

Ethnicity, History and Discriminatory Process in Restructuring the Nepali State

PRAKASH BK*

1.1 Introduction

Nepal, a landlocked country situated in between the two giant countries of China and India, is typified as a small country with a diverse population in terms of religion, culture, language, ethnicity and caste. According to the latest census 126 ethnic and caste groups, 123 languages as mother tongue and over ten religions are to be found in Nepal.¹

As for the religious makeup of the populations Hindus comprise 81.3% of the population whereas, Buddhists 9%, Muslims 4.4%, Kirati 3.1% and Christians 1.4%. Nevertheless, the state has largely neglected this diversity and always attempted to assimilate the population into the dominant culture. As a consequence, minority groups began to shout out against the rulers for their linguistic, religious, cultural and human rights. This is one of the main reasons why the Nepali state has recorded multiple political upheavals in its history.

The People's Movement II (2006) abolished the 240 years reigning Hindu monarchy, brought Maoists rebellion into the government, and finally started the peace process and state restructuring. As part of the peace building process, an Interim Constitution was promulgated in January 2007 and an interim government and parliament was formed. The Interim Constitution recognized Nepal's diversity through declaring Nepal as a "multicultural, multilingual, multi-ethnic, inclusive and secular state". Later, the Madhesi movement succeeded to add the term "federal" state and the indigenous movement was successful to introduce the term "proportional representation" into the description of the state's apparatus. The political changes were greatly in favour of inclusion of marginalized groups including Dalit, indigenous, women, Madhesis and other 'third gender' people. The political environment not only tried to include marginalized groups in political arenas but also started to form different policies, provisions and reservation to include them in the state apparatus.

The Communist Party of Nepal–Maoist (CPN-M), the first political party in Nepal which raised the issue of increasing the socioeconomic rights of marginalized groups, won the CA election of 2008 with a great margin and

* Prakash BK holds Master Degree in Society and Politics from University of Lancaster.

1 National Census in Nepal, 2011. <http://countryoffice.unfpa.org/nepal/drive/Nepal-Census-2011-Vol1.pdf>

became the biggest political party. The Maoists' political agenda during the election period included the issues of identity-based federalism, the inclusion of marginalized groups, secularism and recognition of religious minorities, and this is the reason marginalized groups voted for them. However, when the constitution writing process started, the dominant groups, the high caste hill Hindus (especially male) known as Brahmins and the Chhetri social group, felt threatened of losing their power they had enjoyed till then and began to resist the process of institutionalizing the achievements of the People's Movement II. Due to the resistance of the dominant political elite, the CA of 2008 was dissolved without writing a new constitution. For the second time, a CA election was conducted in 2013, where the Nepali Congress (NC) and CPN-UML, who were against the political changes of 2006, became the biggest political party and the Maoists became the third largest party. After their defeat at the elections the Maoists and other political parties supported by marginalized groups became concerned about the possibility of institutionalizing their agenda. Therefore the Maoist party formed a political coalition from 22 political parties to exert pressure on mainstream political parties, who are currently in the process of writing a constitution with the majority votes of CA cadres. The majority of CA members from mainstream parties do not support the greater socioeconomic inclusion of marginalized groups; therefore, this is a good opportunity to write a constitution in favour of their own interests. I argue that the current state restructuring process is unfair as well as discriminatory to the marginalized groups of Nepal, moreover, it is totally against the aspirations of the People's Movement.

The paper is divided into three major parts. The first section deals with ethnicity in the broad sense of the word. Some criteria need to be met in order to be considered an ethnic group so this paper will examine those factors and analyse them on the basis of the Nepalese context. The second part of the paper divides history into five sections: Shah Rule (1769–1846), Rana rule (1846–1951), Panchayat (1960–1990), after 1990 and the present scenario. The main purpose of dividing history in this manner is the fact that the changes of regime always happened for a reason, which will be discussed briefly in a later section of this paper. The last section examines the debate on the issues of “federalism, secularism and inclusion” and attempts to show its importance for marginalized groups.

1. Defining the Concept of Ethnicity

1.2 How the Term “Ethnicity” Developed?

According to the encyclopaedia of social sciences, the term ethnicity comes from the Greek words “*ethnicus*” and “*ethnikas*” which refer to a people or nation. The other Greek word, “*ethos*” refers to the customs, features or character of a group. If these two terms “*ethnikas*” and “*ethos*” are brought together, it can be called an ethnic group. In other words, a group of people, who live together and share a common history and

knowledge and seem similar in terms of custom, religion, language, caste, ethnicity etc., could be called an ethnic group. In ancient times the term ethnicity was used particularly for “other” people who came to Greece from different places and these people were called by the phrase “barbaric”.

Nowadays in Nepal people are often frightened when they hear the term “ethnicity” as they were influenced or misled by the political and media elites to associate ethnicity with “ethnic violence” and “ethnic conflict”. Ethnicity can be subject to discourse, however, in the Nepalese case the term is strongly connected to burgeoning identity politics. According to Hangen, the term ethnicity, caste, religion, language, and region are considered weapons of identity.² Nepalese ethnic activists say that the term ethnicity is produced over the years through domination over and suppression of different caste and ethnic groups by the state, so that some ethnic groups remain “second class” in the state.³ The word ethnicity was first used in Nepal, when Janga Bahadur Rana introduced *Muluki Ain* (civil code) in 1854. The civil code codified and standardized (called assimilation process) Nepal’s diversity into four hierarchical caste divisions (which will be discussed in detail in the upcoming chapter) based on Hindu ideology. Thus, in the process of assimilation a discriminatory ethnic identity was introduced in Nepal based on which marginalization began to take place.

1.3 Defining Ethnicity

Yinger, a very prolific writer on ethnicity, defines an ethnic group as a group which is part of a larger society but different from other groups and its people feel that they have a common culture, religion, language, origin, and activities.⁴ According to Yinger a number features need to be shared like religion, language, origin and activities. He further divides ethnicity into “soft” ethnicity and “hard” ethnicity. According to Yinger hard ethnicity has been “institutionalized, with clear separating boundaries and a strong ideology” and soft ethnicity is characterized by “blurred, permeable lines, incomplete institutionalization, and an ambivalent ideology”.⁵ The criteria that Yinger mentions for “hard” ethnicity are applicable for the Nepali situation. For instance, ethnic activists separate their identity from other ethnic groups mainly on the basis of religion and language. Language, religion and costumes are the main characteristics that separate one group from the others. Recently, ethnicity has been highly

2 Hangen. Susan, I. (2010): Democratization, Ethnic Diversity and Inequality in Nepal. In: *The Rise Of The Ethnic Politics In Nepal: democracy in the margins*, New Delhi, Routledge.

3 Hangen: *op. cit.*; Bhattachan, B. Krishna (2003): *Indigenous Nationalities and Minorities of Nepal*. London, Minority Rights Group International. (available at https://madhesi.files.wordpress.com/2006/09/bhattachan_report.pdf); Lawoti, Mahendra, (2010): Introduction: Ethnicity, Exclusion and Democracy in Nepal. In: *Ethnicity, Inequality, and Politics in Nepal*. Association for Nepal and Himalayan Studies and Social Science Baha, Himal Books.

4 Yinger, Milton J. (1997): Stratification, and Discrimination: A Field Theoretical Approach. In: *Ethnicity source of strength source of conflict*. New Delhi, India, Rawat Publication

5 *Ibid.* 3.

institutionalized and organized and ethnic activists seem to be very specific about their demands. Gellner also argues that “when a given population shares a common language, a common culture, and a common attachment to a given territory or at least historical link to these shared features; it thereby constitutes an ethnic group”⁶ Comparing Yinger’s and Gellner’s definitions it can be ascertained that there is no fundamental difference between them because for both of them the same elements differentiate one ethnic group from the others. Eriksen’s approach is very similar, but he puts it in a different manner. According to Eriksen, ethnicity is an aspect of social relationships in which people feel they are fundamentally distinct from one another. He goes on to say that ethnic groups have a “common origin” and it is characterized by “metaphoric or fictive kinship” and it is an “aspects of meaning in the creation of identity”.⁷ His approach seems more relevant for Nepal because different groups base their identity on kinship, common origin, and they can be differentiated from one another by their caste, religion, region, ethnicity and culture.

However, recent studies challenge traditional definitions. Fredrik Barth, Richard Jenkins, Rogers Brubaker and their colleagues define ethnicity from a constructive perspective. Barth’s constructionist idea of ethnicity is explained in the next chapter, at this point I would like to quote Jenkins’ definition of ethnicity as he provides an excellent “basic anthropological model of ethnicity”.⁸ Ethnicity is “about cultural differentiation” and it “is centrally concerned with culture – shared meaning – but it is also rooted in, and to a considerable extent the outcome of, social interaction”, in addition, ethnicity is “no more fixed ... than the situations in which it is produced and reproduced” and “as a social identity is collective and individual, externalized in social interaction and internalized in personal self-identification”.⁹

1.4 Understanding Ethnicity and Discourse in Nepal

Ethnicity is an idea which basically refers to culture and human life. Ethnicity is produced and reproduced in society through human interaction. Language, religion, culture, costume, food practice, music and art are the major elements when defining ethnicity. There are three approaches to understanding ethnicity, primordialism, instrumentalism and constructionism. According to David Gellner, ethnicity can be defined in two ways; the first one is the primordialist and the second one is the instrumentalist or modernist approach. According to Gellner ethnic identity is an essential or intrinsic aspect of human beings. Primordialists believe that ethnic people are related with blood and share the same origin; therefore, ethnic groups are first and foremost a biological phenomenon. He further says that ethnic identity is part of social identity, thus, members of an ethnic group have long-lasting relations and “ethnic and national units have

6 Gellner, David N. (2008). Ethnicity and Nationalism in the World’s Only Hindu State”, in Gellner, David N.et.al. (eds.) *Nationalism and Ethnicity in Nepal*, Kathmandu, Vajra Publications. 6.

7 Eriksen, Thomas Hylland (2010): *Ethnicity and Nationalism*. New York, Pluto Press. 17.

8 Jenkins, Richard (1997): *Rethinking Ethnicity: Arguments and Explorations*. London, Sage. 13.

9 *Ibid.* 13–14.

generated deep emotional attachments”¹⁰ His idea can be relevant because kinship can be the main instrument to differentiate one group from other groups in some societies.

This approach seems adequate for creating the unity of a nation because the notions of ethnicity and nation are closely related. This concept is similar to Eriksen’s, because he also acknowledges kinship, i.e. blood relation, to define ethnicity. Social scientists who support this approach assumed that there is little possibility of ethnic violence. They assume that ethnic conflicts are not caused by ethnicity, since conflicts occur due to political and economic factors. A similar idea can be found on the approach of instrumentalism. According to instrumentalists, who argue against primordialism, ethnicity is a new phenomenon which is aimed at gaining political and economic benefits either for themselves or for certain groups. Pradhan also argues that ethnicity is a strategic weapon to extort benefits from the resources of the state.¹¹ Hence, if ethnicity is a strategic weapon wielded for benefits, it has a negative effect on the state and nation.

Many native and foreign scholars express their views on Nepalese ethnicity along the lines of primordialism or instrumentalism as reflected by Sharma’s argument: “the ethnic politics of Nepal in the 1990s seems to have elements conforming to both the primordialist and instrumentalist model”.¹² The emerging ethnic movement, along the primordialist line, is seeking for identity and recognition from the state. However, other dominant groups take the instrumentalist line, e.g. the *Brahmins* and *Chhetris*,¹³ and use the ethnic upsurge as a powerful weapon to get political and economic benefit from the state.¹⁴ It is worth mentioning that ethnic activists in Nepal reject both models and argue that the ethnic movement and activism started in Nepal for equality, dignity and against discriminations on any ground.¹⁵ As stated above, after the implementation of the civil code in 1854, various ethnic groups were treated as unequal citizen by the state. They still experience discrimination based on caste, religion, language, and gender and so on. Thus, it can be argued that ethnic activism in Nepal is also for equality and dignity.

The third view is opposed to instrumentalism and it is called constructivism. According to Pradhan, constructionists assume that the border of an ethnic group is fluid and the issue of ethnicity emerged because of the social situation.¹⁶ For the con-

10 Gellner, *op. cit.* 7.

11 Pradhan, Rajendra (2010): Ethnicity, caste and pluralist society. In Dixit and Ramachandran (eds.): *State of Nepal*. Nepal, Himal books.

12 Sharma, Priyag Raj (1997): Nation Building, Multi-Ethnicity, and the Hindu State. In Gellner et al. (eds.): *Nationalism and Ethnicity in the Hindu Kingdom: The Politics of Culture in Contemporary Nepal*. Amsterdam, Harwood Academic Publisher. 483.

13 Hill *Bahun*s and *Chhetri*s are considered dominant socio-political groups in Nepal because they occupy important positions in the state apparatus of the country.

14 Hachhethu, Krishna. (2003), “Democracy and Nationalism Interface between State and Ethnicity in Nepal”, *Contributions to Nepalese Studies* Vol.30 No.2. 217–252 and Gellner, *op. cit.*

15 Bhattachan, Krishna Bahadur. (1998). “Making No Heads or Tails of the Ethnic “Conundrum” by Scholars with European Head and Nepalese Tail”. *Contributions to Nepalese Studies*, Vol. 23 No1. 111–130.

16 Pradhan, *op. cit.*

structionists ethnicity is not for political and economic benefits but for cultural ones. Cultures can emerge and reemerge in different times and places. Scholars in favour of constructivism argue that ethnic identity changes because groups frequently come to contact with other groups from different societies. Print media has massively affected the identity of these groups. Anderson's "Imagined Communities"¹⁷ is a good example for constructionism where he explains how print media contribute to the making of nationalism. Anderson's concept can be set against Gellner's "true communities". Imagined Communities for him are political communities which are to "be distinguished, not by their falsity/genuineness, but by the style in which they are imagined" (ibid.). Language is a means for the imagination; it helps us create symbols, values and history and these are helpful for the creation of a real community.

Federik Barth and his fellows have recently adopted a new constructionist definition for ethnicity. It is worth highlighting Barth's constructionist idea of ethnicity. Barth in his book, *Ethnic Groups and Boundaries* argued that ethnicity is the social organization of culture differences.¹⁸ While defining ethnicity Barth does not give value to "cultural stuff". Ethnicity for him is the product of a social process rather than a cultural one. It is not something given but it depends on different circumstances. There are five general approaches to define ethnic groups, as stated by Barth. Firstly, ethnic groups have characteristics which categorize and identify their members, which help them to interact with each other. Secondly, all social scientists have identified different processes "generating and maintaining ethnic groups".¹⁹ Thirdly, as Barth stated ethnicity and identity is based upon "ascription and self-ascription" meaning how members of an ethnic group identify themselves and how outsiders identify them. Fourth, ethnicity is not fixed as primordialism argues; it rather depends on a particular situation. Fifth, "ecological issues are particularly influential in determining ethnic identity, inasmuch as competition for economic niches plays an important role in the generation of ethnicity".²⁰ An important question remains: "what are the significant factors in the genesis, structure, and function of such groups".²¹ Boundary maintenance does not only indicate differentiation in terms of culture, race, language and religion because it limits the varieties of factors explaining cultural diversity.²²

With a critical eye on Nepali ethnicity a famous sociologist in Nepal also argued that ethnicity is not fixed; rather it changes with time and context.²³ He indirectly blames Nepalese ethnic activists for blindly supporting primordial views and rejecting the constructionist idea. It seems that Nepalese ethnic activists are taking "identity" as an immortal attribute written in stone, says Mishra. Language and religion

17 Anderson, Benedict (1990): *Imagined Communities*. London, Verso.

18 Barth, Fredrik (ed.) (1969): *Ethnic Groups and Boundaries: The Social Organization of Cultural Difference*. Oslo, Universitetsforlaget.

19 *Ibid.* 127.

20 Jenkins, *op. cit.* 19.

21 Barth, *op. cit.* 11.

22 *Ibid.*

23 Mishra, Chaitanya. (2014) "JATIYE AHANKAR KO LOKTANTRA", the Kantipur, 6, A4-A6

are powerful weapons of ethnic identity in Nepal; however, examining recent trends we can see that some indigenous and ethnic caste groups are changing their religion to Christianity, Buddhist, Hindu or vice versa. It is important to highlight that even if they change religion, language or region, their previous identity remains a main factor for distinguishing themselves from others. As an example, *Pahadi* (those who belong to the Hill) people migrating to *Tarrai* (plan region) are speaking *Maithali* or *Tharu* (regional languages) language. Those *Pahadi* living in Tarrai region are not called Madheis instead they are called *Pahadi* because their peculiar identity, in terms of language, religion, costume etc., still matches the *Pahadi* people. This shows that primordial views are still important in defining ethnicity in Nepal.

In conclusion, it can be ascertained that ethnic activists taking the primordialist view are in search of identity from the state, whereas those blaming ethnic activists, mainly the *Brahmin* and the *Chhetri*, are supporting the instrumentalist approach to gain economic and political advantages.

So far we have defined what ethnic groups are and what ethnicity is. Now the paper deals with history. Nepali history can be divided into five parts, Shah Rule (1769–1846), Rana rule (1846–1951), Panchayat (1960–1990), 1990 and after 2006. In every period, the ethnic, Dalit, and indigenous people suffered different kinds of domination and oppression from the state. For instance, during the nation building process the practice of Hinduization made the Hindu culture superior and the other cultures inferior. The state forced ethnic groups to change their culture. Apart from culture, ethnic groups were excluded economically, socially and politically. Thus, in this part this paper shows how ethnic people were not only excluded from the state, but oppressed and dominated by it.

2 History of Violence, Domination and Hegemony

2.1 Early Shah Rule (1769–1846)

Before its unification Nepal was divided into different petty kingdoms that used to fight each other frequently. Different forms of violation, domination and discrimination took place between 1769–1846. The domination of the dominant Brahmin / Chhetri social group over the marginalized groups began when King Jayasthiti Malla invited Hindu priests from India to Nepal in the 14th century in order to categorize the society. The processes of categorization heavily depended upon the priests' own religious background (who were primarily Hindu and belonged to the upper caste in India). As a result, a process of *Hinduization* or *Sanskritization* followed. For instance, Jayasthiti Malla restructured the Newar indigenous nationalities of the Kathmandu valley into 64 castes following the advice of the Indian priests.

Sanskritization and *Hinduization* also influenced language practice. Gorkha is situated in the hilly region where the *Bahun*s, *Thakuri* and *Chhetris* dominant social groups spoke the *Khas kura- Nepali language*. When these dominant groups began to

practice the Nepali language in government offices, the language became the national language. The state chose people for government positions who could speak the Nepali language. The Nepali language became the language of education; as a result, other ethnic people slowly lost their own languages. According to Hangen, the high caste hill Hindu were able to interact with rulers, whereas some ethnic groups who could not speak *Khas Kura* were excluded from those spheres.²⁴

Different kinds of violence took place during this period. King Drabya Shah used violence in order to be the king of the *Ghale* Kingdom of *Lig Lig Kot* in 1559. In the Ghale kingdom the king, before becoming king, needs to win a running race. In fact, the king did not win the race, he organized a conspiracy and Hindus who recorded the incidence in history books hid this fact. Similarly, PN Shah also used massive violence in 1769 at the time of territorial expansion. According to Bhattachan, during the period of territorial expansion, indigenous people slowly lost their independence and their right to natural resources.²⁵ Regmi argues that high caste Hindus, the *Bahun*s, *Chhetri*, *Thakuri* and *Rana* ethnic people, who supported the process of territorial expansion, were rewarded with land grants (e.g. *Birta* and *Jagir*), which was not possible for other groups due to state's policy.²⁶ The state encouraged only high caste Hindus to emigrate to the eastern part of Nepal, as a result, the Limbu indigenous people from the same region gradually began to lose their land.²⁷ However, some Magar and Gurung ethnic groups from the Gorkha region benefited from the state's recruitment system in the armed force services. Hangen and Regmi argue that few ethnic groups benefited from the state, while the majority of ethnic groups suffered from land taxes, labour obligations and occasional levies.

Along with the rights to natural resources, marginalized groups of Nepal gradually lost their culture, language, and religion. Bhattachan notes that in order to recognize the diversity of Nepal, Prithvi Narayna Shah defined Nepal as "a garden of four *varnas* and thirty-six *jats*" on the one hand, while also calling it a real India "*Asali Hindustan*" on the other. According to Pradhan and Shrestha, PN Shah allowed the Limbu people of eastern Nepal to practice their cultural traditions, manage their communal land (*Kipat*) and be ruled by their own chief. However, ethnic scholars agree that through language, religion and cultural practices, Prithvi Narayan Shah homogenized and Hinduized Nepal. For instance, the festival *Dashain* was forcefully imposed on all non-Hindu ethnic groups. Chemjong affirms that ethnic people were forced to celebrate the *Dashain* festival during the Shah and Rana regime. He says that during these regimes if ethnic people (Limbus) did not make a sign of the hand on their houses' wall, the rulers punished them. Rulers used to come to check whether there was a sign of the hand or not. Thus, these arguments show that the Shah's rule actively contributed towards the process of Hinduizing or Sanskritizing different ethnic groups.

24 Hangen, *op. cit.*

25 Bhattachan (2003).

26 Regmi, Mahesh C. (1995): *Kings and Political Leaders of the Gorkhali Empire 1768–1814*. Hyderabad, Orient Longman Limited.

27 Hangen, *op. cit.*

2.3 Rana rule (1846–1951)

Janga Bahadur Rana was the founder of the autocratic Rana Rule. By executing two important massacres (*Kot Parba* and *Bhandrakhal Parba*) he succeeded in imposing the 104 year-long Rana Rule. Janga Bahadur Rana promulgated the *Muluki Ain* (national civil code) in 1854. The civil code divided different castes and ethnic groups into social hierarchy: enslavable, non-enslavable, pure and impure, touchable and untouchable, etc. It classified the Parbatiya Bahaun and Chhetri as high caste; they were the purest ones who had access to political, social and economic power. The *Janajaties* (called indigenous) were characterized as *matawalis* (alcohol drinkers). These groups were divided into non-enslavables like the Magar, the Gurungs and some Newars and enslavable groups like the Tamang, the Tibetan *Bhote*, etc. At the bottom of the social hierarchy were the untouchable people (*pani nachalne*) or service caste groups like the Dalits.

<p>1. Wearers of the Holy cord: Upadhyaya Bahun Rajput (Thakuri) Jaisi Bahun Chhetri Newar Dubhaju (Brahman) Indian Brahmin Sanyasi “Lower” Jaisi Various Newar groups</p>	<p>4. Impure but touchable castes Newar Khadgi Newar Kusle Newar Rajak Newar Kulu Muslim Mechha (European)</p>
<p>2. Non-enslavable Alcohol-Drinkers Magar Gurung Sunwar Some other Newar groups</p>	<p>5. Untouchable caste Kami Sarki Damai Gaine Badi Newar Poda Newar Chyame</p>
<p>3. Enslavable Alcohol-Drinkers Bhote Chepang Kumal Hayu Tharu and Gharti</p>	

Source: Serchan, Sanjaya, (2007): *Remaking the Nepalese State*. Kathmandu, Sefavan Pi. 14.

Pradhan and Shrestha argue that during the Rana regime lower caste, indigenous people, women and non-Nepali speaking people were socially excluded from state administration and land rights. Meanwhile, Hindu religion and the Nepali language were important in keeping the power in the hands of the dominant groups. Ethnic people were forced to speak the Nepali language in this period since Nepali was the official language. “Language loss among the major groups of the Nepalese Hills has reached 68% among the Magars, nearly 50% among the Gurungs, 34% among the Newars, 16% among the Rais, 14.5% among the Limbus, and 11% among the Tamangs.”²⁸

This period can be characterized as more exploitative than the Shah’s rule, because the ruler highly benefited from the labour exploitation of marginalized groups. For example, during the Rana regime, Bhattachan mentions that the Singha Darbar Tamang people were not allowed to work for governmental sectors.²⁹ Some ethnic groups like the Gurungs, the Rais, and the Limbus were employed in the British-India armed forces but from 1914 to 1945 the high caste Hindus benefited by replacing these groups.³⁰ Pradhan and Shrestha argue that most of the fertile land and economic resources were controlled by high caste Hindus of the hills.³¹ They further say that the ethnic groups and other lower caste groups were often forced to do labour and service work as tenants and cultivators, artisans, porters and general labourers. It was the Rana rulers who benefited from those services.

2.4 Panchayat (1960–1990)

The Rana regime, which ended in 1951, was replaced by the Panchayat system. B.P. Koirala was elected prime minister during this period and succeeded to conduct the first parliamentary election held in 1959. However, after 18 months King Mahendra overthrew the democratic government along with B.P. Koirala and introduced the Panchayat system. Hangen notes that during the partyless Panchayat rule from 1960–1990 King Mahendra and Birendra directly and actively launched the campaign of “one king, one country, one language, one dress” (*Ek bhasa, ek bhes, ek des*).³² The above phrase clearly defines Nepal as a Hindu Kingdom where the Nepali language is the national language and *Dhaka Topi* and *Daura Suruwalare* are the National dresses. The process of Hinduization was accelerated in this period by the rulers. The state promoted and expanded the Hindu religion all over the nation. People were encouraged to call the King as lord of Vishnu (Hindu holy god). Hangen concludes that the state imposed Hindu identity by broadcasting Hindu ritual music and ceremonies in Radio Nepal, and by establishing *Sanskrit (language of Brahmin)* schools.

28 Gellner, *op. cit.* 2.

29 Bhattachan, *op. cit.*

30 Hangen, *op. cit.*

31 Pradhan and Shrestha (2005): *Ethnic and Caste Diversity: Implications for Development*. (available at <http://www.adb.org/Documents/Papers/NRM/wp4.pdf>)

32 Hangen, *op. cit.* 31.

The state established Hindu holidays as national holidays for all government sectors. For Hangen national symbols such as red, the cow, and flag all referred to Hinduism and the Hindu Monarchy which was promoted by the Panchayat regime.

The Nepali language became the official language during this period. Hangen mentions that the National Education Planning Commission suggested the use of the Nepali language for schools in 1956 and it became the language of teaching. For Hangen this plan shows an intention to reduce the value of other languages. Many textbooks, exam papers, and national ideologies were written by hill high-caste Hindus, who emphasized and promoted Hindu identity describing the bravery of the high-caste Hindus only. Thus, there were no national heroes from the Dalit and other indigenous communities.³³

The development programs entered Nepal after the Rana regime. Nepal's development process began after the 1951 transition to democracy. This development program largely focused on class inequality; the state wanted to reduce poverty through modernization and by reaching each individual citizen. However, Lawoti argues that these policies made life worse for the various ethnic groups and it was the dominant group of the state that largely benefited from the policies and institutions. He provided the example of recruiting indigenous people to the civil service: because of the language of the exam it was once again the dominant group that benefited. Since Shah Rule, the high-caste hill Hindus held the majority of positions in government and the administration. Hangen gives an example, which shows that in both parliaments in 1959 and in National Panchayat of 1969, the high-caste Hindus from the hills held more than 50% of the seats. Hangen also mentions that in the national administration the Brahmans, Chhetris and Newars occupied the major positions in 1854, 1950 and 1965. This group dominated all sectors of the nation like education, business, and civil society. During the Panchayat system, writing and discussing ethnic issues from a political perspective was considered illegal.³⁴ People who spoke against the Panchayat system were considered *Raja Birodhi* (people who speak against the King). People who spoke against the Kingdom could be jailed, imprisoned and killed. This shows that the state dominated and suppressed different ethnic groups.

2.5 People's Movement I 1990 (Jana Andolan I)

In order to eliminate the *Panchayat* regime, Dalits, ethnic and indigenous groups, students, professors, organizations and human rights organizations joined forces. The Nepali congress (NC) and the Nepal Communist Party – Unified Marxist Leninist (UML) mobilized people and actively participated in the movement to overthrow the Panchayat regime. Hangen says that Newar ethnic groups from Kritipur

33 Hangen, *op. cit.* and Lawoti, Mahendra, (2010): Introduction: Ethnicity, Exclusion and Democracy in Nepal. In: *Ethnicity, Inequality, and Politics in Nepal*. Association for Nepal and Himalayan Studies and Social Science Baha, Himal Books.

34 Lawoti, *op. cit.*

and Bhaktapur participated in the movement. The main aim of the movement was to dismantle the Panchayat system, restore democracy and multiparty system. Though the national agenda of the movement was to restore democracy and the multiparty system, marginalized groups became involved to get their socio-cultural rights.

Eventually the People's Movement I was successful to restore democracy and establish a multi-party system. The constitution declared Nepal as a 'multi-ethnic', 'multi-lingual', 'democratic', 'indivisible', 'sovereign', Hindu and Constitutional Monarchical Kingdom.³⁵ The constitution of 1990 granted equal rights before the law and it prohibited discrimination based on language, religion, caste and ethnicity. However, Lawoti argues that when the state formally declared Nepal as a Hindu state, it discriminated against other caste non-Hindus and low caste Hindus. Pradhan argues that the 1990 constitution allowed the various groups to practice, protect and preserve their traditional religions, cultures, languages and customs also allowing them to teach their children, up to the primary level, in their mother tongue.³⁶ Similarly, it also recognized the languages of the various ethnic groups as "national languages". However, the state promoted the Nepali language as the official language. Gellner argues that although the state allowed children to read in their mother tongues, in Kathmandu there is only one private school, which is funded by the Japanese social service foundation that takes children from deprived areas and teaches them in their own language.³⁷ The rest of the schools are teaching students either in the Nepali language or the English language. Textbooks are overwhelmingly in the Nepali and English languages. Even in the realm of work, English and Nepali languages are practiced. Thus, because of the state policy and the negative effects of globalization, minority languages are in crisis.

Pradhan argues that during the Shah, Rana and Panchayat periods ethnic, religious and linguistic communities suffered from the state's policy, therefore these communities hoped for a democratic and pluralistic society in which they would be treated equally. Pradhan says that in the early 1990s people had a hope that "cultural differences would be accepted and valued" and "their cultures and languages would receive state recognition and support".³⁸ However, the dominance of the Hindu religion was promoted by the Nepali state. Lawoti indicates that indigenous nationalities, e.g. the Madhesies and Dalits faced linguistic, religious, and other forms of cultural discrimination. He mentions that the Dalit people faced caste-based discrimination in the public sphere; whereas, women faced gender discrimination in the private and public spheres.³⁹

35 Dahal, Dattatray (2008): *The Development and State of the Art and of Adult Learning and Education (ALE)*. Nepal, Bhaktapur.

36 Pradhan, Rajendra (2010): Ethnicity, caste and pluralist society In Dixit and Ramachandran (eds.): *State of Nepal*. Nepal, Himal books.

37 Gellner, David N. (2005): Ethnic Rights and Politics in Nepal. In: *Himalayan Journal of Sociology and Anthropology*, Vol. 2, 1–17.

38 Pradhan (2010), 13.

39 Lawoti, *op. cit.*

Why is the 1990 constitution so discriminatory against various caste and ethnic groups in Nepal? Lawoti argues that in the drafting body of the 1990 constitution women, minority groups and ethnic groups were not represented at all. Lawoti states that although democracy was introduced in Nepal, marginalized groups remained excluded just like during the Shah and Rana rules. In other words, although the parliament declared the state more inclusive, its policy remained exclusive. Lawoti mentions two areas of exclusion: the education system and the employment sector. Lawoti demonstrated that in 1999 the Caste Hill Hindu Elite (CHHE) and some Newar overwhelmingly dominated twelve influential arenas: “the executive branch, parliament, the judiciary, public administration elite, the security forces elite, politics and leadership of academia, industry and commerce, civil society, and cultural associations”.⁴⁰ Whelpton, Gellner, and Pfaff-Czarnecka argue that the cabinet of 1990 rejected the original proposal, in which six seats were for the Janajatis and three seats were for the Dalits in the Upper House. They further argue that the cabinet decided to preserve Nepal as a Hindu State.⁴¹

After the restoration of democracy in 1990, ethnic, religious and linguistically diverse communities as well as the Dalits started organizations to protect their social, cultural, language and religious rights. For example, the Mongol National Organization (MNO), the Nepal Federation of Indigenous Nationalities (NEFIN) and the National Foundation for the Development of Indigenous Nationalities (NFDIN) were established to get social and cultural rights. Marginalized groups suffered from massive inequalities and exclusion pervasive in the society and were seeking political power for its elimination.

2.6 2006

This history undoubtedly portrays the unequal relationship between the state, high caste Hindus and varieties of ethnic groups. In November 2005 an agreement was reached between the Maoist rebels and the main opposition parties in order to restore democracy. People’s Movement II took place in 2006 and the changes that the movement brought was seen as a result of a decade-long Maoist insurgency. It was in favour of inclusion and greater social, political and cultural rights for the excluded groups in the state apparatuses, which was to be ensured by a new constitution. The surprise success of the Maoists (who won 229 seats out of 601) and the newly emerged *Madhesis* and other identity based political parties helped enormously to make legislature more inclusive. Dalits, Madhesis, indigenous people, women and youth representatives in CA were overly enthusiastic. However, in the course of the drafting of the constitution, the issue of inclusion gradually became connected to identity based federalism. Indigenous people, who had been fighting for recognition, autonomy and identity, strongly urged the introduction of identity based federalism.

40 *Ibid.* 21.

41 Gellner, David N., Pfaff-Czarnecka, Joanna, Whelpton, John (eds.) (2008): *Nationalism and Ethnicity in Nepal*, Kathmandu, Vajra Publications.

However, the political elite of the major political parties (except for the Maoists),⁴² feared losing their privileges they had enjoyed so far if identity based federalism prevailed. As a consequence, the political elite began to thwart the process of constitution building and giving rights to the excluded groups.

The Interim Constitution of Nepal⁴³ was written as per the mandate of the People's Movement II, and was supposed to be written according to its guidelines. This is important because the Interim Constitution declared Nepal a federal, secular and inclusive state. It was a great historical achievement for the marginalized groups, as they had been fighting for it for long decades. However, the present process of state restructuring seems quite discriminatory against marginalized groups since the political elite have been resisting the institutionalization of the aforementioned issues declared in the new constitution. In the paper "Dalit vs. Elite Groups in Nepal: A Study of the Resistance to Social-Structural Change" I attempted to show how political elites have been resisting the process of institutionalizing the agenda of marginalized groups.⁴⁴ I have shown that the political elites have been using the intelligentsia, media and local elites for the resistance. This paper made me research the topic further analysing each and every issue that seems problematic in the process of state restructuring. In other words, I am interested in showing how dominant social groups redefine the issue of federalism, inclusion and secularism for their own benefit.

The New Constitution was supposed to be ratified by the 2008 CA; however, it was dissolved without drafting a constitution because of the resistance of the political elite (who tried to explain away the issues of federalism, inclusion, secularism, identity and recognition in the media). A second CA election was conducted in 2013 and the Maoists, who were the biggest party in the 2008 CA elections, became the third largest party after the Nepali Congress and the Communist Party of Nepal. By now the political scenario has changed: political leaders who were supporting as well as demanding inclusion, federalism, secularism for the marginalized groups at the period of the 2008 CA are now holding opposite views. My contention is that the process of state restructuring is discriminatory because it is against the mandate of the People's Movement II and against the aspirations of the 2007 Interim Constitution.

42 Identity and federalism are the main issues on the agenda of the Maoists since the insurgency period. Later, during the writing of the constitution, they fought for identity based federalism, which was supported by indigenous and Madhesis people.

43 Interim Constitution of Nepal, 2063 (2007). 2009. As Amended by the First to Sixth Amendments. UNDP, New Baneshwor, Kathmandu.

44 BK, Prakash (2014): "Dalit vs. Elite Groups in Nepal: A Study of the Resistance to Social-Structural Change", MA thesis submitted to University of Lancaster, UK.

3. Discriminatory Process of State Restructuring against the Marginalized Groups

3.1 Federalism in “New Nepal”

Federalism was not the prime issue during the peace process. There is only an indirect hint at federalism in the agreement between the Maoists and the Seven Party Alliance reached in 2006. The agreement stated that they were willing to “end the existing centralized and unitary state system and restructure it into an inclusive, democratic progressive system” (Art 3.5), but the word “federalism” is not mentioned. The demand of federalism emerged with the protest of the Madhesi people. Later different ethnic groups, political parties, activists from the Madhes region strongly urged for a “federal constitution”, fully supported by the Maoists. Before the Madhes movement, the issue of federalism was not on the agenda of the Maoists, although some people in eastern Nepal had been demanding regional autonomy for some time and for this reason they supported the Maoists. Eventually, the Madhes protest succeeded in adding the word “federal” into the first amendment to the Interim Constitution in March 2007 despite the reluctance of mainstream party elites (especially Nepali Congress and UML). In the end they supported the amendment because of pressure from regional cadres.

But the kind of federal model Nepal should adopt in the future is subject for debate. Before discussing the federal models the political parties are offering, it is important to clarify why Nepal should become a federal state. There are some historical facts that strongly suggest federalism for Nepal. Firstly, the discrimination and domination by the Brahmin / Chhetri social groups run deep in the Nepali society even after a number of political upheavals to eradicate it. Secondly, there are some ethnic groups (e.g. in eastern Nepal) that have been demanding and fighting for regional autonomy for decades (of which the Maoists have been supportive). Federalism can be a possible situation for regional autonomy in such a situation. Thirdly, as stated before, federalism is strongly demanded by Madhes and the indigenous movement, and other ethnic and regional activists followed suit. In Nepal federalism does not simply mean decentralization of political power; rather it is also associated with a greater socio-political inclusion of the marginalized groups. It is a way to redefine Nepali nationalism by giving recognition to different castes and ethnic people. In addition, federalism is a means of eliminating disparity in terms of class, caste, religion, language, and regionalism is also pervasive among citizens. However, when the issue of federalism became politicized and got placed in a negative light by the political elite, the same ethnic people became worried and turned away from it. The issue of federalism became more politicized when the Maoist came up with the ethnic federal model.

The two models of federalism suggested by the political parties and scholars for Nepal are the territorial and the non-territorial. The upper caste elite lead by the two largest mainstream parties (the Nepali Congress and the UML) supported the

territorial federal model by presenting 6 provinces based on Nepal's geographical features whereas the Maoists supported the non-territorial model by presenting 12 autonomous states based on group identity, caste, language and regionalism. It seems that the mainstream parties are trying to create a strong nation through assimilation whereas ethnic activists and Maoists are trying to give recognition to historically underprivileged groups through providing an opportunity for them to participate in the state apparatus.

Ethnic activists are supporting the non-territorial federal model whereas the dominant groups are in favour of the territorial federal model. Representatives from marginalized groups think that multiple disparities among the Nepali citizens can only be eradicated if the state incorporates identity, i.e. non-territorial, based federalism. They strongly reject the territorial federal model as they think Nepal is already a federal state based on territory, but the citizens cannot feel it and hardly benefitted from it. Therefore, they believe, identity based federalism is the model to eliminate the disparities among the people. The 2012 UNDP report argued that supporters of ethnic based federalism assume that the norms and values of the Hindu religion are still predominant in both the private and public sphere, so, if Nepal follows the territorial model it may again neglect the history of suppression and domination of different ethnic people. In contrast, the supporters of the territorial model say that the identity based federal model could lead Nepal into ethnic violence, disintegration, and it could create a problem on resource management. This argument may not have sufficient proof, and it seems they are presenting it only to preserve their position enjoyed till now. This is the major reason why the political elite have been acting against the restructuring of the state. Along the same lines Tamang argues that the central elites do not want to change the unitary system for fear of losing their power so that federalism remains debatable in Nepal.

The media has played an important role in placing federalism in a negative light. The media did not provide enough space to publish papers that discuss the non-territorial model; however, it has given room for people who expressed their views against the ethnic federal model. The possible positive effect of the ethnic federal model has never been researched. Therefore, people began to fear and dislike it. Fear of ethnic violence lead the Nepali people to support the 1990 constitution, something that the mainstream political parties are lobbying for. Recently, mainstream political parties have begun to discuss the possibility of writing a new constitution with majority CA votes, which is really discriminatory against other castes and ethnic people since marginalized representatives are few in numbers in CA.

3.2 Secular vs. Hindu State

Secularism was an important issue for the People's Movement I. It was the People's Movement II which succeeded in declaring Nepal a secular state through the Interim Constitution of 2007. Nevertheless, after the dissolution of the first CA, the political

elites from mainstream parties and some upper caste Hindu male social activists, media activists and local stakeholders began to support the Hindu state and reject secularism. Some central committee member representatives of the Nepali Congress, mainly Khum Bahadur Khadka, challenged the country's existing secular identity. Similarly, Chitra Bahadur KC, the president of Rastriya Jana Morcha Nepal, is another Nepalese politician who publicly expresses his opinion that Nepal should not be secular because the majority of the population is Hindu. Influential politicians from mainstream parties express their opinion in parliament that they would bring back the 1990 constitution with majority vote if the state restructuring process is not in favour of them. Even the current PM Shushil Koiral expressed his views in the media that he did not know when Nepal was a secular state. Similarly to politicians there are a number of religious organizations including the Hindu Fundamentalist Organization, Struggle for Hindu Existence and Save Nepal Hindu Rastra that have been threatening other religious groups by saying that they were ready to 'fight and kill' if Nepal is declared a secular state in the upcoming constitution. A compulsory situation has been created by Hindu political elites for ordinary people to influence them in favour of the Hindu state. Recent developments in religious politics suggest that secularism may not be written in the upcoming constitution due to the resistance of the political elite, and this is why state restructuring seems discriminatory against other religious minority groups. So, let us examine why it is discriminatory to declare Nepal a Hindu state.

Religion is one of the reasons for cultural inequality in Nepal. Religious inequality of Nepal started when Prithvi Narayan (PN) Shah unified the different petty kingdoms in the nation building process. Before the unification of Nepal, different ethnic people enjoyed their cultural, linguistic and religious rights within their states (there were 22 such states). It was PN Shah who used military power to eradicate the cultural identity of the different ethnic and indigenous people living in the states, starting the process of cultural assimilation. PN Shah was from the mountain region of Nepal whose language, religion and costume was Nepali, Hindu and Daura Suruwal respectively. Cultural domination over other ethnic people began when King Jayasthiti Malla invited Hindu priests to Nepal from India in the 14th century. According to Bhattachan this was the first attempt of the ruling elite to Hinduize or Sanskritize the different ethnic nationalities of Nepal. Bhattachan notes that PN Shah recognized the diversity of Nepal and called it "a garden of four *varnas* and thirty-six *jats*" to include all ethnic and caste groups, however, he himself defined Nepal as a real Hindu state "*Asali Hindustan*" (it can be considered the beginning of Hinduization).⁴⁵ PN Shah very cleverly intended to create a single nationality by assimilating different ethnic people. Ethnic scholars like Bahattachan and Lawaoti assumed that after the declaration of the Hindu state PN Shah homogenized and subsequently Hinduized Nepal.⁴⁶ For example, Gellner argued that the ruling elite attempted to unify and homogenize

45 Bhattachan, 2003.

46 Bhattachan, *supra.* and Lawati, *op. cit.*

the country by encouraging different ethnic people to celebrate the Hindu festival of Dashain. Dashain is the biggest national festival in Nepal; it is celebrated by all the religious people, despite having their own festivals.⁴⁷ Even the indigenous people, who are mainly Buddhists, celebrate Dashain as a main festival. Ethnic activist Chemjong believes that the ruling elite started to celebrate Dashain to celebrate the victory over the various ethnic and indigenous rulers. According to Chemjong indigenous people were predominantly Buddhists and sacrificing animals was against their religion.⁴⁸ However, it became compulsory to kill an animal and make a handprint of blood on the wall of the houses proving that Dashain was being celebrated. The ruling elite played the role of 'watch dog' to check whether indigenous and other ethnic people had a handprint on their houses' wall or not. If there was no handprint of blood, the indigenous people were often punished says Chemjong. Conversion from Hinduism to Christianity was illegal until 1990. He further says that the constitution of 1990 banned proselytism, 30 persons were sentenced to jail in 1990 for attempting to convert people to another religion and about 200 cases were pending in different courts.

Since the beginning of the process of Hinduization, the ruling elite adopted the cow as a national animal. However, the cow was the major source of food for other ethnic groups in Nepal. Banning cow slaughter created a serious problem. The Sankritization process began with food practice: those eating cows were socially boycotted and treated like people belonging to a lower caste. Thus, cows played an important role in preserving the social and cultural hegemony for the ruling elite in the society.

Religious ethnocentrism is still pervasive in the Nepali society, which leads to the social exclusion of religious minorities. Hindu people still think they are superior (81 % of the people are Hindu) and more civilized (most Hindus consider Christianity as an uncivilized religion) compared to other religious groups of Nepal. Hindus treat Christians, Buddhists and Muslims unequally and often in a discriminatory way calling them 'gae khane manxe haru' meaning people who eat beef and pork. If a Christian or a Buddhist in a Hindu community eats beef by killing a cow, they would be sentenced to jail or socially boycotted. On 14 August 2014, Lakpa Tamang (an indigenous youth) was killed by police for slaughtering a cow and eating its meat.⁴⁹ This incidence shows how embedded religious practices are even among the police in the secular country of Nepal.

Christian people, even if they are Nepali, are often treated like second class citizens. Proselytism might be a Christian religious doctrine but Hindus ridicule Christians when they see them evangelize. Christians in a Hindu society cannot touch the personal belongings of Hindu people; since Christians are considered impure. Hindu people discriminate against Buddhists saying they are 'alcohol drinkers', because drinking alcohol is part of their culture: alcohol plays an important part during their

47 Gellner, 2010.

48 Chemjong, Dambar (2011, 14 October): Dashain ko Manabsatra. In: the *Kantipur*, A4–A6, 6.

49 For details please visit the site: <http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-118-2014>

funeral ceremonies and the festival called Losar. They are often treated by Hindus as an ignorant people. According to a Hindu religious doctrine the role of the Brahmin / Chhetri is to work as intellectuals, priests and scholars whereas indigenous people (who are Buddhists) should carry out physical work. This religious doctrine affected the socialization process of various castes and ethnic groups in Nepal, which ultimately lead to inequality between them. If someone from the Brahmin / Chhetri caste group does not have a good educational background or does not do well at school, the community and the parents will say 'you are like a Dalit and alcohol drinker'. Hindus, in most of the cases, consider Muslims as 'fundamentalists', 'terrorists' and 'violent'. Most Hindu people treat Muslims as second class citizens. In conclusion, religious stereotyping – explained above – leads to the social exclusion of the marginalized groups in Nepal. At present, Nepal is a secular state; however, the state has been giving priority to Hindu religious norms, values, costumes and symbols. For instance, according to Shrechan, the adoption of the Hindu Bikram Sambat as the official calendar is discriminatory against other religious groups.⁵⁰ It must be noted that some religious communities have been charged with the killing of the national animal: a cow. Justice is still executed according to Hindu ideology and the state is promoting Hindu religion which is discriminatory against other people.

3.3 The Debate of Inclusion

The sudden and unexpected dissolution of the CA of 2008 was a huge setback for Nepal's marginalized communities as they lost a historical opportunity to institutionalize social inclusion through the provisions of a new constitution. Still many challenges lie ahead to make the Nepali society more just, equitable and inclusive. In fact, the state's lack of sensitivity and the resistance of dominant groups are the main causes behind the setback. Therefore, it is essential to examine what views the dominant groups hold on inclusion while they are in the process of restructuring the state.

After People's Movement II, Nepalese people are making claims and counterclaims to secure their rights in the upcoming constitution. It is quite justifiable that the marginalized groups, who are currently excluded from the social, political and economic spheres, would like to be included. However, it is unjustifiable that those who are already part of the mainstream, demand more representation. Dominant groups are already thoroughly represented in the state apparatus whereas marginalized groups have extremely low representation. For example, the representation of the *Bahun*, *Chhetris* and *Thakuris* in the parliaments of 1991, 1994 and 1999 were 55.16% 62.9% and 59.9% respectively, whereas they comprise 30.5% of the population. But Dalit representation in the parliament of 1991 was very low – only one member was elected, while there was no Dalit member in the 1994 and 1999 parliaments. The indigenous population comprises 37.2 percent of total population; however, their representation in 1991, 1994 and 1999 was 25.2, 18.5 and 18.4 respectively. The *Madhesi* representa-

50 Serchan, Sanjaya, (2007): *Remaking the Nepalese State*. Kathmandu, Sefavan Pi.

tion was 8.7, 10.7 and 14.1 respectively. In addition, the woman population in Nepal is over fifty percent but their participation was very low (around five percent) till 1999. Regarding the representation of minority groups in the executive bodies and bureaucracy the data is even more shocking: indigenous (12%), Madhesi (5%) and Dalit (1.3%). Demanding equality, justice and an inclusive society may be relevant to these marginalized groups but not to dominant groups. For the inclusion of marginalized groups the state adopted a quota system after 1990, however, its implementation remained very weak and the marginalized groups could not benefit from it.

The reservation system in Nepal is essential for the development of Dalits, indigenous, “backward” and marginalized people. Nowadays, the reservation system is highly criticized by the dominant groups because they assume that the reservation policy does not support them and they will get excluded from government opportunities. People who are against the reservation system demand free competition in the government sectors. This argument is unacceptable. Reviewing the history of Nepal we could see how these marginalized groups got locked into a cycle of exclusion in terms of language, religion, region, caste and ethnicity. A study shows that dominant groups, at present, have high representation in state apparatus and they are dominant from a caste, language, religion and regional perspective. The reservation system may be beneficial for the marginalized groups. For instance, the reservation policy may help them obtain social, cultural, economic and political rights. Reservation is also the best way to educate people. Marginalized people will only be able to compete with dominant groups if they also receive higher education. This shows that the Nepali society is unequal in terms of language, religion, region and caste and ethnicity. It is unjust to treat the citizens equally when in fact they are unequal. This is why reservation is suitable in this case. Indeed, to increase the marginalized groups’ representation in the state apparatus, the reservation system must be upheld.

4. Conclusion

The term ethnicity is a burning issue in Nepal and it is closely related to identity politics. People in general are afraid when they hear the term ethnicity because the political elites put ethnicity in a negative light with the help of the media. Ethnicity refers to a group of people that has a common language, culture and attachments which they have been sharing for long decades. People within the group do not have fundamental differences; however, they have distinctive qualities to differentiate them from other groups. Examining ethnicity in Nepal, it can be argued that ethnicity is the product of an unequal relationship between state and citizens. Different forms of violence, domination and hegemony were imposed by the state over the marginalized groups during the Shah rule, the Rana Rule, the Panchayat system and after 1990. A new form of ethnicity emerged at this period and identity politics began to take form. For instance, in the Shah rule, the king PN Shah used violence against some ethnic groups. In the name of creating unity PN Shah neglected different minority languages. This demon-

strates that Hinduization in Nepal started during the Shah Rule. Similarly, by imposing the caste system, Janga Bahadur Rana Hinduized Nepal. He also used violence against the Limbus (an indigenous people from the Eastern part of Nepal) and some ethnic groups. The *Panchayat* system imposed the Hindu ideology on the state. The ideology to unite different ethnic groups through certain costumes, languages and regions is behind the Hinduization of Nepal. The People's Movement I brought some changes in Nepal, but the constitution of 1990 was discriminatory against different castes and ethnic people. It gave priority to dominant cultural practices; therefore, marginalized groups experienced exclusion. The Interim Constitution was the result of the People's Movement II, which was more inclusive of marginalized groups. The upcoming new constitution is also supposed to be written based on the provisions of the Interim Constitution but because of the resistance of political elites and the discriminatory process of state restructuring there is little possibility of getting an inclusive constitution.

Ethnic federalism could be the way to restructure Nepal. The state implemented a geographical federal model based on a unitary system, which failed. Ethnic federalism (non-territorial model) could be suitable for Nepal because it can give social, religious, cultural, linguistic and political rights to marginalized groups. The territorial federal model may not take into consideration the diversity of Nepal since dominant groups are overrepresented in the state apparatus. Ethnic federalism is a means of effective power sharing among all the ethnic groups. The reservation / quota system is the second most important way to include marginalized groups in the mainstream. Reservation is not only meant to change the economic situation of marginalized groups, it is also a way to provide recognition and social justice. Secularism is the third most important idea to make the Nepali society equal but it is improbable that secularism will be appear in the new constitution. The state has been giving priority to the dominant people's culture, that is why secularism is so important. The issue of secularism is associated with the idea of giving recognition. Everyone has the right to practice their religion and the state needs to support every religion equally. For an inclusive, democratic and just state, all disparities among Nepali citizens need to be eradicated.