become a reality. Our

party, after correctly assessing the reality about dalits, has called this group a “historical proletariat class.” The New Nepal of this group’s understanding includes special rights with respectful participation, a democratic federal republic that is economically prosperous, and a society where discriminatory feudal practices don’t exist. To make that possible, the new constitution should be created in such a way as to guarantee special rights in education, health and employment, and respectful representation of dalits in all sectors of the state. Furthermore, for the true liberation of dalits, a revolutionary land reform program is an imperative.

**In your opinion, what should be the structure of federalism in Nepal?**

The federal republic should be independent and people-oriented. Our party has identified that ethnic, regional and linguistic identity are the only correct scientific and practical basis for federalism in Nepal’s context. Also, one ethnic group cannot be liberated by discriminating against another ethnic group. There should be guarantee for proportional representation of dalits in the federation. Rights should be distributed on the basis of consensus among all ethnic groups and regions.

It is appropriate to make the central assembly bicameral and the federal assembly unicameral. There should be provision for equal representation from each part of the federation to the upper assembly. Until it becomes possible to empower all groups, regions and ethnicities, it is appropriate to make the upper assembly in terms of ethnic representation.

**What obstacles do you see in the effort to include dalit issues in the new constitution?**

Our party has already published the basic draft of the new constitution. Since ours is a revolutionary party, this draft addresses the liberation of all groups, ethnicities, regions and genders. Outside of this paradigm, it doesn’t matter how much a small group of people strive to achieve liberation of a group. We are determined to play an important role within

the party and in the CA to include dalit issues in the constitution. There is an effort to coordinate between CA members affiliated to various political parties. Although we are comparatively a small number, if all fifty dalit CA members raise a united voice, it will not be possible to ignore dalit issues. If necessary, we are prepared to go even further symbolically.

Since many different, conflicting ideologies and natures are competing for attention, it will be challenging to write an original and people-oriented constitution. However, since there is an impressive majority of members with a progressive ideology, it will not be quite so hard, either. If conspiracies are hatched against the creation of a people-oriented constitution, there will be great opposition for the conspirators to contend against.



## GOPI ACHHAMI SARKI

UCPN—Maoist, Morang

**Gopi Achhami Sarki**, 33, represents Morang-8 constituency in the Constituent Assembly. He is a member of the UCPN-Maoist Kochila State Committee Secretariat. Achhami, born into an ordinary dalit family from Ghorletar, in Ratamata of Sindhuli district, was active on the political and military front during the People's War. After joining the Maoist Party in 1995, he worked as the secretary and in-charge of Sindhuli, Makwanpur, Udaypur and Morang districts, and as the secretary of Kochila State Committee. He lost his sisters Nirmala Achhami and Manju Achhami during the people's war. He contributed to the people's war as a commander of the People's Liberation Army, and as a political commissar and in-charge of the military sub-bureau. As the secretary, and later as the vice-chairperson of the Dalit Liberation Front, Achhami played an important role in organizing dalits.

**Can you share with us your family and economic background?**

I am the eldest son in a poor farmer's family. Of my four brothers and five sisters, two gained martyrdom during the People's War. The condition of dalits in my village, where the majority of people are Bahuns, has not changed at all. Untouchability and discrimination against dalits is practised intensely. I passed my School Leaving Certificate exams from Ratamata Ghorletar of Sindhuli district, which is also the village of my birth. I came to Kathmandu in search of employment in 1992. But it was very hard to find a job without nepotist influence from somebody, so I started doing whatever work I could find after joining the Law Campus in Kathmandu. I supported myself through the Intermediate Level by selling vegetables along the footpaths of Kathmandu, and joined B. L. courses. But I couldn't find a job in Kathmandu.

**How did you become attracted to communist politics?**

The discrimination and practice of untouchability in the village was intolerable. If one was a dalit, there was no way of escaping oppression. I became curious to know why things were as they were. I came to understand that the Panchayat system of governance was a cause, and that ending that form of government was a necessary political transformation. When it became clear to me that dalits wouldn't find liberation without drastic political change, I became attracted towards politics.

In 1990, the First People's Movement came around with the slogan "End tyrannical Panchayat system, establish multi-party democracy." Students from Nepal Student Union affiliated with Nepali Congress came to the college and said we must join the struggle against the Panchayat regime. I liked what they were saying at the time, so I started working on NSU unit committee, but as I came to understand more, I realized Nepali Congress was not a party of poor people like us, but of feudal capitalists and the bourgeoisie. After that, in 1992, I joined the student wing of the

erstwhile Nepal Communist Party—Unity Centre (Ekatakendra) and started my political work.

### **What sorts of responsibilities did you get from the Maoist Party during the People's War and afterwards?**

I became a full-time member of the guerilla force in 1995 and thus joined the revolution. I worked my way up as a commander of the force, as an area secretary for the Maoist Party, a member of the district party, and finally as the secretary of the district party in 1998. In 2001, I became a member of the sub-regional bureau and the secretary of Makwanpur District. I became in-charge of Udaypur district and then bureau member for the Sagarmatha-Janakpur region. In 2004, I became the political commissar and a member of the military bureau of the 17th battalion under the 6th brigade of the PLA. In 2005-2006 I became the co-commissar of Bishal-Kumar Memorial Brigade, and subsequently the commissar and the in-charge of the military bureau.

The National Convention of Nepal Dalit Liberation Front that took place in Chitawan in 2001 gave me responsibilities as a central member, the secretary, and eventually as the vice-chairperson. Similarly, in 2006, I became the secretary of Janakpur-Sagarmatha Regional Office, a member and later secretary of the Kochila State Committee, and since 2007, in-charge of the district chapter of the UCPN-Maoist in Morang. At present, I am the elected representative to the Constituent Assembly from Morang-8.

### **How is the participation and condition of dalits in the Maoist army?**

I started working as a member of the guerilla force and worked up to being the brigade commissar of the PLA. The goal of the PLA is to liberate the oppressed people, and to protect nationalism. Ever since the beginning of the People's War, the Maoist Party has been vocal about ethnic, linguistic, gender, regional and class liberation. This attracted the

oppressed classes to join the people's war to struggle for their liberation. Many of them also sacrificed their lives. At present, there are thousands of dalits in the PLA, from the ranks of members to commanders.

### **How do you evaluate the dalit community's contribution to the political and social changes happening today?**

Dalits have sacrificed a great deal to reach this far, to see the changes that are happening. Ever since eleven year old Dil Bahadur Ramtel of Gorkha sacrificed his life on February 26th, 1996, close to eleven hundred dalits have sacrificed their lives during the People's War to bring about these changes. Dalits have made important contributions politically, culturally, socially and militarily to make ensure the success of the decade long People's War, and of the 19 days long People's Movement.

If the Maoist Party were not arbitrating in the correct political direction, this change wouldn't have been possible. Dalits, Madheshi, indigenous ethnicities, women and other marginalized and minority groups are now represented in the CA, and this is purely a result of Maoist efforts. Otherwise, it wasn't possible for fifty dalits to be in the CA. Although it may seem like a large number quantitatively, it is not a large enough number as a fraction of the total members of the CA.

### **What is New Nepal like as seen from the oppressed dalits point of view?**

The erstwhile centralized feudal state was based on the so-called Hindu high-caste Brahminist culture. The monarchical state was perpetrating inhumane crimes against the dalit community. Therefore, New Nepal, for the average dalit person, is the end of all forms of social discrimination based on caste; the guarantee of the right to self-determination of the indigenous people of Nepal; the guarantee that women will have equal and equitable access to all levels of the social, economic and political mechanism; and the opportunity for Madheshi, minority groups and other

marginalized people to enjoy their rights under a decentralized federal system of governance.

### **What kinds of preparations are being made to guarantee dalit rights in the new constitution?**

It is important to establish the principle of politics of special rights if we want to guarantee the rights of dalits. The politics of special rights means ensuring access of all oppressed people and gender to every level of the state. This is a demand for compensation for the fact that the feudal state branded us as dalits to discriminate against our community and keep us backward. There must be special constitutional and legal provisions made for dalits in education, health and employment in accordance to the principle of inclusive and proportional representation. All existing laws that contradict the spirit of this principle should be abolished. There must be provisions for very strong legal and criminal action against people who perpetrate social discrimination based on caste, to the extent of confiscation of property, life imprisonment or capital punishment.

To include these issues in the constitution, we will be actively involved, in personal capacity and as a political party. We are trying to unite the political parties, the civil society, dalit political organizations and non government organizations regarding the dalit issue. Since the Maoist Party is very sensitive to the dalit issue, the initiative it takes will be a very important one.

### **How will dalits establish their right over land?**

It is more important to establish the right to political power. Then the issue of establishing rights of landownership can be addressed. It is hard to exert any demand for right to ownership of land unless we have a presence in the state mechanism. If we can correctly implement the revolutionary land-reform, the problems of landownership will be solved. Until then, we must continue our struggle. Since the new constitution will

guarantee the right of the people to rebel against injustice, it will be easier to search for solutions in future for any political obstacle.

### **What would be a suitable federal structure for dalits?**

The right to self-governance should be guaranteed on the basis of language, ethnicity and geography. Sovereignty, national indivisibility, currency, foreign affairs, army, rail roads, highways, large industries of a national scale, large hydro-electric projects should remain under the jurisdiction of the central government. This can be beneficial to all oppressed groups, including dalits. Also, in the bicameral parliament within the federal republic, the upper house should have proportional representation of the people in terms of languages, ethnicities, gender, and region, and it should be appropriately named to reflect that diversity.

### **How challenging is the job of incorporating the rights of the oppressed groups in the constitution?**

The main challenge within the Constituent Assembly is in deciding which group or ideology should lead the effort to write the new constitution. Although we have established a republic, the old habits of conservative traditionalist thinking and feudal attitudes have not ended. Although the People's War has succeeded in bringing dalits some relief from the oppression that existed, the oppression has not been completely eradicated. Only when all remains of feudalism will be removed will the dalits be fully liberated. The fight continues to determine whether or not the constitution will truly belong to the laborer woman, the dalit or the indigenous groups. If the new constitution does not stand on the side of the oppressed groups, there will be another, a bigger revolution. If attempts are made to push aside the oppressed groups and their concerns, all ethnicities, indigenous groups, women, the Muslims minority and Madheshis will not only come together to raise a unified cry for respect, we might shun the CA entirely and once more raise high the revolutionary flag.



## KALAWATI PASWAN

**Madheshi Janadhikar Forum (MJF), Bara**

**Kalawati Paswan**, 32, is a member of the Bara District chapter of Madheshi Janadhikar Forum, and a member of the Constituent Assembly (CA) under the Proportional Representation system. Paswan, who was married twenty years ago at the tender age of twelve, is the mother of six children. Born to a poor Madheshi dalit family, Paswan entered social service by organizing illiterate women living behind the veil, and was eventually elected as the chairperson of Women's Rights Forum, Bara. Paswan joined UCPN—Maoist, with the belief that the party would help her obtain the right to ownership of land for landless farmers of her community. Paswan, along with her husband, fled possible arrest by security forces by going underground. After the Second People's Movement, Paswan joined MJF and actively fought for the rights of the Madheshi people during the Madhesh Movement. After the division of MJF, Paswan joined MJF (Democratic). She is the Assistant Minister for Construction and Physical Planning. In the entire history of the Dalit Movement, Paswan is the first dalit woman to become a minister.

### **Could you please tell us about your family's socio-economic background?**

We are eight people in the family, including our six children. I have passed the seventh standard from a school in India while my husband has studied up to class five. I was married twenty years ago, when I was only twelve. Like most Madheshi dalits, we are from a poor family. There was not a single piece of land when I married into the family. My husband, along with his elder brother, works as a crop-sharer on 16 *kattha* of land. We give the produce of eight *kattha* to the landlord, and split the remaining produce between our two families. That much labor yields barely enough food for five-six months. We also have a buffalo. We sell the milk and save some cash. With that money, we have been able to buy a small plot of land where we grow vegetables. We sell some of it to run the household. My husband works as a laborer or security guard to supplement our income. I used to do similar work.

### **What else did you do before being involved in politics?**

I was always interested in serving the society. The situation of the Madheshi dalit woman is that of extreme abjection. They live the life of an animal, not of humans. It is forbidden for them to participate in ritual worship, to learn to read and write, or to work to earn a living. I am sure nobody is oblivious of the obstacles and hurdles faced by the women of Madhesh. I have always worried about how to change the condition of the Madheshi women and help them move towards progress. The women of my village, who are lack even the most basic literacy, have always expected much from me.

When I learned that donor organizations were working to better the lives of the Madheshi woman, I contacted people in Actionaid and PLAN and participated in their programs. After a few months, I became the chairperson of the Women's Rights Forum. As I toured neighboring villages with empowerment programs, I learned that the women were far worse-off than I had previously thought. I targeted the poorest

communities and started organizing the absolutely illiterate women who lived under the veil. Once they became organized and more aware of their rights, they started asking for their rights. I did this work for five years, and often depended upon my husband for household expenses. I had the support of all women as I had been working for the rights of the rich, the poor, dalits, indigenous and Madheshi women alike. Subsequently, I was elected as the chairperson of Women's Rights Forum of Bara district. That encouraged me to keep going forward.

### **What did you do for these women that you earned so much popularity in such a short time?**

Most women still lived behind the veil when I started my work. The veil created a lot of inconveniences for the women, so I started off by protesting against the use of the veil. Over time, the women found the courage to emerge from behind the veil, to discard the veil. Although the women toiled all day, their husbands still beat them in the evening. We protested against that, and took quite a few cases before the police. Women finally found some relief. A dalit woman could be assaulted or raped by anybody at all. So we started taking such cases before the police, or the office of the Chief District Officer, or the court.

Similarly, although education was supposedly free of cost, teachers were collecting fees arbitrarily. We stopped such practices at the village school. We used to have to bribe the clerks to get a citizenship certificate, or a birth or death certificate, or when we had to register land under our names. When the women of my village saw me confront the village chief or VDC secretary and chairman to fight against such practices, they started liking and supporting me. I used to collect clothes and food rations from government organizations, the municipality and the District Development Committee and distribute them among the villagers. I also helped Madheshi dalit women obtain their citizenship certificates when the citizenship certification teams visited our village.

**How much did your husband support you at these times?**

At first, my husband tried to stop me. I had to work alongside other men, and people told him all sorts of things—speculations, malicious gossip. He would be suspicious. Those were very hard times for me. But I took him along to a few programs in Pokhara and Kathmandu, and after that, my husband became very supportive.

**When did you transition into politics from your social campaigns?**

I felt that I could contribute much more by belonging to a political party. It was not possible to obtain ownership of land for the landless dalits through the efforts of social organizations alone. So, I joined the Maoists before the People's Movement. But, when the army and the police found out that I had joined the Maoists, they started searching for me. I went underground along with my husband. I was being hunted by the state on one side, and on the other side the Maoists were dithering instead of giving me the sorts of responsibilities and credit that I deserved for the work I had done so far. That was very disappointing. I had given up everything to serve a cause, and I deserved to be given greater responsibilities, but that didn't happen at all. After the People's Movement of 2006, the changed circumstances made it possible for me to leave the Maoist Party. I came into contact with the Madheshi Janadhikar Forum soon thereafter, and I decided to join the party. Since I was very active during the Madhesh Movement, they made me a CA member.

**Of what nature was your involvement in the Madhesh Movement? What did dalits get out of it?**

I gave the Madhesh Revolution all of my energy because I believed it would address all the problems of the Madhesh, and also that it would change the fates of dalits for the better. I participated in the protests for the first 19 days, but I sustained injuries after the police beat me, so I had to stop participating in the protests. I was arrested three times. The police

broke my arm when we were attempting to lock down the Chief District Officer's office. In one instance, I had to take refuge into a house in Kalaiya to avoid arrest. If the owner of that house had not hidden me under a bed that day, I would have been arrested. The police withdrew and declared a curfew. When we went forward to break the curfew, they started firing live rounds and tear gas shells into the crowd, and so we fled. A lot of my friends and relatives were scared during the Madhesh Movement, but I was unwaveringly fearless. Let us not count the number of times the police beat me. The dalits of Madhesh participated overwhelmingly in the Madhesh Movement, and the dalits of Madhesh put a great deal of hope in the Movement. The Movement found a peaceful conclusion after the talks. Soon thereafter, I became the central co-chairperson of the Madheshi Janadhikar Women's Forum.

I am a CA member these days, and our party is in the government. But dalits have not received anything. No dalit was included in the 24-member cabinet. MJF didn't send a dalit representative to the cabinet either. So, we continue to struggle within the party for the rights of dalits. We will also fight against the government in the parliament. The party should use its position in the government to fight for the rights not only of dalits of Madhesh, but also of the dalits of the hills and the dalits of the mountainous regions.

### **What does New Nepal mean to dalits?**

New Nepal means a complete change in the old way of thinking. Everything must be fundamentally different from how it used to be. Everybody should be seen and treated as equals. Our priority should be to provide food, clothes and shelter to everybody. Madheshi dalits, who have always been denied opportunities in every walk of life, should get new opportunities. They should have access to every aspect of the state.

**What kind of provisions should be made in the constitution to solve the social, economic, political and cultural problems of dalits?**

Foremost, the *zamindari* system of ownership should be abolished. The state should provide land to dalits. It should be especially attentive towards dalits who are dependent upon agriculture. The word *dalit* should be erased from popular usage. Everybody must be viewed as equals. The government should set reservations or quotas for dalits in health services, education and employment. There should be quotas for dalits in every sector.

**What type of a federal structure do you think will best guarantee rights for dalits in Nepal?**

No kind of federal structure is of any use unless it prioritizes issues that concern dalits. There should be a completely proportional representation of dalits within each federal state. There should be reservations for the poor and the disenfranchised.

**What role will you play to include these agenda in the constitution?**

I will dedicate myself to this cause to the full extent of my capabilities. We, the dalit members of the CA, are not alone in raising dalit issues. We should work together with the Bahun-Chhetri members of the CA who support our cause. Although the number of dalit CA members is small, that is mostly inconsequential. All non-dalit members of the CA should support us, or the dalits of the entire country should stop supporting them. If all dalits of the country unify and move forward, no force can defeat us.

**Are you assured that the new constitution will protect the rights of dalits?**

I cannot think of anything about my future until the rights of dalits is written into the constitution. If the Constituent Assembly cannot give us

our rights, we should go back to another revolution. Unless the poor get their full rights, dalits won't get their rights. And, to achieve our rights, we have no other option but to continue our struggle.

**How does it feel to return as a CA member to villages where you were once active as a social worker?**

I really enjoyed visiting the villages as a CA member. It was a very different feeling to go to a village where I had once worked in the fields as a laborer and crop-sharer. Even those who were once our landlords treated me very well. They asked about the government. Most dalits are still without own land, or living as squatters on public lands. Unless dalits have ownership or a just access to land, their situation cannot change. I have become a CA member to fight for that right. And I will continue to fight until the ownership over land is established. If I fail to deliver on the job for which dalits have chosen and sent me to the CA, they will not be happy with me.





## **KHADGA BAHADUR BASYAL (SARKI)**

**Nepali Congress, Surkhet**

**Khadga Bahadur Basyal (Sarki)**, 58, is a member of the Constituent Assembly under the Proportional Representational system. He is a member of the general convention of the Nepali Congress Party (NC). Basyal was born in India after his father's property was confiscated and the family exiled because Basyal's father had married a Gharti-Chhetri woman from a so-called upper caste. Basyal's permanent residence is in Uttarganga in Surkhet. Formerly a communist, Basyal became a member of the NC in order to vote in the 1980 referendum on the Panchayat system. He has since worked as a member of the party's district committee and as a delegate to the party's general conventions. Basyal, who has played an important role in promoting the Dalit Movement in areas around Surkhet, was also the chairperson of Nepal Dalit Organization, a sister organization of NC. He is a well known social worker involved with various organizations like the Children's Organization, Nepal Red cross Society, Reyukai and Jayces.

**You defeated many leaders inside Nepali Congress to be nominated to the Constituent Assembly. Is that a show of respect by the party for your long history of dedicated political work?**

I was inspired by my father's democratic ideology, so I joined Nepali Congress in and became politically active. I was active during the referendum of 1980, during the peaceful Satyagraha protests, and during the revolution of 1990. I was a delegate to the party's ninth and tenth general conventions and a member of the electoral convention in the eleventh general convention. I was a working-committee member of the Surkhet District Committee of NC before becoming the secretary, and finally the chairperson. I was a central committee member of the founding team at Nepal Dalit Organization, after which I became a senior deputy-chairperson and then the chairperson, and am currently serving the organization as a co-chairperson after the two factions of Nepali Congress united. It must be because of uninterrupted involvement in politics and my active participation in the People's Movement of 2006 that the party nominated me to the Constituent Assembly.

**Nepali Congress has been in power many times in the past, but the party never could improve the situation of dalits in Nepal. Is that because the party lacks a clear policy on dalit issues?**

Nepali Congress has very clear policies regarding dalit issues. NC has been far ahead of other parties on matters like untouchability and other criminal discriminatory practices based on caste. NC chose Debbrata Pariyar as one of its founding members when the party was formed in 1946. Dhanman Singh Pariyar was given the prestigious post of general secretary of the party in 1952. NC is popular among dalits for these reasons.

In the past two decades, NC has respected the people's will and worked to provide education, health, transportation, electricity, communication and drinking water whenever it has been a part of the government. These efforts have substantially uplifted the dalit community as well. It was NC that established many important organizations like the National Dalit Commission, Dalit Development Committee, National Women's Commission, and National Human Rights Commission. NC did lead the effort to bring the Maoists into the mainstream political fold and the peace process following a ten years long armed struggle. And it lead in the transformation of the country into a federal democratic republic. In this duration, although the change in the economic situation of dalits has not been what one would like it to be, there have been significant improvements.

### **How does it feel to know that there are fifty dalit representatives in the CA?**

It is a historically important feat that there are fifty dalit members in the CA, and all credit goes to the Nepali people for making this a reality. The mandate of the people was to ensure representation at every level of the state in proportion to the population. The political parties are the agents of change in the current scenario, but the dalit community has a very important role in all of this. Nobody can forget sacrifices made by the dalit community in its quest for its rights.

The Maoist party should get the biggest share of the credit for bringing about this change. That is why they have the largest presence in the CA, and that is why the Maoist party is also leading the government. Our democratic republic is the result of the decade long Maoist People's War and the 19 days of People's Movement.

**What kind of transformation will these changed circumstances bring in the lives of the exploited dalits living in rural villages?**

The dalit community wanted to establish a republic. New Nepal, in its truest sense, is where untouchability does not exist, where there is proportional representation of the people at all levels of the state, and where the nation is truly inclusive. Therefore, this idea of New Nepal applies equally to the dalits of rural and urban areas because it has equal positive effect on their lives. But, if these ideas do not translate into real practice, none of the changes that have taken place can bring any meaningful change in the lives of dalits.

**When will the dalit community get to experience a true change in behavior towards them?**

Liberty is the main achievement of a democratic republic. The constitutional enshrinement of fundamental rights, and the right to rebellion enables dalits to fight against injustice and tyranny. Nepal has already been declared a nation free of untouchability, now all that remains is to translate the spirit of that declaration into practice. That will benefit not only dalits, but the entire nation.

**As a member of the CA, what role will you play to include the rights of dalits in the new constitution?**

We will be forceful about including reservations for dalits in the constitution, which is an issue that Nepal Dalit Organization has been raising ever since the conception of the organization. Our organization will prepare a common institutional agenda and present it before the CA. If our agenda is not given a place in the constitution, we will launch a nationwide movement. Although the Maoist party has expressed its sincerity and commitment towards liberating dalits, we have yet to see how the Maoist government functions. All dalit members of the CA should unite to create a nation truly without discrimination of any kind against anybody.

For thousands of years, the dalit community has been denied opportunity in the mainstream of state politics. Dalits are far behind other communities because they never had an appropriate hold on the political, cultural, social and economic arenas. Because the dalit community has been actively denied opportunity of any kind, dalits should be granted additional rights or compensations in the form of a constitutionally guaranteed reservation for dalits. There should be reservations for dalits in each electoral constituency, and dalits should be represented in every stratum of the state and society to accurately reflect the proportion of their place in the population. There could be a constitutional provision providing for an end to reservations for dalits once the dalit community attains the capability to compete as equals with other communities.

### **How will the cultural, social, economic and political problems associated with the dalit community be resolved?**

The dalit community has had to endure disrespect and discrimination since antiquity. The dalit community has been systematically discriminated against even under the law of the land since the implementation of the Civil Code of 1854. In this context, for true liberation of the community, untouchability and discriminations based on it should be categorized as criminal offenses and appropriately serious punishment should be meted out to offenders. Dalits should be given adequate and equal access to natural resources like water, land and forest resources. The constitution should include provisions guaranteeing each dalit household an employment opportunity, access to free education for dalits, and representation of dalits in proportion to their number in the population. Also, the Dalit Commission should be made a permanent constitutional body.

**All dalit organizations have stressed upon a thorough redistribution of land resources in order to establish access to agricultural land for dalits. What kinds of programs do you have for securing access to land?**

Most farmers without ownership or access to land are dalits. Dalits who do have a piece of land don't have nearly enough of it. Even today, most dalits are forced to eke a living as farm-hands, ploughmen, sharecroppers or cattlemen for non-dalit landowners. There only way out of this injustice is to institute a constitutional guarantee to end all unjust and inequitable labor relationships and establish just and equitable labor relationships. The issue about providing each family of the dalit community with between 5 and 10 *kattas* of agricultural land must be included in the constitution as a fundamental right of the dalit citizen. There are farmers who occupy thousands of bighas of land but don't put that land to agricultural use. In the constitution itself should be included a mechanism to take land from the hands of such landowners, set an upper limit upon ownership of land, and redistribute land between landless dalit farmers. This will ensure a just distribution of agricultural land, and also benefit landless dalits.

**Wouldn't dalits benefit even more if education, health, and employment opportunities were guaranteed under the constitution as fundamental rights of the people?**

A democracy cannot be fully realized without guaranteeing fundamental rights of the people such as education, health and opportunities for employment. Therefore, the constitution should have provisions for free education, including vocational training. The constitution should guarantee a minimum of one employment opportunity per dalit household, and until such a program is implemented, there should be provisions for unemployment benefits. Similarly, the fiscal rights of dalits—access to educational or entrepreneurial loans without collateral, etc.—should be written into the constitution. The new constitution should wholeheartedly embrace the principal of inclusion. The establishment of rights of dalits

in terms of inclusion in education, health, politics and employment should be guided by principals of inclusion. Changes such as this, when built into the structure of the state, become the foundations for a lasting peace and incorruptible social justice.

**It is certain that the country will become a federal republic once the new constitution is written. What, in your opinion, will be the most suitable model of federalism for Nepal?**

Whenever a country considers a federal structure of governance, it takes into account ethnic, geographic, linguistic, social and cultural factors as its basis of federalism. Our social structure is multi-lingual and multi-ethnic, and there is great geographic diversity within the borders. There is no clear majority of one particular ethnicity or language in any region of the country. There is an ethnic mixture in each village. For these reasons, it is clear that creating federal structures based on linguistic or ethnic basis will not be tenable in principal or in practice. Another reality worth minding is the fact that the modern world is superbly inter-ethnic, multi-linguistic, multi-cultural. When the family itself is becoming increasingly inter-ethnic, it is ludicrous to build federal states along ethnic lines. We must also consider the inter-dependency of the Terai, the hills and the mountains while creating federal states. When federal states are named, the new names should be acceptable to all linguistic communities, ethnicities and religious groups. Otherwise, there is the danger of the country splintering along internal fault-lines of irreconcilable differences created by ethnic, linguistic or communal disharmony.

Regarding the guarantee of dalit rights under federalism, there should be a constitutional guarantee that dalits are represented at every level of the state—in central and federal levels—in proportion to their share of the total population. Also, the guarantee to access to health, education and employment should be instituted at both the central and the federal level.

### **How relevant is the issue about making the upper house of the bicameral legislative an ethnic assembly?**

It is a good idea to make the upper house of a bicameral legislative into an ethnic assembly. In the past, the National Assembly failed to adequately and justly represent marginalized ethnic groups and other communities. Although it did have members from various ethnicities, they were all privileged persons who maintained the hegemony of an already established, homogeneous group. This rather negative experience alone justifies instituting an ethnic assembly. Such a setup would guarantee proportional participation of various ethnicities, genders and communities in the upper house. The lower house should also have representatives from each community, ethnicity and gender according to their proportion in the population. This will definitely increase the access of dalits in the state mechanism. Consequently, the laws and policies of the state will be dalit-oriented, and the dalit community will reap the benefits.

### **What preparations have you made to include these agenda in the new constitution?**

We will prepare a common agenda after consultations between all dalit members of the CA. We will take those agenda to our respective parties and create consensus within the party's parliamentary committees. There are fifty dalit CA members, each from a different background and each schooled in experientially different circumstances or differing ideologies. For these reasons, obviously, there are challenges in coordination and cooperation between us. But we are all united in working to empower the dalit community, in ensuring the dalit community's rights. Sooner or later, there is bound to be cooperation and coordination between the dalit members of the CA—there simply is no alternative to that.

In India, Ambedkar was singularly able to include dalit agenda in the constitution. We are fifty-strong, and each capable of a tough fight. We

have the support of millions of dalits and the civil society. If there is any sort of hesitation or stalling when it comes to including dalit agenda in the constitution, we will create considerable pressure in the parliament, and also go to the millions of dalits and start a forceful agitation movement, which will force the CA to include dalit agenda in the new constitution.

**What challenges do you see in incorporating dalit agenda in the new constitution?**

There may be multiple challenges in establishing dalit agenda in the CA. Although the chief institution of feudalism—the monarchy—has been rid of, feudalism itself has not ended in Nepal. Political parties are still engaged in traditionalist thinking and behavior, and this is reflected in the CA. This sort of thinking becomes an obstacle in the path towards guaranteeing dalit rights. Similarly, there are CA members who have brought their traditional lifestyles and fossilized thoughts to the CA, who can't quite understand or embrace the new changes. They continue to expect others to fight for and ensure their rights. This kind of mentality and behavior can become an impediment in including dalit agenda in the constitution. Nevertheless, compared to the past, most dalit CA members and the entire dalit community has become much more aware, organized and empowered. For that reason, I don't believe any organized force will confront us with the intent to push aside dalit agenda.





## PADMALAL BISHWOKARMA

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UCPN—Maoist, Kathmandu

**Padmalal Bishwokarma**, 58, who is a member of the Constituent Assembly under the Proportional Representation system, is the vice-chairperson of the Maoist-affiliated Dalit Liberation Front. Bishwokarma has made intellectual contribution to bring international renown to the Dalit Movement in Nepal. Bishwokarma, who was affiliated with various dalit organizations, was also the chairperson of the Nepal Oppressed Dalit Liberation Society, and has served the dalit movement for a long time now. He has worked as a lecturer at Butwal Multiple Campus and Mahendra Multiple Campus in Morang, and as adjunct professor at Tribhuvan University. Bishwokarma, who was born in Ilam, was active in communist politics through his affiliation with the CPN-UML and CPN-ML. Bishwokarma, who played an important role in establishing the dalit movement through regular publications in newspapers and magazines, is the author three books.

**You brought into the fold of the Maoist Party an independent organization like Nepal Oppressed Dalit Liberation Society. Are the days of independent dalit organizations over?**

As a political and ideological entity, Nepal Oppressed Dalit Liberation Society was established in 1993. Although it was not affiliated with any political party, it wasn't entirely independent either. We have combined the forces of the Dalit Liberation Society, which advocates fundamental ideological changes, with the Dalit Liberation Front, and created the Nepal Dalit Liberation Front—United. The main basis of unification for these parties were nationalism, republicanism, and fundamental changes to oppose the forces of imperialism-feudalism-Brahmanism. It is not that the relevance of independent organization has ceased to exist, but when two organizations agree on principle and on policies, their separate existences cease to have any significance.

**What differences have you experienced between running an independent organization and being affiliated with a political party?**

I am at present the vice-chairperson of the Dalit Liberation Front while I was the chairperson of the independent organization I led earlier. The independent organization operated under the policies and constitution of the independent organization, whereas now, as an organization that is a people's organization within a political party, we have to follow the ideological directives of the party and stick to party protocols. There are many individuals in the party who still have archaic and feudal thoughts, who unconsciously show discriminatory behavior and practice untouchability. There are some incidents where people with similar thoughts married dalits and later abandoned their spouses. But, the main thing is the party's policy, and the Maoist Party has the most clear policies regarding dalit liberation.

**There are fifty dalit members in the CA. Who do you credit most for this historical achievement—the five decades long Dalit Movement, the Maoist People’s War or the People’s Movement of 2006?**

In the past, the feudal monarch and parliamentary parties would occasionally appoint one or two dalits as members of parliament or state ministers and distract them from the real goal. And a few dalits readily participated in such theatrical farce. But the Maoists have stood up against such traditions and established the participation in the state apparatus of people from all ethnicities, groups, regions, genders, religions and languages. That is the only reason why there are fifty dalit members of the CA today. The main credit for this goes to the People’s War, but, of course, the fifty years plus long Dalit Movement and the People’s Movement also contributed to this.

**You were in academia for a long time. What is the state of participation by dalits in academia?**

At the beginning, there were perhaps half a dozen of us, dalits in academic professions, teachers. When I was in Tribhuwan University, there were a few of us, including Dambar Pahadi, Basanta Bishwokarma, and Binuman Motey. When the number of universities and private colleges increased, the number of dalits in academia has also increased. But, the dalits are regarded in the same discriminatory way in academia as they are in the society.

**What reforms are necessary in the socio-cultural sector to improve the situation of dalits?**

The state should arrange for education for dalit students that is free of from primary to higher education levels. Special provisions must be made for dalit students in technical and vocational schools. Dalit students should be given special rights when it comes to higher education and scholarships for studying in foreign countries. The children of martyrs, the disappeared,

disabled, and political prisoners should be guaranteed free education in boarding schools and colleges. Madheshi and Newari dalits should be given the right to study in their mother tongue up to a certain level. The state must make special arrangements to place dalit students in private schools. There should be provision for the certification of proficiency in technical skills for dalits so that they can become instructors in those trades at vocational schools.

In order to establish the country as secular and free of untouchability practices, the declaration should be formalized in the constitution and laws and policies put in place to translate the spirit of the declaration into practice. The security and well-being of dalit children and the elderly should be guaranteed. Solid policies must be created and implemented to end domestic violence against women.

### **How can the lives of poor dalits change for the better?**

Special package programs must be implemented to bring about economic development of the dalit community. All agricultural loans taken by dalits must be written off, and twenty percent of all foreign aid and loans must be set aside for developing programs addressing the economic development of dalits. Employment programs should give preference to dalits. The employment of workers in sanitation related occupations must be guaranteed, and they should get special privileges to health care and medication services. If dalits want to start manufacturing operations, they should be able to get discounted loans without presenting a collateral. The state should provide the necessary infrastructure required to modernize and industrialize the traditional skills and occupations of dalits, in order to express respect and to legitimize traditional skills as vocation worth taking pride in. Poor dalit communities should be provided land.

### **What provisions are necessary in the new constitution to ensure appropriate representation of dalits in state agencies?**

For that to be possible, dalits should be given most of the political opportunities. A special rights provision should be created in the constitution to set apart twenty percent of positions in all constitutional and state bodies to be formed. The Westminster model of parliament did not fit our context. It could not accommodate our ethnic, linguistic, regional and cultural diversity. The election system to be implemented next should ensure at every level of the state proportional representation of people from every exploited group, ethnicity, language, region, religion and gender. There should be a mechanism to include fifty percent of members of the house of representatives from direct elections and the other fifty percent from proportional representation system. The hill, Terai and Newari dalits should all be guaranteed participation in all sectors and levels of the state in proportion to their numbers.

According to the policy of special rights, twenty percent of the constituencies should be set apart exclusively for dalits to contest the elections. Dalit voters should have the right to vote for both a dalit candidate and a regular candidate. Dalits should be given the right to contest elections from dalit regions or regular regions under a dalit quota. Similarly, there should be constitutional provisions to guarantee a minimum dalit representation in the leadership of every political and civil body. The formation of an empowered constitutional National Dalit Commission and its special rights should be enshrined in the constitution.

### **How will the representation of dalits be guaranteed in a federal structure?**

Under the proportional participation and special rights provisions, there should be a guarantee for the participation of dalits in twenty percent of all entities at the central, federal and local level of governance that are responsible for formulating and implementing policies and programs. It

should be possible to establish a separate dalit autonomous region, and separate provisions can be made for federal states that have a dalit majority. Similarly, for each federal state, there should be provisions to guarantee the participation of women in fifty percent of all position, and within that quota, twenty percent should be reserved for the representation of dalit women.

**There is debate about making the legislative body bicameral under the new constitution. How should ethnic representation be managed within this structure?**

It is appropriate to have two houses in the center—one an assembly of representatives, and the other an ethnic assembly, and the federal parliaments should be unicameral. The ethnic assembly at the center should be an empowered body, with proportional representation of all ethnicities, regions, genders, languages, religions and cultures.

**What kind of preparations are you making to ensure the inclusion of the dalit agenda in the new constitution?**

As a soldier in the Maoist cause, I am determined to establish a guarantee for dalit rights in the context of the resolutions made by the party during the CA elections. My role in the CA, personally and as a party member, will be in listing these resolution in the new constitution.



## PARASHURAM RAMTEL

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UCPN—Maoist, Gorkha

**Parashuram Ramtel**, 36, is a member of the Constituent Assembly under the Proportional Representation system, and a member of the Maoist Party's Newa State Committee. Ramtel, from an ordinary family in Finam of Gorkha, was a teacher before he started his political journey. Ramtel joined the Young Communist League in 1995, and adopted the alias "Pramod" while working as Gorkha District Secretary, and as the Assistant Head of the People's Government. In his quest to organize dalits, Ramtel travelled to Jajarkot, Rolpa, Rukum and Panchthar in his capacity as the central member, secretary and general secretary of the Dalit Liberation Front. The Royal Nepal Army killed Ramtel's wife Juna Ramtel while attending a Maoist training program. Ramtel was also nominated to the Interim Legislative Assembly by the Maoist party.

### **How were you attracted to politics, and how did you become a part of the leadership in such a short time?**

I became attracted towards politics in 1989, after I passed my School Leaving Certificate exams, and for that I credit my habit of always standing up against injustice and atrocities. My organizational political career started in 1995, after joining the Young Communist League. In 1998, I became the area chairperson of Nepal Dalit Liberation Front. I had finished my Masters degree in Management and was teaching high school when, in 2000, I became a full-time worker in the Maoist Party. I became the central secretary of the Liberation Front in 2001, and in 2002, I became the secretariat member of the Maoist Party's Gorkha District Committee. In 2003, I became the general secretary of Dalt Liberation Front and member of the Party's Gandak Region Bureau, and secretary of Gorkha District. In 2007, I became a member of the Interim Legislative Assembly and currently I am a member of the CA, and a member of the Party's Special State Committee.

### **How did it become possible to organize Dalits in the armed struggle started by the Maoists?**

Since dalits have the qualities of the proletariat class, it is the easiest to organize them for a revolutionary movement. The Maoist party has clearly defined the dalit community as a historical proletariat. It is because the Maoist ideology, policies and political orientation is correct, and because its agenda on dalits is clear, that dalits are attracted to the Maoist Party and organized within it. The dalit issue is an important problem not only in the context of Nepal, but of entire South Asia, and it is not possible to find a solution for it through the efforts of a single individual. This is a political problem tied inextricably to the power structure of the ruling class, therefore it needs a complete and scientific solution, for which a political revolution is necessary. That the achievements made by dalits of Nepal after the Dalit Movement was incorporated into the People's War proves this fact.

**What was the nature of involvement of dalits of Gorkha in the armed struggle staged by the Maoists, and what was the attitude of the state towards them?**

Since the time of unification of Nepal by Prithvi Narayan Shah, Gorkha district has played a pivotal role at crucial junctions in Nepal's history. Since Prithvi Narayan Shah's time, people like Lakhan Thapa, Bhimsen Thapa, Kalu Pande, Suresh Wagle, Dil Bahadur Ramtel have been born in this district. Dil Bahadur Ramtel, who was born in a working-class family and tagged untouchable by the society, received the honour of being the first martyr of the People's War. My wife Juna Ramtel, alias "Pramila," gained martyrdom in Kashi village of Gorkha in 2004 while working for the People's War. The six courageous women who staged a jailbreak in Gorkha under the leadership of Uma Bhujel included Rita Bishwokarma, and Angela Bishwokarma, who is now a martyr.

Prithvi Narayan Shah set the foundations of the Shah monarchy by expanding his kingdom from this very district. Bise Nagarchi, Maniram Gaine, Kalu Sarki and Jasbir Kami had contributed to his unification efforts in their capacity as his fiscal advisers. Although Gorkha is the historical center of feudalism in Nepal, dalits from Gorkha were quick to join the People's War. Thousands of dalits joined the organization and became active in the People's War. Subsequently, central treasurer of Dalit Liberation Front, Chitra Bahadur Bishwokarma, First Martyr Dil Bahadur Ramtel, and 25 other dalits from Gorkha have sacrificed their lives in the course of the People's War. Ashok Takela and Tul Bahadur Bishwokarma are still among the disappeared. These courageous and self-sacrificing individuals of Gorkha have played a great and important role in bringing about the political changes of today.

**Dalits joined the Maoist Armed struggle in such great numbers. What do you think the dalit community has achieved from it?**

The achievements made through the decade long People's War will have a lasting impact and will be of historical importance. If we examine more than sixty years of the Dalit Movement in Nepal, the achievements made in ten years of People's War is hundred times greater than the previous fifty years put together. There didn't exist even a clear definition of the Dalit Movement before the beginning of the People's War. The ideological aspect of Dalit Movement was very weak, and the political aspect hadn't been able to rise above capitalist lines. The cultural aspect was disorientated. Dalit Movement gained a big qualitative push from the People's War, forcing it to make a giant leap in the right direction.

The most important aspect of the achievement is that the Maoist Party gave the dalit issue a Marxist description. It defined the advent of exploitation of dalits and the structure and historicity of the exploitation, and it provided a clear description of the present condition, which has identified the dalit issue as a special political and class condition created in South Asia by feudalism in the context of the creation and expansion of a class-based society and power structure. Together with the description, the Maoist Party put forward the concept of special rights as a clear and scientific prescription for resolving the dalit issue. Thus, the Maoist Party rescued the Dalit Movement from the mire of capitalism and revisionism where it was languishing. Consequently, the following achievements were made:

***Ideological/Political Achievement:*** The People's War demolished the faulty notion that the dalit issue is simply a socio-cultural issue, and firmly established it as a political issue. Consequently, the Dalit Movement that had confined itself to a socio-cultural movement was transformed into a political movement. The Dalit Movement had failed in its progression

because, before the start of the People's War, traditionalist, revisionist and reformist ideologies were dominant. Once People's War incorporated the Dalit Movement into its movement for class-liberation, as the People's War gained momentum, so did the Dalit Movement.

***Socio-Cultural Achievement:*** The People's War brought a turbulent change in the state of the Dalit Movement which had stagnated in its socio-cultural movement for change. Because of the opportunities created to cooperate and interact with non-dalits, it brought drastic changes in the exercise of respect towards dalits and the exercise of rights by dalits. The feudal culture that held labor in low esteem was replaced by a culture that regarded labor highly and respected it, which led to a qualitative improvement. This resulted in hundreds of inter-caste marriages; the instances of untouchability practices decreased, and in areas where People's Governments operated, untouchability was eradicated completely. The kind of inferiority and guilt that had been produced in dalits by the feudal state was replaced by the People's War with pride, courage and self-esteem. Dalits learned to take pride in the fact that they were dalits, and instead of bowing down to feudal lords, the People's War taught them to rebel against exploiters.

***Economic achievement:*** The dalit community had absolutely no economic ownership. During the course of the People's War, the land that was languishing with landowners and capitalists have been seized and distributed among dalits. Numerous cooperatives have developed in areas where Maoists have a strong influence. Although only partially, the tradition of share-cropping has been replaced in many places by capital-based production methods, as a result of which dalits have been enjoying better economic conditions.

***Achievement of implementation of special rights:*** The Maoist Party set forward a clear definition of the dalit issue and as a clear and scientific

solution it proposed the policy of special rights. Maoists proposed the policy of special rights to ensure proportional participation and representation by dalits in the political, economic, social, cultural, administrative and military sectors and in employment opportunities, and started the process of implementing the policy of special rights. The fact that Maoists fielded seventeen dalit candidates in the direct elections to the CA, and the fact that seven of these candidates won from their respective constituencies, is an achievement of this policy. Because of the clear and forceful policy of the Maoist Party regarding the dalit issue, other political parties were forced to give rights to dalits within their organizations. As a result of that, there are fifty dalit members in the assembly that has been given the responsibility to write the new constitution.

**The Maoist Party has proposed the policy of special rights for dalits. How do you define this policy?**

This is a special set of rights given to exploited communities, including dalits, as additional rights that go beyond simply equitable proportional rights. The compensatory set of rights given to a community that has endured exploitation for a long time can be regarded as special rights. Since these rights are given to exploited communities without any competition or expectations from other communities, they are called special rights. There can be no competition between a class that has enjoyed the powers and privileges of the state for a long time and a class or community that has been exploited for a long time by those in power. The policy of special rights has been introduced to break the chain of unhealthy competition between the exploiter class and the exploited class.

There are debates about introducing reservations alongside with special rights, and there are many who are trying to spread the false impression that there is only a semantic difference between special rights and reservations. But the difference between special rights and reservations

isn't simply a semantic one. Rather, there is an enormous difference, essentially and materially, between the two. Reservation talks about charity and goodwill whereas special rights advocates the empowering of an exploited community. Therefore, in order to create access for dalits to each sector and level of the state, the policy of special rights should be enshrined in the directive principle of the state.

**It has been said that Maoist leaders have implemented the policy of special rights only in the context of access to state power and privileges. Doesn't the same policy apply to the party and its affiliated organizations?**

The Maoist Party has said that special rights will be implemented to increase access for women, dalits and Muslims to the state apparatus. Since a communist party is an organization for the proletariat, there can be no special rights on the basis of ethnicity, gender and region. If the Party applies the policy of special rights within its organizations, it ceases to be a communist political party. Therefore, this is a policy that will be implemented in education, health, employment, administrative, and economic sectors, and in the the army. Dalits should be given preference rather than special rights within the party in order to encourage dalit leadership.

Our party has been advancing the dalit issue from a much higher level than other parties. There is no other party after the Maoists that has been advocating correctly for the total liberation of exploited groups like the women, dalit, and the indigenous ethnicities. It is under the policy of special rights that the Maoist Party has so many dalit and women members in the CA. The fact that many dalit and women commanders were produced by the People's War, and that the same people have won seats in the CA, is a massive vindication of the Maoist Party's policy of special rights.

### **What does New Nepal mean in the context of the dalits?**

To put it simply, New Nepal is a place where all Nepalis enjoy equal access to food and clothing, education and health-care. It means the same in the dalit's context. A place where nobody exploits another person; which is secular and devoid of untouchability; with the right to ethnic sovereignty and self-determination; where the discrimination against women and dalits has completely ended; and where the rights and privileges of all exploited classes, ethnicities, regions and genders are guaranteed by the constitution: that is New Nepal. A place where labor has its right value and where labor and laborers are respected is the kind of New Nepal we have been talking about.

### **What are the issues that need to be mentioned in the constitution in order to realize the notion of New Nepal?**

If the problems faced by dalits are to be resolved, before anything else, we need to change the political structure of the state. The old political structure of state power is not capable of addressing the problems of the exploited groups. It is imperative to address the following issues while re-structuring the state:

- The declaration of Nepal as a secular state should be implemented in an effective manner;
- It must be mentioned in the preamble of the constitution that Nepal is a nation that doesn't tolerate any form of discrimination based on ethnicity or untouchability, and that such actions are deemed crimes against humanity and the state;
- Special rights must be established to guarantee dalit rights in the economic, political, social, cultural, administrative, military, educational, employment and all other sectors, and the policy of special rights must be effectively enforced by the state;

- An empowered, high-level constitutional body, the Dalit Commission, should be created;
- Dalits should get scholarship and cost-free education up to higher education levels, free health-care, and special rights in the employment sector, and traditional skills and vocations should be modernized;
- The ownership of dalits over means of production should be established;
- Feudal culture should be completely abolished and a superior, scientific, populist culture should be created and nurtured; and,
- The feudal system of landownership should be abolished and a revolutionary land reform should be carried out to give special priority to dalits.

### **Is it imperative to include the issue of land reform in the constitution?**

Most of Nepal's dalits are landless. The state of dalits in the Terai/Madhesh region is even more frightening. Only a handful of dalits there own land. The policy of our party and the Front is that whoever tills the land ought to get ownership of the land. The state should impose a limit on acreage of land ownership and seize land from landlords who hold larger tracts of land and distribute it among the landless farmers and the poor. While implementing this scheme of distribution, priority should be given to dalits. Within the dalit community, the poorest families should get preference over more well-off families. Since the issue of land reform is extremely important for dalits, the issue must be included in the constitution if dalits are to feel that they have made progress towards gaining their rights.

### **How are you raising the issues of education, health and employment?**

There must be special rights guaranteed for the dalit community in the education, health and employment sectors. To say special rights in education sector is to mean cost-free education for dalit students up to higher education level, along with a scholarship. Special rights in health-care means the provision for cost-free health-care and medication for dalits. Only when the treatment for all diseases and illnesses—no matter how small or how costly—becomes free of cost for dalits, the special rights in health-care will gain any meaningfulness. Similarly, special rights in employment sector means the guarantee that twenty percent of all positions in government organizations, and industries and other non-government sectors will be set aside for dalits. Within the policy of special rights for dalits, those with disabilities or those who have endured extreme exploitation should be given preference.

### **It appears that dalit CA members are not quite as active in the very important debate about federalism in the new constitution. Does it not fall under the dalit agenda?**

Maoists have said that we should have an original form of federalism that suits our unique social, cultural and economic conditions. Under this policy, autonomous federal states arise along ethnic and regional social communities. There will be a center to these federal states, and its legislative will be endowed with sovereignty. The legislative will nominate the judiciary and the executive bodies, and they will be automatically responsible to the legislative body. The management of natural resources, land, education, language, and culture will be in the purview of the autonomous federal state, whereas the center will look after the army, foreign relations, international commerce, fiscal policy, fundamental large-scale industries and infrastructures, and border security. In a federal structure, the fundamental rights of the people are guaranteed under the constitution. But, to maintain a check and balance upon the state and

elected representatives, the people should be given the right to rebellion. Similarly, ethnic and regional federal states should have not only autonomy, but also the right to self-determination.

Dalits, women and Muslims are among the most exploited groups, so there must be provisions for special rights for them in the constitution. Within the federal structure, too, there must be provisions for special rights for dalits in the political, social, cultural, economic, administrative, military, and employment sectors. It is necessary to implement special rights in infrastructure development and to transform the relationship between labor and means of production.

**There are suggestions that the new state should be bicameral with the upper assembly as an ethnic assembly. Will this be beneficial to dalits?**

Our party has suggested a bicameral structure at the center and a unicameral structure at the federal level. Of the two assemblies in the center, the lower assembly should be of elected representatives in proportion to the population, in which dalits, women and Muslim communities should be included under the policy of special rights. In the upper assembly, there should be equal representation from each federal state, but dalits should be represented under the special rights policy. Since dalits will not have a separate state of their own, they should be represented at the center, the federal and the local level under special rights policy. Only then will they have appropriate representation.

**How much coordination and cooperation has there been between dalit CA members on the dalit agenda?**

It is very challenging to include dalit issues in the constitution. Leaders with feudal thoughts and attitude don't want to see the dalit community empowered. There is a large crowd of people with such thoughts and attitude in the political parties. Although we have ended the feudal

monarchy, feudalism continues to thrive in the industrial, economic, and socio-cultural structures. Therefore, only if we can manage and solidify the Unified Dalit Liberation Movement can we get a foothold for dalit agenda in the new constitution.

We, the dalit members of the CA, will play a very important role at this historical juncture. But, since it is the committees with party representatives that create the draft of the new constitution, the discussions we hold within and between the parties are very important. If that proves inadequate, an encompassing, invasive approach becomes necessary. Therefore, before anything else, a common agenda must be created through discussions between dalit political organizations. Then we can create a common front to launch agitations from the streets. To achieve our goal, there must be appropriate coordination of efforts in dialogues, agitation, and the CA.

### **What do you see as the main obstacle in the creation of a new constitution that incorporates your agenda?**

Our political parties that are rife with archaic thinking don't allow dalit issues to be addressed easily. To rectify that, it is important for dalit CA members to hold extensive discussions within their political parties and create the pressure necessary to include dalit issues in the party's agenda. However, since the Maoists are the largest party in the CA, I don't believe the dalit agenda is going to be denied. Our party will assume a leading role in including dalit issues in the new constitution. It is the duty of the Maoist Party to create a constitution that is on the side of the exploited class since it has come to power after a great deal of sacrifices with the expressed purpose of creating access to the state structure for exploited dalits, women and indigenous groups. If those communities are ignored once more, there will be a new set of struggles. People will adopt the path of rebellion, and create a new set of conditions to write a new constitution and thus take their rights.



## RAMANI RAM

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**Terai Madhesh Democratic Party, Saptari**

**Ramani Ram**, 36, a Constituent Assembly member under the Proportional Representation system, is a member of the Terai Madhesh Democratic Party. Ram started her career trying to get justice for dalit women who were being raped and exploited in Diman village of Saptari district. She eventually became active in social causes across the district and served as the treasurer for Dalit Rights Protection center in Saptari, and a central member of Integrated Development Service Center. Ram played a crucial role in getting dalits, women and indigenous people to participate in the Terai Movement. Ram, who started her political career with Madheshi Janadhikar Forum, left the party when she felt that it was not doing taking the side of Madheshi dalits, and joined Terai Madhesh Democratic Party. Terai Madhesh Democratic Party had nominated Ram as the vice-chairperson of the Constituent Assembly.

**What did you do before you became a member of the Constituent Assembly?**

I was the treasurer for Dalit Rights Protection center in Saptari, and a central member of Total Development Service center. Initially, I served as the treasurer for Saraswati Social Family under the Dalit, Janajati and Women Empowerment Campaign being run by Integrated Development Center. I received training on human rights issues while participating in various programs organized by the center. Then, in coordination with various organizations, I became active in campaigning for justice and compensations for victims of ethnic discrimination and rape. I also started a few adult-literacy programs in the capacity of an assistant campaigner.

During the Madhesh Movement that started after the People's Movement of 2006, I assisted Madheshi Janadhikar Forum. But I became disheartened by the obliviousness shown by MJF towards dalit issues, and therefore entered Terai Madhesh Democratic Forum, which had come into existence on the eve of the Constituent Assembly elections. The district committee of TMDP suggested my name to the center to include in the list for Proportional Representation. After the elections, the party nominated me as a CA member.

**It is said that the attitude with which dalits and women are regarded is still full of discrimination and prejudice. What has been your experience?**

I have found encouragement and respect in the party, and I am satisfied with it. It is natural for there to be a few unpleasant incidents because of certain individuals. But, if the party did not regard me with respect, perhaps I wouldn't have been nominated as a CA member. The party gave me good opportunities, including nominating me as a candidate for the vice-chairperson of the CA. The opinions and ideologies of certain individuals may be different, but the party holds the view that dalits and women should be given protection and opportunities.

### **What is the state of dalits and women in the Madhesh?**

Madheshis have been exploited and disenfranchised by the centralized unitary state structure. The dalits of Madhesh are being exploited by the state and by the feudal landowners of Madhesh, and dalit women of the Madhesh are being exploited three-ways over, their exploiters including the men. Therefore, the rights of the Madheshis, the rights of the Madheshi dalits and the rights of the Madheshi women must be established. If dalit women of the Madhesh can be liberated from domestic abuse alone, they will become capable of fighting for their own rights.

Dalits of the Madhesh are still barred from entering many public spaces and places of worship, and approaching water wells. In many places, they are not allowed to touch or draw water from public waterworks and wells. If a dalit touches water, it is considered impure and is discarded. The state of Madheshi dalit women is horrifying. They have been made victims of child-marriages and the veil-system in the name of religion and tradition. Many women suffer because of the dowry system and from violent domestic abuse. No small number of women are tortured in many ways after being accused of witchcraft.

Dalit women haven't been able to take proper care of their children or maintain basic hygiene around the household due to extreme poverty and a lack of consciousness. Because women are confined to playing out the reproductive, productive and communal duties as defined by Hindu religion and culture and dalit traditions, dalit women face numerous problems daily. The landless and economically weak dalits of Madhesh work on the farms and homes of local zamindars in order to earn a living. Madheshi dalit women, who cannot even go to a hospital to give birth to their children, have their lives confined to child-rearing, cooking and cleaning, and working in the fields. The children of most dalits cannot afford to attend school because of extreme poverty.

**How difficult did you find it for a dalit woman to attain the political stature of a CA member?**

I don't think other women can even imagine the sort of challenges and hardships that Madheshi dalit women have to face daily. But the Madheshi Janadhikar Forum is mute on the issue of the Madheshi dalits. The Forum has won six seats from my district, Saptari, under the direct elections. More than twenty-one percent of the population of the district is dalit. Forum has chosen to neglect this reality and sideline dalits even under the Proportional Representation system. But, I believe that there is a strong sense of duty among the leadership of Terai Madhesh Democratic Party that dalits and women should be given the appropriate protection and opportunities.

**What contributions did the dalit community make to reach this stage of political change?**

The CA has declared that Nepal is a republic. But, even in this changed context, dalits have not been able to imagine a prosperous future for themselves. There was no dalit representation in the first cabinet formed after the declaration of a republic. The Maoist government, which reached the seat of power with its slogan on inclusiveness, had an opportunity to rectify that error of omission by creating the atmosphere for a dalit woman to win the election for the position of vice-chairperson of the CA. But the Maoist Party failed to seize that opportunity. We have come to the CA with the goal to guarantee the rights and privileges of dalits in the new constitution by imagining a new and prosperous future for Nepal. As members of the CA, we must be determined to end discrimination of every kind, all kinds of prejudice and practice of untouchability, in order to guarantee the rights of dalits.

### **What issues must be included in the constitution to guarantee dalit rights?**

Untouchability and ethnic discrimination should be defined as a blot on humanity and strict criminal punishment should be instituted to end impunity and discourage acts of discrimination. A special court should be established to address incidents of untouchability and ethnic discrimination, and a social code of conduct should be created for the entire population. There should be provisions for cost-free education for dalits and reservations in the technical sector. The privatization of health-care should be ended and health-care should be established as a fundamental human right. Privilege cards should be made available, along with at least a twenty-percent discount on transportation fees and consumer goods.

Political parties must make the principle of inclusiveness an integral part of their party doctrine and ensure proportional representation at every level. The administrative sector must be restructures to guarantee representation of dalits to enhance professional achievement according to age, skills, qualifications. National Dalit Commission should be made into an empowered constitutional body, with the provision for the chairperson to be a *de facto* member of the National Human Rights Commission. A special Dalit Census Commission should be initiated to collect data on dalits and analyse their economic, cultural, social and political conditions. This will help in identifying the different states of Madheshi dalits, Newar dalits, Badi and dalits of Karnali, and facilitate the implementation of reservations or other programs.

To make dalits economically capable, dalits should be given land through the implementation of a revolutionary land reform program, which should be designed to constitutionally guarantee their right to ownership of land. Employment should be established as a fundamental human right, and there must be a guarantee for “One job per dalit family.” The open market

economy should be controlled, so that a supremacy of dalits over their traditional skills and vocations can be established. The ploughmen, cattlemen, crop-sharer, bonded-laborer, carrion-eating and disposing traditions, kamlari and other exploitative situations created by the existing relationship with means of production should be completely abolished and the exploited groups must be compensated and rehabilitated. There is a need for a constitutional and scientific reservation to address grievances arising from generations of exploitation endured by dalits so that equality and a dignified identity can be established.

### **What kind of a land reform program is necessary to provide dalits with land?**

The state of landless, dispossessed dalits is worrisome. Although most dalits are capable of productive agricultural work, they are forced to work for minimal wage on the farms of landowners and zamindars because dalits do not have any land of their own. All efforts at eradicating poverty will fail unless an access to landownership for dalits is created. Therefore, a revolutionary land reform program that provides land to dalits is necessary.

### **What kind of a federal structure will be appropriate for dalits?**

There are many competing ideas regarding the shape of federal states: to join the mountains, hills and plains, or a separate mountain state, or a “One Madhesh one state” structure, etc. But this neglects important issues like the interdependence between different regions, or the rights of dalits in these regions. The structure of federalism implemented in twenty five countries across the world are each unique, but even a country like India has failed to effectively address the very important dalit issue. Therefore, we must base the conclusions to the debate on our ground reality and material reality. So that we may find scientific and appropriate solutions for complex problems.

The current debate seems to be inclined towards creating federal states along the lines of population, ethnicity or the regions delineated by King Mahendra to suit his state structure. These proposed structures ignore the management of natural resources and the respectful management of dalit issues. The federal structure must be able to encompass the political, social, cultural and economic rights of the dalit community that has been disenfranchised and socially outcast for many generations. Therefore, since there is no basis for the creation of a separate dalit state, it is necessary to form a separate, empowered National Dalit Union, which should be granted the complete rights at the center to formulate policies and plans related to dalit issues. Such a union can be formed after dismissing the existing Dalit Development Committee and ensuring representation from dalit civil society and other people-oriented dalit organizations. This union could function as a nationwide proxy for a dalit state.

### **What challenges do you see in creating a constitution that is dalit-rights oriented?**

The challenges are numerous. There is cooperation between dalit CA members in order to face these challenges. Since the function of the CA is not to build or topple governments, but to write a new constitution, the number game is mostly insignificant. At a time where there is no dalit representation at the policy making level, it is a sign of significant change that there are fifty dalit CA members. Now, the responsibility to make the dalit community an empowered and enfranchised community lies on the shoulders of dalit CA members. We will not compromise with anyone on the issue of establishing dalit rights in the new constitution. The principle value of the republic is to establish the rights of all exploited groups, so we don't think anybody imagines that the CA will go forward by brushing our issues to the side. We don't think it is necessary quite yet to take our movement to the streets. But, it might be necessary to choose the path of rebellion to ensure a constitution that addresses itself to the dalit community. We must be prepared for such eventualities.





## RAMPRIT PASWAN

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CPN-UML, Saptari

**Ramprit Paswan**, 55, is a central member of CPN-UML, and a member of the Constituent Assembly under the Proportional Representation system. Paswan, a resident of Shambhunath in Saptari, became a member and vice-chairperson of the National Assembly in 2001, chaired the street-parliament during the Royal Regime, and thus helped take the People's Movement against the royal move to greater heights. He was also a member of the Interim Legislative Assembly. He has served as the chairperson of Nepal Paswan Organization, as a central member of Nepal Oppressed Dalit Liberation Front, as the secretary of Nepal Dalit Convention, and the eastern-zone representative of the Dalit Development Committee. Paswan, who has written songs and plays on dalit issues, is a recipient of the ***Bhim Rao Ambedkar International Award*** from Indian Dalit Sahitya Akademi.

### **When did you join politics?**

Around 1970, youth affiliated with Nepali Congress had started the National Youth Club in Rajbiraj of Saptari. I joined the club and became active in politics. In 1971, I came into contact with the Pushpa Lal faction of the communist party and became attracted to communist ideology and started working as the village secretary. We launched a movement in the village to increase the wage of farm laborers. This increased my affinity for communist politics. Since then, I have worked my way up from the Communist Party's village and district committees, and now I serve at the central committee of UML.

### **What experiences have you gathered in your long tenure in the Communist Party?**

Since I come from an extremely weak and backward community, the desire for change is very strong. Therefore, I find progressive movements and revolution very dear to my heart. I have gathered a myriad experiences in more than thirty years that I have spent in the communist movement. I have some practical experiences now. It is not possible to change the society as we might dream of changing it. My bitter experiences say that rapid, instantaneous social changes of the kind promised by most comrades are not possible. The behavior of those who speak sweetly and fiercely is different from what they let on. In the past, the speeches our leaders made was enough to convince us, but now we feel inclined to watch their behavior before making decisions. Some things become depressing when the behavior and actions do not match the principles being touted.

### **Do discrimination and untouchability still exist within the party?**

Our society is caste-based, and our political parties are products of the same society. There is some degree of discrimination against dalits in each political party. I cannot claim that there is no untouchability within

UML. The difference is—in the past, it was commonplace to hear that certain comrades were given food outside the house, whereas we don't hear the same as much any more. Dalits are an exploited group for every political party, and every party insists upon their liberation. Our party has raised the issue of ensuring inclusive representation for dalits, Madheshis, women, indigenous ethnicities and people of remote regions. The Eighth General Convention has resulted in thirteen percent of the central committee members comprising of dalits.

**UML had proposed your name as a candidate for the presidency since you are a Madheshi dalit, but it took back the nomination. How do you take this incident?**

There are ups and downs in politics. There are many internal and external strife. Sometimes you take two steps ahead, and take a step back. One has to make sacrifices. Whoever is willing to make the greater sacrifice endears himself to the public more. I feel I have yet to make greater and greater sacrifices for the people and the country. Since I am simply a party worker, I cannot go forward alone. I take responsibilities and follow the directives given to me by the party. I don't think there is a need to go against the party if it doesn't reward me. One should follow organizational decisions, and if one feels the party has made a wrong decision, one should counter it. UML leadership had felt that there is no alternative to my candidacy for the presidency. But I wasn't insisting upon it. Eventually, the party decided on my favour. But, after coordination with other parties, I had to take back my candidacy in order to support Ram Baran Yadav's bid for presidency.

**What is the state of Madheshi dalits?**

The problems of Madheshi dalits is no different from those of the average dalits of Nepal. Untouchability, discrimination, problems of livelihood and language, and such. There is also the problem of the disappearance of their social dignity. "All Madheshis are from India, they are not

nationalists and they can't defend the country," such was the attitude of the ruling class from the hills. This led to a culture of an inferiority complex among Madheshis. The blind aping of projects that mushroomed in the name of development also failed to show any sensitivity towards dalits. These developmental projects led to more harm than to benefits. Madheshi dalits became displaced from their traditional skills and vocations and became farm laborers. At present, the biggest problem faced by the Madheshi dalits is the problem of livelihood. On top of the exploitations faced by dalits, the exploitations faced by Madheshis has been added to the lives of Madheshi dalits.

**In your three decade long political journey, and from all the important positions you have occupied, what role have you played in establishing the rights of Madheshi dalits?**

In 2001, when I was the vice-chairperson of the National Assembly, the Maoist People's War was raging. Dalits were being exploited by all sides. When we raised this issue in the parliament, the Dalit Commission was established. However, once the House of Representatives was dissolved, the atmosphere changed. It was not possible for the National Assembly alone to do anything. Once the constitutional emergency ensued, there were no opportunities for the National Assembly to meet. After that, we took the assembly to the streets in our bid to intensify the People's Movement. The pinnacle of my political career was the moment when I broke the cordon set by Armed Police to conduct an assembly in my capacity as the vice-chairperson of the National Assembly, and I believe that moment also made the average dalit person feel proud of their heritage. But I regret not being able to do enough for Madheshi dalits during those years.

**What was the role of dalits in the present political change?**

The previous structure of the state was most exploitative of dalits, and naturally dalits were most motivated to bring about a change in that

structure. Therefore, dalits have always made important and enormous contributions during the struggle against the Rana regime, the Panchayat regime, and the People's Movement of 2006, staged in opposition to the royal regime. It was only after a great number of dalits were injured or martyred that this change became possible. But, their families still languish in conditions of great hardship.

### **There is much talk about New Nepal. But, when will dalits get to experience the changes?**

New Nepal is simply the restructuring of the old state-structure. That will bring forward the regions, ethnicities and groups left behind. Political parties have been finally forced to accept the doctrine of an inclusive democracy. Provisions for reservation or privileges should be inscribed in the constitution if we want to create an atmosphere where dalits can experience the changes. But there are obstacles on that path.

### **How can the rights of dalits be incorporated into the constitution?**

If we become emotional and try to include every grievance, we'll end up with a fat book and not a constitution. The problems of dalits are mostly tied to their economic condition. The problem of livelihood and shelter are most important. Dalits need to have ownership of land, since the land they occupy are not theirs at present. After that, health, education and employment should be included in the list of basic necessities. Furthermore, specific election constituencies must be allocated just for dalits.

### **Will the policy of reservation bring a concrete change in the situation of dalits?**

The reservation system in India benefited only the upper class among dalits. The poor dalits of India got nothing out of the reservations. Instead, an aristocratic dalit class was created. We must learn from that experience

and formulate a progressive reservation policy. If women are to have thirty-three percent representation, it must be clear what part of that will be of hill women, or Madheshi women, or dalit women. If just the upper-class get all of the quota and all the privileges that come with it, the discrimination that exists will not end. That will invite a second revolution.

**What will be an appropriate federal structure for dalits?**

Society won't like federal states created along ethnic lines. States should be named after languages, geography, a historic personality or on the basis of religion. There must be provisions for proportional representation of dalits at the center and at the federal level and at regional government, parliament and municipalities. The talk about making the upper house an ethnic assembly is a stale idea now. It is no longer relevant.

**What challenges do you see in establishing dalit rights in the new constitution?**

Since all dalit members of the CA are united on dalit issues, I don't foresee any great obstacle by the parties. On occasions, one encounters parochial thinking in the CA, but those with archaic notions are slowly being re-educated. They have the opportunity to listen to the views of representatives from various communities and groups and gain new insights. If there comes a time for an ideological struggle, we, the dalit members of the CA, are prepared for it. But we will not let this historic opportunity to establish our rights slip away from our grasp.



## RIMA NEPALI

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CPN—UML, Rolpa

**Rima Nepali**, 41, is a member of the Constituent Assembly under the Proportional Representation system and a member of the Rapti Zone Committee of the CPN—UML. Nepali, who was born in Sakhi VDC of Rolpa, became active in politics to fight against the injustices directed at dalits and women during the autocratic Panchayat regime. She became attracted to communist politics as early as in 1987 and became an active member of CPN—ML, joined the first People's Movement of 1990, and has been continuously active in politics since. She has been serving as a central member of UML affiliated All Nepal Women's Organization. She represented UML in the Interim Legislative Assembly.

**How did you become involved in politics?**

I witnessed political activities against the Panchayat regime in my village in 1987, and became interested in politics. I had heard about party-less system and multi-party system, but I didn't know what a multi-party system would be like, and I certainly didn't know what values each party represented. When I learned more, I realized the erstwhile NCP—ML was a more suitable choice, and therefore I joined and became active with the party in 1990. Presently, I serve in the central committee of All Nepal Women's Organization and am a member of the Rapti Zone Committee of UML.

**What has your experience in the party been like? How did you find the attitude towards dalit women in the party?**

I joined the party to change the society, but I realize now that social transformation is not so easy. Furthermore, since the point of view with which women are seen is particularly different, it is not possible to remain active in politics without the support of the family. But it was this very discovery of discrimination and sense of insult that has driven me. So, I dedicated myself to organizing women. After I received the support of my friends in the party, I did a lot of work in the villages against unjust divorces.

UML has a provision of reservations for people from all ethnicities, but even very educated and qualified dalit friends have failed to find appropriate positions within the party. In practice, there is still a lot of discrimination within the party. The attitude with which party members see dalits hasn't changed for the better. Although the leadership and its policies are praiseworthy, the implementation of the vision of the leaders has been weak. Although the parties have very clear policies regarding women and indigenous ethnicities, there is no clear policy regarding dalits. There is a lack of the idea that dalits, too, are capable and should be given appropriate opportunities.

Yes, discrimination and untouchability still exist. I am in the leadership, but even then friends in the district don't usually let me enter their homes. That creates a sense of inferiority. When I was in the field on party work, other friends ate inside the house, but brought the food outside for me. I realized that to protest there would adversely affect the party's image, so I quietly gave the food to a dog. Those friends regretted their error afterwards. There is another incident of caste-based discrimination. During the election of 2000, I went with some friends to the Swargadwari Ashram. My friends entered, but I was asked to wait outside. I protested against that and they apologized for their conduct. It is because our society is rife with feudal thinking that such incidents still occur.

**Is there an atmosphere inside the party that allows for easy acceptance of a woman's leadership?**

Generally speaking, it is a challenge for men to accept the leadership of a woman. Still, I think UML is far ahead of other parties in accepting the leadership of women. UML has decided to have at least one woman at every level of party leadership. It was UML who proposed that thirty-three percent of all seats at every level and sector of the state should be reserved for women. Nonetheless, even within UML the conditions don't exist for the leadership of a woman to be spontaneously accepted.

**You were also in the Interim Legislative Assembly. Why do you think UML has nominated you to the CA?**

There is nothing unusual about that. I come from a remote and war-devastated district like Rolpa. Also, my party must have correctly evaluated my contribution in the Interim Legislative Assembly and found me worthy of being a member of the CA. Since there are very few dalit women in the party, it is not unusual that I have received this opportunity.

**What is the state of political participation by women in your area of work, the Mid-Western Region?**

Overall, the Women's Movement is lagging in the Mid-Western Region. It is obvious that dalit women are even worse off because of the social limitations and medieval traditional practices. Political parties and social organizations are using women to further their own agenda instead of truly helping women. If they had really wanted to improve the situation of dalit women, they would have introduced programs that would enhance the women's capacity and qualifications and thus create new opportunities for them.

**How do you see the fact that there are fifty dalit members in the CA?**

One reason behind this is the gradual expansion of ideas within political parties, and the accompanying improvement in organizing dalits. What this really means is that if we organize ourselves, we can take our rights. Dalits have always shown impressive participation in the fight for nationalism, livelihood and democratic values. Dalits have never lagged behind another community or ethnicity in their eagerness to struggle for revolutionary change. This is also an achievement of the way in which dalits came to the streets and were martyred during the People's Movement of 2006.

**Discussions about a New Nepal is raging everywhere. How do you see this idea?**

The basis of New Nepal is the end of monarchy and the establishment of a republic. The main thing is the transformation of the state structure that will take place. So far, the people in power have taken the help of dalits only when the ruling class were under dire threat of some kind, but never otherwise cared for the fact that dalits have lived in extreme hardship for hundreds of years. Therefore, we must be careful to institutionalize the rights of dalits, women and the indigenous ethnicities right at the

birth of the republic. We must give up the old culture of making sharp populist speeches for a moment's benefit and renegading on our promises when the time arrives for us to live up to them. It isn't enough to pass declarations: discrimination must really and totally end. New Nepal is simply a condition where each citizen has equal access to social, political, economic, educational and employment opportunities.

**What particulars need to be included in the new constitution to consider that dalit rights are guaranteed?**

Firstly, dalits should be represented in every sector in proportion to their population. Second, since dalits have been neglected and exploited for hundreds of years, compensatory reservations should be made in the educational, health-care and employment sectors. Third, a powerful mechanism should be developed to monitor the implementation of these programs.

**What preparations have you made to constitutionally guarantee dalit rights?**

I think it is my higher calling to raise my voice in the CA on behalf of dalits and women. We, the dalit CA members, are united on dalit rights and dalit issues. We are preparing to forcefully implement the dalit agenda of our respective parties, and take our voice to the streets if necessary. Additionally, the issues of women and dalit women are of even greater importance. We are demanding that representation of women be increased from thirty-three percent to fifty percent. Within the quota for women, we are trying to find representation for dalit women. We have both opportunities and challenges before us at the moment. I will try my best to overcome hurdles and march towards my goal. I expect full support from my party on this regard.

**What hurdles do you see in your quest to guarantee your rights?**

If all political parties become honest and responsible, there is no big hurdle before dalits. Maoists are the most liberal on the dalit issue, UML somewhat less, and Nepali Congress the least. We simply expect that all parties become responsible when it comes to dalit issues. Of course, there are challenges when it comes to restructuring the state. But there is no alternative available but to face those challenges, transform the state, and move forward.



## SANTA BAHADUR NEPALI

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**National People's Front (NPF), Arghakhanchi**

**Santa Bahadur Nepali**, 55, who is a member of the Constituent Assembly under the Proportional Representation system, is a central member of National People's Front. He was born in Ghujunge of Khanchikot VDC, Arghakhanchi, and grew up with his laborer father in Kolkata, India. He has an MA in Sociology from Kanpur University. Nepali, active in communist politics since 1970, became a full-time worker with CPN-Mashal in 1987, and went underground under the alias "Jhalak Singh." Nepali was given the responsibility to expand the organization of dalits in India, where he established the Caste Equality Society, in 1988. Nepali, who remained the chairperson of this CPN-NPF affiliated organization, is currently an advisor to the organization. He writes in various publications on political and social issues.

**What is your family background? Why did you choose communist politics for your activism?**

My father used to work at the Central Telegraph Office in Kolkata, India, so I started living with him in 1960, and studied until the second grade there. We returned to our village in 1963, where I resumed my studies. My father died when I was in the sixth grade, after which I had to give up studies. But, luckily, the teachers at the local high school paid my school fees and I could continue my studies. Coincidentally, the teachers who helped me—Gangadhar Ghimire and Netralal Abhagi—were affiliated with communist politics. I discovered communist literature under their influence. We would become very excited by reading Mao's Red Book that students from Kathmandu brought to the villages, as those were the heydays of the Chinese Cultural Revolution. The Chinese novel *Yoyang Hai's Song* was very influential in leaving a deep impression of communism.

At that time, there was no other political party but the Nepali Congress. When I read in a magazine that B.P. Koirala, the leader of Nepali Congress, had given a speech in Gorakhpur, India, to the effect that Nepal need not remain an independent nation but could easily become a part of India, I became deeply revolted by NC. I became a communist from the influence of the teachers who taught me, and from studying communist literature, and eventually came in contact with the party in 1970. I have been working for the party ever since, and I am a central member of NPF now.

**It is said that untouchability is still practised in communist parties. What has been your experience on the issue?**

I don't think it is possible to receive the same sort of cordiality, respect and empathy outside the party as exists inside the party. However, even in a proletariat party, not everyone in the party is equally culturally conscious. There is no problem with the attitude of workers whose consciousness has been illuminated by true understanding of issues, but among those who haven't been able to rise above their feudal mindset,

the problem continues. But those workers who view dalits in a traditional light can't survive in the party for long. The society is not like in the past, with its malicious attitude towards dalits. And that affects every political party. Even those who can't change themselves do change their attitude under external influences.

There is criticism that a dalit will not be given leadership responsibilities no matter how hard he works for the party. But I have been working at the central level for a long time now. I don't know why I have been included in the central leadership, but I have always been a diligent and loyal party worker. In my opinion this must be an evaluation of my uninterrupted and steady contribution to the communist movement in Nepal. Even today, as a representative of the party to the CA, I believe I am simply carrying out the responsibilities given to me by the party. But, of course, I think the responsibility given to me at this historic opportunity to shape the new constitution of our country is a greater responsibility than any other in the past.

### **How do you evaluate the participation of dalits in the democratic and communist movements in Nepal?**

Dalits are not separate from the society in which they live. Dalits have been participating, along with all other communities, in the economic, political, social and cultural activities in the country. Dalits have always been integral to Nepal's historical movements for democracy and communism. The martyrdom attained by dalits during the People's Movement of 2006 proves this fact. This also makes clear that dalits have always been organized well under political parties.

### **There are fifty dalits members in the CA. Who deserves most credit to for this achievement? The communist/democratic movements, the Dalit Movement, or the Maoist People's War?**

If we compare the present and the past of the Dalit Movement, we find

that we have come a long way since the old days. However, in terms of concrete achievements, we have little to show. During the Panchayat regime we were forced to use Indian territory to organize, but today we have dozens of dalit organizations and there is a nationwide awakening. On this basis, we can't deny that the Movement has achieved new heights. However, if we examine the results, we find that a few clever dalits have benefited from the development but the average dalit still slavishly languishes as before. Even today, dalits continue to be socially ostracised for refusing to throw away carrion or for marrying into another caste. Although strict laws against untouchability exist, there hasn't been a single case where somebody has been punished for ethnic discrimination. Hundreds of legal cases are filed with the police or in the courts, but why is it that the exploiters win every single of those cases? Although the slogans about inclusion are loud and frequent, it has failed to translate into practice. There wasn't a single dalit in the first cabinet of ministers formed in the new republic, and no real policy or program addressing dalit issues was created. Still, we have made gains in comparison to the days of monarchy.

The Maoists, who won a conflict through the use of guns, have reached the seat of bourgeoisie power. We cannot claim that the exploited, the oppressed and proletariat masses have become the state just because the Maoists are in the government. In conflict-ridden areas the distance between dalits and other castes spontaneously decreases, because in such times the issue of survival trumps all other issues, like caste. Dalits joined the armed ranks of the Maoists as per the need of the People's War. The lifestyle of an armed group obviously affects the lifestyle of the average people. In this sense, we can accept that, indeed, the People's War has affected the lifestyle of people in the conflict-ridden areas. It is natural for caste-boundaries to be broken between comrades in arms in an army. But, if we look at the social situation in districts where there has been no effect of the conflict, we don't find any change. Urban areas have fewer

incidence of untouchability, but that has no real meaning if we consider the entire country. Therefore, whatever effect the Maoist People's War has created in some villages is only partially effective. There was a wave of consciousness among dalits during the People's Movement of 2006, which led to renewed demand for proportional representation of dalits in the CA. Maoists supported that demand and were adamant about it, and other parties were forced to implement it. Therefore, the Maoists did play a crucial role in ensuring thirteen percent representation of dalits in the CA. But, the main reason behind dalits reaching the CA in such large numbers is their continuous struggle over the decades.

**You also worked among Nepali laborers in Indian cities. What sort of provisions can we establish for poor expatriate Nepali dalits?**

There is no reliable statistics about how many Nepali dalits are working in India, but it is estimated that of the 6 to 7 million Nepalis in India, there could be between twelve and fifteen hundred thousand dalits. Most of them are incapable of becoming organized. Only a few conscious dalits have become organized. The lack of consciousness among them directly affects the manner in which they earn their livelihood and on their social life. Young Nepali dalits in India find employment as laborers or guards in hotels and brothels, and in the markets of India.

The problems of the expatriate Nepali dalit youth is tied to the problems of Nepali youth. If we can include these young people in the agricultural and manufacturing sectors inside the country, it would be a great achievement. For that reason, the right to employment should be enshrined in the constitution as a fundamental right of the citizen, and there must be a guarantee of employment inside Nepal for every citizen. That will stop the exodus of Nepali labor to foreign markets. Together with that, the right of dalits to lead a dignified life in a country free of untouchability or any other form of ethnic discrimination, and with a provision for

special reservations, should be guaranteed by the constitution. If there is such a constitutional guarantee, it will be easier for future generations to fight for their rights.

**New Nepal is being discussed everywhere, but, do you believe that dalits living in remote villages can ever experience what that idea represents?**

Although the country has become a republic, semi-feudal and semi-colonial social structures continue to exist. Although the gates to a new capital-based economy has been opened, the transference of state power from the hands of the capitalists to the hands of the proletariat hasn't occurred yet. Therefore, in this context, although we may be able to imagine New Nepal as an emotional construct, I don't think New Nepal has yet materialized. The current political change is simply the creation of a context in which power can transfer from a feudal totalitarianism to a capital-based totalitarianism. For that reason, we still don't have a state structure that can guarantee the rights of dalits. In a capitalist set-up, struggle is the only option for getting rights. The state structure of yesteryears neglected dalit issues, the state structure of today is somewhat receptive to dalit issues, but it remains to be seen how much it can translate policies into action. We still need a longer struggle to finish all traces of feudalism.

**What role will dalit CA members play in guaranteeing dalit rights in the new constitution?**

As a CA member, my role will be to support the issues championed by my party. In we are to guarantee dalit rights in the new constitution, my efforts alone will not suffice: all dalit CA members must become one unified entity to struggle for dalit rights. Our party's dalit organization, Ethnic Equality Society, has prepared a draft document outlining issues that should be raised for inclusion in the new constitution. We will consult experts to give the draft document its final shape, and we will discuss the issues with CA members from other parties before drawing any conclusions.

**What are the issues included in the draft document prepared by your organization?**

The National Cadres' Assembly and Workshop held by our organization had held discussions to identify what might be the most important issues to include in the new constitution. There, we identified the following issues: Untouchability should be declared a criminal offence; all exploitative traditional labor positions like crop-sharers, cattlemen, ploughman, etc., should be abolished; education, health-care and employment should be made fundamental rights of the citizen; twenty percent of all positions in all sectors and levels of the state, and of any particular election constituency, should be reserved for dalits; dalits should have ethnic autonomy in areas with dalit majority; Dalit Ministry and Dalit Court should be established, and, the Dalit Commission should be made a constitutional body. The rights of dalit women, children and youth should be protected. The right of dalits over land, forest resources, and water should be established.

**It is said that although reservation will benefit a few dalits, the average dalit will gain nothing out of it. In your opinion, is that an accurate statement?**

Reservation is a special right given to the weaker group. So far, the stronger or upper class has been dominant in all walks of civic life. That must be broken, and to do so, we believe that a twenty percent reservation, on the basis of dalit population, should be allocated to dalits in civil service, the police and army, health, education and government and non-government service sectors. This provision must be clearly mentioned in the constitution itself. If the provision of reservation can be implemented effectively it will definitely empower the average dalit.

**You reason that an ethnic autonomy set-up will empower dalits. What is your opinion on federalism?**

Our party has not accepted federalism. Parties that insist upon federalism haven't proposed any specific details either. Since they cannot agree on the form of federalism, this has become a complicated and confusing issue. It seems the big parties agree upon dividing the existing unitary state into smaller federal states. If the country adopts a federal structure, it will also move towards fragmentation. Immediately as we adopt federalism, a hundred different ethnicities will each demand their own federal state. And Nepal will end up like Nigeria, with numerous increasingly smaller states. The danger also increases that India might tempt or coax those small states to dissolve into its republic. For these reasons, federalism is not in the interest of Nepali people, but in the interest of Indian rulers. Therefore, we are opposed to this fragmentary policy.

What we need today is a single democratic state that also allows for local, ethnic and regional autonomy. The reason that Madheshi, indigenous ethnicities and remote regions have failed to develop is not because of the unitary state, but because of feudal centralization of power. Once feudalism is finished and once people take ownership of state power, that situation will not remain. The main issue is the political structure, not whether a federal set-up is superior to a unitary state structure. Once we got to federalism, the indivisible sovereignty vested in the people of Nepal will be diluted between the center and the federal state, and along with it, the unified strength of the people. Today, if a Madheshi dalit is oppressed, it hurts a dalit in the hills; when a dalit from the west is oppressed it angers a dalit from the east, and vice versa. In federalism, that empathy will weaken. There will be separate and divergent laws between different federal states, and that will also fracture the nature of struggle in different states. But, if the state structure remains unitary, sovereignty remains indivisible. It will help not only dalits, but people of all ethnicities to remain unified. When local autonomy is granted, there is

no danger of division or disintegration, and people get tangible rights. In a local autonomy, whatever ethnicity or group enjoys a majority also receives the right to govern the region. Since dalits will receive the right to govern over areas where dalits enjoy a majority, even the most exploited group in society gets the opportunity to govern itself.

**What strategies are you employing to include in the new constitution the agenda you have introduced?**

We will cooperate with other parties on the common agenda, but that will not stop us from presenting a divergent agenda of our own. The message that we will stand together with other dalit CA members on specific dalit issues has been given through the common memorandum given to the government to stop all instances of exploitation of dalits all across the country. Although we are only fifty dalit members in the CA, that doesn't really make a difference. Since the dalit agenda is a national agenda, each party and each CA member must make it their agenda. Brahmanistic thought is still dominant in NC and UML and other parties, and that could create challenges. But, it is the duty of each member of the CA to end all forms of discriminations based on language, gender, ethnicity or caste. Since the problems of dalits are also the problems of non-dalits, I don't think the two sides will confront each other in the CA. Even if the CA doesn't accept some of our demands, we don't have to take it as a defeat. What isn't accepted today will be accepted eventually, after a lengthier struggle. We have the Indian context as an example—the constitution of India has been amended on many occasions. We might not only have to push for constitutional amendments, we might even have to write an entirely different constitution if the need arises. Therefore, we shouldn't stop making ourselves heard.

**Do you really think a situation will arise where dalit issues in their entirety will not be included in the new constitution by this CA, which has a large number of members from a party that advocates a revolutionary progressive change?**

The CA has fifty dalit members, and more than sixty percent of all CA members are communists. This is a very important presence for our cause. Apart from that, the leadership of the government is in communist hands, and the government includes four communist parties. But, not a single dalit was included in the cabinet of ministers, and no tangible policy or program regarding dalits was introduced. But we don't need to take to despair immediately. If all dalit CA members unite in the struggle, we can guarantee dalit rights in the constitution. Although there is a majority of communists, this government is essentially a government of the capitalist bourgeoisies. It cannot progress any further than capitalistic values, but our chief goal is also to guarantee property and capital rights in the constitution. We will have to continue struggling for people's rights. Therefore, we don't believe that dalit liberation will take place just because a new constitution is written.



## SHAMBHU HAZARA PASWAN

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Nepali Congress, Parsa

**Shambhu Hazara Paswan**, 42, is a central committee member of Nepali Congress, and a member of the Constituent Assembly under the Proportional Representation system. Paswan, from Birgunj Sub-Municipality—18, has been active in politics since 1986. He has served as the central member and vice-chairperson of the NC affiliated Nepal Dalit Organization, and currently serves as the general secretary. He became the executive director of Dalit Development Committee in 2000, and served as a member of National Dalit Commission in 2002. A Madheshi dalit leader within NC, Paswan had insisted through a united struggle of dalit organizations upon going to a republican set-up even before NC leadership had decided on the issue. He has been awarded the *Ambedkar Fellowship* and *Ambedkar Kala Shree Award* from Indian Dalit Sahitya Akademi.

**You have been associated with NC for a long time. How do you find the attitude and behavior of the party towards dalits?**

I have been actively associated with NC for the past sixteen years. Currently, in my capacity as the general secretary of Nepal Dalit Organization, my chief duty is to oversee the expansion of the organization and address the problems faced by dalits. More than twenty thousand Madheshi dalits are active members of our party. Working committees of Nepal Dalit Organization are present in every district of the Terai. There is no problem in how NC sees dalits since the party's goal is to create an egalitarian society. It is our party's value and policy to bring dalits to the mainstream of state affairs. NC had given DB Pariyar the important position of the general secretary of the party as early as in 1950, and even today the party has set aside quotas for dalits. But, every party has its share of good and bad aspects, and there is still a habit inside NC of regarding dalits as second-class citizens.

**How does it feel to be a member of the CA and represent Madheshi dalits?**

It is the result of my constant struggle and of the Dalit Movement. It is natural for an honest, hard-working member of the party to be given greater responsibilities. This makes me happy, and we will all be happy after we succeed in incorporating the issues of our community in the new constitution. Through the Dalit Struggle committee, I fought for a republic well before NC decided to take the republic route. Similarly, I have been constantly struggling for the Dalit Movement and democracy.

There are fifty dalit members in the CA now as a result of the People's Movement of 2006. All parties came together for this struggle. All parties deserve the credit for this achievement, but most of the credit goes to NC for leading the struggle for political change. The dalit community contributed in no lesser degree to bring about this change. Dalits participated in the People's Movement in their own capacity, and attained

martyrdom. Madheshi dalits also joined the Madhesh Movement and attained martyrdom, and many have been maimed and injured.

### **What do Madheshi dalits expect out of the political changes happening today?**

There are a lot of feudal zamindars in the Madhesh and there is widespread practice of untouchability and other forms of discrimination against dalits. There is a culture of looking down upon dalits. Dalits are landless; they are weak economically and in terms of political consciousness. They work in the fields of the feudal zamindars and are incapable of unhesitatingly expressing their views. It was the Brahministic autocratic state that has resulted in our exploitation. Since there are fifty dalit members of the CA, now the participation and rights of dalits will be guaranteed.

### **What sort of preparation are dalit CA members making to guarantee dalit rights?**

We are in the CA to ensure the rights of dalits. We will not back down from our goal. We have started the work of unifying parties and dalit organizations on dalit issues. Although we come from different parties, all fifty CA members will raise a unified voice on dalit issues. If our voice is not heard, we will launch a street movement in coordination with all organizations and civil society affiliated to the dalit cause.

We are creating a special package program to guarantee dalit rights in the new constitution. We will create a special law and put pressure to implement a system for reservation with special opportunities. Dalit rights can be guaranteed only if provisions are made to ensure dalit representation in proportion to the population. That is what reservation means. When we go to a federal set-up on the basis of language, culture and geography, there should be guaranteed reservations for dalits based on their share of the population.

Similarly, we have been demanding that dalits should receive cost-free education up to higher education level or vocational training with adequate scholarships. There should be special arrangements for dalits in foreign employment, and within the country, there must be guaranteed quotas set aside for dalits in the government and private sectors.

**What sort of challenges do you see in guaranteeing dalit rights in the new constitution?**

Although quantitatively in a small number, we are united in the CA. We are working with women, Madheshi and indigenous ethnicities to create a common agenda to incorporate in the new constitution. Even so, it seems the political parties will be the biggest obstacles on our path. Therefore, I have told my party that if a whip is issued on the floor of the CA, I will not honor it. If there is any attempt to put dalits in a lower class, we will defy party whips and launch a fresh struggle.



## SHANTIDEVI HARIJAN CHAMAR

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CPN—UML, Kapilvastu

**Shantidevi Harijan Chamar**, 36, is a member of Kapilvastu District Committee of CPN—UML, and a member of the Constituent Assembly under the Proportional Representation system. She had been active in social service, and joined politics after taking membership of the party in 2003. She endured insults, discrimination and harassment as a dalit and a woman during her social and political struggles. She was attacked after she demanded the implementation of a revolutionary land reform program aimed against feudal landlords. She was active in organizing local dalit women during the People's Movement. She has worked in Kapilvastu with UML-affiliated organizations like All Nepal Women's Organization, Farmers' Organization and Oppressed Castes Liberation Society.

**How did you join politics and how did you reach this position?**

I come from a Madheshi dalit family. The plight of Madheshi dalits is much worse than that of hill dalits. Madheshi dalit women are even worse off. I felt that the situation needed to be changed, and that it called for a leader. In 1993, I found the courage and strength to become active in the society. I started approaching various government and non-government organizations in the capacity of a community leader to make demands on behalf of dalits. Once I started arguing, organizing and fighting for dalit rights, I became a trusted friend to dalit women. After 2003, I started working as a party worker for CPN-UML.

I played an active role in taking my community forward during the People's Movement of 2006. When the concept of inclusive and proportional representation earned credibility after the massive political changes, the party must have positively valued my contribution, and also correctly comprehended the hopes, desires and expectations of the people to nominate me to a historic opportunity like the Constituent Assembly.

**What obstacles did you have to negotiate while working as a leader of Madheshi dalit women?**

Madheshi dalit women are illiterate, unemployed and landless. Since most of them are confined to their caste-based vocations, they are forced to work for minuscule wages. Not only are they in the vices of social injustice, but they also suffer domestic violence. I suffered a lot of hardship while working as an active social and political activist. I have endured many insults and insinuations from my own community for traveling with male friends during campaigns, and people of upper castes have insulted me, called me an untouchable and treated me with hate. A group of the so-called upper-class people falsely accused my husband and made him pay a five-thousand rupees fine. When I went around collecting statistics about dalits, I was accused of being a Maoist, and on many occasions people of upper castes accused me of trying to seize their land through a

revolutionary land reform program, and tried to beat me up. When they realized that despite their attempts I was still active as an effective leader, they tried to remove me from my leadership role. Although I was in the School Committee, people of the so-called upper-class called meetings without informing me and recorded in the minutes that I had been absent, in order to remove me from the committee. Similarly, during the election, they spread false rumors about me and told people that “Shanti is incapable of doing anything for you; to vote for her is a waste of your ballot.”

### **How is the political experience of working as a party member?**

After I joined UML, I worked as the in-charge of Kapilvastu-7 and as a member of the district committee of All Nepal Women’s Organization. I have also worked in various capacities in Farmers’ Association and in the Oppressed Castes Liberation Society. I feel that I have successfully carried out the responsibilities given to me in each position. But, there are very few within the party who understand and accept the leadership of a dalit woman. Although the policy for inclusive participation at each level of the party exists, it has not been put into practice. The old habit of limiting women to general membership in the party hasn’t quite gone yet. The participation of dalits in the decision-making level of the party is negligible. Although the attitude towards dalits and women is very positive when leaders make their speeches, it is not the same case when it comes to their behavior. Patriarchal thinking and the discrimination between castes and between “big” and “small” is still rife in the party.

### **You are in an important position to write the new constitution. Do you think the changes you want to bring to the lives of Madheshi women will be possible now?**

I take the presence of fifty dalits in the CA as a result of the hard struggle we have been engaged in so far for our rights. The contributions made by the dalit community to bring the country to this political milestone is

immeasurably vast. Although dalits have been surviving without the fair share of food and shelter, they have never abandoned their struggle for equality and rights. Since dalits and women made equal sacrifices as any other community in all the struggles that have taken place for democracy or a republic, political parties agreed to honor the principle of inclusive and proportional representation, and now we are in the CA in strong numbers.

**What preparations are you making to guarantee the rights of dalits and women in the new constitution?**

In the CA, I will draw upon my experientially learned lessons to bring a change in the situation of women and dalits. My first duty is to ensure that the issues that I have been raising for years as a social and political activist find a place in the constitution. I have made a lot of institutional, and some personal preparations to make that possible. I have been consulting dalit organizations and the dalit community in the district on the issues, and collecting their opinions. There are separate discussions happening between the eleven dalit CA members from our party and the fifty dalit CA members from all political parties. We are trying our best to create a common strategy among all dalit members of the CA. Dalit CA members must unify if they want to make the parties and the party leadership responsible towards dalit issues.

**How do you think dalit issues should be incorporated in the new constitution?**

Dalits want a new life without any trace of discrimination or practice of untouchability in the New Nepal being created. For that to become a reality, the declaration that Nepal is a untouchability-free country must be translated into action. Since it is the state's duty to provide landless dalits with ownership of land, we cannot afford to exclude this agenda from the constitution. Similarly, the provision for inclusive and proportional representation and reservation in the education, health-care

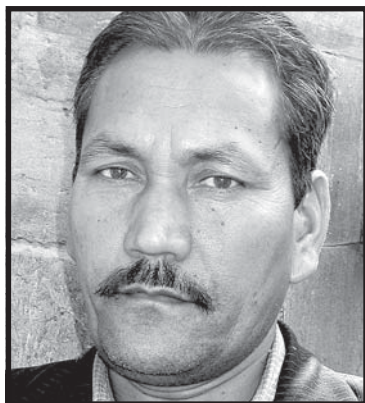
and employment sectors should be enshrined in the constitution. A high-level commission should be formed to monitor whether or not the rights and privileges that have been set aside for dalits are being implemented and enjoyed.

It is better to create federal states based on geography rather than along ethnic lines. Every group must be guaranteed inclusive and proportional representation. Until dalits, minority and marginalized groups become equally capable as other groups, special arrangements should be made to benefit them. The upper assembly should be made an ethnic assembly, and special arrangements should be made for dalits.

**What challenges do you see in including these issues in the constitution?**

Time is the biggest challenge regarding the constitution. If we don't get the time to voice our concerns, nobody will hear us. Therefore, we hold extensive discussions within the party and arrive at conclusions before we take the issues to the CA. If we don't discuss the details beforehand with party leaders, they pull the rug out from under our feet at crucial times!





## TEJ MIJAR

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UCPN-Maoist, Kavre

**Tej Mijar**, 47, represents Kavre-5 in the Constituent Assembly. He is a member of the Maoist affiliated Tamsaling State Committee. Mijar, who is from Panchkhal in Kavre, joined communist politics after the referendum of 1980. He was openly active in politics during the early years of the People's War, was arrested in 1998, and went underground after his release in 1999. He was the chief of the Maoist People's Government in Kavre in 2002, and the political commissar of the People's Liberation Army. Mijar, who fought for dalit rights at various levels during his involvement with Nepal Oppressed Dalit Liberation Society, also played a major role in forming the Dalit Liberation Front in 1999. He is currently the central vice-chairperson of the Front.

### **How did you join politics, and how did you become involved with the UCPN-Maoist Party?**

My political journey started with the referendum of 1980. I was studying in class eight then. I worked in the student union until 1988 and received membership of NCP—Mashal in 1989. I have worked for the communist party ever since without interruption. I am active in UCPN—Maoist now, and the party has given me the responsible post of central vice-chairperson of Nepal Dalit Liberation Front. The people of Kavre-4 have elected me as their representative to the Constituent Assembly. I have found satisfaction and fulfilment in working with the Maoists towards liberating the proletariat and for fundamental changes. I constantly feel the need to eliminate the gulf that exists between those who work the fields and those who reap the crops without putting their labor into working the fields.

The ideology, policies and the direction in which its efforts are oriented are the only criteria we can use to evaluate a political party. Seen on this basis, our party has the most accurate point of view on the dalit issue. Some individuals may have a diverging point of view. But, if the source is untainted, then the water that returns to the stream after being siphoned off for a while also has to remain untainted—this is a scientific principle. There may be isolated cases of party members practising untouchability within the ranks, or of marrying and abandoning dalit women. But, the party has clear policies about warning members in case of such infractions, suspending them for a second offence, and if the offence is repeated, expelling them from the party and taking necessary punitive action. This will help make the party better at implementing its policies, and also remove untoward individuals from the party ranks.

### **What do you think is the basis of participation of the 50 dalit members in the CA, including you?**

The CA has been formed after a very long struggle, and dalits have made very important contribution to its formation. It is a victory of the poor

people and the dalit community that there are 50 dalit members in the CA. The people who have sent us to the CA are the dalits, the farmers, teachers and intellectuals, and they have great expectations from the CA. We have been sent here to represent the emotions and expectations of the people, and to create the reality dreamed of by the thousands of martyrs and the disappeared. We, the party workers, are simply assisting in the vision and significant efforts of the party and the people.

### **What sort of contribution has the dalit community made to arrive at the political changes happening today?**

Dalits have spilled their blood to fight against the Rana regime, to end the dark spell of the Panchayat Regime, during the Maoist People's War and finally during the People's Movement of 2006. Dalits used their traditional skills and art alongside their political and ideological contribution during the People's War. The dalits of rural villages gave Maoist fighters their own share of food, and helped by spying against the government in power. They led the fight from the front and destroyed the enemy, and many sacrificed their lives in the process. The dalit women of Kalikot showed great courage by snatching weapons away from the police and handing it over to the People's Liberation Army. In Gorkha, dalit women staged a jailbreak and joined the People's War. All of this was done for the Constituent Assembly, republic and a new society.

### **What sort of a new society have dalits engaged in various struggles in the past imagined for themselves?**

Dalits are talking about an inclusive New Nepal with a federal structure where all policies, programs and leadership must be entirely new. Our party's policy is to overturn the Hindu feudal Brahmanistic state and establish a proletarian people's government. There should be a proportional representation in the government, and proportional participation in the economic, social and cultural sectors. Dalits should receive education free of cost, and the government should also arrange for foreign scholarships

for dalit students. Special provisions should be created for employment opportunities, and health-care services should be provided free of cost. Landless dalits should receive ownership of land and traditional occupations and skills should be modernized and industrialized. The labor, skills and arts of dalits should be encouraged and a suitable environment must be created where investments can be made in these skills and arts. The government has already abolished untouchability from Nepal, so new laws should be created to implement that declaration. The access to, and regulation of, means of production and natural resources should be managed. A new set of cultural norms should be created to increase political awareness and the self-confidence of the people.

### **What are you, the dalit members of the CA, doing to guarantee rights for dalits?**

In order to guarantee dalit rights, there should be a provision for special rights in the constitution. We have been discussing within the Liberation Front and with other dalit organization regarding that issue. We will create a draft of what particulars might be included in the constitution regarding the dalit issue, and we will present that draft before the people. We will take the suggestions we receive from the people and further enhance our draft, and we will be forceful in getting the political parties to include the contents of our draft in the constitution. We will also conduct programs designed to put pressure on the political parties.

### **There is talk about including in the constitution the issue of a scientific land reform. Has anything been done to increase ownership of land among dalits?**

Dalits are the poorest because they have never had ownership of land. Therefore, our party agrees that a revolutionary land reform or poverty eradication programs must be addressed to the dalits. The party has formulated the policy of confiscating land from the land-mafia, nationalizing it, and redistributing it among the landless and dalits. There

must be a constitutional provision to register under the name of the poor dalits the land on which they have been working for ages. The government has already started pardoning the minimal farming loan of thirty thousand rupees taken by the poor and the dalits.

**What kind of a federal structure would best suite Nepal, and how can the rights of dalits be guaranteed under it?**

Our party believes that the federal states must be created along ethnic, linguistic, geographic regions and along exploited regions. As a practical necessity, there are dalits in almost all parts of the country. Therefore, the proportional and special rights should be guaranteed at all levels, center, federal and local, and in all spheres, economic, social, cultural, etc. The right to rebellion should also be guaranteed. Only then can the rights of dalits be guaranteed.

**Are you demanding a guarantee of special rights that is written into the constitution?**

Yes. Equal rights are not enough for dalits who have been exploited for so many years. If dalits are to develop on par with other communities, there must be constitutional guarantee of special rights. Only if there is the provision of special rights in education, health and employment can the dalit community rise. There must be special rights in the judicial and bureaucratic sector as well. If there is a constitutional provision, it will become easier to implement.

**Speaking from a dalit perspective, what should the new structure of the state be like?**

It is a certainty that the state will be federal in structure. There is talk about making the upper assembly an ethnic assembly. But it is better if all ethnicities, groups, genders and exploited regions can be amalgamated to create an assembly that creates a unified set of ideologies, policies and programs.

**What challenges do you see in getting these particulars, which you are passionate about, written into the constitution?**

The biggest challenge within the CA that we face is the conspiracy by feudal and foreign players who want to block our progressive changes. The traditionalist desire to stop any change from happening will be another source of obstacles. But it is simply not possible for the CA to ignore all of our issues.



## TILAK PARIYAR

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UCPN-Maoist, Banke

**Tilak Pariyar**, 65, was elected to the Constituent Assembly from Banke-1. He is a central advisor to UCPN-Maoist. Pariyar, who became attracted towards communist politics after meeting Pushpa Lal Shrestha, the founder of Nepal Communist Party, lived in India and worked with Nepali Social Welfare Council and Pan-India Nepali Unity Society. Upon returning to Nepal in 1990, he became central member of All Nepal Farmers' Organization (1950) and United People's Front, Nepal. Pariyar, who served as central member of the United People's Revolutionary Council and central advisor to the Maoist Party, eventually became a member of the Interim Legislative Assembly. Pariyar, a founding member of Nepal Oppressed Dalit Liberation Society, is currently the chairperson of Nepal National Dalit Liberation Front.

### **How did you become involved in politics?**

I was born in 1943 in a dalit family in Libang, which is the district headquarters of Rolpa. My parents Bhaktidebi and Hasta Bahadur Pariyar, who were crop-sharers who worked very hard to earn a living for the family, brought us up under great hardship. I studied with the village's Brahmin priest first, then joined the school that opened in the village. After that, I went to Himanchal Pradesh in India with my brother Gan Bahadur and passed my matriculation exams there. I started earning a living in India. It must have been because I was born into a poor family, and because I had experienced discrimination based on untouchability from an early age that I was quite a rebellious young man.

In 1964, I trained under the Indian communist leader B. D. Ranadibya in Delhi, and thereafter was attracted to the communist movement. I met Pushpa Lal Shrestha, the founder of Nepal Communist Party in Benaras while studying for my Intermediate Level. I became a communist supporter after that meeting. The 1970 revolt in Jhapa jolted me: I started reading the documents from the “nucleus” led by Mohan Bikram Singh and Nirmal Lama, which eventually lead to my disillusionment with Pushpa Lal Shrestha. In 1973, while seeking revolutionary communist leadership, I met Mohan Birkam Singh through Khamba Singh Kunwar, also known as Kaji Ba. After talking with him, I became affiliated to the erstwhile Nepal Communist Party (Fourth Plenum) and started my work.

### **What different levels did you have to work through to reach this position since you started your affiliation with a communist party?**

In 1975, I started working as a member of the Delhi-Faridabad District Organization Committee for the party's expatriate branch. In 1976 we held protests outside the Nepali embassy in Dehli against the Panchayat

System. They debilitated us with lathis and tear-gas and arrested us. My wife gave birth that very day, but we had no money to make ends meet. She suffered immensely because of me.

We published four issues of the *Nepali* magazine, first in Delhi and later abroad, under the direction of Nirmal Lama. In the process of pulling expatriate Nepalis into the folds of communist politics, we established “Nepalis Abroad Social Welfare Council” under my leadership. Later, friends involved in the same effort became affiliated with Expatriate Nepali Organization and Nepali Unity Society. I also played an important role in establishing All India Nepali Unity Society.

In 1983, the Fourth Plenum divided into the Fourth Plenum and Mashal, and I joined the Mashal group. Two years later, Mashal split into Mashal and Masal, and I joined the Mashal group led by Mohan Baidhya “Kiran.” I returned to Nepal the same year and became a part of Banke District Committee. I became active in the 1990 People’s Movement jointly organized to oppose the Panchayat system. The Nepal Banda of April 6, 1990, was the climax of the People’s Movement. After Girija Prasad Koirala and Krishna Prasad Bhattarai of Nepali Congress and Radha Krishna Mainali and Sahana Pradhan of NCP-ML reached a compromise with the royal palace to settle for democracy with constitutional monarchy, we protested against it and branded that move treason. But the party decided to make revolutionary use of the parliamentary system by fronting a legitimate party, United People’s Front, Nepal, under the leadership of Dr. Baburam Bhattarai, and I became a central member of the party. Simultaneously, I was also a central member of All Nepal Farmers’ Organization (1950).

In 1992, I participated in the general convention of CPN-Unity center and played an important role in including our dalit agenda in the party resolutions. After that, our party decided to consolidate Dalit Liberation

Movement into a proletariat organization, and thus efforts to that end started in 1993. A unification meeting of various dalit organizations that took place in Chitawan on March 20, 1993, established Nepal Oppressed Dalits Liberation Society and I became a founding central member of that organization. Although we were successful in bringing an emotional unity among the dalit organizations, we failed in our attempt to bring a theoretical and ideological unity between the groups. Instead of formulating plans and policies to launch a nation-wide struggle, the organization was limited to dividing power and positions of influence between its members. Since there was no leadership that could provide a clear set of principles, the organization collapsed.

In 1997, when we demanded that those who had died during the People's War be declared martyrs, the leaders of the Liberation Society said—"We won't accept as martyrs those people who were involved in terrorist activities." Thenceforth, we went forward with our clandestine program of building a Dalit Liberation Front. In April of 1997, we established Nepal Dalit Liberation Front under my leadership. In a few years, the Front developed itself inside and outside the country. In October 2001, we held a meeting of the Liberation Front in Chitawan, where I was elected the chairperson of the organization. Once more, the Rolpa meeting of the organization held in 2005 elected me as the chairperson.

I worked in Nepal and abroad and undertook various responsibilities within the party. I was a central advisor to the Maoist Party and its Revolutionary People's Council. In 2006 I became a member of the Interim Legislative Assembly, and in 2008, I was elected to the Constituent Assembly from constituency number 1 of Banke District.

**You have been involved in the armed revolution and in peaceful struggles. What interesting and difficult moments from the past do you remember?**

I was in Kathmandu on November 22, 2001, to publish a report passed by the national meeting of Dalit Liberation Front. The ceasefire was broken after Maoists attacked the Dang and Syangja barracks of Royal Nepali Army the following day. A nationwide emergency was declared on 26 November. Rewards were offered for capture of the leaders of United Revolutionary People's Council and central members of the Maoist Party. Since I was a central member of the People's council, the price offered for my head was fifty thousand rupees. But I decided to keep possession of my head and return to the field of action. As per the plan formulated by the party's Kathmandu District Committee, I disguised myself as a helper on a government oil tanker and crossed the border at Birgunj into Raxaul. I went to Delhi from Raxaul, and from there got in touch with the Bheri-Karnali bureau through Diwakar, the erstwhile in-charge of the western sector. I had to take such a circuitous route to avoid getting caught by the government forces. I also remember breaking the security cordon and escaping along with some friends in Baluwa village of Kalchey VDC in Salyan. During the emergency period, we conducted mass rallies of the Dalit Liberation Front and organized events in Kalikot, Jumla, Dailekh, Surkhet and Banke-Salyan. During that time, we created 250 full-time party workers.

The police arrested and tortured me many times during the peaceful People's Movement in 1990, when we protested against the oppression and exploitation of the people. But, I never gave up the chosen life of fighting against injustice and exploitation. The ideological maxim "Struggle is Life" was firmly etched in my mind. I think I have always adhered in my life to Lenin's saying that "A kind of progress gives rise to a higher kind of progress." Perhaps it was for that reason that I could develop a firm hold on Maoist thought and political orientation. I was

arrested by the police on February 26, 1996, for joining the Maoist rebellion and sentenced to jail for 90 days. My wife Chandra Pariyar put together the bail money to get me released from the jail.

The police intervened and arrested me, and 23 other friends, on April 6, 1998, while addressing a protest assembly organized at Chauraha of Kohalpur in Banke district during the Nepal Bandh called by the party. Among the arrestees, I, along with Rishi Ghimire and Balram Kafle, were charged with disturbing the peace and security, and sentenced to jail. They kept moving us from one prison to another, from the central branch in Nepalgunj to Bardiya, Dang, Bhairahawa, Palpa, and finally, to the Central Jail in Kathmandu. We were tortured psychologically and physically. It was a routine practice to blindfold us and throw us into a dark room, to handcuff and shackle us. I discovered how terrible a psychological torture it is to transport prisoners during the night, to stop the vehicle in the middle of the jungle and transfer them into a different vehicle. In 2000, the PLA attacked and captured the Holleri Regional Police Post with 71 police personnel. We were released from prison after the party offered to release the captured policemen in exchange of releasing the three of us.

**It has been noted that dalits are a significant part of the Maoist organization, and also the Maoist Army. Why does the Maoist Party hold special attraction for dalits?**

The main reason behind the attraction that Maoist Party holds for dalits is our clear and correct policies regarding dalits in Nepal. The United Revolutionary People's Council Meeting of 2001 passed a common minimum policy and program regarding dalits. It clearly states: "The exploitation and oppression of dalits as perpetuated under the Hindu Varnashram rules will be abolished. Untouchability will be completely eradicated. Strict penalties will be instituted against criminal practices of untouchability. Until the long-standing practices under medieval feudal-Brahmanistic culture and tradition that has resulted in dalits being denied

equitable opportunities in the political, economic, social and cultural spheres are completely eradicated, the state will establish a provision for special rights, which will be substantially regulated under effective policies and laws.”

With this policy, untouchability has been completely eradicated from within the party lines. There are provisions for warning, suspending or expelling party members for infractions against this policy. The party has expressed its resolve to declare untouchability a serious social crime against humanity against which the state should establish serious penalties. This is the main reason why dalits choose to join out party and organizations. There are some three hundred thousand general members in our Dalit Liberation Front, and some thirty thousand active members. Our members are also active in the PLA, the Young Communist League and other people’s organizations and fronts. The development of dalits and their presence at the leadership level are inextricably tied to ideology. Among the State Committee Members with the qualifications to become Central Members of the party, more than 200 are dalits. Similarly, there is one dalit Central Member and one Central Committee Advisor. No other political party has such a large presence of dalits among its leaders and party workers.

The greatest achievement of the People’s War is to raise dalits above the usual inferiority complex, narrow-mindedness and despair. We were successful in filling dalits with the desire to achieve liberation, even if that meant fulfilling the required quota of sacrifice of life. During the People’s War alone, more than eleven hundred dalits have gained martyrdom. Even today, there are thousands of dalits in the PLA. Hundreds have been disappeared, maimed, disabled during the war. This CA, which comes after such a great deal of sacrifices, is a source of pride for dalits. It is no small matter for 50 dalits to be in the assembly that has been given the responsibility to write a new constitution. Dalit Liberation Front’s policy that rights have to be taken, not begged for, has proved correct.

**It is indeed a great political achievement that the CA has been formed and it has declared the country a republic. But, what change has this brought in the lives of dalits?**

We have constantly demanded access with special rights for dalits into political, social, economic, cultural, education, military and administrative sectors, with a guarantee of proportional participation. There should be strict laws instituted against the caste system, untouchability and their accompanying exploitation and discrimination, and such practices must be declared serious crimes against humanity and the state. From the dalit perspective, New Nepal is the guarantee to economic prosperity and political access. Unless there is guarantee of access to health-care services, education, employment and food security, and unless there is a provision for unemployment benefits, the effect of New Nepal will not reach dalits living in remote villages. We are pressuring the government to make this into a reality.

The new constitution being written should be successful in bringing the effects of change to the dalits. Therefore, the task of making the new republic more people-oriented, making the state a secular one devoid of ethnic discrimination and caste-system untouchability, and to restructure the state mechanism to guarantee special rights and proportional participation should be the priorities of the new constitution. National Dalit Commission should be developed as a constitutional body and empowered at the district, autonomous federal state and the center levels, and to monitor and regulate untouchability related judicial issues.

Since dalits have been exploited for a long time, there should be provisions for dalits to make political and economic gains as compensation for this history of exploitation. For instance, when the revolutionary land reform is implemented, dalits should be given special rights over the land, and guaranteed employment in the government and non-government sectors.

**Your party says special rights, while other parties advocate for reservations. How are these terms materially distinct?**

Although a reservations system has been implemented in India for a long time now, it hasn't been successful in scientifically addressing the problems of dalits. Instead of solving the problem of dalits, reservations created a privileged class, which has resulted in an even more complicated and intricate communal friction. Since it is not possible to gain liberation for dalits by relying upon reservations that are really just the largesses and charity of capitalist rulers, we have put forward the policy of special rights. The central committee meeting of Maoist Party, held in Bangalore of India in 2002, formulated the policy of special rights. This policy is also mentioned in the party's election resolutions for the election to CA, in article 4, clauses 1, 2, and 3. The policy of special rights that we have formulated after ten years of People's War is scientific in its approach.

Since the right to representation in proportion to population is a fundamental right, we have formulated the special rights policy as a compensatory measure. Proportional representation alone, or proportional reservations without special rights, implies absolute equality under the law, and that is not adequate enough compensation for the long history of exclusion of dalits. Therefore, the state should make this a provision in the constitution and implement special rights in the spheres of politics, culture, economics, health, education, employment, the army, police and other state mechanisms.

**Will it be possible to immediately address the issues of special rights to landownership, education, health and employment?**

Of all the landless and dispossessed in Nepal, 90 percent are dalits. Among the 42 percent of the population that is under the line of poverty, 95 percent are dalits. To create ownership of land for dalits a revolutionary land reform must be implemented. Unless we end the feudal parcels of land for production and the feudal production practices in place, it is not

possible in a country like ours, where 71 percent of the the population relies upon subsistence farming, to develop a capital-based method of production and a socialist model of relationship with production. Therefore, solving the problems related to the main source of production, which is to say land, must be given priority. Similarly, it is not possible to transfer ownership to dalits and landless farmers without developing cooperative farms and large parcels of land for communal farming. The problems surrounding the issue of land should be solved as a way of creating employment opportunities and programs aimed at fiscal reforms must be implemented to eradicate poverty. Education, employment, health-care and food security should be written into the new constitution as inalienable rights of the citizen. The politics of special rights should be regulated through legislations.

**If your party demands special rights in every sector of the state, why is there the complaint that you have failed to institutionalize it within your own party and sister organizations?**

A political party is organized around principles and ideology; it is not unified around emotions. Emotions are lead by ideas. Our immediate need is for special rights as compensation for the disenfranchisement and damages we have had to bear for so long. On ideology, Lenin has said: “Matter doesn’t need thought to exist. Material reality comes first; consciousness, reason and knowledge are products of that reality.” No evidence or fact has been found yet to counter Lenin’s notion that consciousness is a reflection of the material world. What Lenin’s expression demonstrates is the fact that no scientific political party can be created on the basis of absolute equality. Rather, it takes the unity on issues of class, caste, region, gender, and the dalit issue around which an emotional unity can be created. This can lend us a platform for a common minimum working agenda. But a communist party cannot become the vanguard in the struggle for the liberation of the entire dalit class. To ask

for special rights and proportional representation within the party is to make the party a hotbed for bourgeoisie revisionism and opportunism.

The priority is to guarantee special rights in the politics of state, and to material privileges. Regarding the point that special rights has not been achieved when it comes to appointments in the cabinet or people's organizations, it is true that the progress hasn't been as expected, but it is a great leap nonetheless compared to the past. This has to be understood in the context of the relative ability to utilize the rights made available as a part of a broader ideological and strategic program.

**There is debate about what form of federalism would be most appropriate. What, in your opinion, would be the form of federalism that best guarantees the rights of dalits?**

Debates about the form of federal states are immaterial to the plight of dalits. Some 26-27 countries around the world function as federations, and they are mostly of two types. One type of federal states are formed when independent nations agree to unify as a federation. The erstwhile Soviet Federation was one such nation. Another type come into existence to protect the linguistic, ethnic or regional diversity and are arranged along similar lines to protect linguistic, ethnic or regional autonomy. The peculiarities of Nepal's reality make it suitable candidate for the second form of federalism. Many countries have made the geography, or the ethnic, linguistic or cultural diversity or distribution of natural resources the basis for federalism. But the heritage of Nepal's dalits doesn't bestow them with a separate ancestral landscape, ethnic, linguistic, cultural wealth or natural resources. Dalits are not an ethnicity by themselves: it is simply the nomenclature in use for a specific group of people. Therefore, when entering a federal system of governance, there should be provisions for special rights for a certain period in order to guarantee the rights of dalits. Proportional participation and additional special rights should be guaranteed in every level of autonomous units of governance, autonomous federal state and central state structure.

The geo-political situation of Nepal and the dismal state of economic, social and infrastructure development of exploited regions and groups clearly show that a system for autonomous governance with the right to ethno-regional self-determination is the most appropriate and scientific system for Nepal. The unitary feudal state can be restructured into three layers: the center, the autonomous federal state, and the local level. The separation of duties and responsibilities between these three levels should be clearly delineated in the constitution itself. While distributing duties and rights, border security, military management, foreign relations, inter-state commerce, fiscal policies, central bank, customs and duties regulation, large hydroelectricity projects, railroad, aviation and surface transportation, central universities and standards regulations should be kept with the central government. Rest of the rights should be given to autonomous states and local institutions.

**There is also a debate about whether to adopt the parliamentary model for democracy or explore other alternatives. What would most benefit dalits?**

All three branches of the state should be well regulated at the central, federal and local level. The center should be bicameral. The lower assembly should have representatives directly elected in proportion to the population, and the upper assembly should have equal number of representatives from each federal state. It is better to have as members of the upper house, along with representatives from every class, region, gender and dalit community, leaders of the civic society, experts and scholars, and accomplished individuals. Similarly, an Executive President should be chosen through direct elections, and elected representatives should choose the Prime Minister. Federal states should be unicameral and have provisions for a Governor and a Chief Minister. There should be guarantee of proportional participation and special rights at the center, the federal state, and the local level.

What are your plans to include the dalit agenda in the new constitution? All of these matters will be included in our party's new draft of the constitution. We, the dalit members of the CA, are organized in one unified group to create consensus among the political parties. As a part of that effort, we have kept our options open: we will initiate debates on the dalit issue within our parties and create and sustain pressure upon the parties to work towards guaranteeing dalit rights, and if the need be, create a united front to put pressure from the streets, or combine our forces to launch a powerful movement in the CA and the streets. No matter what the cost of it, we will establish our rights in the new constitution. The new constitution will write a new history for dalits.



## **ISSUES FROM THE DALIT COMMUNITY THAT MUST BE INCLUDED IN THE NEW CONSTITUTION**

### **National Dalit Commission**

#### **PREAMBLE**

Embracing the immutable fact that Nepali people are the source of the sovereignty, State authority and power of the State,

Recognizing that Nepal is a unique multi-ethnic, multi-religious, multi-cultural and multi-lingual nation,

Regretting the fact that the dalit community has been systematically kept backward in every sector through practice of caste and untouchability-based discrimination and by the State,

Expressing the resolve to create an egalitarian, fully-inclusive, secular nation with social justice and humanitarian values where ethnic discrimination and caste and untouchability-based discrimination no longer exist,

## PRELIMINARY

**Sovereignty and State Authority :** The sovereignty and the State authority of Nepal shall be vested in the Nepalese people.

**Nation:** Having common aspiration of multi-ethnic, multilingual, multi-religious, multi cultural, fully inclusive, secular characteristics, and free of ethnic discrimination, caste or untouchability-based discrimination, and having committed and united by a bond of allegiance to national independence, integrity, national interest and prosperity of Nepal, the Nepalese people collectively constitute the nation.

**State of Nepal:** Nepal is an independent, indivisible, sovereign, secular, fully inclusive, free of ethnic discrimination, caste or untouchability-based discrimination, federal democratic republic.

## CITIZENSHIP

- (1) Persons who have acquired citizenship by descent before the commencement of this Constitution.
- (2) A person born in Nepal at the time of commencement of this Constitution, but born to foreign nationals shall not receive Nepalese citizenship.
- (3) A person born to Nepalese parents may acquire citizenship with the surname or caste name of either the father or the mother, or any other surname of the person's own choice.
- (4) A person born in Nepal may acquire citizenship even if the identity of their parents is not known.

## FUNDAMENTAL RIGHTS

### Right to Equality:

- (1) All citizens shall be equal before the law. No person shall be denied the equal protection of the laws.
- (2) No discrimination shall be made against any citizen in the application of general laws on grounds of religion, race, sex, caste, tribe, origin, language or ideological conviction or any of these.
- (3) The State shall not discriminate among citizens on grounds of religion, race, caste, tribe, sex, community or ethnic origin, vocation, trade, language or ideological conviction or any of these.

However, this will not be considered an impediment in implementing special provisions under the law to protect, empower or develop women, dalits, indigenous ethnicities, Madheshi, Tharu, Muslims, farmers, laborers or any other group that has been systematically kept backward economically, socially or culturally, and children, the elderly, the disabled or the physically or mentally challenged.

- (4) No discrimination in regard to remuneration and social security shall be made between men and women for the same work.
- (5) Each citizen should have right to live with human dignity with the due respect and regard for their dignity.

### Right against Untouchability and Racial Discrimination:

- (1) No person shall, on the ground of caste, descent, birth, heritage, occupation or community of origin, be subject to racial

discrimination, untouchability, exclusion, refusal, prevention, prohibition, expulsion or debarment of any form. Such a discriminating act shall be deemed discriminatory behavior and therefore a crime against humanity, a crime against the State and a deplorable, fully prohibited social crime, and as such liable to punishment and the victim shall be entitled to the compensation as provided by the law.

- (2) No caste or ethnicity based untouchability or discriminatory behavior may be practiced by the State, the government, trade organizations or political parties or any individuals in any area or place of daily human life.
- (3) No person belonging to any particular caste or tribe shall, while producing or distributing any goods, services or conveniences, be prevented to purchase or acquire such goods, services or conveniences; or no such goods, services or conveniences shall be sold or distributed only to a person belonging to a particular caste or tribe.
- (4) No one shall be allowed to provide protection or encouragement in any way to individuals or groups that seek to demonstrate superiority or inferiority of any person or a group of persons belonging to any caste, tribe or origin; to justify social discrimination on the basis of cast and tribe, or to disseminate ideas based on caste superiority or hatred; or to encourage caste discrimination in any form.
- (5) The list of communities discriminated against on the basis of caste and ethnic origin is included in the annex, and that list may be revised by the Federation as advised by National Dalit Commission.

- (6) Any act contrary to the provisions of sub-clauses (2), (3) and (4) shall be punishable in accordance with law. Laws regarding punitive and compensatory measures will be created within

### **Right Regarding Publication, Broadcasting and Press:**

- (1) No form of caste based discrimination or untouchability may be promoted, encouraged or advertised through any medium of publication, broadcast, or dissemination.
- (2) A policy to end caste based discrimination and untouchability through the press, publications and broadcasts will be instituted.

### **Right Regarding Environment and Health:**

- (1) Every citizen shall have the right to receive cost-free health-care from the State.
- (2) Citizens shall have the right to physical and mental health, the right to clean air and clean water in a clean environment, and the right to protect and utilize the environment in which they live.
- (3) Citizens shall be guaranteed the right to live in a secure, environmentally clean area of their choice.
- (4) The dalit community shall have special privileges, including the right to cost-free health-care.

### **Educational and Cultural Right:**

- (1) Each community shall have the right to get basic education in their mother tongue.

- (2) Every citizen shall have the right to free education from the State up to secondary level. Students from the dalit community will have the right to mandatory education, the right to vocational education, and the right to scholarships and free, quality education up to higher studies level.
- (3) Special educational policies will be created to protect, promote, modernize and industrialize the traditional skills, crafts and vocations of the dalit community and to establish priority of dalits in their traditional trades.
- (4) There will be provisions under the law for separate hostels for dalit male and dalit female students at the central, federal State, and local level.

**Right regarding Employment and Social Security :**

- (1) Every citizen shall have the right to employment.
- (2) Women, labourers, the aged, disabled as well as incapacitated and helpless citizens shall have the right to social security.
- (3) Proportional and additional representation of dalits will be guaranteed at all employment opportunities created by the State, and there shall be no discrimination of any kind at places of employment or distribution of employment opportunities.
- (4) Each unemployed citizen shall have the right to unemployment allowance and to the minimum income required to live a dignified life.
- (5) Every citizen shall have the right to food sovereignty.

- (6) Citizens shall have the right, without any kind of discrimination whatsoever, to access to employment opportunities, to any training or education required for employment, and to secure shelter.
- (7) No citizen shall be made landless. A scientific land reform and scientific redistribution of land shall be implemented. The landless citizens of the dalit community shall be given preference in the redistribution of land.
- (8) The dalit community shall have the priority right to natural resources like land, water, forest resources, wildlife and medicinal herbs, and this right or proprietorship shall be established in a just and equitable manner without any kind of discrimination.
- (9) Ownership of dalits over their traditional vocations will be established with priority rights. The dalit community shall have preferential rights over the protection, modernization and industrialization of their traditional vocations and skills, and if a non-dalit adopts such vocations or practices such skills, the dalit community shall be entitled to a royalty.

### **Right of Woman:**

- (1) No one shall be discriminated in any form merely for being a woman.
- (2) Every woman shall have equal right and access to reproductive health and other reproductive matters, for mother and child care, maternal allowance and access to health education, and information on family planning and contraception services.
- (3) No physical, mental or any other form of violence shall be inflicted to any woman, and such an act shall be punishable by law.

- (4) Son and daughter shall have equal rights to their ancestral property, and every woman shall have the same rights as a man over natural resources like land, water, forest resources, wildlife and medicinal herbs, and the right to a livelihood.
- (5) The State shall arrange for protection and employment of a women in an inter-caste marriage.
- (6) No woman shall be subjected to malicious traditions like dowry, *deuki*, Badi, *chbau-padi*, *dhankhane*, or to physical and mental torture, or sexual exploitation or trafficking, or to any kind of work against her will. Such behaviors and traditions will be punishable under the law.
- (7) The State will guarantee the right to proportional representation of dalit women in all opportunities, privileges and representations provided by the State to women.
- (8) There will be provisions for the social security of single and disabled women.

**Rights of Dalit Community:**

- (1) Proportional and additional rights of representation of dalits at all levels of the central, State and local legislative, judiciary and executive bodies, constitutional bodies, security bodies, political and diplomatic bodies, administrative bodies and entities and local government will be guaranteed.
- (2) Proportional, inclusive and additional rights of representation of dalits will be guaranteed at new recruitment opportunities and promotion of existing employees at all levels and sectors of

government and semi-governmental services, and laws will be created to set aside any seat reserved for the community that cannot be filled at a given time, so that those seats may be filled at a later date.

- (3) In the privileges, services and opportunities provided by the State to Madheshis, there will be guarantee of proportional and additional rights of representation of Madheshi dalits.
- (4) In the privileges, services and opportunities provided by the State to exploited regions and to the disabled, the dalits and disabled dalits of that region will have the guarantee to proportional, inclusive and additional rights.
- (5) In the privileges, services and opportunities provided by the State to the Newar community, the ethnic communities within the Newar community that are enduring discrimination and untouchability will have the guarantee of proportional and additional rights of representation.
- (6) In the privileges, services and opportunities provided by the State to the Dalit community, there will be provisions for appropriate representation of dalit women, hill and Madheshi dalits and the minorities within the dalit community, the extremely marginalized, and communities on the verge of extinction.
- (7) Semi-judicial, independent, empowered and capable structures like ministries, commissions, councils, foundations, committees, and departments will be established at the central, federal State, and the local levels to monitor, effectively implement, promote and protect the privileges, services and opportunities and all legal and constitutional rights associated with the dalit community.

- (8) The dalit community shall have preferential rights over the protection, modernization and industrialization of their traditional vocations and skills, and if a non-dalit adopts such vocations or practices such skills, the dalit community shall be entitled to a royalty.
- (9) Proportional and additional rights of representation of dalits will be guaranteed at opportunities for new recruitment and promotion of existing employees at all levels of any private company, industrial institution, educational institution, and national and international non-government organizations.
- (10) As a compensatory measure, dalits will be guaranteed participation and representation in the decision making, policy formation, planning, implementation, monitoring and regulation mechanisms at all levels of State and non-State organizations or entities in numbers that are one-quarter additional to the proportion of their part of the total population.
- (11) The publication of audio-visual material, or posters, writings, compositions, pictures, drawings, cartoons, books, literature or adages that promote or portray caste or ethnicity based superiority of one group over another shall be punishable under the law; similarly, any form of defamation through words or gestures, or the exhibition of vulgar material, or the defense or support of such publications and gestures shall be punishable under the law.

### **Rights Regarding Social Justice:**

- (1) As the dalit community has been systematically kept backward in the political, social, cultural, economic and educational sectors since historical times, dalits will have the right to a policy of positive discrimination, proportional representation, and the principal of

inclusiveness to guarantee proportional, inclusive and additional participation as a compensatory privilege to the dalit community until dalits become equals of other communities in every regard.

- (2) All marginalized communities, including the dalit community, will have priority rights and special rights to compensation, social justice and equality, and rights to mandatory participation and representation.
- (3) The minority, extremely marginalized, ethnicities on the verge of extinction and the third gender within the dalit community will have priority rights of proportional representation, and the right to social security.

### **Right of Child:**

- (1) Every child shall have the right to his/her own identity and name.
- (2) Every child shall have the right to get nurtured, basic health and social security.
- (3) Every child shall have the right against physical, mental or any other form of exploitation. Any such an act of exploitation shall be punishable by law and the child so treated shall be compensated in a manner as determined by law.
- (4) Helpless, orphan, mentally retarded, conflict victims, displaced, vulnerable and street children shall have the right to get special privileges from the State to their secured future.
- (5) No minor shall be employed in factories, mines or in any other such hazardous work or shall be used in army, police or in conflicts.

- (6) No child shall be discriminated against on the basis of religion, race, caste, tribe, sex, community or ethnic origin, language, nationality, political or other ideological convictions, social origin, wealth, State of disability, or any other criteria pertaining to their parents or guardians.
- (7) The State will employ every appropriate means possible to protect a child from the discrimination or punitive measures arising from the activities, expressed opinions, or religious or ideological convictions of the parents or guardians or a member of the family.

**Right to Religion:**

- (1) Every person shall have the right to profess, practice and preserve his/her own religion.
- (2) Every person shall have the right to religion to chose a religion or faith of their liking, to leave a religion or faith, to be religious or to become an atheist, but nobody shall have the right to forcibly convert another person to or away from a religion.
- (3) Every religious denomination shall have the right to maintain its independent existence, and for this purpose to manage and protect its religious places and religious trusts, in accordance with law, but may not engage in any activity or behavior that jeopardizes other religions.
- (4) Any form of violence, discrimination, hatred, disrespect, superstition or exploitation that takes place under the guise of religion, religious practice, or traditional heritage shall be punishable by law, and the victims shall be entitled to receive compensation as provided by the law.

- (5) Special laws will be formulated to implement the constitutional provision of secularism.

### **Rights Regarding to Justice:**

- (1) The indigent person shall have the right to free legal aid in accordance with law.
- (2) There shall be laws guaranteeing the right to legal aid.
- (3) All committees related to legal aid and other legal committees and mechanisms shall be made inclusive.

### **Right against Exploitation:**

- (1) Every person shall have the right against exploitation.
- (2) Exploitation on the basis of custom, tradition and convention or in any manner is prohibited.
- (3) Traffic in human beings, slavery or serfdom is prohibited.
- (4) Forced labor in any form is prohibited. Provided that nothing in this clause shall prevent from enacting a law allowing the citizen to be engaged in compulsory service for public purposes.
- (5) Every person shall have the right to protection against all kinds of malicious traditions like the *bali* tradition, the crop-charing tradition, *kehalo* tradition, *doli* tradition, *Deuki* and *Badi* traditions, *lagi* and *dhankehan* traditions, *chunpadi* tradition, dowry tradition, carrion eating and disposing tradition, *haruwa-charuwa* traditions and their remnants, forced physical labor or sexual trade, and no person shall

be forced into any activity or labor against their will.

- (6) Special laws will be created to guarantee severe punishment for the exploiters and to guarantee compensation for the victims.

**Right Regarding Labor:**

- (1) Every employee and worker shall have the right to proper work practice.
- (2) No form of discrimination shall be practiced in a trade or place of work.
- (3) All discriminations practiced in employment, vocation and private workplace or economic activity will be ended and the economic rights of the citizens will be protected.

**Duties of the Citizen:**

- (1) It shall be the duty of the citizen to have proper regard and respect for the human dignity of every individual, and to do everything in their power to help end all forms of discrimination and untouchability.
- (2) It shall be the duty of the citizen to actively endeavor to end all forms of malicious traditions and practices like domestic abuse, abuse and discrimination stemming from accusations of witchcraft, the *hali* tradition, the crop-charing tradition, *kehalo* tradition, *doli* tradition, *Denki* and *Badi* traditions, *lagi* and *dbankhane* traditions, *chanpadi* tradition, dowry tradition, carrion eating and disposing tradition, *haruwa-charuwa* traditions and other traditions that are antithetical to the values of a civilized society.

- (3) It shall be the duty of the citizen to be active, aware and conscious to protect national unity and indivisibility and to protect communal harmony.

## RESPONSIBILITIES, DIRECTIVE PRINCIPLES AND POLICIES OF THE STATE

**Responsibilities of the State:** The State shall have the following responsibilities:

- (1) To carry out an inclusive, democratic and progressive restructuring of the State to guarantee autonomy and self-governance in order to address the problems related to women, Dalits, indigenous tribes, Madhesis, oppressed and minority community and other disadvantaged groups, by eliminating class, caste, language, gender, culture, religion and regional discriminations.
- (2) The State shall adopt a policy to establish all rights of the citizen, including rights to employment, health-care, shelter, education and food sovereignty. It will adopt a policy to make land and other economic and social security available to the landless, *kamaiya*, *haliya*, *harunva-charunva* and other groups systematically kept backward socially and economically, and in doing so, the State will give preference to landless dalits.
- (3) The State shall ensure mandatory, proportional representation of the dalit community in every commission, committee, council and foundations established by it.
- (4) Since the systematic discrimination by the State has lead to the dalit community being politically, socially and economically backward,

the State, basing its actions on the principals of the right to compensation and the right to social justice and equality, will introduce policies and programs within a year of the promulgation of this constitution to bring the dalit community into the political, social and economic mainstream, and will keep in place such policies and programs until the dalit community comes qualitatively on par with the national average in these parameters.

### **Directive Principals of the State:**

- (1) It shall be the chief economic objective of the State to avoid a condition where the resources of the nation are limited in the hands of a few individuals, to ensure a socially equitable and just system of economic redistribution, to ensure that no ethnicity or caste, gender, group, person or people of particular origin are economically exploited; and to create an atmosphere where economic disparity is removed, Nepalese private and public industries are given priority and protection in order to make the national economy independent, self-sufficient and progressive.
- (2) It shall be the chief social objective of the state to make special arrangements to end any and all kinds of economic and social inequality to create equality among all ethnicities, religions, languages, groups, communities and sects, and to establish a healthy social life based on justice and morality, and to establish a State structure that is free of untouchability practices for total development of the dalit community.
- (3) Since the dalit community has been systematically deprived of opportunities for progress and development since historical times, the state shall create provisions for proportional allocation of funds in the national fiscal budget and create access to natural resources and infrastructure.

- (4) The State shall ensure equal access to all sectors and levels of the State for all groups and natural resources shall be distributed among groups in an just and equitable manner.
- (5) The State shall make special provisions for dalits, women and other marginalized groups in education, health-care, and employment sectors to ensure maximum possible participation in national development.
- (6) The State shall create necessary administrative mechanisms at the center, federal state and local levels to systematically eradicate untouchability and all other caste-based discriminations.
- (7) The State shall ensure the availability of basic necessities of the people like education, health-care, employment and shelter to various geographical regions and systematically marginalized groups through just and equitable distribution of fiscal resources to develop various geographical regions and systematically marginalized groups.
- (8) According to the principal of the legal state, dalits and other groups that have been systematically marginalized will be provided cost-free and capable legal aid.

#### **State policies:**

- (1) As the dalit community has been systematically deprived of opportunities for progress and development since historical times, the state shall develop long-term, mid-term and immediate policies, program plans and budget with the provision for additional and special rights with proportional representation.

- (2) The State shall, while maintaining the cultural diversity of the country, pursue a policy of strengthening the national unity by promoting healthy and cordial social relations, based on equality and coexistence, amongst the various religions, cultures, castes, groups, communities, origins and linguistic groups, and by helping in the equal promotion of their languages, literatures, scripts, arts and cultures.
- (3) The State shall make special provisions for the education, health and employment of women in order to pursue a policy of encouraging maximum participation of women in national development.
- (4) The state shall make special social security provisions for the protection and welfare of single women, orphans, children, helpless, the elderly, the disabled and helpless, and ethnic groups on the verge of extinction.
- (5) The State shall promote the interests of marginalized communities and workers and farmers living below poverty line, including economically and socially backward indigenous tribes, Madhesis, Muslims, dalits, and Tharus, by creating reservations for a certain period of time in the education, health-care, shelter and employment sectors and to ensure food sovereignty.
- (6) The State shall make special provisions based on positive discrimination for the benefit of the disabled, the minority communities, the landless, squatters, and bonded laborers, the backward and marginalized communities, and the victims of conflict, including women, Dalits, indigenous tribes, Madhesis and Muslims.
- (7) The State shall equitably distributing investment of economic resources for balanced development of the country in order to ensure the availability of all essential amenities of life for the people by

developing infrastructures in the education, health, transportation, housing, and employment sectors for people of all geographical regions and marginalized and backward groups.

- (8) The State shall create necessary administrative mechanisms at the center, federal state and local levels to systematically eradicate untouchability and all other caste-based discriminations.
- (9) Nepal shall be a completely inclusive and proportionally represented nation based on the principals of economic and social justice and equality.
- (10) According to the principal of a Legal State, all groups that have been systematically marginalized and kept socially and economically backward will receive cost-free and capable service for legal representation.

## **STRUCTURE OF THE STATE**

**Nepal shall be a federation of federal states.**

- (1) There shall be a federation, within which there shall be autonomous federal states, within which there shall be local semi-autonomous regions.
- (2) There shall be a guarantee of proportional and inclusive representation, and additional special rights of the dalit community in every sector and level of the federation, federal state and semi-autonomous regions.

## **EXECUTIVE**

### **President and Vice-President:**

- (1) There shall be provisions for one President and more than one Vice-Presidents of the Federation.
- (2) In case communities and ethnicities like women and dalits are not represented in the post of the President of the Federation, they will be imperatively represented among the Vice-Presidents of the Federation.

### **Prime Minister and Vice-Prime Minister:**

- (1) There shall be provisions for one Prime Minister and more than one Vice-Prime Ministers of the Federation.
- (2) In case communities and ethnicities like women and dalits are not represented in the post of the Prime Minister, of the Federation, they will be imperatively represented among the Vice-Prime Ministers of the Federation.

### **Chief Ministers and Ministers:**

- (1) There shall be mandatory proportional representation of the dalit community among the Chief Minister and Ministers of the Federal State.

### **Executive:**

- (1) There shall be two kinds of executive bodies, including the Executive of the Federation and the Executive of the Autonomous Federal State.

- (2) Local autonomous governments will be formed in the semi-autonomous regions and local bodies.
- (3) There shall be a guarantee of proportional representation and additional rights of the dalit community at the central government, autonomous state government and semi-autonomous local government.

### **Local Autonomous Government:**

- (1) There will be a provision for local governments at the semi-autonomous region and local bodies (at the district, municipality and village levels).
- (2) Local governments will be formed through uninterrupted periodic elections.
- (3) The autonomy, rights and duties of the local governments will be as provided for under the laws.
- (4) There shall be a guarantee of proportional representation and additional rights of the dalit community among the chiefs and deputies and members of the local government.

## **LEGISLATIVE**

### **Formation of the Legislative:**

- (1) At the Federation level, Nepal shall have two legislative assemblies, including the National Assembly and a House of Representatives.

- (2) There shall be provisions for proportional representation of all ethnicities, language groups, religions and other minorities.
- (3) There shall be one House of Representatives at the Federation level.
- (4) At the Federal State level, there shall be only one legislative assembly in the form of State Assembly of representatives.
- (5) There shall be a guarantee of proportional representation and additional rights of the dalit community at all levels and assemblies, and while calculating such representation, the proportional representation within the dalit quota of male, female, hill, Masheshi and minority dalits and ethnicities shall be ensured.

**Chairperson and Vice-Chairperson of the Legislative Assembly:** The chairpersons and vice-chairpersons to all kinds of legislative assemblies will be chosen through elections based on the principal of inclusiveness.

**District, Municipality and Village Governments:** There shall be a guarantee of proportional representation and additional rights of the dalit community at all district, municipality and village governments.

**Election System:**

- (1) A mixed election system (first through the post, and proportional based on total votes cast) will be adopted for elections at all regions and levels.
- (2) Each of the two election systems shall have fifty percent of total seats allocated to it.

- (3) In case of dalits, under the first past the post system, multi-candidate election constituencies will be created wherein the seats will be divided based on proportional representation and seats reserved for dalits, and in such constituencies dalit voters shall have the right to dual votes.
- (4) In case of dalits, for election under the proportional representation system, the territory of Nepal shall be divided into more than one election constituency and a fixed list will be prepared based on regional lists and seats reserved for dalit candidates based on the proportion of dalits in the population.
- (5) All Nepali citizens 16 years of age shall have the right to vote.

**Provision for Recalling Elected Candidates:** If a representative elected under the first past the post system to any of the legislative assemblies or local government doesn't work for the benefit of the related region or community, the people of the region or community can recall the candidate if more than fifty one percent of total voters sign recall letters.

## JUDICIARY

### Provisions regarding the Judiciary:

- (1) Rights regarding laws of Nepal will be enforced as per the letters of this constitution and other laws in force by courts and other judiciary body in accordance with universally accepted norms of jurisprudence.

- (2) The judiciary of Nepal will follow the principals, norms and values of an independent judiciary by embracing the Federal Democratic Republic, the principal of an Inclusive Nation, and the sentiments of the People's Movement of 2006 and remain dedicated to the spirit of this constitution.
- (3) Nepal shall have judiciary bodies of the following descriptions:
  - (A) The Supreme Court
  - (B) The Regional High Court
  - (C) District Court
  - (D) Local Court
- (4) Apart from the listed courts, the Federation and Federal States may form or establish any courts judicial body or judicial commission, such as administrative court, labor court, special court, customs court, child rights court, court for the eradication of untouchability and caste based ethnic discrimination, gender discrimination court, or any other court to deliver justice on any nature of issues. However, no judiciary court of judicial body shall be instituted for a specific case or issue alone.
- (5) At all levels of judiciary courts, special benches may be formed, such as a constitutional bench, family and child rights bench, labor bench, industry and commerce bench, human rights bench, caste and ethnicity based discrimination bench, consumer rights bench and other specialized benches.
- (6) There shall be proportional and inclusive representation of women, dalits, indigenous ethnicities, Madheshi, linguistic and religious groups and minority and marginalized groups among the judges of all courts at all levels.

- (7) If the State creates positive discrimination laws for the benefit of systematically neglected or marginalized groups, communities, dalits, indigenous ethnicities and women, that shall not be considered an impediment to appointing individuals from these communities as judges at courts of all levels.

**Judiciary Council:** There shall be a provision for mandatory representation of the dalit community in the Judiciary Council.

**Judicial Service Commission:** There shall be provision for mandatory representation of the dalit community in the Judiciary Service Commission.

**Constitutional Bodies and Entities:** There shall be mandatory representation of the dalit community in all constitutional bodies like Commission for the Abuse of Authority, Office of the Auditor General, Civil Service Commission, Election Commission, National human Rights Commission, Office of the Attorney General, etc.

## NATIONAL DALIT RIGHTS COMMISSION

- (1) A commission called the National Dalit Rights Commission has been established in order to protect and promote the rights of the dalit community and to improve the condition of the dalit community.
- (2) The following members shall constitute the commission mentioned in the article (1) above:
  - (A) One individual from the dalit community who has been active for a long time and made special contributions at the national level to campaign for the rights and benefit of the dalit community as – Chairperson.

- (B) Along with at least one dalit woman and one Madheshi dalit, four individuals from the dalit community who have been active for a long time and made special contributions at the national level to campaign for the rights and benefit of the dalit community as – Members.
- (3) The tenure of the chairperson or the members of the commission will be of 6 years from the date of appointment, and they may be granted one more tenure in their posts.
- (4) While forming the commission, the representation of dalit men, dalit women, hill and Madheshi dalits, minority groups within the dalit community, the extremely marginalized and groups on the verge of extinction will be guaranteed and the commission will be made best inclusive.
- (5) There will be branches of the National Dalit Rights Commission in each of the autonomous federal state, and autonomous federal states may form their own separate, independent commissions.

### **The Commission as a Self-Governing Institution:**

- (1) The Commission shall be an indivisibly empowered self-governing institution.
- (2) The Commission shall have its own seal for its administrative purposes.
- (3) The Commission shall have the right in the capacity of a legal person to own, utilize, buy and sell, or manage property in any other manner.
- (4) The Commission shall have the right as a legal person to present

writs, complaints and legal cases, and shall be liable to legal action and complaints under the same capacity.

- (5) The Commission shall have the right to enter and execute rights and bear responsibilities under contracts.

### **Qualifications of the Chairperson and Members:**

- (1) Any individual appointed to the post of chairperson or member shall possess the following qualifications:
- (2) A Nepali citizen,
- (3) At least a graduate of at least thirty five years of age for the post of the Chairperson,
- (4) At least thirty years of age for the post of a Member,
- (5) Never been convicted in a criminal case by a court of law, or never having committed an immoral act.

**Appointment of Chairperson and Members:** The members and the chairperson of the Commission shall be appointed by the President of the Federation according to the recommendation of the Constitutional Council.

### **Conditions when the posts will be considered vacant:**

- (1) The following conditions will mean that the post of the Chairperson or Members of the Commission have gone vacant:
  - (A) Upon the termination of the tenure of the individual,
  - (B) Upon resignation from their post by an official,

- (C) If the Legislative Assembly moves to terminate the tenure of an individual through an impeachment proposal with the conviction that the individual lacks the capability to execute duties, or if the individual is found to have engaged in immoral activities, or if the individual is found to have failed to uphold the dignity of their post, or if the individual is found to have engaged in embezzlement of funds,
  - (D) If the individual is no longer capable of executing the duties originating with the post,
  - (E) If the individual absents from three consecutive meetings of the Council without prior and appropriate notice,
  - (F) If the individual is certified by a reputed physician or hospital to have lost their mental stability, and
  - (G) If the individual dies.
- (2) If an individual is being removed from their post under sections (C) or (E) of the sub-clause (1), the individual shall be given an appropriate opportunity to defend their case.

### **The Function, Rights and Duties of the Commission**

- (1) The Function, Rights and Duties of the Commission shall be as follow:
- (A) To formulate policies and programs related to the dalit community and present them before Nepal Government for implementation,
  - (B) To analyze, monitor and evaluate policies and programs related to the dalit community and present suggestions to Nepal government for effective implementation of those policies and programs,
  - (C) To monitor whether or not enforced laws pertaining to the dalit community are being respected, or whether or not international

treaties to which Nepal is a signatory are being followed, and in case of non-compliance, present suggestions before Nepal government to amend the situation,

- (D) To take the initiative to increase popular awareness on issues pertaining to discrimination against the dalit community and against malicious social traditions that target the dalit community,
- (E) To analyze, or to arrange for the analysis of, whether or not programs and policies under various ministries are effective or appropriate from the point of view of empowerment and social justice for the dalit community,
- (F) To produce and disseminate broadcast materials designed to increase popular awareness and consciousness against malicious practices that include: portraying superiority or inferiority of a community or ethnic group based on caste or ethnicity or origin; justifying social inequality on the basis of caste dogma; or promotion of ideas based on hatred or caste or ethnic or racial superiority, and any other form of malicious discriminatory and hate-mongering habits or practice.
- (G) To monitor and suggest changes to relevant institutions on the effectiveness of constitutional, policy and legal provisions that have been implemented for the empowerment of the dalit community after investigating into and studying the said provisions.
- (H) To suggest necessary changes for the improved functioning of offices and institutions associated with the dalit community, and to coordinate and supervise the operations of non-government organizations involved in development of the dalit community.
- (I) To monitor whether or not Nepal Government has sent reports as required to be submitted to international treaties related to the dalit community to which Nepal is a signatory.
- (J) To create necessary provisions to provide exploited or helpless

or dalits deprived of their rights with the necessary legal assistance.

- (K) To hold public hearings as necessary on issues related to the rights and privileges of the dalit community.
  - (L) To coordinate between National Human Rights Commission, Human Rights Promotion Center, local authorities, National Women's Commission and other related institutions to address grievances resulting from illegal or discriminatory acts against the dalit community and initiate appropriate legal action.
  - (M) To investigate and study various aspects of the dalit community, to investigate and study in order to identify and record dalit communities and enlist them, and present findings to Nepal Government for publication or other actions deemed necessary.
  - (N) To suggest or order necessary action by appropriate authorities with regard to complaints and cases filed with the Commission on instances of infringement of the rights of the dalit community. To prepare and approve the annual budget of the Commission.
  - (O) To implement, or have implemented, other actions as listed in the laws.
- (2) The Commission is entitled to carry out investigations of the following kind into issues as requested by persons, or as initiated by relevant information from any source:
- (A) If a person from the dalit community has been deprived of their rights or barred from using their rights on the basis of untouchability,
  - (B) If a dalit community has been exploited or oppressed because of any form of violence or malicious traditions,
  - (C) If caste or ethnicity based discrimination has occurred,
  - (D) And in case of complains regarding embezzlement or non-implementation of constitutional and legal policies and

programs related to the dalit community.

- (3) The Commission shall have the following rights while conducting investigations into matters mentioned in sub-clause 2:
  - (A) To summon a person before the Commission and record their statement,
  - (B) To bear witness, to have bear witness, and to receive confessions,
  - (C) To order a person to present documents or a written statement,
  - (D) To request a court for copies of a document, or to order a government or public office for written statements or copies of the document or other documents,
  - (E) To carry out, or have carried out, on-spot inspections,
  - (F) To conduct public hearing programs,
  - (G) To take preventative measures based on reliable information to prevent untoward incidents,
  - (H) To take the necessary action to bring necessary legal action upon guilty persons or organizations, and to monitor whether or not the prescribed legal action is being undertaken.
- (4) The Commission may allocate adequate and appropriate amount of time while summoning a person before the Commission, or while ordering the presentation of written statements or corroborating documents, or while carrying out necessary investigations.
- (5) If, during an investigation according to sub-clause 3, it is seen that a person or organization has acted in a manner described in sub-clause 2, the Commission may take the necessary action to initiate reconciliation; or to provide relief, treatment or compensation to the victim party, or to recommend rehabilitation of the victim party; or to take any other appropriate action and to recommend actions to relevant authorities, and to monitor the effective implementation of its recommendations.

- (6) If the Commission makes recommendations under sub-clause 5 and directs it to any organization or institution, the organization or institution is obligated to carry out the necessary action.
- (7) Individuals, institutions and organizations are obligated to provide the Commission with each and all the documents or evidence as requested by the Commission in course of its investigations under sub-clauses 2 and 3.
- (8) It shall be the duty of the concerned organization or institution to follow the recommendations made by the Commission.
- (9) Regardless of anything written elsewhere in this clause, if a matter is under consideration in a court of law, the Commission shall not intervene. However, the Commission may play a role in assisting the court to ensure swift and smooth delivery of justice.
- (10) It is mandatory for the State to seek approval from the Commission while implementing any policy, program, law or regulations relating to the dalit community, or while attempting to change existing laws relating to dalits.

**Regarding the .n and the Members:**

- (1) The Chairperson and the Members shall be full-time officers of the Commission.
- (2) The Chairperson or Members may not hold a job elsewhere during the entirety of their tenure.
- (3) The salaries, services, contracts and privileges of the Chairperson and the Members shall be as provided for by the law.

### **Submission of Reports:**

- (1) The Commission shall prepare and present a detailed report of its annual activity to the Office of the President, and the same report shall be presented before the Legislative Assembly through the Office of the Prime Minister.
- (2) In the report as described in sub-clause 1, the Commission shall include, apart from its annual activities, details about the investigations and studies undertaken throughout the year, policies and programs formulated during the period, recommendations and suggestions made during the period, suggestions on improving existing legal provisions, and fiscal details of the expenditures made by the Commission while undertaking the above mentioned activities, and projected budget for activities in the future.
- (3) The Commission shall publish an annual dossier of its activities and budget for the information of the public.

### **POLITICAL PARTY**

- (1) There should be provisions for appropriate representation of the dalit community in executive committees at all sectors and levels of a political party.
- (2) The constitution of a political party should include effective measures to enforce discipline among its members.
- (3) The Election Commission shall not register a political party if it finds: that the acquisition policy of the membership of a political party discriminates against Nepali citizens on the basis of religion,

ethnicity, caste, language or gender; or that a political party or organization uses a name, a flag, an insignia, or professes a goal, simply to disturb the harmony between religions or communities of the nation; or that the political party professes the goal of dividing the nation; or that the constitutions or regulations of a political party intend to protect and promote party-less or one-party systems of governance.

- (4) There shall be provisions for mandatory proportional representation and candidacy of dalits in elections at all levels and sectors.
- (5) The Election Commission shall not register a political party that doesn't recognize in its constitution and regulations that untouchability and caste or ethnicity based discrimination are grave crimes against humanity, and doesn't provide for appropriate punishment to party leaders and party members who engage in such discriminatory behaviors or activities.
- (6) Communities that have been systematically marginalized or kept backward may established political parties to fight for their rights.

## **PROVISIONS REGARDING THE ARMED SERVICES:**

**There shall be one organization of Nepal Army in Nepal.**

- (1) Nepal Army shall be given an appropriate shape according to democratic structures and inclusive characteristics and army personnel shall be trained in the norms and values of Human Rights.
- (2) There shall be provisions for proportional representation and additional opportunities at every sector and level of the army

regarding new recruitment and the promotion of existing army personnel.

- (3) There shall be special privileges instituted to consider the qualifications of dalit candidates at times of new recruitment and promotion of existing army personnel.

## **VARIOUS**

### **Constitutional Council:**

- (1) There shall be a Constitutional Council for the purpose of recommending the appointment of officers to constitutional bodies instituted under this Constitution.
- (2) The representation of dalits and minority groups in the Constitutional Council shall be mandatory.

### **Nepalese Ambassadors and Special Envoys:**

- (1) The Cabinet of Ministers may appoint Nepalese Ambassadors and Special Envoys for specific purposes.
- (2) When the State appoints ambassadors and special envoys, the proportional representation of dalits shall be mandatory.

## DEFINITION

### Definition of Dalit

“Dalit Community” means the groups that have traditionally been subjected to untouchability and caste-based discrimination; groups that have been extremely marginalized, excluded or deprived of opportunities in the social, cultural, political, education, administrative and economic sectors; or communities of artisans, craftsmen, and laborers.

### Members of the Constitution Suggestions Workforce formed by the National Dalit Commission

|                        |  |
|------------------------|--|
| <b>Coordinator:</b>    | Yam Bahadur Kisan, Member, National Dalit Commission             |
| <b>Member:</b>         | Sharada Swarnakar, Member, National Dalit Commission             |
| <b>Invited Member:</b> | Janaki Barah, Member Secretary, National Dalit Commission        |
| <b>Invited Member:</b> | Advocate Tek Tamrakar  |
| <b>Member:</b>         | Min Bishwokarma, Member, Interim Constitution Drafting Committee |
| <b>Member:</b>         | Advocate Narayan Nepal   |
| <b>Member:</b>         | Advocate Maheshnarayan Das                                       |
| <b>Member:</b>         | Advocate Dharmita Mijar  |
| <b>Member:</b>         | Nanda Sunar, Staff, National Dalit Commission                    |



A Land of Our Own: Conversation with Dalit member of constituent assembly is a collection of interviews with dalit members of the Constituent Assembly. The formation of an inclusive CA has validated the aspirations for change embodied by 10 years long People's War and People's Movement 2006. But the Dalit Liberation Movement continues, and the dalit representatives who are a part of the Assembly given the duty of writing a new constitution for first time in Nepalese history have become the focus of the Movement. This collection of interviews, which includes the voices of those who raised the flag of armed rebellion alongside those who advocated for dalit rights in the parliament and from civic and social forums, contains explosive and multi-dimensional opinions that will decimate the chains of exploitation and firmly establish dalit rights in the new constitution. It is expected that this book will assist in identifying the limits of the rights of the dalit community and of all exploited and oppressed groups, and to encourage the Constituent Assembly to write a constitution that strengthens the foundations of an inclusive democratic republic.

**SUVASH DARNAL** is the founder of Jagaran Media Center. He has served as the Chairperson of Collective Campaign for Peace (COCAP), and is an advocate for inclusiveness in democracy. Darnal, who has published dozens of articles on dalit rights and politics, is also a co-editor of *Reservation and the Politics of Special Rights*.

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**A LAND OF OUR OWN**

Conversations with Dalit Members of Constituent Assembly

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