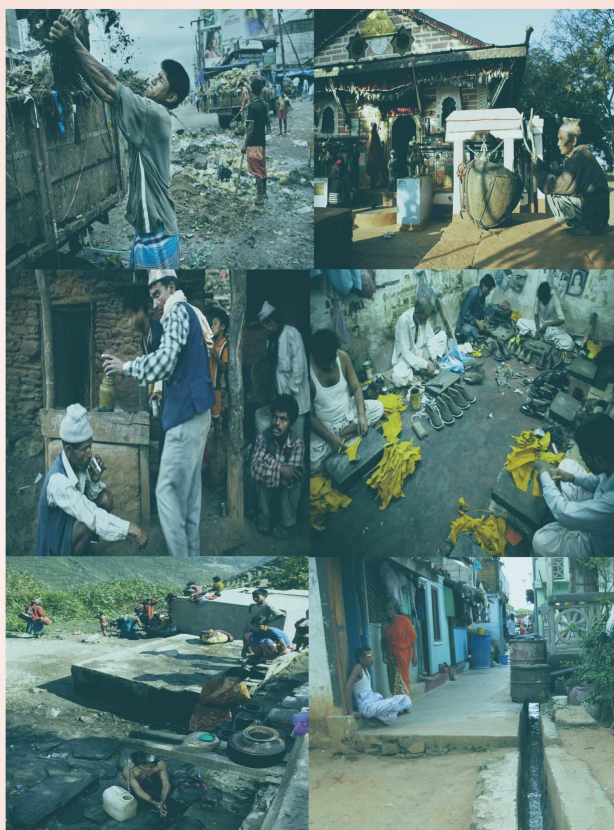


## **Caste-based Discrimination in South Asia: A Study on Nepal**



**Indian Institute of Dalit Studies  
Q-3, Green Park Extension  
New Delhi - 110 016  
2008**

## *IIDS*

*Established in January 2002, the Indian Institute of Dalit Studies (IIDS) has been undertaking researches on the development concerns of the marginalized groups and socially excluded communities. Over the last more than five years IIDS has carried-out a large number of studies on different aspects of social exclusion and discrimination of the historically marginalized social groups, such as the Scheduled Caste, Scheduled Tribes and Religious minorities in India and other parts of South Asia ([dalitstudies.org.in](http://dalitstudies.org.in)). In its endeavour to build data base on marginal groups for state policy and social action IIDS has been working with a wide range of national and international funding agencies and collaborates with a large number of scholars world over.*

## **Preface and Acknowledgements**

Indian Institute of Dalit Studies (IIDS) has been among the first research organizations to undertake studies on the development concerns of the marginalized groups and socially excluded communities. Over the last five years IIDS has carried out a large number of studies on different aspects of social exclusion and discrimination of the historically marginalized social groups, such as the Scheduled Castes, Scheduled Tribes and Religious minorities in India and other parts of South Asia.

This report is part of a regional research project on caste-based discrimination and constitutes an important landmark for us. For the first time researchers from five countries of South Asia have worked together to understand the nature and forms of caste-based discrimination in different political settings of Bangladesh, Nepal, Pakistan, and Sri Lanka. This comparative study brings out new information on the extent and nature of caste based discrimination and we hope it will open up new spaces for state policy and civil society interventions for making South Asia a more just and democratic region.

This report has been made possible by efforts of various individuals and institutions. First of all we would like to acknowledge the financial and intellectual support we received from the Danish Ministry of Foreign Affairs and International Dalit Solidarity Network (IDSN). We are particularly grateful to Ms Rikke Nöhrind for her support to the project. The steering committee of our advisors, Ghanshyam Shah, Sukhadeo Thorat and Martin Macwan, provided intellectual leadership and coordinated the entire work. Chittaranjan Senapati from IIDS worked hard to coordinate the work with different agencies.

A large number of researchers and organizations participated in carrying out studies in the four countries. I express my deepest thanks and gratitude to the scholars who undertook the painstaking work. Prof. Krishna Bahadur Bhattachan of Tribhuvan University coordinated the work in Nepal; Prof. Kalinga Tudor Silva of University of Peradeniya in Sri Lanka; Prof. Iftexhar Uddin Chowdhury of University of Chittagong in Bangladesh; and Senior Research Associate Zulfiqar Ali Shah of Pakistan Institute of Labour Education in Pakistan. It is their work that made this report possible.

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The four country reports are available at [www.dalitstudies.org.in](http://www.dalitstudies.org.in) and [www.idsn.org](http://www.idsn.org).

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## Executive Summary

This Nepal study is a part of the South Asian study on "Caste-based Discrimination in South Asia", facilitated by the Indian Institute of Dalit Studies (IIDS),

New Delhi, with support of the International Dalit Solidarity Networks (IDSN), Copenhagen, Denmark. The partner organizations of the Nepal study are the Nepal National Dalit Social Welfare Organization (NNDSWO) and the Dalit NGO Federation (DNF). The general objectives of the study is- firstly, to review the status and conditions of Dalits as revealed by various secondary sources, and secondly, to document empirical evidences of caste-based untouchability in Nepal. The study relies heavily on secondary sources and supplement information collected from primary sources. Fieldworks were carried out in 8 districts. Tools of data collection include field work, focus group discussions, observation, key informant interviews, and case studies. Draft report was discussed in a national consultation workshop organized in Kathmandu and the final report was disseminated in a regional seminar organized in Kathmandu, Nepal.

Nepal's caste-based discrimination is a part of the caste system of the Indian sub-continent that originated thousands of years ago. The National Code of Nepal, implemented in 1854 had divided all the Nepalese people into fourfold caste hierarchy: (1) "Sacred thread wearing" or "Twice-born", (2) "Liquor drinking", (3) "Touchable Low Castes", and (4) "Untouchables". The National Code of Nepal, 1963 remained neutral on the castebased untouchability; as a result, practices of untouchability remained unchanged.

Scores of terminologies, including derogatory words are used to refer to Dalits. According to the National Dalit Commission "'Dalit community' refers to the caste-community listed in Annex-1, who have been kept far behind in social, economic, educational, political and religious spheres and deprived of human dignity and social justice due to caste based discrimination and untouchability". Whereas the 'caste-based Untouchability' refers to any discriminatory practice against the community describing as water polluting, purification requiring etc., This also refers to the castes in the Nepali society or community, which were identified as untouchables by Muluki Ain ("National

Civil Code") before implementation of the National Civil Code of 1963." Dalit is a condition characterized by caste-based discrimination including untouchability. Therefore, the term should be used as long as such discrimination exists. There is no need to use this term when such conditions no more exist.

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

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

Caste-based untouchability and discrimination is practiced by non-Dalits against Dalits and also by "upper caste" Dalits against "low caste" Dalits. The data generated

from the field study revealed that current practice of caste-based untouchability is mostly concentrated in religious and socio-cultural sites. This includes denial of inter-caste marriages between non-Dalits and Dalits and "high" and "low" caste Dalits, entry into the Hindu temples, and eating food in festivals and wedding parties. Respondents belonging to 17 of the 18 Dalit castes interviewed said that if they touch water filled by non-Dalits, they throw out the water. Dalits belonging to 14 of the 18 Dalit castes still experience denial of inter-caste marriages and face humiliation during wedding parties as they have to eat separately from "high caste" people. The Dalits belonging to 6-7 Dalit castes experience denial of entry into the temples and to perform worship and get *prasads* (offering). The data indicates that untouchability is declining in health sector but it is yet to be eliminated. Denials of buying milk sold by Dalits are experienced by 11 of the 18 Dalit castes. In 7 of the 18 Dalit castes, 'high' caste Dalit boys are discriminated by their parents and relatives when they get married with 'low' caste Dalit girls.

Some major issues of Dalits have been incorporated in the Interim Constitution but many issues raised by the Dalit movement of Nepal are left out as usual. The Nepal Government has generally ignored to implement the positive constitutional rules strictly and effectively. Nepal is a signatory state to a number of international conventions regarding to the Dalits, but there are problems in its implementation. During 12 years (1990-2002) of parliamentary process, no legislation related to Dalits was tabled and passed. No government till now has initiated any effort to make laws against caste- based discrimination through the legislative body. Dalits' representation in the Interim Legislature-Parliament is only 5.4 percent as against the demand of the Dalit movement for proportional representation and special rights. Dalit scholars have identified 58 laws that are discriminatory against Dalits in terms of exclusion, untouchability, restriction and segregation.

Dalit Human Rights Organization (DHRO) carried out a sample baseline survey in the year 2005, to understand the trends of untouchability taken up by the police administration. The report revealed that about 46 percent of the total respondents were not aware of legal provisions on caste-based untouchability, 48 percent respondents opined that offence against Dalits are generally ignored, 74 percent of the respondents



had no idea about the procedure and where to go for the justice. Only 4.3 percent of the respondents said that they go to police administration. One-third of the respondents of the eastern parts of Nepal and 14.3 percent of the western parts of Nepal took initiative by collecting First Information Report (FIR) from the police.

Initiatives taken by the Nepal Government, international donors, and civil society organizations are found to be inadequate in making significant contribution in the elimination of caste-based discrimination including untouchability. Dalits' organizations are doing their best to secure, protect and promote Dalits' human rights.

All data reveals that the socio-economic status/condition of the Dalits is very low with compared to that of the other castes. Socio-economic condition of the Dalit women is worst than that of Dalit men and the condition of Madhesi (Terai) Dalit is even worst than that of Hill Dalits. Among all the Dalit caste groups, Kami, Damai and Sarki of the Hills are relatively better off than others; however, 65-68 percent of Kami, Damai and Sarki live below absolute poverty line. According to the Nepal Living Standard Survey 2003-04, the Terai Dalit has the highest rate of incidence of poverty, which is 49.2 percent, followed by the Hill Dalits with 44.9 percent. Illiteracy is rampant among Dalits and very few have received higher education. Landlessness is high among the Dalits. About 85 to 90 percent of the Madhesi Dalits are landless. Among the Musahar, only 3 to 5 percent of them may have a piece of land. 44.2 percent of Dom are landless, followed by Gandarva with 41.2 percent, and Dusadh and Dhobi with 33.3 percent each. A survey study conducted by the National Dalit Commission in six districts shows that 74.14 percent of the Dalit households do not own land. The Dalit households, who live in government land, are popularly known as *Ailani Jagga* ("public land"). It is highest in Kailali with 50.03 percent and lowest in Mahottari with 19.36 percent. Ownership of both irrigable and dry land is least among the Dalits (2.05 Ropanis of irrigable and 4.76 Ropanis of dry land).

A majority of the Dalit households have food deficiency. The percentage is highest in the mountain area with 89.66 followed by 56.73 in the Hills and 53.61 in the Terai. The Dalits comprise 60.4 percent of the total wage labourers. It is found during

field study that the Dalit women belonging to 8 of the 18 Dalit castes are discriminated and exploited by the non-Dalits and they are paid low wages. As agricultural labor they are paid less than their men and non-Dalit counterparts. The non-Dalits give heavy and dirty works to Dalits belonging to 4 of the 18 Dalit castes. Division of labour is discriminatory against Dalit women. Both "high caste " and "low caste"/ Dalit women spend more time in the farm and domestic works than their men counterparts. The time spent by the Dalits women is more than their 'high' caste women counterparts. The Dalits are discriminated not only in labor market but also in factory and consumer markets, and while accessing common property resources.

Except a single Dalit member in the House of Representatives in 1991, there was no representative of Dalits in the House in General Elections of 1994 and 1999. The Dalits representation in executive body of the state is not better than in the legislative body. Dalits' contribution or representation is almost negligible in leadership, scientific and professional organizations, civil society organizations, human rights organizations, media, councils, industrial, commercial, corporate sector and district administration. Dalits are invisible in central committees of all political parties.

Dalits are invisible in integrated index of governance. Of the total 1,011 leadership positions in judiciary, constitutional bodies and commissions, Council of Ministers, public administration, legislature-parliament, political parties, DDC presidents, municipality, industry and trade, education, culture, science and technology and civil society sector, the representation of the Dalits is 0.3 percent only. Dalits representation in VDC level chapters of political parties is 3.2 percent.

The Local Self -Governance Act of 1999 makes commitment in its preamble to increase participation of Dalits. An analysis of the 1997 election results revealed that of the total 735 VDC Chairpersons, Dalits constituted only 1.63 percent. Of the 116 Mayors and Deputy Mayors elected during the elections of Municipalities in 1997, no Dalit was elected out of total elected 823 DDC members.

The literacy rate of Dalits was 17 percent in the census of 1991 and it has doubled to 33.8 percent in the census of 2001. The national average of S.L.C. education and above

education is 17.6 percent, but Dalits's average is 3.8 percent only. National average of Bachelor and above degree is 3.4 percent, but it is 0.4 percent in case of Dalits. The reasons behind the low enrollment and drop out of the Dalits include caste-based discrimination, socio-economic problems and prejudice against them. Respondents belonging to 3 of the 18 Dalit castes reported that the Dalit students are denied of eating together by the non-Dalit students. Similarly, respondents belonging to 4 of the 18 Dalit castes reported that the non-Dalit students do not allow them touching food, water and body by saying that "they carry untouchable things with them." The students belonging to 6 of the 18 Dalit castes have reported that teachers make derogatory remarks, against them in the class. Some Dalits reported that teachers force the Dalit students to sit separately in back benches and deprive them from using educational materials and equipment, and to participate in sports and extracurricular activities. The non-Dalits teachers also show no respect to the Dalit teachers.

Citing publications of Human Rights Watch, the Center for Human Rights and Global Justice noted, "clear denial of landownership to Dalits in an agrarian country like Nepal has resulted squatters and bonded labourers". There are two main reasons for existence of the Haliya system. These are: (1) caste-based division of labour, and (2) debt bondage. Robertson and Mishra list ten reasons for perpetuation of bonded labours, including *Haliya*. These are: the feudal legacy, *Birta* ("grant") land, *Jagir* ("land for remuneration") and *Rakam* land, *Zamindars* ("landlord"), failure of land reform, marginalization and landlessness, indebtedness, debt farming, discrimination and division.

The Dalit women experience gender discrimination from their men counterparts. Dalit women have either limited or no access to and control over resources such as land, house, jewellery, and cash. Unfortunately, Dalit women experience physical and psychological violence, such as battering, rape and verbal abuse. Gender discrimination in Madhesi community is even more severe than among the women belonging to Hill castes, including Hill Dalits. Min Viswakarma has mentioned problems related to two types of inter-caste marriage (a) between Dalit girls and non-Dalit boy, and (b) Dalit girl and Dalit boy. Dowry, *purda*, domestic violence and suicide are some of the problems faced by Dalit women. Also there is linguistic discrimination against Madhesi Dalits.

Caste-based discrimination is practiced, though with low intensity in other religious groups.

Some of the key priorities areas for in depth research and advocacy indeed are land rights, housing, and proportional representation at all levels and special rights. Caste-based discrimination, including untouchability, could be eliminated by synchronized concerted efforts from all stakeholders, including the Nepal Government, political parties, media, civil society organizations, Dalits' rights movement, and international organizations, including the United Nations, multi-lateral and bilateral organizations, INGOs and advocacy organizations.

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## Abbreviations

ADB	Asian Development Bank
ASIP	Annual Strategic Implementation Plan
B/C	Brahmin/Chhetry
Bdr.	Bahadur
CAP	Country Assistance Paper
CBO	Community Based Organization
CBS	Centre Bureau of Statistics
CCO	Canadian Cooperation Office
CDO	Chief District Officer
CEP	Community Enabling Programme
CHRGJ	Center for Human Rights and Global Justice
CNP-UML	Communist Party of Nepal-Unified Marxist and Leninist
CPN-M	Communist Party of Nepal-Maoist
CRC	Convention on Child Rights
CTEVT	Council for Technical and Vocational Training
DACAW	Decentralized Action for Children and Women
DAG	Disadvantaged Group
Danida	Danish International Development Assistance
DAS	Dalit Awareness Society
DCBSP	DNF Capacity Building Support Project
DDC	District Development Committee
DDL	Dalit, Development and Law
DfID	Department for International Development
DHRO	Dalit Human Rights Organization
DNF	Dalit NGO Federation
DoE	Department of Education
Dr.	Doctor of Philosophy
DWO	Dalit Welfare Organization
EC	European Commission
EDC	Ethnic Development Centre

EFA	Education for All
ESP	Enabling State Programme
EU	European Union
FEDO	Feminist Dalit Organization
FIR	First Information Report
GB	The Great Britain
GoN	Government of Nepal
GSEA	Gender and Social Exclusion Assessment
GTZ	German technical Cooperation
HDI:	Human Development Index
HELVETAS	A Swiss NGO
HoR	House of Representative
HRTMCC	Human Rights Treaty Monitoring Coordination Committee
HRW	Human Rights Watch
ICERD	Convention on the Elimination of All Forms of Racial Discrimination
IDSN	International Dalit Solidarity Network
IDSN	International Dalit Solidarity Networks
IGA	Income Generating Activity
IIDS	Indian Institute of Dalits
ILO	International Labor Organization
INGO	International Non Governmental Organization
INSEC	Informal Service Centre
JCSM	Jana Chetna Sarokar Manch
JICA	Japanese International Cooperation Agency
JMC	Jagaran Media Centre
JUP	Jana Utthan Pratishtan
LACC	Legal Assistance and Consulting Centre
LANCAU	Lawyers National Campaign against Untouchability
LLINK	Linking Local Initiatives and New Know-how
LSG	Local Self- Governance
LWF	Lutheran World Federation
MDG	Millennium Development Goals
MoES	Ministry of Education and Sport
MOH	Ministry of Health

MP	Member of Parliament
MS Nepal	Danish Association for International Cooperation):
N/A	Not Available/Not Applicable
NC	Nepali Congress
NCARD	National Coalition Against Racial Discrimination
NC-D	Nepali Congress-Democracy
NDC	National Dalit Commission
NER	Net Enrollment Rate
NESAC	Nepal South Asia Center
NEW ERA	A private consultancy firm
NGO	Non-Governmental Organization
NHRC	National Human Rights Commission
NNDSWO	Nepal National Dalit Social Welfare Organization
NNSWA	Nepal National Social Welfare Association
No.	Number
NORAD	Norwegian International Development Cooperation
NPC	National Planning Commission
NRs.	Nepalese Rupees
NSP-A	Nepal Sadbhawana Party- Anandadevi
OCUC	Oppressed Community Upliftment Center
PAF	Poverty Alleviation Fund
PF-N	People's Front Nepal
PIL	Public Interest Litigation
PRSP	Poverty Reduction Strategy Paper
RDIF	Rights Democracy and Inclusion Fund
RDN	Rastriya Dalit Network
RPP	Rastriya Prajatantra Party
S.L.C.	School Leaving Certificate
SAATHI	A NGO working against violence against women
SAFE	Social Awareness For Education
SAMAGRA	Holistic Development Center
SCDF	Saraswati Community Development Forum
SCN	Save the Children Norway
SCUS	Save the Children US

SDC	Swiss Development Cooperation
SLF	Sustainable Livelihood Forum
SMC	School Management Committee
SN	Serial Number
SNV	The Netherland's Development Cooperation
SPA	Seven Parties' Alliance
TAF	The Asia Foundation
UNCERD	United Nations Committee on the Elimination of Racial Discrimination
UN	United Nations
UNDP	United Nations development Program
UNESCO	United Nations Educational, Social and Cultural Organization
UNICEF	United Nations International Children's Fund
USAID	United States Assistance for International Development
UTJBP	Udpidit Tatha Janajati Bikash Parishad
VDC	Village Development Committee
VSO	Volunteer Service Organization

## Section I

### 1.1 Context in Nepal

Although the Census of 2001 shows that the Dalit population comprises about 15 percent of the total 22.3 million population of Nepal, Dalit intellectuals and activists believe that the figure was under-enumerated (See Annex-A-Table 1; Table-2). Dalits are the only group who has been treated most inhumanly by the so-called 'high castes' through caste-based discrimination, including untouchability. Untouchability refers to avoidance of physical contact with persons because of Hindu beliefs relating to pollution of human beings. Dalits are the least studied groups in Nepal. Nepalese scholars, including Dilliram Dahal, Bidhyanath Koirala, Khagendra Sharma, Gyanu Chhetri, Hari Bansha Jha, Jasmine Rajbhandary, Gita Karki, Yogendra Bahadur Gurung, and Krishna B. Bhattachan have done some field research on caste-based untouchability and social and economic conditions of the Dalits. Prominent Dalit researchers include Hira Viswakarma, Chakraman Viswakarma, Yam Bahadur Kisan, Bimal Viswakarma, Lumasingh Viswakarma, Ratna Bahadur Bagchand, Tek Tamrakar, Subas Risal, Purna Nepali, Kamla Hemchuri, Ranju Thakur, Durga Sob, Ambika Gajmer, and Pabitra Sunar. A. W. McDonald, Carol Tingey, Mary M. Cameron and other foreign social scientists have also done studies on Dalits. Till now, Dalits, non-Dalits and foreign scholars have not paid enough attention to study in detail the issue of untouchability in Nepal with empirical evidences. The first ever empirical study was carried out by a research team of Action Aid, Nepal in 2001 and its finding was published in 2003 in the form of a book- "Existing Practices of Caste-based Untouchability in Nepal and Strategy for a Campaign for its Elimination." The study was carried out in four Village Development Committees and four Municipalities. There is indeed a need to carry out research in other areas also to know the extent to which these Dalits (22 Dalit castes identified by the National Dalit Commission) are discriminated. The study had revealed practices of about 205 different types of caste-based discrimination against Dalits in Nepal. Practice of untouchability is one of the very serious crimes against humanity and a serious violation of human rights



as well. Indeed, its existence is a mockery of human dignity, democracy, equality, inclusion, and social justice.

## **1.2 Objectives**

The general objective of the study is to review status/conditions of Dalits as revealed by various secondary sources and also to document empirical evidences of existing practices of caste-based untouchability and discrimination in Nepal.

The specific objectives are as follows:

A) To review the status and conditions of Dalits:

- a) To briefly review forms, nature and intensity of the existing practices of caste-based untouchability as revealed in different secondary sources;
- b) To briefly review social, cultural, religious, political, and economic conditions of Dalits as revealed in different secondary sources.

B) To find out empirical evidences of caste-based discrimination:

- a) To identify the forms, nature and intensity of the existing practices of caste-based untouchability in each of the 22 Dalit castes identified by the National Dalit Commission; and
- b) To examine the effects of the existing practices of caste-based untouchability on Dalit men, women and children.

## **1.3 Research Methodology**

The study is a mix of both qualitative and quantitative data. Quantitative information indeed supplements and complements qualitative information. The Nepal research team worked in close contact with IIDS, New Delhi, for necessary inputs, suggestion, help and support as needed.

### *Sources of Information*

The study relies heavily on secondary sources and supplement information collected from primary sources.

**1.3.1 Secondary Sources:** The volume of information and research on Dalit communities, Dalit movement and some specific issues related to caste-based discrimination is growing in Nepal (See Reference). There are many published and unpublished works by Dalits, non-Dalit Nepalese and some foreigners in Khas Nepali and/or English languages. Secondary sources have been extensively used in this study. Therefore, available literature were reviewed and analyzed. Secondary sources relating to Dalit issues focused on caste-based discrimination include:

- Books published in Nepali and English from Nepal and abroad,
- Journal articles published in Nepali and English (national and international),
- Government documents, publications and reports,
- Publications/Reports prepared by Dalit and Non-Dalit Organizations and donors, including bi-lateral, multi-lateral and INGOs,
- Unpublished papers presented in seminars, workshops and interaction programs,
- Dissertation (Doctoral and Master's thesis), and
- News and views in national and alternative media.

**1.3.2 Primary Sources:** Information gathered and analyzed from secondary sources are supplemented and complemented by information from primary sources.

**1.3.3 Sample:** Sample districts were decided by the research team in consultation with selected Dalit scholars and activists and sample VDCs and/or municipalities for empirical studies were decided by a consultative meeting with selected Dalit and non-Dalit scholars and activists in the respective districts (Table 1.1). Within a VDC, mixed settlements were selected for the field study. Due to violent activities and strikes, in the Terai region, fieldwork in Siraha and Saptari was cancelled. Out of 22 Dalit castes, Sarvanga and Sarbariya were the same Dalit castes; Sarvanga is considered to be derogatory. Kakahiya could not be located in spite of consultation with leading Dalit organizations, leaders and scholars. Kori (Koiri) was left out due to adverse political

situation at the end of the fieldwork. Hence, 18 Dalit castes were covered during fieldwork for this study.

**Table 1.1 Districts Numerously Populated by Hill and Madhesi Dalits and Tentative Sample Districts District**

S.N	Caste	Most numerously populated districts	Sample		
			District	VDC	Municipality
<b>HILL DALITS</b>					
1.	Gandarva/Gaine	Kaski, Gulmi, Arghakhanchi, Salyan	Kaski	-	Pokhara Sub-Municipality
2.	Pariyar/ Damai	Accham, Kailali, Kaski, Jhapa, Dang, Surkhet	Dadeldhura	-	Amargadhi Municipality
3.	Badi	Surkhet, Bardia, Dang, Jajarkot, Kailali, Banke	Banke	-	Nepalgunj Sub-Municipality
4.	Viswakarma / Kami	Bajura, Darchula, Bajhang, Mugu, Jumla, Mustang, Mustang, Accham, Dailekh, Jajarkot, Doti, Rukum, Baitadi, Rolpa, Salyan, and Dadeldhura	Dadeldhura	Manilekh VDC	-
5.	Sarki	Gorkha, Dhading, Kaski, Baglung	Kaski	Kaskikot	-
<b>MADHESI DALITS</b>					
6.	Khatik	Saptari	Banke	Samsanganj VDC	-
7.	Khatbe	Saptari, Dhanusa, Mahottari	Morang	Hattimauda VDC	-
8.	Chamar	Siraha, Rupandehi, Dhanusha, Parsa, Bara, Nawalparasi, Rautahat, Kapilvastu	Mahottari	Simardahi VDC	-
9.	Chidimar	Kapilvastu, Jhapa	Banke	Samsanganj VDC	-
10.	Dom	Saptari, Siraha	Parsa	Janakitola VDC	-
11.	Tatma	Dhanusa, Rautahat, Siraha	Morang	Budhnagar VDC	-
12.	Dusadh (Paswan)	Sarlahi, Siraha, Dhanusha, Bara, Rautahat	Mahottari	Pipra VDC	-
13.	Dhobi	Saptari, Rautahat, Rupandehi, Kapilvastu,	Morang	Budhnagar VDC	-
14.	Pattharkatta	Banke, Nawalparasi	Banke	Indrapur VDC	-
15.	Pasi (Paswan)	Siraha, Saptari	Banke	Paraspur VDC	-
16.	Bantar	Morang, Saptari, Sunsari, Mahottari,	Sunsari	Tanbuna VDC	-
17.	Musahar	Siraha, Saptari, Morang, Sunsari, Dhanusha	Mahottari	Simardahi VDC	-
18.	Mestar / Halkhor	Parsa, Dhanusa, Rautahat	Parsa	Birgunj	-
19.	Sarvanga / Sarbariya	Saptari	Parsa	Birgunj	-
20.	Kaluwar	Siraha, Saptari	No consultation due to difficulty in extending fieldwork in Terai		
21.	Kori (Koiri)	Siraha, Saptari, Sunsari			
22.	Kakahiya	N/A (Kapilvastu)	Location could not be identified		

### ***1.3.4 Tools of Data Collection***

**1.3.4.1 Field Work:** Field work was carried out in the months of November and December, 2006 to collect information on caste-based untouchability and discrimination from primary sources (See Annex-B for Fieldwork schedule; Annex-C for List of people met). The research team comprising team leader and, two team members was assisted by a field research associate and local field research assistants. The research team spent 24 days in the field. Information on existing practices of caste-based discrimination was collected primarily through focus group discussions and observations in the communities. Information collected from these sources has been supplemented by information collected through key informant interviews and case studies. Dalit respondents themselves decided on whether untouchability is practiced or not. The study was conducted on their own perception and information provided about existing practices of untouchability.

**1.3.4.2 Focus Group Discussion:** The following numbers of focus group discussions were conducted on 6-8 Dalits in each VDC/Municipality to collect information about existing practices of caste-based discrimination and its effects.

Dalit men, women, NGO workers, political leaders and	
Recent victims/survivors of caste-based discrimination	– 1
Local Non-Dalits, and political leaders	– 1
NGOs and Donor Organizations working in the district	– 1

**1.3.4.3 Observation:** Observation sheet was used to find out whether caste-based untouchability is practiced, not practiced, or not clear. One observation sheet was used in one VDC/Municipality.

**1.3.4.4 Key Informant Interviews:** The following key informants were interviewed to generate information on specific issues:

- Knowledgeable Dalits and non-Dalits; and
- Recent victims and their perpetrators of caste-based discrimination

**1.3.4.5 Case Study:** Stories of relevant interesting cases were collected.

***National Consultation Workshop:*** A preliminary draft of this report was presented and discussed in a national consultation workshop organized by the Dalit NGO Federation (DNF) in Kathmandu. Representatives of various Dalit organizations, Member of Parliament, human rights organizations, researchers, International Dalit Solidarity Network (IDSN), and Indian Institute of Dalit Studies (IIDS) participated in the workshop and provided very useful inputs to enrich the study. The draft has been revised accordingly.

## Section II

### Untouchability and Descent-based Discrimination

This chapter focuses on caste system, definition and identification of Dalits, Dalit sub-castes and traditional occupations, population of Dalits, religion, and numerical and geographical locations of the Dalits.

#### 2.1 Genesis of Untouchability in Nepal

Societys is stratified mainly in two ways: (a) status and (b) class. According to Max Weber, status is related to honor and privilege and class with economic order. Race or Varna, caste and ethnic group belong to status strata. Estate and social class belongs to class strata. Varna is a category and caste is a group. There are four Varnas, namely, Brahman, Kshetriya, Vaisya and Sudra. Yam B. Kisan, a leading Dalit scholar of Nepal, has listed nine different theories on the emergence of caste system in Indian sub-continent. These are:

- (i) Traditional theory that traces origin of Varna in the Purush Sukta of the Rig Veda
- (ii) Religious theory (superior and inferior religions)
- (iii) Economic theory (haves and have nots)
- (iv) Racial theory (Aryans versus non-Aryans)
- (v) Evolutionary theory (descent based community with expanded division of labour in a settled agriculture community)
- (vi) Criminal theory (criminal acts and immoral activities, including immoral sexual relations)
- (vii) Functional theory (occupational division of labour), (viii) Sanskritization (upward caste mobility) and
- (ix) Social division theory (social division in different groups) (Kisan 2005:7-10).

He has mentioned five bases for the emergence of the Varna system. These are: (a) Purush Sukta, (b) color, (c) occupation, (c) personal characteristics, and (d) heredity (Kisan 2005: 14-24). He has also listed six reasons for the emergence of Shudras. These are: (a) non-Aryan slaves and those vanquished in battle, (b) Aryan non-conformists,

Aryan enemies, (c) inter-marriage, (d) progeny, and (e) occupation and powerlessness (Kisan 2005: 25-27). Twenty five hundred years ago Gautam Buddha fought against caste-based discrimination, including untouchability, in the Indian sub-continent.

Nepal's racial composition is made of four races: (1) Mongoloid, (2) Caucasoid, (3) Dravid, and (4) Proto-Australoid. Indigenous peoples belong to Mongoloid, Dravid and Proto-Australoid racial groups. Brahman/Bahun, Kshyatriya/Chhetri, Vaisya and Sudra/Dalit, and Muslims belong to Caucasoid racial group. According to Chakraman Viswakarma, a leading Dalit scholar, Dalits originated from Dravid and other racial groups as well.<sup>1</sup> Nepal's caste system is a part of the caste system of the Indian sub-continent that originated thousands of years ago. According to Ulrik H. Johansen (2002: 8), "Hinduism was introduced to the area, today known as Nepal in the eleventh century, when a massive migration followed the Muslim conquests in Northern India. Until then the population consisted of the ethnic groups '*Janjatais*' embracing Bonist, Buddhist and animistic traditions and beliefs." According to Dilli Ram Dahal *et al.* (2002:5), "...the genesis of caste system can be traced more accurately from the reign of King Jayasthiti Malla in the context of Kathmandu Valley and with the introduction of the Old Legal Code of 1854 in the context of Nepal as a whole." They further writes, "...the present Dalit population of Nepal could be the mixture of two distinct groups of people; (i) "a group of people who originally came to Nepal from India along with other Hindu caste members," and (ii) "the "made" Dalit group from the illegitimate sexual relations" (Dahal *et al.* 2002:6).

During fieldwork, Dalit respondents mentioned several reasons for cast-based discrimination, like tradition, custom of marriages within caste, older generation, social, economic and political supremacy of Bahun-Chetris, illiteracy, weak economy of Dalits, Dalit insensitive government plans, policies and programs, and conservative attitude of the individuals.

In Nepal, caste system began to develop with the restructuring of the Newar society of the Kathmandu Valley by King Jayasthiti Malla in the 14<sup>th</sup> century. The Newars were divided into 64 castes, based on the division of labor or occupation as suggested by five Brahman experts invited from northern India. Later, with the growing

influence of Indian caste system, it evolved into hierarchical structure creating Dalits such as Poda, Chyame, Kusule, and Kasai among the Newars. King Ram Shah further strengthened the caste system in Nepal. King Prithvinarayan Shah, who unified Nepal territorially, considered Nepal as “*Asali Hindustan*” (“Real India”) and also as a “garden of four castes and thirty-six varnas.” Prime Minister Junaga Bahadur Rana, the founder of 104-year long autocratic Rana rule, promulgated the *Muluki Ain* (“National Code”) of Nepal in 1854. This was the maiden law introduced in Nepal and all legal provisions were designed on the basis of caste system. This National Code legally incorporated indigenous people and also Muslims under the caste system. However, it did not follow the classical fourfold Varna model. Instead it adopted fourfold caste hierarchy. These are as follows:

1. *Tagaddhari* (“Sacred thread wearing” or “Twice-born”)
  - Upadhyaya Brahmins
    - ◊ Purbiya
    - ◊ Kumai
  - Rajputs
  - Jaisis
  - Chetris
2. *Matawali* (Liquor drinking)
  - *Namasine* (“Unslavable”)
  - *Masine* (“Slavable”)
3. *Pani nachalne choi chhito halnu naparne* (“Water unacceptable but no purification required, if touched” or “Touchable Low Castes”)
4. *Pani nachalne choi chito halnu parne* (“Water unacceptable and purification required, if touched” or “Untouchable Low Castes”)

Indigenous people of Nepal have no system of caste-based untouchability. However, their incorporation with the legal framework of caste hierarchy forced them to practice caste-based discrimination, including untouchability in everyday life. Hence, those indigenous peoples who came close to the rulers or went through the process of Hinduization or Sanskritization were compelled to practice it.



General features of caste system include (a) four fold Varna model, (b) ascriptive status, (c) hierarchical, (d) purity and pollution of water, food and body, (e) castes-based on division of labour, and (f) endogamy. In Nepal, the fourfold Varna is still in practice in the Terai region, but not in the Hills. In the Hill region, “Brahmans” are called “Bahuns”, “Kshyatriyas” as “Chhetris” and “Sudras” as Dalits. There is no presence of Vaishyas in the Hills. All other features remain same in the both regions.

According to Yam Bahadur Viswakrama and Chakraman Viswakarma, “King Mahendra did not abolish caste-based untouchability by amending the *Muluki Ain* (National Code of Nepal) in 1963, because the amended code was indeed neutral towards it.”<sup>2</sup> As a result, caste-based untouchability remained unchanged. After the People’s Movement-I of 1990 and People’s Movement-II of 2006, Prime Minister, Cabinet and Parliament/Legislature passed several resolutions to abolish it, but its practice remain unchanged. According to a DfID report, , “The practice of untouchability appears to have decreased in public places across the assesment districts [Rolpa, Rukum, Dang, Sindhupalchowk and Ramechhap]” (Mukta S. Lama-Tamang *et al.* 2003: 23).

## **2.2 Who are the Dalits?**

The root of the word ‘Dalit’ is a Sanskrit word ‘*Dal*’, which means, “to split, crack or open.” ‘Dalit’, according to *Nepali Brihad Sabdakosh*, a dictionary of Khas-Nepali language, means "things or persons who are cut, split, broken or torn asunder, scattered or crushed and destroyed." Other meanings of “Dalit” include people “sunk in the swamp” or people deliberately “exploited”, “oppressed”, “violated” and “destroyed.” Both Dalits and non-Dalits in India and Nepal have disputes over the definition and identification of Dalit. Dalit had different names in the past with compared to present. Historically, the "high caste" people of India used insulting words as synonyms for Dalits, that include *Dasa* (“slave”), *Dasysa*, *Raksasa* (“monster”), *Asura* (“devil”), *Avarna*, *Nisada*, *Panchama* (“fifth varna”), *Chandala*, *Harijan* (“god’s people”) and *Acchut* (“untouchable”). During the British colonial rule in India, the rulers referred these people as “the depressed classes” and as “the Scheduled Castes” after independence of India.

In Nepal, common people, rulers and rights-based activists use the term in different ways indicating that there has been politics in the definition of the term Dalit. In the past, common people referred them with many derogatory terms in Khas Nepali language. They are "*paninachalne*" ("water polluting"), "*acchoot*" ("untouchables"), "*avarna*," "*doom*," "*pariganit*," "*tallo jat*" ("low caste"), "*Harijan*" ("god's children") etc. The official documents of the Nepal Government non-governmental and other development organizations use vague terms such as "*uppechhit*" ("ignored"), "*utpidit*" ("oppressed"), "*pacchadi pareka*" ("lagging behind"), "*bipanna*" or "*garib*" ("poor"), "*nimukha*" ("helpless"), "*simantakrit*" ("marginalized"), "*subidhabata banchit*" (disadvantaged), "*alpasankhyak*" ("minorities"), and "*banchitikaranma pareka*" ("excluded") etc. Similarly, international aid agencies, including INGOs, use terms such as "poor," "disadvantaged," "downtrodden," "oppressed castes," "exploited social group," "low caste," "minorities," "excluded group" and so on.

In all the seminars, workshops and other interaction programs, often some participants raise questions on the appropriateness of the word Dalit. Some Dalits who are unaware about the trend of Dalit movement and many non-Dalits, including human rights activists criticize the use of the word Dalit. They suggest identifying themselves as their respective caste. In both Nepal and India, however, use of the term Dalit is very recent and it symbolizes a struggle for recognition of self-identity, abolishing the cast discrimination and creation of an egalitarian society. Therefore, in spite of suggestions from many non-Dalits, Dalit movements identify themselves as Dalits and Dalit leaders and activists strongly believe that no other terms do justice and depict the reality of the Dalits in Nepal.

In the National Dalit Commission's Proposed Bill, 2003, it is stated (NDC 2004: 239):

'Dalit community' refers to caste-community listed in Annex-1, who have been kept far behind in social, economic, educational, political and religious spheres and are deprived of human dignity and social justice due to caste-based discrimination and untouchability.

The Commission further states,

‘caste-based untouchability’ refers to any discriminatory practices against the community as water polluting, purification requiring, castes in the Nepali society or community that was identified as untouchables by Muluki Ain (“National Civil Code”) before implementation of the National Civil Code of 1963.

One of the key recommendations to improve the understanding of the Dalits, a report prepared by DFID and The World Bank is, “A lingering hesitation to use the term “Dalit” or to name caste-based discrimination head-on-and a preference for euphemisms only serves to confuse issues pertaining to Dalit rights. The term “Dalit” should be accepted universally [Emphasis ours] (DFID & the World Bank 2006:59). Dalit is a condition characterized by caste-based discrimination including untouchability. Therefore, the term should be used as long as such discrimination exists. There is no need to use this term when such a condition no more exists.

### **2.3 Identification of “Dalit”**

Identification of Dalit castes depends on the definition of Dalits. Alexander Macdonald (1984:282) has cited a list of untouchable castes identified by the Muluku Ain (“National Code”) of Nepal (see Gorakhpatra Press 1952:207). It identified two categories of Dalits, which are as follows:

A) Castes from whom water is not acceptable, but contact with whom does not require purification by sprinkling of water are:

Musalman	Dhobi
Madheska Teli	Kulu
Kasai	Mleccha
Kusle	Cudara <sup>3</sup>

B) Castes from whom water is not acceptable and contact requires purification by sprinkling of water as well are:

Sarki	Damai
Kami	Gaine
Sunar	Badibhad

Cunara<sup>4</sup>

Pode

Hurke

Cyamakhalak

*Uppechhit, Utpidit ra Dalitbarga Utthan Bikas Samiti* (“Ignored, Oppressed and Dalitclass Upliftment Development Committee”) established in 1996 under the Ministry of Local Development of the Nepal Government has identified 22 Dalit castes. These are: (1) Lohar, (2) Sunar, (3) Kami, (4) Damai, (5) Kasai, (6) Sarki, (7) Badi, (8) Gaine, (9) Kusule, (10) Kuche, (11) Cyame, (12) Pode, (13) Chamar, (14) Dhobi, (15) Paswan (Dusadh), (16) Tatma, (17) Batar, (18) Khatbe, (19) Musahar, (20) Santhal, (21) Satar, and (22) Halkhor. There are three main problems in such identification. These are: (a) Nepal Government has already listed Satar/Santhal as one of 59 indigenous nationalities of Nepal and Satar and Santhal is the same indigenous nationalities; (b) Kasai, Kusle, Cyame and Pode belong to the Newars; (c) in some cases same Dalit castes are repeated, e.g. Lohar, Sunar and Kami belong to Visakarma caste; and (d) many Dalit castes are left out in the list.

The National Dalit Commission has rectified these problems and tentatively identified the following 22 Dalit castes in its annex-1 as mentioned in the definition:

(A) Hill origin

1. Gandarva (Gaine)
2. Pariyar (Damai, Darji, Suchikar, Nagarchi, Dholi, Hoodke)
3. Badi
4. Viswakarma (Kami, Lohar, Sunar, Wod, Chunara, Parki, Tamata)
5. Sarki (Mijar, Charmakar, Bhool)

(B) Madhesi origin

6. Kalar
7. Kakaihiya
8. Kori
9. Khatik
10. Khatbe (Mandal, Khanka)
11. Chamar (Ram, Mochee, Harijan, Rabidas)

12. Chidimar
13. Dom (Marik)
14. Tatma (Tanti, Das)
15. Dusadh (Paswan, Hajara)
16. Dhobi (Hindu Rajak)
17. Pattharkatta
18. Pasi
19. Bantar
20. Mushar
21. Mestar (Halkhor)
22. Sarvanga (Sarbaraiya)

According to the NDC, Kapali, Khadgi, Deula, Kuche and Dhobi communities belonging to the Newar community have been dropped in the list as per their demands that they no longer belong to the Dalits and that they are the Newars. Leaders and activists of these communities contest and dispute on whether they are Dalits or the Newars. Such dispute could be resolved through right to self-determination by respective communities. It should also be noted that the list prepared by NDC does not reflect internal caste hierarchy within the Dalits.

A report prepared by DFID and The World Bank states:

“No national exercise has been conducted for scheduling all castes and Janajati groups to produce a universally accepted list of Dalits and non-Dalits. Several ministries use their own lists, and international agencies and national NGOs remain confused about which castes should be counted as “Dalit” and which do not. A consensus list that could be adopted by all government offices should be prepared in collaboration with the National Dalit Commission” (DFID and the World Bank 2006:59).

During the fieldwork, the study team found that the list still needs correction on the following:

- Pattharkatta is also known as Kuswadia. They are listed as one of the 59 indigenous nationalities of Nepal. The Nepal Federation of Indigenous Nationalities, an umbrella organization of the indigenous nationalities of Nepal has affiliated their organization with them. They showed documents and declined to interview as Dalits.
- Kalar and Sarvanga or Sarbaraiya is said to be the same caste implying a need for further study to determine it. The key informant said that Kalar is considered as very derogatory term. So, they identify themselves as Sarvanga or Sarbaraiya.
- In spite of consultation with the National Dalit Commission, Dalit NGO Federation, NNDSWO and other Dalit activists, settlement of Kakahiya was not identified.

It should also be noted that in different geographical areas, some other ethnic groups are also locally treated as Dalits. For example, in some parts of Terai Jhangad/Urau and Santhal/Sattar are treated as untouchables though they are indigenous nationalities. The *Uppchhit, Utpidit Dalit Uthan Rastriya Samiti* listed these groups as Dalits but the National Dalit Commission has not included these communities in its list.

Untouchability is practiced by “high castes” also but they are not considered or referred as Dalits. These are as follows:

- Untouchability is practiced in many Brahmin/Bahun families. In such families, for example, fathers, who are “*Swayam Pakya*” (*those who cook themselves*), do not eat food cooked by other family members, including sons and daughter-in-laws.
- Also, among the Hindus, women are considered untouchables during menstruation and child birth. They are treated like untouchables temporarily. Thus, Hindu women become untouchables on the basis of reproductive roles but not on the basis of caste.

Due to the lack of blanket caste/ethnic and linguistic survey in Nepal, it is indeed very difficult to know exact number of castes and ethnic groups, including Dalits, and languages. Different academics, Dalit researchers, governmental and non-governmental

agencies, donor agencies, Dalit organizations etc. use different list of Dalits based on their limited understanding of the definition and identification of Dalits in Nepal. It makes the data difficult to compare, use and reach out to Dalits through development plans and programs. The list prepared by the National Dalit Commission has indeed helped to reduce such problems, but the list is yet to be finalized and legally recognized by the Nepal Government like they have done with a list of 59 indigenous nationalities of Nepal by enacting law in 2002.

#### **2.4 Dalit Sub-castes and Traditional Occupations**

The National Dalit Commission prepared a study report on the definition of Dalit and a list of Dalit castes in 2003. The report has provided some Dalit sub-castes, surnames, and their respective traditional occupations (Table 2.1). Each caste and “sub-caste” has many surnames. Dalits’ surnames range from six of the Kori to have six to eighty six of Damai. The report does not provide any information about surnames of Chidimar, Kuswadiya/Patharkatta, Kakahiya, Kalar, Pasi, and Sarvanga/Sarbariya. The available literatures on Dalits do not give clear idea about the Dalit sub-castes.

**Table 2.1 Dalit Castes by Sub-castes, Surnames and Traditional Occupations**

	Castes	“Sub-Castes”	Surnames	Traditional Occupation
	<b>Hill Dalit</b>			
1	Kami			Metal works
1.1		Kami	Agri; Acharya; Afaldhoti; Od; Kasara; Kallohar; Kalikote; Kaliraj; Gadal; Gahatraj (Gahate); Kumarki; Kaini; Koli; Koirala; Khadkathoki; Khapangi; Khati; Gajamer; Gajurel; Gadilee; Giri; Gotame; Gawa; Jandkami; Tamata (Tamrakar); Niraula; Nepal; Panthi; Pokharel; Paudel; Paudeli; Barailee (Baral, Baralee); Sripali; Diyalee; Dudhraj; Bhushal; Bhoor; Mahilipar; Rahapal; Rajilauhar; Sapkota; Sigaura; Sijapati; Setipar; Ramdam; Rijal; Lwagoon; Sonam; Hemchuyuri; Tiruwa; Ghatanee (Ghatne); Ghamaal; Gharte; Ghimire; Ghamchatla; Chunar; Chhista; Thagunna; Thatara; Nagarkoti; Pallaya; Parajuli; Potel; Buchebhale; Banskota; Bhatta; Bhattarai; Mahar; Rasailee; Suchyuree; Sundhuwa; Setisuruwal; Setimahar; Sashankar (Sadshankar); Serela; Lamgade; Sob; Ruchal; Pahari; Padhyabati; Lamakarki	Produce Khukuri, weapons, agricultural tools etc.
1.2		Sonar		Gold and silver works, jewelry
1.3		Lohar		Iron works and agricultural tools
1.3		Od		House construction, works related to soil and timber
1.4		Chunara		Produce wooden utensils such as Theki, Dudhero, Madani
1.5		Parki		Produce bamboo products such as Dalo, Naglo etc.
1.6		Tamata		Produce copper utensils
2	Sarki			Leather works
2.1		Mijar	Acchami; Uparkoti; Upreti; Kamar; Kisan; Koirala; Khatiwada; Giri; Gaire; Gairipipal; Gathe; Ghimio; Chand; Gotame; Chudal; Chuhan; Thagunna; Chhamarki; Thaurasya; Thadarai; Dale; Tolangi; Thak; Thapaliya; Thapa; Daulakoti; Dhaulakoti; Dabe; Dahal; Dulal; Dhamaal; Dhamaal; Dhanali; Payeli; Purkot; Pulami; Paudel; Dasel; Bamarel; Bayelkoti; Bishunkhe; Bastakoti; Bogati; Bhagyal; Bheyel; Bhoor; Bhurtel; Bhupal; Mangrati; Majakoti; Majaboti; Malbul; Malchok; Mudel; Ramtel; Ruchal; Raut; Roila; Roka; Lamjel; Lamsal; Sahi; Srimali; Siraute; Surkheti; Sanyel; Sanjawal; Hamal; Hitang	Honourary title granted by the rulers
2.2		Charmakar		Produce leather products
2.3		Bhoor		Produce leather products
3	Damai/Dholi			Play Panche Baja musical instrument during marriage and on auspicious occasions
3.1		Pariyar	Adhikari; Asasaya; Aujee; Kanal (Kandel); Katuwal; Kakrki Dholee (Mudula; Sutar; Lama; Khulal); Kalakheti; Koirala; Khatiwada; Khati; Guide (Guindel); Gautam (Gotame [Siwa]); Ghale; Gurung; Cahar; Chuhan; Jairu; Thagunna; Thatal; Daude; Dhyakee; Tiwari; Trikatari; Thapa; Darnal; Das; Nagarchi; Negi; Nepal; Naubag; Chudal; Panta; Panchkoti; Pokharel; Bardewa; Bagchand; Bagdas; Bajju; Budhathoki; Budhaprithi; Bhandari; Bhattarai; Bhitrikoti; Bhusal; Magar; Mote; Mahara; Male; Rajabar; Ranapaili (Ranapal; Ranapaheli); Rana; Rai; Raingai; Raika; Ryainjhyain; Lapre; Lamghate; Luintel; Shildhar; Sunam; Sundas; Suncheuri; Sahi Samundri (Sai; Saisamundri; Samundrasai); Suji; Hingmang; Hudke; Aptarya; Ghalek; Bhedikar; Betuwa; Dharal; Retan; Bitalu; Nagarkoti; Yagne; Ghatani; Bhende Siba; Kekhure Siba; Sungure Siba; Damai Pariyar; Ratnapariyar; Achhame Pariyar; Chhinal Pariyar; Thak Pariyar; Nakadhali	Tailoring
3.2		Suchikar		Tailoring
3.3		Ngarachi		Play Nagara musical instrument during special occasion in temples and palace
3.4		Dholi		Government’s messenger to inform community people by playing Dhol
3.5		Hudke		Play Hudke musical instrument
4	Gaine	N/A	Adhikari; Kami; Kalakausik; Kala Paudel; Kalichan; Gosain; Jogi; Thakuri; Turki; Bahun; Budhathoki; Baika; Badhyakar; Bestha; Bista; Bogatai; Bhusal (Parbate); Maheswar; Biswakarma; Bishnupad; Raisamundra; Sursaman; Setaparbat; Setichan; Kookchin Rana	Singing by playing Sarangi musical instrument
5	Badi	N/A	Khati; Rasailithapa; Rasaili; Lekali; Chhinal; Baral; Thakur; Rana; Kumal; Khadka; Jogi; Bote; Upadhyaya; Rijal; Singha; Shrestha; Paudel; Adhikari; Kami; Damai; Badsaha; Khan; Dhital; Niraula	Produce musical instruments such as Madal, Dholak, clay products such as Chilim, gagri (and lately associated with sex work by some women)



	<b>Madhesi Dalit</b>			
6	Chamar/ Harijan/ Ram	N/A	Ram; Mochi; Harijan; Rabidas (Raidas); Chamara; Mahar; Mahara; Mehara; Raut; Bhagat; Das; Bajar; Bagh; Dhushiya; Daswatiya; Madhesiya	Leather works
7	Musahar	N/A	Sada; Sadaya; Rishidev; Rishikul; Raut; Tirhutiya; Madhaiya; Kharpuria; Satnapuria; Kauchh; Gharmunta; Pachharu; Mudi; Macharu	Collect food grains from holes in the farm; animal grazing
8	Dusadh/Paswan/ Pasi*	N/A	Paswan; Hajari; Hajara; Madhaiya (Magaiya); Kurmi; Kamhar; Paliwar; Kurna; Dar; Sarjaha (Surajiya); Panjiyar; Pakhir Daid; Suryabanshi	Godayit ('Messenger') of social events; village watchmen; Kamtiya (watchmen to secure harvest)
9	Tatma	N/A	N/A	Weaving
10	Khatbe	N/A	Mandal; Tirhutia; Badaha; Kyotar; Parasa; Pokharbhinda; Hasuliya; Newar; Nanaud; Bake	Weaving clothes; spinning; carry Doli during marriages
11	Dhobi (Rajak)	N/A	Kanujiya; Madhaiya; Belbar; Surjaha; Tamoli; Tirhitiya; Turtuk; Dhoiba; Baitha; Rajak; Pathik; Safi; Arya	Wash clothes
12	Bantar (Sardar)	N/A	Rajdhani; Dhani; Sardar; Majhi; Raut; Bant	Soil works
13	Chidimar	N/A	N/A	Hunting birds
14	Dom	N/A	Kothita; Mkhaita; Talwar; Tawakait; Chachewar; Kolniyar; Sanparaya; Ghatait; Amleriya; Mahawaita; Balgachhiya; Kanoon; Bakhatiya; Modaliya; Jhojhawa; Chirniya; Bhalwait; Baisi; Baswar	Bambo products; play musical instruments; cut umbilical cords during child birth, dig burial place; burn dead bodies
15	Mestor/Halkhor	N/A	Jamadar; Raut; Sariswal; Turka; Amariya; Dahaiya (Darwe); Panpuri; Bakhariya; Mahar; Mestar; Halkhor	Cleaning streets
16	Kuswadiya/Path arkatta#	N/A	N/A	Stone products
17	Kakahiya	N/A	N/A	N/A
18	Kalar@	N/A	N/A	Begging
19	Khatik	N/A	Chandal; Barawa; Bhogariya; Bachara; Chaula; Khirahi; Tawada; Chamariya; Taki; Dayama; Bagadi	Deer leather works
20	Kori	N/A	Purbiya; Pachhimha; Chamara; Kotchamara; Dakhinaha; Bahiryinya	Weaving clothes
21	Pasi*	N/A	N/A	Liquor production from Tadi tree
22	Sarvanga/Sarbar iya@	N/A	N/A	Begging

Source: NDC 2003

Note: @ Sarvanga/Sarbariya and Kalar are the same caste group. Kalar is a derogatory term. Therefore, they prefer to call themselves as Sarvanga/Sarbariya

## **2.5 Caste-based Untouchability between Dalits and Non-Dalits and among the Dalits**

Practices of caste-based untouchability between Dalits and non-Dalits is of binary nature where as it is very complicated among the Dalits.

- **Caste-based untouchability between Dalits and non-Dalits:** Generally, non-Dalits practice caste-based discrimination against Dalits. However, there are some differential practices by non-Dalits: (a) Brahman, Kshyatriya and Vaisya practice caste-based untouchability against Shudra; (b) Indigneous peoples who have been influenced by the National Code of Nepal of 1854 or socilaized by the Bahuns and Chhetris also practice caste-based untouchability. However, indigenous peoples who have maintained their indigenous tradition and culture do not practice it.
- **Caste-based untouchability among the Dalits:** There is a caste hierarchy among the Dalits. The Hill Kami, especially Sunar, one of its sub-castes, is considered to be at the top of the hierarchy and Dom of Terai at the bottom of the hierarchy. Kami practice untouchability against all Dalit castes but they themselves are not treated as untouchables by any Dalit caste groups. They are treated as untouchables by non-Dalits only. In the case of other Dalit castes, they practice caste-based untouchability against those Dalit caste groups who are placed lower than them and those Dalit caste groups who are above them practice it against them. Thus, those who are in middle, they practice it against half of the Dalit caste groups and the other half Dalit caste groups practice it against them. Caste-based untouchability among Dalits is a socio-political and economic construction by the Hindu rulers and religious leaders.

## **2.6 Population of the Dalits**

According to the last census data of 2001, the total population of Nepal is 22,736,934 with 49.9 percent male and 51.1 percent female population. The leaders of the Dalit movements and experts on Dalit issues estimate that the Dalits comprise one fourth of the total population of Nepal. However, the census of 2001 shows that it is 14.99 percent. The census data do not provide factual population data of the Dalits, indigenous people and Madhesis for a number of reasons; such as, hiding identity due to

fear of backlash, lack of awareness among Dalits, lack of representation of Dalits in technical committees, trainers, supervisors and enumerators, and lack of recognition of some Dalit castes such as Khatik, Kakahiya and Sarvang. Sporadic field survey done by Dalits' organizations, including Dalit NGO Federation and NNDSWO, in some villages confirms underenumeration of Dalit population in the census taken by the Nepal Government. Due to lack of credible alternative population data, government, donors, (I)NGOs and academics use and rely on census data in spite of its flaws relating to Dalit population.

Table 2.2 reveals the following facts about the Dalit population (See Map 2.1):

- Out of 22 Dalit castes identified by the National Dalit Commission, only 17 Dalit castes are identified in the census of 2001.
- The National Dalit Commission identifies Pasi and Dusadh/Paswan as separate Dalit castes, but the census counts it as one.
- Separate data for Kami, Sunar and Lohar is provided in the census data, but the National Dalit Commission identifies them as the same Dalit caste.
- Kami and Sarki in the Hills and Chamar/Harijan/Ram, Mushahar, Dusadh/Paswan/Pasi in the Terai are five Dalit castes with large population size that range from 100,000 to more than a million.
- Census data is not available for the five Dalit castes, namely, Kakahiya, Kalar, Khatik, Kori and Sarvanga/Sarbariya.

**Table 2.2 Population of Caste/Ethnicity by Sex**

S.N.	Caste/Ethnicity	Male	Female	Total	%
<b>A</b>	<b>Population of Nepal</b>	<b>11,359,378</b>	<b>11,377,556</b>	<b>22,736,934</b>	<b>100.0</b>
a	Dominant Hill Caste	3,464,273	3,558,947	7,023,220	30.89
b	Indigenous Nationalities	4,090,839	4,181,136	8,271,975	36.31
c	Madhesi "High caste"	1,475,884	1,326,303	2,802,187	12.30
d	Muslim	504,325	471,624	975,949	4.29
e	Other	134,767	130,954	265,721	1.16
f	Unidentified caste/ethnic	116,569	115,072	231,641	1.02
g	<b>Dalit</b>	<b>1,356,634</b>	<b>1,393,493</b>	<b>2,751,975</b>	<b>14.99</b>
	<b>Hill Dalit</b>				
1	Kami	432,937	463,017	895,954	3.94
1.1	Sonar	72,331	72,757	145,088	0.64
1.2	Lohar	42,270	40,367	82,637	0.36
2	Damai/Dholi	188,329	201,976	390,305	1.72
3	Sarki	153,681	165,308	318,989	1.40
4	Gaine	2,857	3,030	5,887	0.03
5	Badi	2,152	2,290	4,442	0.02
	<b>Sub-Total</b>	<b>894,557</b>	<b>948,745</b>	<b>1,843,302</b>	<b>7.11</b>
	<b>Madhesi Dalit</b>				
6	Chamar/ Harijan/ Ram	138,878	130,783	269,661	1.19
7	Musahar	88,041	84,393	172,434	0.76
8	Dusadh/Paswan/Pasi*	82,173	76,352	158,525	0.70
9	Tatma	39,606	36,906	76,512	0.34
10	Khatbe	38,643	36,329	74,972	0.33
11	Dhobi	38,350	35,063	73,413	0.32
12	Bantar	18,139	17,700	35,839	0.16
13	Chidimar	6,516	5,780	12,296	0.05
14	Dom	4,631	4,300	8,931	0.04
15	Mestor/Halkhor	1,848	1,773	3,621	0.02
16	Kuswadiya/Patharkatta#	286	266	552	0.00
17	Kakahiya	N/A	N/A	N/A	N/A
18	Kalar@	N/A	N/A	N/A	N/A
19	Khatik	N/A	N/A	N/A	N/A
20	Kori	N/A	N/A	N/A	N/A
21	Pasi*	N/A	N/A	N/A	N/A
22	Sarvanga/Sarbariya@	N/A	N/A	N/A	N/A
	<b>Sub-Total</b>	<b>377,014</b>	<b>356,410</b>	<b>735,272</b>	<b>3.24</b>
	Unidentified Dalit	85,063	88,338	173,401	0.76

Source: Census of 2001, Table 16: Population by caste/ethnic group and sex (HMG-N 2002:72-3).

Note: \* The Census data does not provide separate population data of Pasi, instead it mix up with Dusadh and Paswan but the National Dalit Commission has identified it as a separate Dalit caste.

# Kuswadia is listed as one of 59 indiegnious nationalities of Nepal by the Nepal Government.

@ Kalar, Sarvanga and Sarbariya is the same Dalit caste.

## 2.7 Religion

Dalits are historical product of Hindu religion, culture and society. Majority of them have faith in Hindu religion but they are struggling for decades to eliminate caste-based discrimination, including untouchability. Entry into the Hindu temples, including Pashupatinath temple in Kathmandu and Saileswori temple in Doti, has been one of the main issues of Dalit movement in the last five decades. Very few Dalits have been converted into Buddhists and Christians. As most of the Pastures of the Churches belong to Bahun, Chhetris and indigenous peoples, caste-based untouchability is practiced though in different forms, among Christian community in Nepal. Therefore, many Dalits have hesitation in adopting Christian religion. Buddhist religion has not attracted much to Dalits either. The decade long armed insurgency by the Maoists has contributed to debate on whether entry into the temple or state machinery would help to liberate the Dalits from centuries of oppression.

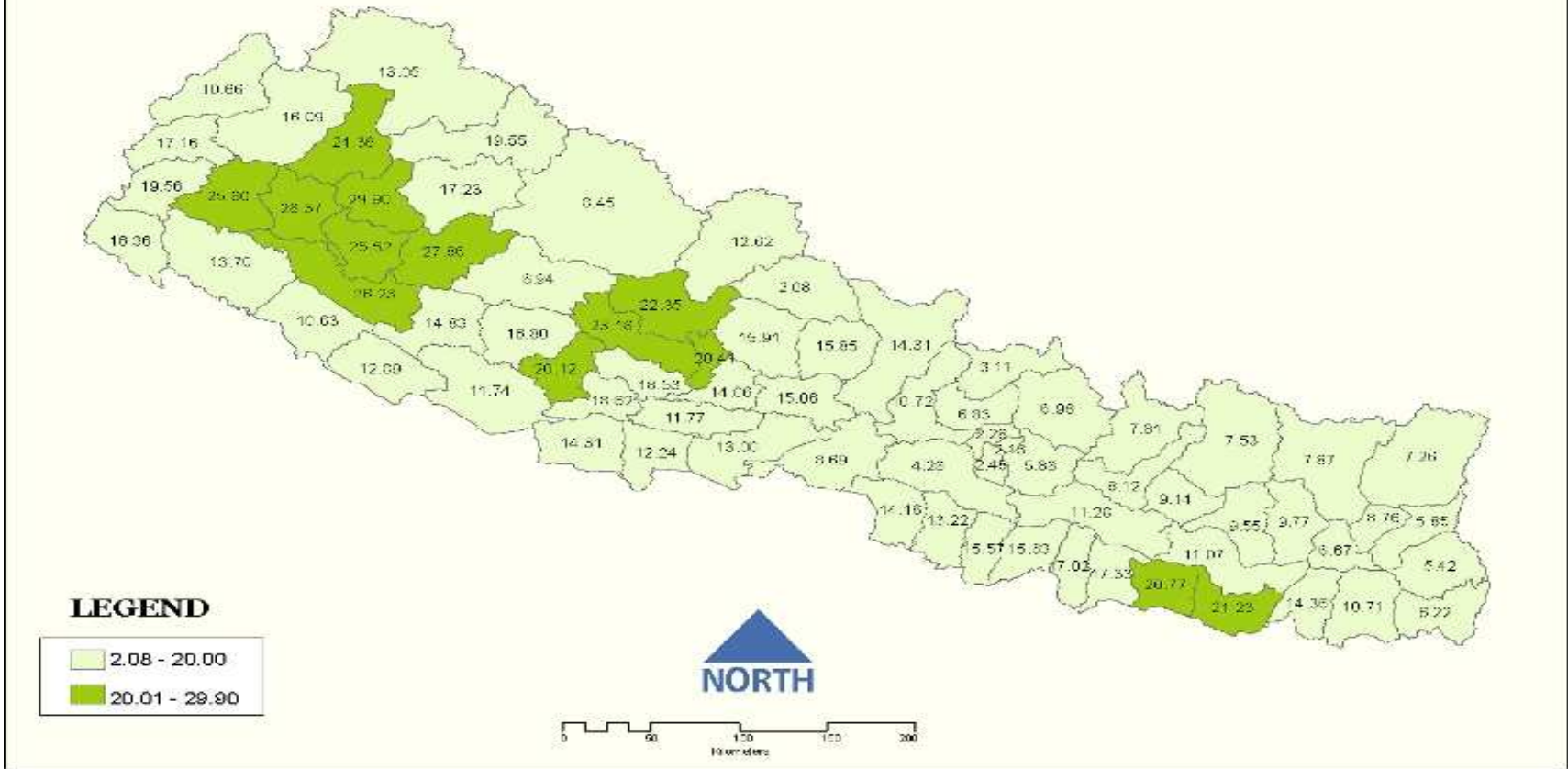
Census data on religious beliefs of Dalits reveals the following (Table 2.3):

- Out of 183,301,212 total Hindu population of Nepal, Dalit Hindu population is 2,769,596 (with 1,796,149 Hill Hindu Dalit and 803,785 Madhesi Dalit populations).
- Buddhism is the second largest religion in the Dalit community. The number is quite significant among Kami, Damai, Sarki among the Hills and Chamar/Harijan/ Ram and Musahar among the Madhesi Dalits.
- Christianity, which is the third largest religion among the Dalits, is adopted more by the Hill Dalits, namely Kami, Damai and Sarki; but negligible among the Madhesi Dalits. The Christian population could not be reported exactly due to fear of backlash from “high caste” Hindus.
- The number of Dalits who identify themselves with Kiranti, Jain, Sikh and Bahai religions are negligible, not a single Dalit has reported himself as an Islam.



**This picture shows Dalit drummer outside the Shaileswari Temple in Doti. After protests, Dalits are now able to enter this temple, but the drummer himself refuses to do so (Photo JakobCarlsen)**

# Percentage of Dalits to Total Population



Source: Nepal Gender and Social Exclusion Study, 2005

Map2.1p

**Table 2.3 Dalit Population by Religion**

S.N.	Caste/Ethnic Group	Population following Religion									
		Total	Hindu	Bouddha	Islam	Kirati	Jain	Christian	Shikha	Bahai	Others
	<b>Population of Nepal</b>	22,736,934	183,301,212	2,442,520	954,023	818,106	4,108	101,976	5,890	1,211	78,979
<b>Hill Dalit</b>											
1	Kami	895,954	866,296	19,844	0	1,302	21	6,747	112	12	1,620
1.1	Sonar	145,088	142,482	1,059	0	299	3	1,107	24	29	85
1.2	Lohar	82,637	83,454	58	0	2	3	38	0	1	81
2	Damai/Dholi	390,305	381,739	4,914	0	626	4	2,483	55	3	481
3	Sarki	318,989	312,277	2,668	0	469	8	3,229	44	7	287
4	Gaine	5,887	5,711	51	0	16	17	90	1	0	1
5	Badi	4,442	4,390	22	0	1	0	21	0	0	8
	<b>Sub-Total</b>	<b>1,843,302</b>	<b>1,796,149</b>	<b>28,616</b>	<b>0</b>	<b>2,715</b>	<b>56</b>	<b>13,715</b>	<b>236</b>	<b>52</b>	<b>2,563</b>
<b>Madhesi Dalit</b>											
6	Chamar/ Harijan/ Ram	269,661	266,568	2,898	0	6	15	42	42	9	81
7	Musahar	172,434	169,884	1,462	0	28	1	61	28	3	967
8	Dusadh/Paswan/Pasi*	158,525	157,682	549	0	5	3	47	7	4	228
9	Tatma	76,512	76,351	125	0	5	1	5	0	3	22
10	Dhobi	73,413	73,011	286	0	11	10	43	8	5	39
11	Bantar	35,839	35,069	607	0	42	1	2	0	1	117
12	Chidimar	12,296	12,209	19	0	1	1	1	2	1	62
13	Dom	8,931	8,863	37	0	9	0	1	0	0	21
14	Mestar / Halkhor	3,621	3,597	12	0	1	0	8	1	0	2
15	Kuswadiya/Patharkatta	552	551	0	0	1	0	0	0	0	0
16	Kakahiya	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
17	Kalar	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
18	Khatik	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
19	Khatbe	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
20	Kori (Koiri)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
21	Pasi*	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
22	Sarvanga / Sarbariya	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	<b>Sub-Total</b>	<b>811,784</b>	<b>803,785</b>	<b>5,995</b>	<b>0</b>	<b>109</b>	<b>32</b>	<b>210</b>	<b>88</b>	<b>26</b>	<b>1,539</b>
23	Unidentified Dalit	173,401	169,662	2,206	0	380	14	724	138	3	274

Source: Adapted from Table Annex 3.4 from Dahal (2003:133-135)



## **2.8 Numerical and Geographical Locations of the Dalits**

Viswakarmas, especially the Kamis, Damais/Dholis and Sarkis of the Hills are the only Dalit castes whose populations are distributed in all 75 districts of Nepal (Table 2.4). According to Dr. Harka Gurung, Kami's population rank 2<sup>nd</sup> highest in five districts and 3<sup>rd</sup> highest in eleven districts of western mountains and the Hills (Gurung 1994). Among the Madhesi Dalits, Dhobis are the only one whose population is distributed in 64 districts. Bantars, Mestars/Halkhors and Chidimars are distributed in 24, 25 and 28 districts respectively, which are the least among all Dalit castes (Table 2.4). Unlike indigenous people, but like Bahun-Chhetris (“high castes”), Dalits are generally scattered in most parts of Nepal. Far and mid-western Hills are inhabited by “high” and “low” castes. Many Hill Dalits have migrated and settled in the Terai region but very few Madhesi Dalits have migrated to urban areas in the Hills, especially in the Kathmandu Valley. Gaines and Badis are not found in 19 and 16 districts respectively.

**Table 2.4 Number Districts by Population Concentration**

S.N.	Dalit Castes	Main areas of population concentration	No. of Districts with Population Concentration in 3 or more digits	Number of Districts with negligible Population in less than 2 digits	Number of Districts with no population
<b>Hill Dalit</b>					
1	<b>Viswakarma</b>				
1.1	Kami		75	0	0
1.2	Sonar		57	15	3
1.3	Lohar		39	29	17
2	Damai/Dholi		73	2	0
3	Sarki		71	4	0
4	Gaine		19	37	19
5	Badi		8	51	16
<b>Madhesi Dalit</b>					
6	Chamar/ Harijan/ Ram		21	34	20
7	Musahar		17	24	34
8	Dusadh/Paswan/Pasi*		18	26	31
9	Tatma		15	27	33
10	Khatbe		9	24	42
11	Dhobi		19	44	12
12	Bantar		6	18	51
13	Chidimar		9	19	47
14	Dom		11	19	45
15	Mestor/Halkhor		8	17	50
16	Kuswadiya/Patharkatta#		2	7	66
17	Kakahiya		N/A	N/A	N/A
18	Kalar@		N/A	N/A	N/A
19	Khatik		N/A	N/A	N/A
20	Kori		N/A	N/A	N/A
21	Pasi*		N/A	N/A	N/A

Source: Census of 2001.

## Section III

### Nature and Extent of Untouchability and Discrimination in Social and Cultural Spheres

This chapter focuses on the current practices of caste-based untouchability and discrimination and opinion of different groups about intensity of discrimination.

#### 3.1 Situation of Caste-based Untouchability and Discrimination

Action Aid, Nepal carried out a study in 2001 about existing practices of caste-based untouchability in Nepal (Bhattachan *et. al.* 2003). This study is based on survey in 4 Village Development Committees and 4 Municipalities from eight different districts representing the Hill and the Terai region, rural and urban, and high and low intensity of untouchability. The key findings of the study are shown in the Box 3.1.

**Box 3.1 Action Aid, Nepal's study findings on caste-based discrimination, including untouchability, in Nepal**

Altogether 205 existing practices of caste-based discrimination were identified in the eight sample sites (see Table C-1, Annex).

Out of the 205 existing practices of caste-based discrimination 54 are related to denial, which includes

- 10 related to entry;
- 14 to services;
- 6 to access to common resources;
- 10 to kinship and other relationships; and
- 14 to participation.

Out of the 205 existing practices of caste-based discrimination 9 are related to forced or discriminatory labor.

Out of the 205 existing practices of caste-based discrimination

- 20 are related to dominance;
- 20 to atrocities;
- 3 to social boycott;
- 18 to attitudinal untouchability; and

Out of the 205 existing practices of caste-based discrimination 81 are discrimination in different fields, which includes

- 18 related to occupation;
- 11 to educational institutions;
- 10 to political rights;
- 14 to government policy and programs;
- 7 to government and NGO offices;
- 13 to development programs and donors; and
- 8 to religious and cultural activities.

Source: Action Aid, Nepal (see Bhattachan *et. al.* 2003:xiv)

Respondents of focus group discussions and key informant interviews mentioned the following about the current situation of caste-based untouchability and discrimination:

- Caste-based discrimination has been reduced in the last 2 to 4 years in the rural areas controlled by the Maoist insurgents. The respondents said that credit for such dramatic change should go to the Maoist insurgents who were against of caste-based untouchability and other forms of discrimination and also to intensified rights-based movement by the Dalit organizations and awareness programs by the donor.
- However, it exists specially among the people of old generation; but is less practiced by the new generation.
- In spite of some positive changes, by and large, caste-based discrimination, including untouchability, still exists; it is practiced in different forms in different places against Dalits by non-Dalits and also against “low caste” Dalits by “high caste” Dalits.

### **3.2 Current Practices of Caste-based Untouchability**

Information about current practices of caste-based untouchability between Dalits and non-Dalits and within the Dalits were collected through FGDs. The findings about the current practices of caste-based untouchability in religious and socio-cultural sites, public drinking water source, health, economic activities, and public property, settlement/community are as follows:

#### **3.2.1 Religious and Socio-cultural Sites**

The present study reveals that current practices of caste-based untouchability is mostly concentrated in religious and socio-cultural sites, such as denial of inter-caste marriages between non-Dalits and Dalits and “high” and “low” caste Dalits, entry into the Hindu temples, and eating food together in festivals and wedding parties (Table 3.1; for detail see Annex-A-Table 3). During fieldwork for this study, respondents reported that Dalits belonging to 14 castes still experience denial of inter-caste marriages and face

humiliation during wedding parties as they have to eat separately from “high caste” people. Also, Hindu temples are another site where 6-7 Dalit castes experience denial of entry to perform worship and get *prasads* (offering). Pasi and Chamar respondents say that they are not allowed to enter the mosques. One of the key demands of the Dalit movement in the last five decades is entry in temples. There are many instances of success in different parts of the country, but it still remains as one of the debatable areas of caste-based untouchability in Nepal.

**Table 3.1 Number of Dalit Castes by Intensity of Untouchability in Religious and Socio-cultural Sites**

S.N.	Form/Site of Untouchability Practice	Non-Dalits against Dalits					Dalits against Dalits				
		1	2	3	4	Total	1	2	3	4	Total
i	Denail of entry in public (Hindu) temples	3	10	2	3	18	3	11	1	3	18
ii	Denail of worship at (Hindu) public temples	6	7	1	4	18	1	12	1	4	18
iii	Denail of <i>tika</i> and <i>prasad</i> (fruits and sweets) in public (Hindu) temples	6	9	3	0	18	1	15	0	2	18
iv	Denial of using milk, curd and incense in public (Hindu) temples	7	10	1	0	18	1	15	0	2	18
v	Dalit priests are prohibited to perform rituals in public (Hindu) Temples	7	11	0	0	18	1	15	0	2	18
vi	Denial of entry in church, Bihar (monastery) and mosque	5	11	2	0	18	1	15	0	2	18
vii	Denial to worship in Church, Bihar (Monastery) and Mosque	1	2	4	11	18	0	2	0	16	18
viii	Denial to become Pastor, Lama, Monk, Anne, Maulana	2	1	2	13	18	0	1	0	17	18
ix	Separate seating arrangement to Dalit in party organized on the occasion of wedding and festivals	2	1	2	13	18	0	2	0	16	18
x	Denial to drink <i>Panchamrit</i> (Nectar) and <i>Manbhog</i> (Sweets)	3	1	1	13	18	0	2	0	16	18
xi	Denial of inter-caste marriage	14	3	1	0	18	10	5	3	0	18
xii	Denial of entry to Dalit/Low caste boy married with Non-Dalit/“high caste” Dalit girl in father-in-law’s home	6	12	0	0	18	1	14	1	2	18
xiii	Denial of pregnancy of Dalit girl by non-Dalit boy	9	0	0	9	18	8	1	0	9	18
xiv	Dalits should wash their plates by themselves after eating meals in the party	5	0	0	13	18	5	0	0	13	18

Source: Fieldwork 2006.

Code: 1 = Practiced 2 = Not practiced 3 = Ambiguous 4 = Not applicable

### 3.2.2 Public drinking Water Source

Public drinking water is said to be polluted when touched by Dalits and it is one of the main public places where practice of untouchability is visible. The study reveals the following (Table 3.2):

- Respondents belonging to 17 of the 18 Dalit castes interviewed said that if they touch water filled by the non-Dalits, they throw out the water; but Bantar is exceptional.
- Respondents belonging to very few Dalit castes (5 to 7) reported that they should leave and stand far when the non-Dalits fetch water. They are not allowed to touch water tap and well. The non-Dalits fetch water for them and they can fetch water only after the non-Dalits has got do so.
- Respondents belonging to Damai, Khatik, Chidimar, Dusadh/Paswan, Mushar, Dom, and Khatbe castes reported that “higher” Dalit castes practice untouchability against them in public drinking water sources (see Annex-A-Table 3).
- Whether non-Dalits practice caste-based untouchability by not allowing Dusdah/Paswan and Musahar to touch water tap and well is ambiguous.
- Whether Dalits practice caste-based untouchability against Tatma by throwing water if touched is also ambiguous.

**Table 3.2 Number of Dalit Castes by Intensity of Untouchability in Public Drinking Water**

S.N	Form/Site of Untouchability Practice	Non-Dalits against Dalits					Dalits against Dalits				
		1	2	3	4	Total	1	2	3	4	Total
i	Not allowed to touch the source of drinking water	1	2	0	15	18	0	3	0	15	18
ii	Not allowed to touch water tap & well	5	10	2	1	18	1	14	2	1	18
iii	Fetch water by non-Dalit/“high caste” Dalit	2	8	6	2	18	1	15	2	0	18
iv	Should give space for “high caste” people by standing away	5	11	0	2	18	3	14	0	1	18
v	Get turn to fetch water only after “high caste” people do so	7	9	0	2	18	3	14	0	1	18
vi	Pour water if touched by Dalits	1 7	1	0	0	18	5	8	3	2	18
vii	Dalit's can't open and close water tap because s/he is Dalit	2	1	0	15	18	0	3	0	15	18

Source: Fieldwork 2006.

Code: 1 = Practiced 2 = Not practiced 3 = Ambiguous 4 = Not applicable



**The Picture shows the separate water taps for Dalits and Non-Dalits in a Nepalese village in far Western Region (Photo Jakob Carlsen)**

### 3.2.3 Health Service

The majority of the Dalits cannot afford for health services provided by private sector due to poverty. Also, they cannot easily use low cost health services by the government due to cast-based untouchability practiced by the non-Dalits against them. The data indicates that untouchability is declining in health sector but it has yet to be eliminated as there are few Dalit castes, which are experiencing such practices (Table 3.3).

- Non-Dalits practice caste-based untouchability against Sarki, Kami and Dom in health services.
- Dom caste is the only Dalit caste that faces such discrimination by “high caste” Dalits.

**Table 3.3 Number of Dalit Castes by Intensity of Untouchability in Health**

S.N.	Form/Site of Untouchability Practice	Non-Dalits against Dalits					Dalits against Dalits				
		1	2	3	4	Total	1	2	3	4	Total
I	Patients are not allowed to enter the health post/hospital	0	18	0	0	18	0	17	0	1	18
ii	Health workers do not enter in the house	3	13	2	0	18	0	17	0	1	18
iii	Health workers do not touch patients during medical check up	0	18	0	0	18	0	17	0	1	18
iv	Health post/hospital staffs do not give water to patient to eat medicine	3	12	3	0	18	1	14	1	2	18
v	Cannot enter in health worker's private clinic and/or pharmacy/medical shop	3	12	3	0	18	1	14	1	2	18
vi	Health workers cannot enter in non-Dalit patients' house	1	16	1	0	18	0	16	0	2	18

Source: Fieldwork 2006.

Code: 1 = Practiced 2 = Not practiced 3 = Ambiguous 4 = Not applicable

### 3.2.4 Economic Activities and Public Property

Caste-based discrimination and untouchability traditionally had very strong ties because of occupational division of caste groups. Traditionally prestigious economic activities were monopolized by “high” caste people and degrading menial works were given to the Dalits. Due to growing market economy in urban centers and intensified efforts by the Dalit movement, caste-based untouchability is declining rapidly but it has yet to be eliminated.



- One of the issues raised by the Dalit movement is that the milk collection centers should accept milk sold by Dalits. Data shows that respondents belonging to 11 Dalit castes still experience such a problem (Table 3.4; Annex-A-Table 3).
- Similarly, practice of untouchability in hotel and restaurants are also declining but not completely eliminated. Respondents belonging to three Dalit castes reported that the local restaurant staffs practice untouchability against them but so is not the case when they eat in other restaurants (Table 3.4; Annex-A-Table 3).
- Respondents belonging to one Dalit caste reported that they do not get loans to buy cows, water buffaloes and to run tea shops as these are directly related to the practices of untouchability (Table 3.4; Annex-A-Table 3).

**Table 3.4. Number of Dalit Castes by Intensity of Untouchability in Economic and Public Property**

S.N.	Form/Site of Untouchability Practice	Non-Dalits against Dalits					Dalits against Dalits				
		1	2	3	4	Total	1	2	3	4	Total
<b>Buy and Sell</b>											
ii	Dairy Development Center does not buy milk from Dalit sellers	11	6	1	0	18	2	15	1	0	18
iii	“High caste” peoples do not eat in hotel and restaurants owned by “low caste” Dalits	3	0	2	13	18	0	8	0	10	18
iv	“High caste” people do not buy meat, oil, and other food products in shops owned by the Dalits	0	10	1	7	18	0	11	0	7	18
<b>Labour Market</b>											
i	Do not touch the body for measurement to stitch clothes	0	1	2	15	18	0	3	0	15	18
ii	Do not give laundry hand to hand to Dhobi	0	0	0	18	18	0	0	0	18	18
iii	Labourers do not eat together with (low caste) Dalit labourers	0	16	0	2	18	0	16	0	2	18
iv	Do not give employment related to house construction	1	9	0	8	18	1	6	0	11	18
<b>Production Market</b>											
i	Do not buy ghee, milk & meat produced by Dalits	3	10	2	3	18	1	16	1	0	18
ii	Do not provide loans to Dalits to buy cows, water buffaloes and to run tea shops	1	15	2	0	18	0	18	0	0	18

Source: Fieldwork 2006.

Code: 1 = Practiced 2 = Not practiced 3 = Ambiguous 4 = Not applicable



*Dalit drinking his tea outside the Tea House, Far Western Region, Nepal (Photo Jakob Carlsen)*

### *3.2.5 Settlement/Community*

Settlement and community are other sites where caste-based untouchability is practiced in every-day-life. Dalits live in mixed community and also in segregated community both in the urban and rural areas. Study data reveals the following (Table 3.5; Annex-A-

Table 3):

- During fieldwork for this study, respondents reported that Dalits belonging to 13 Dalit castes experience excessive caste-based untouchability by non-Dalits, which is more than by the Dalits against other Dalits.
- Respondents mentioned that Dalits belonging to 13 Dalit castes are “prohibited” to migrate near non-Dalits’ settlement areas.
- Respondents reported that Dalits belonging to up to 12 Dalit castes experience more caste-based untouchability by the Bahun-Chhetris and the dominant caste group, than by the Vaishyas, indigenous peoples and Muslims.
- Respondents reported that Dalit women belonging to up to 12 Dalit castes experience caste-based untouchability against them more by non-Dalits than by Dalit males.

**Table 3.5 Number of Dalit Castes by Intensity of Untouchability in Settlement and Community**

S.N.	Form/Site of Untouchability Practice	Non-Dalits against Dalits					Dalits against Dalits				
		1	2	3	4	Total	1	2	3	4	Total
i	“Prohibited” to migrate near Non Dalits/”high caste” Dalit settlement areas	13	3	1	1	18	7	8	3	0	18
ii	“Prohibited” to buy land near Non-Dalits/”high caste” settlement areas	8	3	3	4	18	4	10	0	4	18
iii	Denial of entry in the homes	2	13	2	1	18	0	17	0	1	18
iv	Denial of entry in and use community building/ facilities	1	10	0	7	18	1	10	0	7	18
v	Denial of entry in the meetings	0	15	1	2	18	0	17	0	1	18
vi	If a meeting is chaired by a Dalit leader, non-Dalit/”high caste Dalit” would not eat or sit near him during eating and drinking time	2	5	0	11	18	0	6	0	12	18
vii	Bahun-Chhetris practice caste-based untouchability against Dalits more than by indigenous peoples	8	2	0	8	18	1	3	0	14	18
vii	Bahun-Chhetris practice caste-based untouchability against Dalits more than by Madhesi Vaishyas	12	1	0	5	18	0	3	0	15	18
ix	Bahun -Chhetris practice caste-based untouchability against Dalits more than by Madhesi Muslims	9	2	1	6	18	0	3	0	15	18
x	Indigenous peoples practice caste-based untouchability against Dalits more than by Bahun-Chhetris	3	8	1	6	18	0	3	0	15	18
xi	Madhesi Vaishyas practice caste-based untouchability against Dalits more than by Bahun-Chhetris	2	11	0	5	18	0	3	0	15	18
xii	Madhesi Muslims practice caste-based untouchability against Dalits more than by Bahun-Chhetris	2	10	0	6	18	0	3	0	15	18
xiii	Non-Dalits practice caste-based untouchability against Dalits more than by Dalits	15	1	1	1	18	0	4	0	14	18
xiv	Dalits practice caste-based untouchability against Dalits more than by non-Dalits	1	15	1	1	18	0	5	1	12	18
xv	Non-Dalits practice caste-based untouchability against Dalit women more than by Dalit males	12	0	6	0	18	1	5	0	12	18
xvi	Dalits practice caste-based untouchability against Dalit women more than by non-Dalits	3	13	1	1	18	0	5	0	13	18

Source: Fieldwork 2006.

Code: 1 = Practiced 2 = Not practiced 3 = Ambiguous 4 = Not applicable

### 3.3 Practices of Caste-based Discrimination

Information about current practices of caste-based discrimination against the Dalits by non-Dalits and within the Dalits was collected through FGDs. The findings about practices of caste-based discrimination in health service, inter-caste marriage, and

opinion about the intensity of caste-based discrimination by different groups are as follows:

### 3.3.1 Health Service

During the fieldwork for this study, respondents reported that Dalits belonging to three Dalit castes experience untouchability in health services, especially by non-Dalit health workers, and also by “high caste” Dalit health workers (Table 3.6; Annex-A-Table 3).

**Table 3.6 Number of Dalit Castes by Intensity of Untouchability in Health**

S.N.	Form/Site of discriminatory Practice	Non-Dalits – Dalits					Dalits – Dalits				
		1	2	3	4	Total	1	2	3	4	Total
i	Patients are not allowed to enter the health post/ hospital	0	18	0	0	18	0	17	0	1	18
ii	Health workers do not enter in the house	3	13	2	0	18	0	17	0	1	18
iii	Health workers do not touch patients during medical check up	0	18	0	0	18	0	17	0	1	18
iv	Health post/hospital staffs do not give water to patient to eat medicine	3	12	3	0	18	1	14	1	2	18
v	Cannot enter in health worker's private clinic and/or pharmacy/medical shop	3	12	3	0	18	1	14	1	2	18
vi	Health workers cannot enter in non-Dalit patients' house	1	16	1	0	18	0	16	0	2	18

Source: Fieldwork 2006.

Code: 1 = Practiced 2 = Not practiced 3 = Ambiguous 4 = Not applicable

### 3.3.2 Inter-caste Marriage

Practices of caste-based untouchability continue to exist because of traditional concept of purity and pollution of bodies. Inter-caste marriages, especially with Dalits, continue to be problematic. One of the solutions suggested by the state and both Dalit and non-Dalit leaders is to encourage inter-caste marriages with Dalits. Study data reveals the following (Table 3.7; Annex-A-Table 4):

**Table 3.7 Number of Dalit Castes by Discrimination in Inter-caste Marriages**

S.N.	Form/Site of discriminatory Practice	Non-Dalits - Dalits					Dalits – Dalits				
		1	2	3	4	Total	1	2	3	4	Total
i	Discriminatory treatment against non-Dalit boys in inter-caste marriage	12	1	1	4	18	7	2	0	9	18
ii	No parental property to the son in inter-caste marriage	6	2	4	6	18	2	5	0	11	18
iii	Discriminatory treatment between son and daughter- in-law by not allowing daughter-in-law to enter home	7	0	3	8	18	3	2	0	13	18
iv	Social boycott against the couples who do inter caste marriages	8	2	2	6	18	2	3	0	13	18
vi	Discrimination in marriage procession	3	12	3	0	18	0	16	0	2	18

Source: Fieldwork 2006.

Code: 1 = Practiced 2 = Not practiced 3 = Ambiguous 4 = Not applicable

- Non-Dalit boys are discriminated by their parents and relatives when they get married to Dalit girls. It is practiced in twelve of the eighteen Dalit castes.
- ‘High’ caste Dalit boys are discriminated by their parents and relatives when they get married to ‘low’ caste Dalit girls. It is practiced in seven of the eighteen Dalit castes.
- Social boycott, denial of entry into home and deprivation from parental property are practiced more by non-Dalits against Dalits, than by Dalits against low-cast Dalits.

### ***3.3.3 Opinion about Intensity of Caste-based Discrimination by Different Groups***

During the filed study, respondents mention that Dalits belonging to 15 Dalit castes experience excessive caste-based discrimination by the non-Dalits (Table 3.8; See Annex-A-Table 4). Similarly, respondents belonging to 12 Dalit castes experience discrimination by the Bahun and Chhetri, who indulge in excessive caste-based discrimination, than the Madhesi Vaishya. Respondents mentioned only one Dalit caste experience excessive cast-based discrimination from indigenous peoples.

**Table 3.8 Number of Dalit Castes by Opinion about Intensity of Caste-based Discrimination by Different Groups**

S.N.	Form/Site of discriminatory Practice	Non-Dalits - Dalits					Dalits - Dalits				
		1	2	3	4	Total	1	2	3	4	Total
i	Bahun & Chhetri are doing excessive caste discrimination against Dalits than Indigenous peoples	8	2	0	8	18	1	3	0	14	18
ii	Bahun & Chhetri are doing excessive caste discrimination against Dalits than Madhesi Vaishya	12	1	0	5	18	0	3	0	15	18
iii	Bahun & Chhetri are doing excessive caste discrimination against Dalits than Madhesi Mushalman.	9	2	1	6	18	0	3	0	15	18
iv	Indigenous group are doing excessive caste discrimination against Dalit than Bahun & Chhetri.	3	8	1	6	18	0	3	0	15	18
v	Madhesi Vaishya is doing excessive caste discrimination against Dalit than Bahun & Chhetri.	2	11	0	5	18	0	3	0	15	18
vi	Madhesi Muslims are doing excessive caste discrimination against Dalit than Bahun & Chhetri.	2	10	0	6	18	0	3	0	15	18
vii	Non-Dalits are doing excessive caste discrimination against Dalit than Dalit.	15	1	1	1	18	0	4	0	14	18
ix	Dalit are doing excessive caste discrimination against Dalit than Non-Dalit.	1	15	1	1	18	0	5	1	12	18
x	Non-Dalits are doing excessive caste discrimination against Dalits women than Dalit Male.	12	0	6	0	18	1	5	0	12	18
xi	Dalits are doing excessive caste discrimination against Dalits women than Non-Dalits.	3	13	1	1	18	0	5	0	13	18

Source: Fieldwork 2006.

Code: 1 = Practiced 2 = Not practiced 3 = Ambiguous 4 = Not applicable

## Section IV

### State, Caste, and Human Rights

This chapter focuses on the role of civil society organizations, constitutional provisions, and legislative policies, with a brief history of the present situation. .

#### 4.1 Constitutional Provisions

The constitutional history of Nepal begins from 1948. Currently, Nepal is governed by the Interim Constitution of Nepal, 2007 promulgated on January 14, 2007. The source of this Constitution is the Nepalese people. The source of all previous Constitutions was the King. The following brief overview highlights provisions related to constitutional safeguard for the Dalits and also to efforts for elimination of caste-based discrimination including untouchability:

- ***Government of Nepal Act (Constitution of Nepal) 1948:*** In the past, there was no constitutional provision or special measure to eliminate untouchability and caste-based discrimination. In the Article 4 of the Constitution, rights of freedom of person, freedom of speech, liberty of press, freedom of assembly and discussion, freedom of worship, equality in the eye of law, cheap and speedy justice, universal free compulsory elementary education, universal and suffrage for all adults, security of private property are stated as the fundamental rights and duties (Panta, 2001). However, in practice, amended version of the National Code of Nepal promulgated with force in 1854, which indeed was based on cast-based discrimination and untouchability.
- ***The Interim Government of Nepal Act, 1950:*** This was the first constitution during the democratic transition of 1950. There were several general provisions under the directive principles of state policy: ***The Constitution of Kingdom of Nepal, 1958:*** Although the constitution mentioned that the right to personal liberty, equality, religion, property, political liberty and rights to constitutional remedies are the fundamental rights of the citizens and Article 4 (1) and (2) mentioned that all citizens are entitled to equal protection of the laws, and that in



the application of the general laws there shall be no discrimination against any citizen on grounds of religion, sex, race, caste or tribe, but in practice caste-based discrimination including untouchability continued (Panta, 2001). There was no special provision in the constitution for the rights of Dalits and for the elimination of caste-based discrimination.

- ***The Constitution of Nepal 1962:*** Article 10 of the constitution mentioned that there shall be no discrimination against any citizen in respect of appointment to the government service or any other public services only on grounds of religion, sex, race, caste, tribe or any of them under the right to equality (Panta, 2001). A year after the promulgation of this constitution, King Mahendra abolished caste-based untouchability by amending the National Code in 1963. It was indeed a very bold decision taken by the government, but it was never implemented and there was no law to punish those who practiced it.
- ***The Constitution of the Kingdom of Nepal 1990:*** The Constitution of the Kingdom of Nepal, 1990 is a product of the People's Movement Part I that reinstated democracy in Nepal. The fundamental rights of the citizens were ensured in Article 11, sub-articles 1, 2 and 3. The Constitution stated that all are legally equal and no discrimination based on religion, caste, sex, creed, ethnicity or political inclination shall be made by the state in the course of law enforcement. The Sub-article 4 directly focused on the Dalits and it ensured that no one shall be discriminated on the basis of caste and creed in public presence, and in the use of public properties; violators shall be punished by the law. On the one hand, Article 11 acknowledged the need for a cultural change in the society, and on the other, Article 19 of the Constitution ensured the rights for all to follow and continue the religious and cultural practices within the preview of one's own cultural traditions. Article 19 indeed prohibited the change of religion, implying an imposition that Dalits should continue to be Hindus. In spite of positive constitutional provisions, Dalits could not go to court to challenge caste-based discrimination against them due to poverty, illiteracy and psychological and socio-economic inability to file court-cases against the perpetrators. Despite

constitutional and legal efforts, numerous cases of prejudice and discrimination against Dalits, such as exclusion from temples, public drinking water resources, employment and educational opportunities, were prevalent in both rural and urban areas of Nepal.

#### **4.2 Interim Constitution of Nepal, 2007**

The historic People's Movement Part-II of April 2006 gave several mandates, including sovereignty and state power to the Nepalese people and restructured the state in an inclusive way through constituent assembly. In the beginning, a six members (all from the Hills, male Bahuns and Chhetris, including a Madhesi) committee was formed. Later, nine persons were added in the committee to address the demands made by various movements. Yet, no Dalit was represented in the committee. At the end of the tenure of the committee, a Dalit representative was nominated to address the demands of the Dalit movement. One Dalit out of sixteen members was indeed insignificant, except to raise a faint voice. Some Dalit organizations and individuals gave suggestions in organizational and individual capacity. With great difficulty, a delegate of Dalit civil society organizations got an opportunity to meet the coordinator and some of the committee members to briefly state them about Dalits' concerns and demands. Some of the Dalit rights concerned have been incorporated although most of them are yet to be addressed by the interim constitution.

The interim constitution was promulgated on January 14, 2007. It will continue until new constitution is made by the constituent assembly, which is expected to finish its process in three years period. It has the following positive provisions directly or indirectly addressing the issues concerned to the Dalits:

- Article 14 has guaranteed the rights against untouchably and caste discrimination. In this Article the following provisions are made:
  - None shall be discriminated based on caste, lineage, community or occupation with any form of untouchability and caste discrimination; such practice of discrimination shall be punishable and the victim shall be compensated as defined by law.

- None shall be deprived from the public services, use of public places or entering public religious places or religious functions/performances.
  - While producing and distributing goods, services or facilities, it shall not be limited to anyone just because of caste.
  - The feeling and practices of distinction between “higher” caste and “lower” caste and hatred or social discrimination related to that shall be strongly discouraged.
  - The practices against above mentioned points shall be punishable.
- Article 13 states that all citizens are equal in the eyes of law; none shall be deprived from the equal protection of law. It further states that none shall be discriminated because of their religion, *Verna*, sex, caste, race, origin, language or ideology. All these would not prevent them from making special provisions by law for the protection, empowerment or development of women, Dalits, indigenous nationalities, Madhesis or peasants, workers or economically, socially and culturally backward classes, children, elders and disables.
  - The article 21 is about right to social justice and it mentions that there shall be rights to participate in the state structure based on the principle of proportionate inclusion of economically, socially, or educationally backward women, Dalits, indigenous nationalities, Madhesi community, oppressed class, poor peasants and workers.
  - Article 33 is about the state’s obligations. It has made a provision to eliminate class, caste, linguistic, gender, cultural, religious and regional discrimination and to address the problems of women, Dalits, indigenous nationalities, Madhesis, oppressed, ignored and minority communities, backward areas. The state also adopts a policy of providing land, economic and social security to the surfs, freed *Kamaiyas* (bonded labor), *Haliyas* (who plough for others against the interest of debt) and *Haruwa/charuwa* (who looks after the cattle of others).

- The preamble states that there shall be restructuring of the state to resolve the existing class, caste, regional and gender problems in the country.
- In Article 4 (1) states Nepal as an independent, indivisible, sovereign, secular, inclusive and fully democratic state. In spite of the demands of secular state by various movements by Dalits and indigenous peoples, provision of secular and inclusive state has indeed provided hope to the Dalits to ensure their rights.
- In Article 8 (2) (b) is about acquiring lineage-based citizenship in the name of father or mother. It has opened a door for getting citizenship by Dalits, specially the Badis, in the name of mother who have been deprived from such rights.
- Article 29 relates to Dalits as it ensures rights against exploitation. It states that none can exploit to anyone in the name of custom, usages and tradition; it discourages to the traditional bonded labour systems such as *Balighare, Hali and Doli* through which non-Dalits have been exploiting and discriminating the Dalits.
- Article 33 is about the state's obligations. It states: (i) end the centralized and unitary state and restructure the state to make it inclusive and democratic; (ii) prepare and implement a package program of socio-economic transformation to end the all forms of feudalism, eliminate feudal land ownership, (iii) adopt a scientific land reform policy and provide land to landless, (iv) provide economic and social security for the surfs, "freed" *Kamaiyas* (bonded labor), *Haliyas* (who plough for others against the interest of debt) and *Haruwa/charuwa* (who looks after the cattle of others). Such constitutional provisions give some hopes to Dalits but state obligations are not enforceable and hence these remains in the documents only.
- Article 34 is about the guiding principles of the state. It mentions that the state shall have social objective of eliminating all forms of economic and social inequalities and create social harmony among the different castes, religions, dialects, Vernas and communities to establish and develop just and moral based healthy social life. Like state obligations, guiding principles are not enforceable and hence these remains in documents only.

- Article 35 is about state policies, in which, there is a statement that the state would adopt a policy of uplifting of the economically and socially backward indigenous nationalities, Madhesis, Dalits and other marginalized communities, workers and peasants below poverty line by providing reservation in education, health, housing, food sovereignty and employment for the definite time frame. Its Sub-Article 14 mentions that the state would adopt the special policy of affirmative action for the women, Dalits, indigenous nationalities, Madhesis, Muslims and other minority groups, landless, surfs, *Kamaiyas*, disables, backward areas and communities and conflict affected people.
- Article 45 (1) (c) states, while forming interim Legislature-Parliament, out of 330 members, 48 members will be nominated from among the people of occupational organizations, oppressed castes, backward areas, indigenous nationalities, women and political personalities. In practice NCP-Maoist have sent 12 Dalits out of 83 Members in the legislature-Parliament.
- Article 63 (4) (a & b) has a provision, which in reality is a parallel to the electoral system, for Constituent Assembly. It has adopted first-past-the-post and proportional election system. In proportional election, political parties prepares lists of their candidates and while nominating, they should enlist candidates from women, Dalits, oppressed castes/indigenous nationalities, backward areas, Madhesis and others.
- Article 138 is about the restructuring of the state. It states that class, caste, language, sex, cultural, religious and regional discrimination shall be eliminated. The existing centralized and unitary pattern of government shall be ended, to restructure the state democratically and progressively.

All these provisions, though positive, are mostly confined to papers; these are hardly being practiced. Indeed it should be appreciated that some major issues of Dalits have been incorporated in the Interim Constitution but many issues raised by the Dalit movement of Nepal are left out. The statutory issues by National Dalit Commission, like Constitutional reservation with special rights, proportional representation in all the formal

and informal sectors/institutions at all levels, Dalit specific package program for their socio-economic transformation etc. have not been addressed. Also, the Constitution is silent about the discrimination in the private places. The government has ignored to implement these constitutional provisions effectively.

#### **4.3 The first Amendment in the Interim Constitution 2007**

54 days after the promulgation of the Interim Constitution, amendment was made on March 9, 2007 to address the political demands made by various agitating social movements, including the movements of Madhesi, indigenous peoples, Dalit, women and remote areas. The first amendment made in Article 138 transformed unitary structure of the state into a federal state. Similarly amendment in Article 63 (3) made a provision to redraw existing electoral constituencies by increasing the number of constituencies in the Terai regions based on the size of population. Article 33 (D) was amended for providing proportional share to the marginalized groups - Madhesis, Dalits, indigenous peoples, women, laborers, peasants, the disables, backward classes and backward regions. The amendment is not about the electoral system. The Dalit movement is demanding for proportional electoral system and proportional representation to guarantee proportional share of Dalits in the state mechanism.

#### **4.4 Legislation and Policies**

The National Code of 1854 was the first written legal document introduced by the Rana Prime Minister Junga Bahadur Rana during the rule of King Surendra Bikram Shah. The legal code incorporated all caste and ethnic groups within the fourfold caste structure and the law, including legal punishments were absolutely based on who belonged to which of the four categories. The four-fold caste hierarchy was: (i) *Tagaddhari* (“sacred thread wearing” or “twice-born”), (ii) *Matawali* (liquor drinking), (iii) *Pani nachalne choi chhito halnu naparne* (“untouchable, but no need for purification by sprinkling holy water”), and (iv) *Pani nachalne choi chito halnu parne* (“untouchable, purification by sprinkling holy water required). Higher castes were further sub-divided into different sub-castes in hierarchic order. Matawalis were divided into two groups- unslave and slave. The Act made some caste related chapters in the law. These include Chapter 115 *Jaisi bahun ko*, Chapter 116 *Tagadhari chhetriya Jatko*, Chapter 117 *Unenslavable liquor*

*drinker jatko, Chapter 118 Enslavable liquor drinker jatko, Chapter 119 Non water sprinkling untouchable jatko, Chapter 120 water sprinkling untouchable jatko.* The law not only categorized the caste groups but also made its violation strongly punishable, so that no one would dare to break the caste system. The Dalits were deprived, excluded, exploited, stigmatized, ignored and neglected systematically, legally and institutionally from access to and control over to the decision making processes, resources and the development opportunities. The Code had provisions with strong punishment including isolation from social interaction, social relation, food and rituals etc. . The Code was highly discriminatory on the basis of caste and gender, as “higher caste” people were either unpunished or punished less and “lower caste” people were punished more (GoN, Ministry of Law and Justice, 1965). Dalits have been lagging behind in all development indicators for the centuries due to such state sponsored caste-based discrimination including untouchability against them. Even after the fall of 104-year old autocratic Rana rule and establishment of democracy in 1950, the “Old National Code” continued to exist in Nepal.

After shacking democratically elected government and initiating autocratic partyless Panchayat politics in 1960, King Mahendra amended the “Old” Country Code of 1854 as “New” Country Code of 1963. The amended Code had a provision to abolish untouchability and other forms of caste-based discrimination. It was nothing but a legal announcement, as there was no provision to punish those who violate it. Such pronouncement was ineffective to eliminate deep-rooted practices of untouchability and other forms of caste-based discrimination in religious, socio-cultural, political and legal fields. Given the institutionalized and multidimensional nature of the caste system with ubiquitous practices of untouchability and caste-based discrimination, no special incentives and disincentives were given to enforce the law after the announcement. Also, no special socio-economic and political measures were taken to empower the Dalits. In spite of all these weaknesses, the pronouncement has helped to weaken the caste system. Pollution of water, food, and body, and religious sanctions against Dalits weakened after the introduction of the “New” Legal Code of 1963. It’s was a very bold but could not function effectively as the Dalits could not go against the traditional Hindu Varna model, for their heavy dependency on the “high” caste Hindus and Indigenous Nationalities for

their survival and livelihood. It looks like an irony that the Dalits have to fight against those “high” caste people who actually support for their livelihood. As a result, the campaign for Dalits’ emancipation has been taking a long time in Nepal (Situational Analysis of Dalits in Nepal, 2002: 49).

After the restoration of democracy in 1990, the Constitution of the Kingdom of Nepal, adopted Westminster form of Parliamentary system of government. The Parliament with the House of Representatives and the National Assembly was responsible for making laws. No Dalit was elected as a member of the House of Representative but a few Dalits were nominated as members of National Assembly by the political parties.

Some of the failed efforts related to legislation on Dalit issues are follows:

- MP Pari Thapa had tried to table a Dalit Bill, i.e. a civil society sponsored Bill, but it was aborted by the Parliament and it showed how insensitive were the lawmakers as far as Dalit issues are concerned.
- The Nepal Dalit Association, a fraternal wing of the ruling Nepali Congress Party, had developed “Dalit Upliftment and Protection Bill” in 2002. The Party had made public its commitment through its election platform of 1999, that a Dalit Bill would be tabled in the Parliament. The Nepali Congress Party submitted it to the government. The government sent it to the Ministry of Local Development, and later to the Ministry of Law, Ministry of Education, and Ministry of Finance. After getting approval from all these ministries, it was discussed in the council of ministers. It was ready to be tabled in the Parliament to be passed, but unfortunately the Parliament was dissolved by the King (Bishwakarma, 2003:57-58).
- In 2003, the National Dalit Commission (NDC) prepared a bill on “National Dalit Commission Act”, but no political parties and parliamentarian supported the Commission to table the bill in the beginning. Very soon, the parliament was dismissed and the door for further progress was closed.



- On behalf of Dalit civil society, Dalit NGO Federation (DNF) drafted two bills, namely, “Constitution of Kingdom of Nepal 1990 first amendment Act Bill” and “Reservation Act Bill” in 2005, for the benefit of Dalit Communities and submitted it to the government and major political parties. The process did not move due to an absence of the Parliament.
- Likewise, Lawyers National Campaign against Untouchability (LANCAU) prepared a draft bill on “Caste-based Untouchability Crime Act” in 2006. Also, the Dalit Development and Law (DDL) drafted an Interim Constitution from Dalit perspective and submitted it to the Interim Constitution Draft Committee.

During 12 years (1990-2002) of Parliamentary process, many efforts were made to make legislation against caste-based discrimination, including untouchability but none was tabled and passed. Exclusion of Dalits continued knowingly or unknowingly, deliberately or un-deliberately, and willingly or unwillingly. Why such a situation prevailed for decades? It is because none of the Parliament member is sensitive towards problems and issues of the Dalits. During 1950-1957, 1957-1960, 1960-1990 and 1990-2002 there were only 3, 1, 5 and 9 Dalit members of the Parliament respectively. In the twelve years old history of the Parliament, only one Dalit was elected as a member of the House of Representative (“Lower House”) and 8 Dalits were nominated as the members of the National Assembly (“Upper House”), out of which, 2 members were nominated by the King. Out of these 18 Dalit Parliamentarians, none was a Dalit woman. and only 2 were from Terai Dalits. A Dalit Member of Parliament representing Communist Party of Nepal (United Marxist Leninist) became the Vice-Chairperson of the National Assembly.

It is not only legislative body, but executive body is also not sensitive to Dalit issues. None of the government has initiated any effort to make laws against caste-based discrimination through the legislative body. One of the reasons for such apathy is due to negligible representation of Dalits in the executive body. So far only 7 Dalits have become Ministers. Of the 7 Ministers, one became Minister for three times; in 1974, 1975 and 1984. During the partyless Panchayat System, 5 Dalits became Ministers after 2002 and a Dalit is a Minister in the current interim Council of Ministers. Of the 7

Ministers, only 2 were State Minister and the remaining were Assistant Ministers. None has ever become a full Minister. Even during the democratic Parliamentary System from 1990 to 2002, none became a Minister. Also, of the 7 Ministers from Dalit community, none was a Dalit woman and none from the Terai Dalit community.

The Interim Legislature-Parliament formed in 2006, has 330 members; out of them 18 (6%) are from Dalit community (Table 4.1). Out of total members from Dalit community, 12, 3, 2, and 1 are from CPN-M, CPN-UML, People's Front, Nepal and Nepali Congress respectively. Dalit movement in Nepal has been demanding for proportionate representation.

**Table 4.1 Composition of Members of the Interim Legislature-Parliament of 2006 by Sex and Major Caste, Ethnic and Regional Groups**

Major Political Parties	Sex				Total		Caste and Ethnic Groups							
	Male		Female				Hill B/C		Hill Indigenous Peoples		Terai		Dalit	
	No	%	No	%	No	%	No	%	No	%	No	%	No	%
Nepali Congress	77	91	8	9	85	100	59	69	14	16	11	13	1	1.2
CPN-UML	71	86	12	14	83	100	49	59	23	28	8	10	3	3.6
CPN-Maoist	55	66	28	34	83	100	29	35	28	34	14	17	12	14.4
Nepali Congress-D	45	94	3	6	48	100	33	69	7	15	8	16	0	0
RPP	6	100	0	0	6	100	1	17	1	17	0	0	0	0
Janashakti Party	1	50	1	50	2	100	1	50	0	0	1	50	0	0
Nepal Sadbhawana Party (Anandadevi)	4	80	1	20	5	100	0	0	0	0	5	100	0	0
Nepal Sadbhawana Party	1	100	0	0	1	100	0	0	0	0	1	100	0	0
Nepal Workers and Peasant Party	3	75	1	25	4	100	1	25	3	75	0	0	0	0
People's Front Nepal (Amik Sherchan)	3	75	1	25	4	100	1	25	1	25	0	0	2	50
People's Front Nepal (Chitra Bdr. K.C.)	3	100	0	0	3	100	3	100	0	0	0	0	0	0
People's Front Nepal (Chitra Bdr. Ale)	2	100	0	0	2	100	1	50	1	50	0	0	0	0
Joint Leftists' Front	3	100	0	0	3	100	3	100	0	0	0	0	0	0
Total	274	83	55	17	329	100	184	56	78	23	49*	15	18	6
Population % in Nepal	-	49.9	-	50.1	-	-	-	30.9	-	23	-	32.5	-	12.9
Percentage variance	-	+33.3	-	-33.4	-	-	-	+25.1	-	0	-	-17.5	-	-7.33

Source: Adopted from www. enewsnepal.com, 2007; Unequal citizens; Gender, caste ethnic exclusion in Nepal, Summary report, 2006, The World Bank, DfID

\* 4 Terai Dalit members have been counted in Dalits, Jana Utthan Magazine, issue 53 February 2006, Jana Utthan Prathisthan.

In the Interim Legislature-Parliament, women comprise only 17 percent in spite of 33 percent reservation for them declared by the reinstated HoR (Table 4.1). On the other

hand, Dalits' representation is only 5.4 percent as against the demand of the Dalit movement for proportional representation on the basis of caste/ethnic population sizes.

**Table 4.2 Hill and Madhesi Dalit Ratio in the Interim Parliament**

S.N.	Origin	Percentage (N = 18)
1.	Hill Dalit	77.8
2.	Terai Dalit	22.2
	<b>Total</b>	<b>100</b>

Source: Jana Utthan Magazine, issue 53, February 2006, Jana Utthan Prathisthan.

Of the total 329 members in the interim legislature-parliament, only 18 members are Dalits. Although Madhesi Dalits comprise 41 percent of the total Dalit population, only 4 out of these 18 members are Madhesi Dalits (Table 4.2).

**Table 4.3 Representation of Dalits in the Interim Legislature-Parliament by Sex**

S.N.	Sex	Percentage N = 18
1.	Dalit men	66.7
2.	Dalit women	33.3
	<b>Total</b>	<b>100</b>

Source: Jana Utthan Magazine, issue 53 February 2006, Jana Utthan Prathisthan.

One third of the total 18 Dalit legislature-parliament members are women (Table 4.3). This ratio is par with the state's commitment for 33 percent reservation to women.

**Table 4.4 Representation of Dalits in the Legislature-Parliament by Sex and Region (1950 to 2002+)**

S.N.	Sex and Region	1950-1990	1990-2002	2002 onwards	Total
		Percentage N = 9	Percentage N = 9	Percentage N = 18	Percentage N = 36
<b>Sex</b>					
1.	Men	100	100	66.7	83.3
2.	Women	0	0	33.3	16.7
	<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>
<b>Region</b>					
1.	Hill Dalits	88.9	88.9	77.8	83.3
2.	Terai Dalit	11.1	11.1	22.2	16.7
	<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

Source: Jana Utthan Magazine, issue 53 February 2006, Jana Utthan Prathisthan.

In the Interim Legislature-Parliament formed in the year 2007, altogether 36 Dalits, including 6 Dalit women, have become legislative members, which is historic for the Dalits of Nepal (Table 4.4). In the past, Dalit woman never became a member of the legislature/parliament. Of the 36 legislative members, 6 members are Madhesi Dalits, which is under representation in terms of the size of their population (Table 4.4; Table 4.5).

Out of the 22 Dalit castes identified by the National Dalit Commission, Dalit members of Legislature-Parliament are represented from 6 Dalit castes. Out of 22 Dalit members of Legislature-Parliament, Vishwakarma, Pariyar (Damai), Sarki, Paswan (Dusadh), Musahar, Chamar comprise 44.5 percent, 19.5 percent, 11.2 percent, 11.2 percent, 2.7 percent, and 2.7 percent respectively (Table 4.5). Yogi and Khadki comprise 5.5 percent and 2.7 percent but these two are not listed as Dalits by NDC.

**Table 4.5. Percentages of Members of Legislative-Parliament by Dalit Castes**

S.N.	Caste	1950-1990	1990-2002	2002 onwards	Total
		% N = 9	% N = 9	% N = 18	% N = 36
1	Vishwakarma	33.4	55.6	44.5	44.5
2	Pariyar	22.2	22.2	16.7	19.5
3	Sarki	0	11.1	16.7	11.2
4	Paswan (Dusadh)	11.1	11.1	11.1	11.2
5	Mushar(Sada)	0	0	5.5	2.7
6	Ram (Chamar)	0	0	5.5	2.7
7	Kapali (Yogi)*	22.2	0	0	5.5
8	Khadgi*	11.1	0	0	2.7
	<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

Source: Jana Utthan Magazine, issue 53 February 2006, Jana Utthan Prathisthan.

Note: \* Kapali and Khadgi are not listed as Dalits in the list prepared by the National Dalit Commission.

Man Bahadur Vishwakarma, who was a former member of the Upper House, and Mr. Manoharlal Bamrel had filed a writ petition in the Supreme Court in 1992 for enforcement of laws related to caste-based discrimination. The court had declared that if any one is proven guilty of practicing untouchability and caste-based discrimination (s)he should be punished with a maximum fine of Rs. 3,000 or one year's of imprisonment or both. The Supreme Court's decision was appreciated by the Dalit

movement. The National Code of Nepal was amended on October 14, 2006, following the declaration of the reinstated HoR June 4, 2006 that Nepal is an untouchability free State. The duration of imprisonment was increased to 3 years and the fine to Rs. 25,000. In 2003, the government decided that the cases of untouchability and caste-based discrimination would be taken up as the government's cases. As a result, many cases went to the Supreme Court as Public Interest Litigation (PIL). Dalit NGO Federation (DNF) filed 19 such cases from the years 2004 to 2006. Similarly, "Lawyers' National Campaign against Untouchability" (LANCAU) filed 6 such cases in the Supreme Court.

The types of cases dealt by DNF are mostly related to beating and discrimination such as verbal abuse, and domestic violence. Other cases include marriage, relationship and divorce, dispute over property, birth registration, rape or attempted rape, accusation of theft/ fraud and murder or attempted murder (Table 4.6). Of the 19 cases filed by DNF, 42 percent had positive and 21 percent had negative decisions (Table 4.7). The court made decisions on 12 cases filed by LANCAU, of which two-thirds had positive results. There are 7 ongoing PIL cases.

**Table 4.6 Number and Nature of Cases Dealt by DNF (2004-2006)**

S.N.	Cases	Year			Total	
		2004	2005	2006	Number	%
1	Beating/Discrimination such as verbal Abuse, domestic violence	25	23	85	133	38.3
2	Conflict on land/partition/birth registration	25	5	22	52	15.0
3	Marriage/Relationship/Divorces	17	7	9	33	9.5
4	Rape/Attempt	3	4	25	32	9.3
5	Accusation of theft/ fraud	-	4	25	29	8.4
6	Attempt murder/murder	-	3	25	28	8.1
7	<i>Haliya</i> (A form of bounded labor)	-	-	7	7	2.0
8	Citizenship issue	-	-	4	4	1.1
9	Adoption/ Ageing care	2	-	-	2	0.4
10	Writ petition against the incident of dismissing from the job	1	-	-	1	0.2
11	Trafficking	1	-	-	1	0.2
12	Other(property issues)	8	9	9	26	7.5
	<b>Total</b>	<b>82</b>	<b>55</b>	<b>211</b>	<b>348</b>	100.0

Source: DNF, 2007

**Table 4.7. Status of Decision on Caste-based Discrimination related PIL cases filed by DNF**

S.N.	Status of Decision	% N = 19
1	Positive decision	42
2	Negative decision	21
3	On going cases	37
<b>Total</b>		<b>100</b>

Source: DNF, 2007

#### **4.5 Enforcement of the Existing Laws**

Dalit scholars have identified 58 laws that are discriminatory against Dalits in terms of exclusion, untouchability, restriction and segregation (Tamrakar, 2005). Frustration is widespread as far as enforcement of the existing laws related to Dalits is concerned. Before the government took up cases of untouchability in the year 2003, many Dalit organizations started to resist these since the year 2000. These organizations include Dalit NGO Federation (DNF), Lawyers National Campaign against Untouchability (LANCAW), Nepal National Dalit Social Welfare Organization (NNDSWO), Rastriya Dalit Network (RDN) and Dalit Development and Law (DDL). . DNF is a pioneer organization in providing free legal support to Dalit survivors who became victims of untouchability and caste-based discrimination. It also take responsibility for filling Dalit issue related PIL cases, carrying out research study, raising legal awareness and making publications related to such cases. In the year 2006, DNF dealt with 209 such cases (DNF, 2007). Additional cases were registered by LANCAU, NNDSWO etc. Local administrators and legal personnel of the courts are authorized and responsible for dealing with such cases, but there is no visible presence of Dalits in these fields. Therefore, they do not take such cases seriously. They prefer pre-trial mediation rather than registering the cases. As a result, the number of registered cases appears to be surprisingly low. Only 2 cases were registered in the FY 2003/4 and FY 2004/5 each. In FY 2005/6 no single case of untouchability was registered in the court (Vishwokarma, 2007).

Dalit Human Rights Organization (DHRO) carried out a sample baseline survey in the year 2005, to understand how the offence of untouchability is taken up by the police administration. The report revealed that about 46 percent of the total respondents were not aware about legal provisions on caste-based untouchability; 48 percent respondents opined that law enforcement officials ignored offence against Dalits due to their prejudices; 74 percent of the respondents had no idea about the procedure and where to go for the justice; 4.3 percent of the respondents said that they go to police administration; and one-third of the respondents of the eastern parts of Nepal and 14.3 percent of the western parts of Nepal took initiative by collecting First Information Report (FIR) from the police. The survey findings revealed that no charge sheet was lodged by the police at the Office of District Attorney (DHRO, 2005).

#### **4.6 Human Rights**

Nepal is a signatory State to a number of international instruments of human rights that are relevant to the Dalits. These include -

- Universal Declaration of Human Rights;
- International Covenant on Civil and Political Rights (ICCPR);
- International Covenant on Economic, Social and Cultural Rights (ICESCR);
- UN Convention on the Rights of the Child (CRC);
- Convention on the Elimination of All Forms of Discrimination Against Women (CEADAW)
- International Convention on the Elimination of All Forms of Racial Discrimination (ICEARD);
- Forced Labour Convention (ILO C 29);
- Discrimination (Employment and Occupation) Convention (ILO C 111);
- Convention on Child Labour (ILO C 138); and
- Convention on Worst Forms of Child Labour (ILO C182).

Nepal is very keen in ratifying international instruments of human rights but it is very weak in implementing them effectively. Hence, violation of human rights, including Dalits' human rights, is rampant in Nepal. The Jana Utthan Pratisthan, a Dalit NGO, for the first time, kept a systematic record of Dalit rights violation and published it in the year 2004. During that time, the people's movement of the Communist Party of Nepal (C.P.N.)-Maoist was in a crucial moment as King Gyanendra had taken control of the executive power. The overall human rights situation began to deteriorate. Dalits became double victims, as they were caught in between the government's security forces and the Maoist insurgents.

**Table 4.8 Number of Incidents of Dalits' Rights Violation by Development Regions and Violators.**

Types of violation	Regions and Violators																Total	%	
	Eastern				Central				Western			MW			FW				
	G	M	B	T	G	M	O	T	G	M	T	G	M	T	G	M			T
Killing	7	5	2	14	12	2	2	16	3	1	4	7	4	11	5	4	9	54	22.7
Disappearance/abduction	1	2	0	3	3	3	0	6	3	-	3	1	4	5	-	-	NA	17	7.1
Detention/torture	10	-	-	10	9	-	-	9	-	-	3	-	-	NA	-	-	NA	22	9.3
Beating/threats/injury	-	-	-	24	10	-	-	10	-	-	4	-	-	8	-	-	9	55	23.2
Inter caste marriage	-	-	-	5	-	-	-	6	-	-	2	-	-	2	-	-	2	17	7.1
Unsociability	-	-	-	5	-	-	-	5	-	-	10	-	-	1	-	-	9	30	12.6
Discrimination against Dalit Women	-	-	-	13	-	-	-	7	-	-	2	-	-	3	-	-	5	30	12.6
Displacement/boycott	-	-	-	4	-	-	-	3	-	-	3	-	-	3	-	-	NA	13	5.4
<b>Total</b>	-	-	-	78	-	-	-	62	-	-	31	-	-	33	-	-	34	238	100

Source: Jana Utthan Pratisthan, 2004

Note: G = By government, M= By CPN-Maoist, B = By both, i.e. cross fire, O = By others, T = Total, N/A = Not Available

C.P.N.-Maoists motivated or forced many Dalits to join their party and the government's security forces took action against Dalits, who were suspected as the Maoist cadres. Out of the total 238 recorded incidents, about one fourth (22.7%) of the cases were related to killings. The incidents of beating, threats and injury were 23.2 percent, abduction was 7.1 percent and detentions or tortures were 9.24 percent. Of the total cases of the incidents of untouchability and discrimination, inter-caste marriage was 71 percent, untouchability was 12.6 percent, discrimination against Dalit women was



12.6 percent and displacement/social boycott was 5.4 percent (Table 4.8). Of the total incidents in the year 2003, about 38 percent were of social and 62 percent were of political nature.

According to the annual report of the NDC, 29 incidents of untouchability were reported in the year 2002/03. But later reports of the years 2004-05 and 2005-06 did not provide any information about such incidents or any complaint/petition of untouchability and caste discrimination. It indicates that the NDC is no more guarding against caste-based untouchability and discrimination.

According to the National Human Rights Commission's (NHRC) annual report 2005-06, out of the total 2,331 petitions registered at the commission, 72 were on economic and social rights, including 5 on discrimination and violation of religious rights. Out of the total 109 promotional activities carried out by NDC, none was on caste-based discrimination. During that year, NDC had reserved 5 seats as quotas for Dalit candidates to fill in the vacant positions.

According to INSEC year book of 2007, 189 incidents of untouchability and caste-based discrimination were recorded. Of these, incidents of caste-based untouchability was 85 percent, prohibition to enter public places was 7.5 percent, inter-caste marriages was 5.0 percent, and firing from jobs was 2.5 percent (Table 4.9). It clearly shows that the instances of untouchability are high in spite of measures taken by the government and Dalit rights movement. .

**Table 4.9 Number of Incidents and Affected Persons by Types of Violation**

Types of violation	No. of Incident	Percentage	Number of affected persons			Total	
			Men	Women	Unidentified	No	Percentage
Prohibited entering public places	3	7.5	5	3	1	9	4.8
Inter caste marriage	2	5.0	2	N/A	7	9	4.8
Dismissed from job	1	2.5	1	N/A	N/A	1	0.5
Caste untouchability	34	85.0	33	15	122	170	89.9
<b>Total</b>	<b>40</b>	<b>100</b>	<b>41</b>	<b>18</b>	<b>130</b>	<b>189</b>	<b>100.0</b>

Source: Adopted from INSEC, 2007, Annex 1.1

## **4.7 Policy and Institutional Initiatives taken by National and International Actors**

The State, international donors working in Nepal and civil society organizations have taken some initiatives to make policies in favor of Dalits, and also to protect and secure Dalits' human rights. Although their initiatives are admirable and necessary, they are not sufficient to eliminate caste-based untouchability and other forms of discrimination.

### ***4.7.1 Initiatives of the State***

King Rana Bahadur Shah (1775-1806) was very much impressed by the thoughts of the saints of *Josmani*. It was against the caste-based discrimination. The King made a temple of Lord Jagannath and organized co-feast programmes for Dalits and non-Dalits. He rolled back the lands given to the Bahuns as a part of ritual donation and gold and money donated to the temple and dismantled temple and idols. The temple's priests were angry at him. King Rana Bahadur Shah was the first King who opposed caste system in the modern history of Nepal. He was indeed impressed by saint Shashidhar.

During the period of Prime Minister Janga Bahadur Rana, Saint Gyandil Dash opposed caste system. Janga Bahadur ordered to arrest him and declared that the priest has lost his caste status. Dash walked around carrying a *ranko* ("fire-torch") in the noon to search his lost caste. Other religious reformers, intellectuals, social reformers, poets, writers, historians, politicians, namely founder of communist leader Pusplal Shrestha and democratic leader B.P. Koirala, were against of the caste-based discrimination.

Likewise, some personalities from Dalit community like Kale Damai of Ilam, Gopal Lamjel of Tehrathum (1861-1949) individually fought against caste discrimination.

Before 1947, there were no organized initiatives against caste-based discrimination, either by the State or the civil society. The organized effort against caste-based discrimination started in 1947 with the establishment of *Sarbajan Sangh* ("All People's Association") by late Sarbajit Bishwakarma. Since that time Dalits started to

raise collective voices against the tyranny of caste discrimination specially untouchability. Many Dalit organizations appeared and disappeared from 1950 to 1990. Even during autocratic regimes of the Ranas (1846-1950) and the partyless Panchayat political system (1960-1990) some Dalits individuals showed courage and established Dalit organizations to fight against the caste-based discrimination. After restoration of democracy in 1990, there was a favorable environment to get organized in fighting for the rights. As a result, many Dalit organizations with different objectives were established and are contributing for the elimination of caste-based discrimination. These Dalit organizations could be categorized as (i) political sister organizations, (ii) Dalit Non-Governmental Organizations, (iii) caste organizations, (iv) occupational unions, and (v) governmental organizations.

The Government of Nepal had established a few organizations for Dalits. These are the Nepal Excluded, Oppressed and Dalit Class Development Committee established in 1997 and the National Dalit Commission established in 2002. The National Planning Commission, Line Ministries and the local bodies have been working, though nominally, for upliftment of the Dalits. Development agencies; bi-lateral/multilateral, INGOs and the human rights organizations are also increasingly engaged for the rights and development of the Dalits.

Political parties' fraternal and sister organizations are also contributing to some extent in this regard. Some progressive individuals have been contributing in their own ways. Lack of sufficient commitment, working capacities, political will power and the resources have prevented most of them to work in the best way possible. They have been indeed contributing in documenting the condition of Dalits, raising voices, empowering Dalits and analyzing development processes from Dalit's perspective.

**4.7.1.1 Nepal Excluded, Oppressed and Dalit Class Development Committee:** The Government of Nepal formed this committee in 1997 under the Ministry of Local Development. The Committee is entrusted with the responsibility of implementing some of the Dalit specific government funded activities. This committee implements scholarship programmes for secondary and higher education. Funds are also provided to

Dalits for income generation activities. The Committee also runs a radio programme and other sensitization programmes to raise public awareness against caste discrimination. It has established a library with collection of Dalit related reference materials and these are accessible to all the interested readers. Activities pertaining to education, income generation and advocacy are limited in their coverage due to lack of finance and low capacity for plan and execution. The Committee is highly unstable; for frequent changes in the government leads to frequent changes among the board and staff members. Most recently, the government has formed its district chapters in all 75 districts under the District Development Committee. Hopefully local Dalit people would have access to resources and the decision making process through these chapters. It would work, with focus on the Dalits issues. In the Ninth Plan (1997-2002) the government had brought a policy to convert the committee into the council but it was never implemented.

**4.7.1.2 National Dalit Commission:** The National Dalit Commission (NDC) was established in March 2002. The Dalit movement of Nepal has been demanding for a constitutional, independent/autonomous, resourceful commission with semi-judicial roles. It was formed after a cabinet decision and works under the Ministry of Local Development. Unstable politics of the nation has made it unstable. During the change of government, the board members appointed by previous government resign and new board members are not appointed for long. The Commission has the following mandates:

- To create an environment in which Dalit groups would be able to enjoy their rights without any obstacles;
- To recommend timely amendments of existing legal provisions and HMG's policies and regulate it to perform the above functions;
- To formulate policies and strategies for the implementation of international covenants and conventions against racial discrimination and other human rights instruments; and also to recommend it to the government;
- To coordinate and monitor activities of the NGOs involved in Dalit upliftment and development;

- To formulate activities to eliminate traditional customs and ideologies related to untouchability, and all the other forms of social discrimination, and also to implement them through NGOs;
- To entertain complaints about discriminatory and other illegal acts against Dalit groups/individuals in coordination with the National Human Rights Commission, Human Rights Promotion Center, local administration and authorities and take action/facilitate initiation according to the legal provisions;
- To make special arrangements for the protection of rights of disabled Dalit children and women and to work for their development;
- To document the activities of various agencies for the upliftment and empowerment of Dalit people by considering the Human Rights Action Plan 2004 and coordinate and monitor them;
- To prepare a draft legislation to create legal arrangements for the National Dalit Commission; and
- Identify and define various Dalit groups and submit the list to the Ministry of Local development for publication.

The Commission prepared a draft legislation on caste-based discrimination, including untouchability and defined the term “Dalit” It identifies and lists various Dalit groups in Nepal as an annex to the draft legislation. The Commission was also involved in a countrywide study of the status of Dalit human rights in the context of the ongoing armed conflict between the Maoist insurgents and the Government’s security forces. It investigated a number of cases of caste-based discrimination and took appropriate actions. It has documented and published some research reports and books. One of the problems of the Commission is lack of capacity to carry out the mandated activities. For example, during the two fiscal years, the Commission received NRs. 10 million in one year and NRs. 12.5 million in another year, but NRs. 3 million and NRs. 5 million respectively remained unspent.

**4.7.1.3 National Planning Commission (NPC):** National Planning Commission is the apex body for the planning process in Nepal. It makes long term, mid-term and short-term plans of the country. In the periodic plan, it makes government policies, strategies and programmes. But there are very little plans for the Dalits. For the first time during the Fourth-Five Year Plan (1970-1975), NPC allocated budget in fiscal year 1971-72 to construct "Social Development Hostel" for Dalit students.. The next 3 Five-Year plans had nothing for the Dalits. The Eighth -Five-Year Plan (1992-1997) introduced some policies and programmes for Dalits. The government introduced Dalit students' scholarship programme in fiscal year 1995-96. But as the government agrees, these programmes were neither designed neither with the concept of decentralization in mind nor implemented with the participation of the beneficiaries (Swornakar, 2005).

The Ninth Plan (1997-2002) seemed to be important in the sense that, for the first time in the history of Nepal, the document contained a separate plan outlining the objectives, policies, strategies and programmes for Dalits and other disadvantaged groups. Dalit targeted policies, strategies and programs of the plan were confined in papers; most of the plans were never implemented. In 2002, NPC produced two documents: (a) Situational Analysis of Dalits in Nepal and (b) Long Term Strategies for Dalits Upliftment in Nepal. The first report briefly reviews research works carried out so far to identify constraints and potential areas for interventions. The second report focuses on a long-term strategy for Dalit empowerment and upliftment and highlights problems, policies and tentative plans of action, with possible implementing bodies for the next 25 years (Danida, 2004).

The Dalit targeted plans and programs of the Ninth-Plan continued in the Tenth-Plan (2003-2007) with some improvements. This plan, which is also known as Poverty Reduction Strategy Paper (PRSP), has adopted four strategic pillars including ensuring social and economic inclusion of the poor and marginalized groups. Though the words inclusion and marginalized groups do include Dalits, but it is not specific for the Dalits.

**4.7.1.4 Poverty Alleviation Fund:** As the objective of the Tenth-Plan was poverty alleviation, a "Poverty Alleviation Fund" (PAF) was established in 2004. Dalit

community has been one of the target groups of PAF. During the Tenth-Plan period Dalit upliftment activities received about NRs. 500 million from the PAF. The Fund intends to work in the areas of income generation, capacity building, community infrastructure development and social mobilization. As opposed to the traditional modality of implementation, the Fund intends to implement activities through community based organizations.

Some Dalit specific and pro-Dalit programmes are implemented by various sectoral ministries. These are as follows:

**4.7.1.5 Ministry of Education and Sports:** The Ministry implements a scholarship programme for Dalit students at the primary level. The “Secondary Education Support Programme” provides scholarship to the Dalit students in secondary schools. New pro-Dalit programmes in the educational sector include scholarships for poor, Dalits and indigenous children at primary, lower secondary and secondary levels. Similarly, women from Dalit and indigenous communities are receiving teacher’s training in 12 districts under a special scholarship programme. A campaign of “Education for All” (EFA) programme has generated disaggregated data about the educational status of Dalits. It has programmes for Dalits like common mass program, campaign for entry into the temple and house, publication of Dalit-specific reading materials such as history of Dalits, leaders of Dalit movement, Dalit and international contribution, Dalits’ contribution in vocational and technical education, incentives and subsidy program for Dalit scholarship, opportunity of cost subsidy for parents job guaranteed, inclusion content to address gender, caste, ethnicity and religion in teacher training package curriculum, textbooks, and proportional representation of Dalit and disadvantage groups in play, delegation, tour etc.

**4.7.1.6 Ministry of Labour** Pro-Dalit programmes under this Ministry include skill oriented training to Dalits and indigenous peoples including Kamaiyas. A quota of 10 percent had been allocated for foreign employment for Dalits, indigenous peoples and ex-Kamaiyas and for those affected by the ongoing conflict. National Employment Promotion Center, under the Ministry of Labor administers the programme. National

Dalit Commission recommends the candidates and the Government provides 80 percent loan to each candidate. It was suspended due to poor management.

**4.7.1.7 Ministry of Local Development:** Specific pro-Dalit activities under the Ministry of Local Development include formation of Dalit and Janajati (“indigenous peoples”) entrepreneur’s groups under its Rural-Urban Partnership (RUP) programme. Dalits, women and indigenous people are allocated certain portion of the budget through DDCs in 20 districts for small-scale physical infrastructure development and training, etc. under its decentralized fiscal and development programme. The Local Self-Governance Act 1999 requires that the DDCs, VDCs, and Municipalities should benefit people by involving them in development plans at the local level.

**4.7.1.8 Other Ministries:** A few Dalit specific Programmes are also implemented by Ministries of Agriculture, Forests and Soil Conservation, and Science and Technology. In FY 2005/06, the government implemented a special livestock programme for commercialization and diversification of agriculture, targeting 22 districts where Dalits and freed Kamaiya are numerously populated. The government implemented herbal and non-timber forest resources based income-generating programmes for Dalits, women and other oppressed class people and handed over the leasehold forest to the community. A special programme was implemented for Badi women. Anti-discrimination program has been implemented within the good governance and human rights programmes for adequate representation of Dalits, women, and indigenous people in the public administration and civil services (Swornakar, 2005).

**4.7.1.9 National Human Rights Commission:** National Human Rights Commission (NHRC) implemented a Dalits Rights Promotion Programme in 2001-2003 but it was discontinued. NHRC developed its strategy paper for the years 2004-2008. It has accepted caste-based discrimination (untouchability) as a major area of its concern. Protecting equal rights of Dalits has been mentioned under the strategic objective No. 2. Most recently, the Commission has hired some Dalits as lower level staff as a part of its affirmative action policy. The NHRC considers the cases of caste-based discrimination,



but their performance has not been satisfactory as they give priority to the human rights only.

#### ***4.7.2 Initiatives of International Donors***

**47.2.1 Danida:** Danida is the first bilateral agency to work with Dalit NGOs. Since 2000, it's Human Rights and Good Governance Advisory Unit (HUGOU) in Nepal has been supporting three national level Dalit NGOs, DNF, DWO, and FEDO, for their organizational development, capacity building, and advocacy activities. Through this strong network based organization, vulnerable people such as Dalits could raise their voices strongly for their rights (DCBSP Project Document, 2003). After 2004 it supported other Dalit organizations too, with small scale funding. . Decentralization Advisory Support Unit (DASU) of Danida has been providing funding support for specific short-term activities to organizations such as JUP, DHRO and DWO. Danida has now inclusion component to support on Dalit issues.

**4.7.2.2 Department for International Development (DfID):** Social Inclusion is one of the five objectives of the DFID's "Nepal Country Assistance Plan". It is designed to achieve more equitable access to resources and opportunities by women and excluded caste and ethnic groups. Strengthening representative organizations of various caste/ethnic groups is a strategy pursued to fulfill this objective (DFID-CAP, 2004). DFID's "Enabling State Programme" (ESP) implemented "Dalit Empowerment and Inclusion Project" (DEIP) from the year 2003 to 2006 to provide support to DNF, DWO, FEDO, NNDSWO, "Jagaran Media Centre" (JMC) and "Jana Utthan Pratisthan" (JUP). At the national level, this project focused primarily on capacity building in terms of organizational management and advocacy skills, as well as for advocacy activities for mainstreaming/integrating Dalits into the national life. The "Rights Democracy and Inclusion Fund" (RDIF) of ESP-DfID has provided support to FEDO and "Madhesi Dalit Development Federation through this Fund to implement the inclusion activities.

**4.7.2.3 United States Aid for International Development (USAID):** USAID gives priority to diversity and social inclusion. It has some programs targeting women and disadvantaged community. Dalit people have benefited from its programs as one of the

targeted disadvantaged groups. Scholarship program is mostly for the benefit of Dalit children. Its support is implemented through various agents. It supports through grants/cooperative agreements. Each program benefits Dalit community even though they are not directly targeted (Maamo *et. al.*, 2005). Access to assets and capabilities is one of the pillars of the mainstreaming. USAID provides support to “Save the Children, US” programme in 1991 to carry out research on the situation of the Dalits in 6 districts of the country. It also runs a programme called BELE (Basic Education for Least Educated) in 15 districts. USAID also provided some money to establish a scholarship fund. The interest earned from this fund is used to provide scholarships to Dalit students from selected districts throughout the country. The fund is operated in partnership with “Save the Children, US” and NNDSWO.

**4.7.2.4 Canadian Cooperation Office (CCO):** CCO has been supporting Dalit Welfare Organization (DWO) since 1995 for “Awareness & Upliftment Programme for Untouchable Community” in Salyan district. The activities included assistance to Dalit communities by providing raw materials for the expansion of their traditional occupations. CCO continued to support DWO in 1997-98 for the project “Socio-economic Upliftment of Untouchables” in Salyan. The activities included income generation, cooperative development and educational programmes with focus on the Badi and Gandharva communities. CCO provided support to DWO from January 2001 to February 2003 to launch Dalit empowerment activities in Khalanga and Kudbidanda VDCs of Salyan district. CCO had supported “Help to the Helpless Council” (HHC) in Dharan, Sunsari from 2002 to 2003 for a project on human resource development of Dalit organizations, by partial funding to attend an internationally recognized development management course at Coady International Institute of the St. Francis Xavier University, Canada. CCO also supported “Nepal Janabikash Samaj Sewa Sangh” for its Dalit upliftment activities in Ranigaon VDC in Panchthar district. The activities primarily included strengthening of saving and credit groups. It also supported “Dhanusha Bikas Path” for its Musahar empowerment project in Dhanusha district. The activities included improvement in education, drinking water, sanitation, and skills/IGAs, and strengthening of CBOs.

**4.7.2.5 European Commission (EC):** The European Commission supported Oxfam GB for a project called “Combating Xenophobia and Discrimination of Dalits in Nepal” for three years (2003-2006). Oxfam had partnerships with Sustainable Livelihood Forum (SLF), Parbat and Baglung, “Udpidit Tatha Janajati Bikash Parishad” (UTJBP), “Arghakhanchi”, “Janachetna Sarokar Manch” (JCSM) (Arghakhanchi) and National Coalition Against Racial Discrimination (NCARD), Kathmandu, working on Dalit rights. These organizations did rights-based campaigns to establish Dalit rights. EC supported JUP, NNDSWO, FEDO, DWO and DNF in individual and collaborative basis with INGOs like Lutheran World Federation and CARE, Nepal. These initiatives have been focused for the empowerment and advocacy of the oppressed.

**4.7.2.6 OXFAM GB:** OXFAM has been supporting Dalit community for the last 10 years. Some of the issues that OXFAM took on are policy changes in national plan, rules and law reform in favor of Dalit people. One of its main concerns is to change the attitude of the policy makers. It strives to bring change among non-Dalit caste groups and to raise awareness among Dalit caste groups. Its Dalit empowerment program was launched in the year 2003 with the funding support of EU. This program was for three years (2003–2006). Indirect support was provided to conduct training for local/district level leaders, lawyers, judges and journalists. OXFAM supported five local NGOs and a central NGO. Some event-based support was provided to the national level organization including DNF to launch campaigns on Dalit issues.

**4.7.2.7 International Labour Organization (ILO), Nepal:** ILO has been involved in various Dalit related activities. ILO commissioned two studies: (a) “Dalit NGOs’ Activities Mapping”, and (b) “Discrimination, Dalits and Labour Rights in Nepal”. The first study was carried out through DNF and it looked at Dalit NGOs’ locations, programmes and activities in Nepal. The second study was an investigation about the status of Dalit people and effects of caste discrimination in relation to access to employment and education, and to representation (DCBSP, 2003).

**4.7.2.8 MS Nepal (Danish Association for International Cooperation):** MS-Nepal has been working in Nepal since 1986. Its activities were guided by policy paper on

Pluralism and Diversity, 1999-2004. It has developed a strategy paper, where its concepts are programmed targeting Dalit group. MS-Nepal had implemented Dalit women empowerment program in Banke and Bardiya districts since 2001. The thematic areas of MS Nepal thrust include strategic process involving awareness building, enablement, entitlement, and empowerment. Many of MS Nepal partner organizations work with disadvantaged groups such as Dalits, women and indigenous peoples. Dalit Welfare Organization (DWO) and Ethnic Development Centre (EDC), Doti are MS's Dalit partner organizations with Dalit specific activities to work in Banke, Bardiya and Doti districts. MS-Nepal is involved in influencing policies in the central level for diversity and social inclusion.

**4.7.2.9 HELVETAS:** HELVETAS supported part of Dalit Welfare Organization (DWO) in their “Dalit Janajagan” radio programme during 2003. It provided complementary support to the ongoing Action Aid and LWF assisted activities of “Jana Utthan Pratihthan” (JUP). HELVETAS has published learning and sharing series on empowerment of Dalits. HELVETAS has been reaching and benefiting the Dalit communities by implementing a popular project Linking Local Initiatives and New Know-how (LLINK).

**4.7.2.10 Lutheran World Federation (LWF):** The LWF has been supporting four Dalit organizations; NNDSWO, FEDO, DWO and JUP for empowerment of Dalits in some districts and in local as well as national level advocacy activities. Its support to JUP is on capacity building, self-help promotion, community mobilization, and journalism training activities for key intermediaries in Kathmandu, Mahottari, Nawalparashi, Syangja, Bajhang, Rupandehi, Palpa, Banke, Bardiya, and Kailali districts and publication of its *Jana Utthan* monthly from Kathmandu. With LWF's support FEDO in implementing activities related to awareness raising, coalition building, and group mobilization (women's groups), in Lalitpur district. LWF has annual programs and it is preparing advocacy policy with Dalit exclusive focused program. LWF has implemented a livelihood program for Dalit in partnership with CEPREAD.

**4.7.2.11 CARE Nepal:** Most of the projects of Care Nepal target to the Dalits. Its Dalit-focused activities and programs can be categorized as (a) Income generating activities, (b) Education (formal and non-formal), (c) Advocacy, and (d) Sectoral (e.g drinking water, etc). CARE Nepal had provided funds during the years 2002-2003 for training, strategy formulation and workshops etc. to JUP, JMC, DNF, and DWO. CARE, together with “Save the Children US” and Action Aid supported the national Planning Commission in the formulation of a national Dalit strategy. CARE was one of the pioneering organizations to define the term DAG (Disadvantaged Group) and executes its programmes accordingly. Most recently, CARE Nepal and DNF (with its member organizations) are implementing Madhesi Dalit oriented project to promote rights of Terai Dalits with the funding support of European Commission. Social integration/inclusion is the main concern of Rural Area Development program of CARE. This component addresses the issues and problems of Dalit. CARE takes into consideration issues related to Dalits, women and social inclusion issues as its cross-cutting program along with other priority areas i.e. Water shade, Health and forestry. CARE includes “Dalit” as an integral part of “inclusion”. Its entry point is sectoral but includes social issues as well (Mamoo, 2005).

**4.7.2.12 Save the Children Norway (SCN):** Save the Children Norway supports DWO to implement projects, namely, “Fight against discriminatory practices on Dalit children in public lives” and “Protection of children affected by armed conflict” in Bardiya, Dailekh, Surkhet, Sindhuli, and Sunsari districts. SCN supports Social Awareness for Education (SAFE) in “Improving the life of children in especially difficult circumstances with focus on the Badi community” in Surkhet, Dang, Bardiya and Banke districts. SCN supports SAFE for “Protection of children affected by armed conflict” in the districts of Dang, Bardiya, Banke, and Kailali.

**4.7.2.12 Save the Children US (SC-US):** Save the Children US started Dalit program through NNDSWO, the oldest Dalit NGO in the country. In the beginning it implemented a project, Nepal Children’s Scholarship Endowment Program (NCSEP), through NNDSWO in 15 districts. It carried out a research entitled “A Modest Study of the Current Social–Economic Situation of The Lowest Status Caste and Tribal Communities

in Nepal” in 1993. It carried out a small research and helped to start Basic Education for Least Educated (BELE) program and continued providing scholarships for Dalit students. Save the Children US has allocated 12 percent its total budget of \$2.59 million for the Dalit programs. Its support ranges from direct income generation activities to advocacy through national Dalit organizations. It has also helped in the establishment of some Dalit NGOs. . It gives priority to Dalit candidates while hiring their staffs and has a large number of Dalit staffs from lower level to the decision- making levels. It has collaborated with INSEC to carry out a study about the status of Dalits as human resources in I/NGOs.

**4.7.2.13 Action Aid Nepal:** Action Aid designed exclusive program for the upliftment of Dalit community in its Country Strategy of 2004–2007. The organization has plans to carry out different programs targeting Dalits in the Tarai and the Hill regions. It has clearly identified Dalits as a major “rights holders group” and engaged itself on Dalit support activities for more than a decade. In view of this along with the magnitude of support activities, today Action Aid is regarded as a major organization engaged in Dalit support activities. Action Aid provides both long-term (more than three years), as well as short-term supports for advocacy and awareness raising activities. It has been supporting to 5 Dalit organizations for the anti-discrimination campaigns. It has developed Dalit rights activists and mobilizing them for campaigns against caste- based discrimination.

**4.7.2.14 The Asia Foundation (AF):** It provided crucial support to FEDO during the early stage of Dalit NGO movement that started in the early nineties. It also played a significant role in the establishment of Dalit NGO Federation by providing initial grant support. AF does not directly focus on Dalit issues, but it addresses a range of issues central to the long-term democratic, economic and social development of Nepal. The project location is occupied by Dalits, then the support is directed to them. The same thing happened in Doti, where FEDO is supported by TAF to implement the program and most of the members benefited are Dalit. TAF supports the government as well as non-government agencies to implement the program for the benefit of poor people. TAF claims that Dalit and non-Dalit family may be found equally poor in the implementation area. So TAF provides support to all the disadvantage groups in the community. TAF has been supporting the promotion of democratic governance and human rights, which

benefits Dalit, women and other disadvantage people. TAF, with a glance to human rights, focuses on women and minority groups.

**4.7.2.15 The Ford Foundation:** The Ford Foundation provided support to DNF to expand its legal assistance activities. DNF has employed four mobile lawyers under this project. These mobile lawyers work through the DNF regional offices. It supported to raise legal awareness, develop para-lawyers and monitor Dalit's human rights violation.

**4.7.2.16 The World Bank (WB):** The World Bank does not have an explicit "Dalit program" but the Bank's support to GoN seems to help Dalits in several ways. At the policy level, the Bank supports reformative measures that helps to make government's policy more inclusive and equitable to all citizens and more pro-poor. Both help to make it more pro-Dalit. The Poverty Reduction Strategy Credit (PRSC) policy outlines several specific reforms related to social exclusion. One of the PRSC's policies requires the government to increase the girls' and Dalit children's access to schools through scholarships and other means. PRSC has shown its concern to affirmative action to incorporate more women, indigenous peoples and Dalits in civil service as a part of the overall Civil Service Reform. WB's support on poverty reduction strategy papers (PRSP) helps to address the Dalits' problem of poverty, because incidence of poverty is highest among the Dalits. WB in collaboration with DfID had carried out Gender and Social Exclusion Assessment (GSEA). It generated policy and implementation strategies that the government and civil society stakeholders in Nepal should implement, to realize the PRSP goal of reducing gender, ethnic and caste-based exclusion. GSEA provided necessary data and conceptual foundations to do so. WB has designed M&E systems to track project objectives including inclusion of Dalits in the Education for All (EFA), SWAP, RWSS II. WB supports Nepal Government's Poverty Monitoring and Reporting System (PMRS) designed by NPC. It has also made special efforts to ensure that the caste, gender and ethnic data are collected in national surveys.

**4.7.2.17 Swiss Development Cooperation (SDC):** SDC had no programs especially for the Dalits before the year 2003/4. It dealt with and recovered different programs designed for Disadvantaged Group (DAG). The governance Program includes Dalit as a

separate component within governance program since the year 2003. At present SDC is supporting Tuki, Jagaran Media Center and FEDO to implement programs for the Dalit groups. It provides grants to NGOs, supports the government's Departments of Forest, Health, Roads, and Local Development. It is working to build capacity of NGOs, local bodies and support them to reorient their programs to include more Dalits. Social mobilization is a key to enable women and Dalit participation in their programs and projects.

**4.7.2.18 The Netherlands Development Organization (SNV):** SNV had no program/project in the past that targeted the Dalits. However, its forest management program and social mobilization program give special consideration to this community. It also prioritizes social inclusion of Dalit and marginalized group. Currently, SNV has developed a policy and plan for social inclusion that directly relates to Dalit. SNV has started to support Dalit NGOs in building capacity and launching local level advocacy activities in Mechi and Karnali in coordination with DNF. SNV believes that the Dalit movement must give equal attention to gain cooperation and support from the non-Dalits. It believes that the local government agencies need to be sensitive in dealing with and prioritizing Dalit program at the local level. There is a great significance in strengthening Nepalese institutions to deal with its social problems. Since 2005 it has been administering the Social Inclusion Research Fund (SIRF) that promotes Dalit researchers to get engaged in research works.

**4.7.2.19 JICA:** JICA is a bilateral donor agency that influences GoN to create more positive environment for social inclusion and caste equality while implementing the programs. In the area of alternative schooling program, JICA targets the disadvantage group of people, where most of the beneficiaries are from Dalit family.

**4.7.2.20 VSO Nepal:** Dalit community is one of the targeted groups of VSO. VSO has been supporting some Dalit DNGOs for their capacity building and organizational development. It has provided VSOs to several Dalit organizations such as. DNF, DWO, FEDO, NNDSWO, DHRO.



**4.7.2.21 European Union (EU):** EU's presence in Nepal is since the year 2002. It has been in the country, mainly working in the areas of Democratization and Human Rights. It has been operating through Micro and Macro level projects. These projects are implemented through INGOs and local NGOs. Micro-projects support Dalit related programs. EU adopts integrated approach in its programs that includes providing benefits to the Dalit community. Since 2003, it has been supporting various programs targeted to Dalit community. It had allocated money for micro-projects for the year 2005, which included combating discrimination against Dalits.

**4.7.2.22 United Nations Children's Fund (UNICEF):** UNICEF has been supporting people on the basis of their poverty. It has identified and worked for the disadvantaged group of community for their upliftment and mainstreaming in development. It claims that among the disadvantaged groups, Dalit community is its prioritized constituency. They have no programs that directly focus on them but provide benefits to them. Its main areas of work are education, health, drinking water and sanitation. UNICEF is more serious to execute its flagship program called Decentralize Action for Children and Women (DACAW).

**4.7.2.23 Asian Development Bank (ADB):** ADB has been supporting integrated programs. Their programs focused to the disadvantaged groups of people. They give priority for social inclusion of disadvantaged groups and women. Their major focus in the last two years was on social inclusion of gender, ethnicity and caste. They have exclusively addressed it in their country strategy paper for the period of 2005 to 2009. They support disadvantaged groups by scholarships and increasing access to and quality of education. ADB supports for direct policy reforms and program implementation as is evident from its working with the government for the affirmative action policy for the excluded groups including Dalits.

**4.7.2.24 German Cooperation for Technical Assistance (GTZ):** GTZ have no direct Dalit-focused program. It focuses on disadvantaged groups of people that include Dalit community. GTZ's priority working areas are health, community development, decentralization, food security and development of women, Dalit, poor households and

small farmers etc. In the recent years GTZ has been working with inclusive approach, including Dalit, and real poor people. Most recently it has adopted social inclusion component (Mamoo, 2005).

**4.7.2.25 International Dalit Solidarity Network (IDSN):** IDSN based in Copenhagen, Denmark, is a global apex platform of those organizations, which are working for the rights of excluded groups including Dalits. It has been playing pivotal roles in internationalizing Dalit issues, to attract the attention of the international actors including United Nations and European Commission. IDSN works as a facilitating organization for caste affected people and engaged in high level lobbying with UN agencies, EU and the governments of caste affected countries. The high level lobbying and advocacy efforts by IDSN have been creating moral pressure to the governments in protecting, promoting and respecting the all human rights of Dalits in Nepal. In December 2004, this organization together with Dalit NGO Federation (DNF) in organized an international consultation on caste-based discrimination in Kathmandu, which has been a mile stone for the Dalit movement to raise its voice at the international level. The consultation seminar issued a “Kathmandu Dalit Declaration”, which has become a strong tool for the Dalit movement globally. IDSN has been facilitating Nepal's Dalit organizations to raise the Dalit agenda nationally and internationally.

#### ***4.7.3 Initiatives of civil society organizations***

**4.7.3.1 Human Rights Treaty Monitoring Coordination Committee (HRTMCC):** It is a network that focuses on treaty monitoring. About four dozens organizations are there in this network. There is a CERD sub-committee to look after the caste-based discrimination. DNF is Coordinator of this sub-committee. Fact finding missions are carried out at the sites where caste-based discrimination incidents occur.

**4.7.3.2 Informal Service Center (INSEC):** INSEC is a nationally and internationally reputed organization in the field of human rights. It has been playing vital role in protecting and promoting Dalit rights in many ways. It has implemented Dalit specific programmes in some districts in the far west to raise awareness and empower among Dalits. In the human rights year book of 1993, INSEC had published a special chapter on

untouchability and caste-based discrimination, which has become a substantial reference for researchers and other interested people. It gives clear scenario of the caste discrimination incidents in its regular yearbook. It carries out fact finding in the severe type of such incidents.

**4.7.3.3 Sustainable Livelihood Forum (SLF):** It is a NGO that has worked massively in Parbat and Baglung districts. It has made remarkable efforts in promoting Dalit -based organization in their rights and awareness campaign. .

**4.7.3.4 Saraswati Community Development Forum (SCDF):** It is famous for empowering Madhesi Dalits. It works in Saptari district. It has played a vital role in the popular Chamar (cobbler) movement of the eastern Terai.

**4.7.3.5 Others:** SAMAGRA, CSRC, ASAAMAN etc. are some of the other organizations that have been contributing for the rights and development of Dalit in Nepal. SAMAGRA is famous for livelihood empowerment of Dalit; CSRC for raising land rights issues of Dalits specially in the mid-west and far-west; and ASAAMAN for educational development of Dalits. Legal Assistance and Consulting Centre (LACC) and Nepal Bar Association are other pro-Dalit organizations.

#### ***4.7.4 Initiatives of Dalits' organizations***

**4.7.4.1 Dalit NGO Federation (DNF):** It is an apex umbrella organization for the Dalits. It works for elimination of caste-based discrimination and untouchability, advocates to ensure rights of the Dalits, and implements programs for their socio-economic development. It's programmes and activities include, monitoring the implementation of legal provisions, policy and programmes related to the Dalits in different ways, publishing and disseminating national and international Dalit related laws, programmes, policies, plan and budget, research study and seminar reports, filing Public Interest Litigation (PIL), fact-findings, providing free legal services and advices/counseling, filing applicants, lobbying to key stakeholders, sending shadow report to UN CERD and other UN agencies, organizing national and international seminars etc. It has been facilitating its member organization in fighting against caste-based discrimination.

**4.7.4.2 Nepal National Social Welfare Organization (NNSWA):** It is a reputed organizations working in the far western part of Nepal. It works for holistic development of Dalits in some districts including Kanchanpur.

**4.7.4.3 Social Awareness for Education (SAFE):** It is one of the well known NGOs in Nepal. It works in mid-western and far-western parts of Nepal. It has been fighting against caste-based discrimination in general, but it is popular for the programs concerning rights and development of Badi community in Nepal.

**4.7.4.4 Equality Development Center (EDC):** Equality development Center, previously known as Ethnic Development Center, is a local organization based in Doti district in the far-west. EDC works for the rights and development of Dalits in Doti. Doti is famous for the temple entry movement in the Saileshwori temple.

**4.7.4.5 Dalit Welfare Organisation (DWO):** It is another national organisation established in 1994. It works for a just society with equal participation of the Dalit people. DWO has good networks in the districts. It has been contributing to the Dalit movement of Nepal via electronic media (Radio and television programmes) advocacy, organizing Dalits in community level, conducting livelihood empowerment programmes and national as well as local level advocacy activities.

**4.7.4.6 Feminist Dalit Organisation (FEDO):** It was established in 1994. It works to empower downtrodden Dalit women in education, economic and social wellbeing, and advocates against caste and gender-based discrimination. It has published books including Dalits of Nepal and Dalit women in Nepal. It is engaged in reactive and proactive advocacy activities against caste and gender based discrimination locally, nationally and internationally.

**4.7.4.7 Nepal National Dalit Social Welfare Organization (NNDSWO):** It is the oldest Dalit NGO in Nepal. It has significantly contributing to raise the voices of Dalits with different ways. Its main works include Dalit scholarship programmes, research studies, mass media campaign, advocacy, *Haliya* liberation campaign and publication including Socio-economic survey of Dalit, and Ethnography study of Dalits.

**4.7.4.8 Lawyers' National Campaign against Untouchability (LANCAW):** It is an organization of Dalit lawyers. Campaign against untouchability, Unsociable Crime Watch Center, Public Interest Litigation (PIL), publications, studies, and policy reform advocacy are its main activities.

**4.7.4.9 Jana Utthan Pratishtan (JUP):** It is one of the national level Dalit organizations and a pioneer in publishing Dalit issues and Dalit human rights. It is also engaged in national level policy advocacy.

**4.7.4.10 Dalit Human Rights Organization (DHRO):** It is one of the emerging Dalit organizations in Nepal. Human rights education and trainings are its major working areas.

**4.7.4.11 Dalit Awareness Society (DAS):** It is an organization based in Tehrathum district in the eastern part of Nepal. It works on the local level advocacy activities around the district.

**4.7.4.12 Oppressed Community Upliftment Center (OCUC):** It is one of the reputed NGOs based in Gulmi district. It is expanding to other districts as well. It is popular with the programmes of community development, social mobilization and livelihood empowerment, initiating and promoting self help groups and local level Dalit empowerment and advocacy activities.

**4.7.4.13 Jagaran Media Center (JMC):** It is popular for its media advocacy and publication. . One of its tasks is E-bulletin. It does make effort to influence policies and monitor violation of Dalit human rights.

**4.7.4.14 Dalit Development and Law (DDL):** It is an emerging organization aiming to internationalize Dalit issues and provide legal policies. .

**4.7.4.15 Utpidit Tatha Janajati Bikas Parishad (UTJBP):** It is a Dalit NGO based in Arghakhanchi district. It works on community development, social mobilization and livelihood empowerment. Its local level Dalit empowerment and advocacy activities are highly appreciated by all.

**4.7.4.16 Rastriya Dalit Network (RDN):** It is a network of activists and its influence is significant in the far-west. Its tasks include security of the rights of *Haliyas*, fights against *Sino Pratha* (traditional practice of eating carcass), fighting for land rights of Dalits and linking local Dalit agenda into the national agenda.

**4.7.4.17 Sister Organizations of Political Parties:** Some major political parties have their Dalit ancillary organizations such as Society for Liberation of Oppressed Community of CPN-UML, Nepal Dalit Association of NC, Dalit Liberation Front of CPN-Maoist, Nepal Dalit Association of NC-D, Caste Equity Society of People's Front Nepal (PFN), Nepal National Dalit Liberation Organization of People's Front-Nepal (PF-N), National Democratic Oppressed People Upliftment Organization of National Democratic Party (NDP/RPP) and Nepal Dalit Upliftment Forum of Nepal Sadvabana party-Anadadevi (NSP-A). These all are platforms for political participation of Dalits.

National level Dalit civil society organizations representing the Terai Dalits are fewer in number and Terai Dalits have very low presence in the national level Dalit civil society organizations in Kathmandu.

To conclude, adequate constitutional provisions and its effective implementation are needed to eliminate caste-based discrimination against the Dalits. Effective implementation of international instruments of human rights ratified by Nepal is also essential in this respect. International agencies, donors, UN and national actors, including the cabinet, parliament, judiciary and ministries should play effective roles to eliminate this shameful malady from the nation. .

## **Section V**

### **Economic and Social Status of Dalits *Vis-À-Vis* Other Castes**

This chapter focuses on socio-economic condition of the Dalits, human development index, lower access to capital assets (land and livestock), wage labor and economic, market and labor, labor market and factor market discrimination. Data and information about socio-economic condition and human development are available to some extent. However, information on housing, labor market, discrimination in consumer markets, factor markets etc. are not found in either published or unpublished books, articles and reports etc.

#### **5.1 Socio-economic Condition**

Respondents of focus group discussions and key informants mentioned the following about socio-economic condition of the Dalits in Nepal:

- Socio-economic status and condition of Dalits is low compared to other caste and ethnic groups.
- Socio-economic condition of women and girls is worst than that of men and boys.
- Socio-economic status and condition of Madhesi (Terai) Dalit is even worst than that of Hill Dalits.
- Among all Dalit caste groups, Kami, Damai and Sarki are relatively better off than other Dalit castes. 65-68 percent of the Kami, Damai and Sarki each live below absolute poverty line, meaning those who eat less than 2,200 calories of food in a day.
- Illiteracy is rampant and very few have received higher education.

## 5.2 Human Development Index

The human development index prepared by the Nepal South Asia Center (NESAC) for the United Nations development Program (UNDP) in 1998 revealed the following

(Table 5.1):

- Dalits stand far below the average standard-of-life lived by other castes and ethnic groups in each of the human development index. Exceptionally, Dalits are a little better off than Muslims in life expectancy and adult literacy ratio.
- Human development index of Nepal is 0.325 and highest is of Brahman with 0.441 and the lowest of the Dalits with 0.239.
- Per capita income is highest among the Newars, followed by Brahman with US \$ 1,848 and US \$ 1,533 respectively. It is only US \$ 764 of the Dalits, which is the lowest among different caste and ethnic groups.
- The ratio to national HDI of Dalits is 1:0.7 as against 1:1.4 of the Newars and 1:1.3 of the Brahmans.



**Table 5.1 Human Development by Caste and Ethnicity**

<b>Human development by caste and ethnicity, 1996</b>										
<b>Caste &amp; Ethnicity</b>	<b>Life Expectancy 1996</b>	<b>Adult literacy ratio (percent) 1996</b>	<b>Mean years of schooling 1996</b>	<b>Per capita income (NRs.) 1996</b>	<b>Per capita income (US \$) 1996</b>	<b>Life expectancy index</b>	<b>Educational Attainment Index</b>	<b>Income Index</b>	<b>Human Development Index</b>	<b>Ratio to national HDI Nepal=100</b>
<b>Nepal</b>	<b>55.0</b>	<b>36.72</b>	<b>2.254</b>	<b>7,673</b>	<b>1,186</b>	<b>0.500</b>	<b>0.295</b>	<b>0.179</b>	<b>0.325</b>	<b>100.0</b>
Brahmin	60.8	58.00	4,647	9,921	1,533	0.597	0.490	0.237	0.441	135.87
Chhetri	56.3	42.00	2,786	7,744	1,197	0.522	0.342	0.181	0.348	107.31
Newar	62.2	54.80	4,370	11,958	1,848	0.620	0.462	0.289	0.457	140.73
Gurung, Magar, Sherpa, Rai, Limbu	53.0	35.20	2,021	6,607	1,021	0.467	0.280	0.152	0.299	92.21
Muslim	48.7	22.10	1,358	6,336	979	0.395	0.178	0.145	0.239	73.67
Rajbansi, Yadav, Tharu, Ahir	58.4	27.50	1,700	6,911	1,068	0.557	0.221	0.160	0.313	96.28
<b>Occupational castes*</b>	<b>50.3</b>	<b>23.80</b>	<b>1,228</b>	<b>4,940</b>	<b>764</b>	<b>0.422</b>	<b>0.186</b>	<b>0.110</b>	<b>0.239</b>	<b>73.62</b>
Other	54.4	27.60	1,880	7,312	1,130	0.490	0.226	0.170	0.295	90.94

\*" Occupational castes" mostly include the "untouchables" of the Hills and the Terai.

Source: CBS 1996; MOH 1991; World Bank 1997; MOF 1997

Source: Annex 3.7 in NESAC 1998:266.

**Table 5.2 Incidence of Poverty, 1996**

	<b>Social Group</b>	<b>Proportion below poverty line (%)</b>	<b>Rank</b>	<b>Traditional occupation</b>
<b>A.</b>	<b>Caste Group</b>			
1	Bahun	34	II	Priestly/Politics
2	Yadav	40	IV	Farming/Herding
3	Chhetri	50	VII	Farming/Soldiery
4	<i>Sarki (Dalit)</i>	<i>65</i>	<i>XI</i>	<i>Artisan (Leather)</i>
5	<i>Damai (Dalit)</i>	<i>67</i>	<i>XII</i>	<i>Artisan (Cloth)</i>
6	<i>Kami (Dalit)</i>	<i>68</i>	<i>XIII</i>	<i>Artisan (Metal)</i>
<b>B.</b>	<b>Language Group</b>			
7	Newar	25	I	Trade
<b>C.</b>	<b>Religious Group</b>			
8	Muslim	38	III	Various Skills
<b>D.</b>	<b>Hill Ethnic (Janajati)</b>			
9	Gurung	45	V	Farming/Army
10	Tharu	48	VI	Farming
11	Rai	56	VIII	Farming/Army
12	Magar	58	IX	Farming/Army
13	Tamang	59	X	Farming/Portering
14	Limbu	71	XIV	Farming/Army
<b>E.</b>	<b>Others</b>	<b>37</b>		
	Nepal	42.6		

Adapted from Table 7.24 in NESAC 1998 and based on CBS, NLSS, 1996 File

Source: Table 7 in Gurung (2003:7)

The incidence of poverty is very high among the Dalits. In 1996, 42.6 percent of the Nepalese people lived below poverty line. 68 percent of Kamis, 67 percent of Damais and 66 percent of Sarkis lived below poverty line (Table 5.2). 71 percent of Limbus lived below poverty line, which is the highest percentage among different caste and ethnic groups.

According the Nepal Living Standard Survey 2003-04, Terai Dalit has the highest rate of incidence of poverty, which is 49.2 percent, followed by the Hill Dalits with 44.9 percent (Table 5.3).

**Table 5.3 Nominal Per capita Consumption and Incidence of Poverty**

S.N.	Caste/Ethnic Group	Per capita nominal consumption (Rs.)	Head count (percent)		
			Poor	Non-poor	Total
1.0	<b>Higher caste</b>	<b>19,1918</b>	<b>18.4</b>	<b>81.7</b>	<b>100.0</b>
1.1	Hill Brahmain/Chhetri etc.	19,812	18.8	81.2	100.0
1.2	Tarai Brahmin etc.	21,625	11.2	88.8	100.0
2.0	<b>Tarai middle caste</b>	<b>10,758</b>	<b>26.5</b>	<b>73.5</b>	<b>100.0</b>
3.0	<b>Janajati</b>	<b>16,942</b>	<b>35.1</b>	<b>64.9</b>	<b>100.0</b>
3.1	Hill Janajati	19,258	35.7	64.3	100.0
3.1.1	Newar/Thakali	38,419	13.9	86.1	100.0
3.1.2	Other Hill Janajati	12,764	43.0	57.0	100.0
3.2	Tarai Janajati	10,412	33.4	66.6	100.0
4.0	<b>Dalit</b>	<b>9,905</b>	<b>46.4</b>	<b>53.6</b>	<b>100.0</b>
4.1	Hill Dalit	11,089	44.9	55.1	100.0
4.2	Tarai Dalit	7,604	49.2	50.9	100.0
5.0	<b>Muslim</b>	<b>9,061</b>	<b>41.3</b>	<b>58.7</b>	<b>100.0</b>
6.0	<b>Others</b>	<b>13,890</b>	<b>47.7</b>	<b>52.3</b>	<b>100.0</b>
	<b>Total</b>	<b>15,848</b>	<b>30.9</b>	<b>69.2</b>	<b>100.0</b>

Source: CBS, Nepal Living Standard Survey 2003/04; See Table 10.5 in NIRSS 2006:63.

### 5.3 Lower Access to Capital Assets

#### 5.3.1 Land

In the past land yielded power and power yielded land. Even now land is the main capital asset in Nepal. Landlessness is high among the Dalits. Dr. Shiva Sharma, an expert on labour, estimated that 85 to 90 percent of Madhesi Dalits are landless. Among the Musahar, only 3 to 5 percent of them may have a piece of land; otherwise it would be a “surprise” (Personal communication).

Hill Dalits have some pieces of land. According to Dr. Shiva Sharma, migrant Dalits, who have settled at the sides of the highways, including highways in the Terai, have been able to acquire some land due to their connection with administrators (Personal communication). Although Hill Dalits have access to land; it has not helped them much due to low quality. Dr. Sharma, quoting a planner, said, “There are some people who cannot sleep without keeping land registration certificates under their pillows.” If so, one may ask, how Dalits are sleeping without it for centuries?

Ownership of both irrigable and dry land is highest among the “high caste” (5.63 Ropanis of irrigable and 6.64 Ropanis of dry land) and least among the Dalits (2.05 Ropanis of irrigable and 4.76 Ropanis of dry land) (Table 5.4). Percentage of Dalits who own less than 3 Ropanis of irrigable land is 70 percent in the Mountain, 77 percent in the Hills and 100 percent in the Terai (Table 5.4). Dalits who own less than 3 Ropanis of dry land is 54 percent in the mountain, 54 percent in the Hills and none in Terai (Table 5.4).

According to the data on land ownership provided by Tek Tamrakar, a leading Dalit scholar, 44.2 percent of Dom are landless, followed by Gandarva with 41.2 percent, and Dusadh and Dhobi with 33.3 percent each (Table 5.5). Percentages of landless Sarkis and Kamis are 7.6 percent and 11.2 percent respectively.

Until recently, land ownership was the basic requirement to get citizenship certificates and those who have no citizenship certificates are not eligible for any benefits from the state. According to the NDC field survey, out of 39,660 Dalit population belonging to all 22 Dalit castes, 14,056 (35.4%) did not have citizenship certificates (See Table 3.3 in NDC 2005: 24).

**Table 5.4 Family *Khet* (irrigable) and *Pakho* (dry) Land Entitlement by Caste/Ethnicity and Physiographic Region**

Land/Mean in Ropani

<i>Caste/Ethnicity</i>	<i>Tagadhari</i> ("High castes")				<i>Matwali</i> (Indigenous Nationalities)				<i>Dalits</i>				Other				Row Total
Physiographic Region	Mt	Hill	Terai	Total	Mt	Hill	Terai	Total	Mt	Hill	Terai	Total	Mt	Hill	Terai	Total	
<b>KHET</b> =====																	
N	266	637	14	917	49	217	3	259	<b>163</b>	<b>520</b>	<b>1</b>	<b>684</b>		10	3	13	1883
Mean	6.56	5.13	10.43	5.63	10.53	3.75	3.33	4.98	<b>3.07</b>	<b>1.73</b>	<b>2</b>	<b>2.05</b>		1.9	8	3.31	4.22
Standard Deviation	6.65	6.54	15.68	6.84	11.11	4.64	3.06	6.81	<b>5.46</b>	<b>4.01</b>		<b>4.43</b>		3.38	9.17	5.45	6.28
Skewness	3.07	2.59	1.89	1.8	2.21	1.91	-0.94	3.2	<b>4.48</b>	<b>6.49</b>		<b>5.75</b>		1.59	0.94	1.91	3.32
>20	2.3%	3.0%	14%	3%	12%	1%	0%	3%	<b>1%</b>	<b>1%</b>	<b>0%</b>	<b>1%</b>		0%	0%	0%	2%
<3	21.8%	44.1%	50%	38%	25%	52%	33%	46.7%	<b>70%</b>	<b>79%</b>	<b>100%</b>	<b>77%</b>		70%	33%	62%	53A%
In 10 to 20	22%	16.8%	21%	18%	35%	10%	0%	15%	<b>7%</b>	<b>3%</b>	<b>0%</b>	<b>4%</b>		0%	33%	8%	12%
<b>PAKHO</b> =====																	
N	249	637	13	899	43	217	3	263	<b>163</b>	<b>520</b>	<b>1</b>	<b>684</b>		10	3	13	1859
Mean	5.22	7.19	2.08	6.64	6.51	7.43	10	7.31	<b>7.59</b>	<b>3.76</b>	<b>60</b>	<b>4.76</b>		6.8	4	6.15	6.04
Standard Deviation	2.27	10.37	14.3	9.35	11.35	13.35	17.3	13.04	<b>15.64</b>	<b>4.94</b>		<b>9.15</b>		5.83	6.93	5.91	9.91
Skewness	1.91	2.92	2.64	3.41	3.07	3.86	1.73	3.74	<b>3.68</b>	<b>3.19</b>		<b>4.9</b>		1.42	1.73	1.12	3.93
>20	1.60%	2.1%	8%	6%	7%	7.8%	33.3	8	<b>8%</b>	<b>2%</b>	<b>100%</b>	<b>3%</b>		0%	0%	0%	5%
<3	36.1%	41.8%	69%	41%	54%	44.2%	67%	46%	<b>54%</b>	<b>58%</b>	<b>0%</b>	<b>57%</b>		30%	67%	39%	47%
In 10 to 20	14%	19.3%	23%	17%	16%	12%	0%	13%	<b>8%</b>	<b>8%</b>	<b>0%</b>	<b>8%</b>		30%	33%	31%	14%

Source: Household Survey, TEAM Consult 1998 (See Table A6 5a in Team Consult 1999: 278)

Note: 1 Ropani = 5,476 sq. ft.

**Table 5.5 Dalit's Access to Land**

S.N.	Caste	Landless	Less than 5 Ropani (%)	6 to 10 Ropani (%)	11 to 20 Ropani (%)	More than 21 Ropani
	<b>HILL DALITS</b>					
1	Kami	11.2	46.5	18.8	17.1	6.5
2	Damai	28.8	55.1	19.1	3.2	1.3
3	Sarki	7.6	47.8	24.2	16.7	3.6
4	Gaine	41.2	45.1	1.4	3.1	-
	<b>MADHESI DALITS</b>					
5	Badi	21.0	31.1	13.0	4.3	4.3
6	Dhobi	33.3	66.7	-	-	-
7	Doom	44.2	11.8	-	-	-
8	Dusadh	33.3	55.6	-	11.1	-

Source: Table number 6 in Tamrakar (2006:65).

Note: Data on Hudke, Kasai and Pode have not been included here as the NDC has taken them out from the list of Dalit castes.

A survey study done by the National Dalit Commission among the Dalits in six districts shows that 74.14 percent of the Dalit households do not own land (Table 5.6). The percentages among the Dalit households in Dhanusha, Saptari, and Mahottari range from 51.21 percent to 63.13 percent (Table 5.6). Percentages of Dalit households with no ownership of land are lowest in Kailali with 22.54 percent, followed by Banke with 37.66 percent (Table 5.6).

**Table 5.6 Percentage Distribution of Dalit Households by Landownership Status by Sample Districts**

S. N.	Districts	Landownership		Total N = 11,605
		Yes N = 5,452	No N = 6,153	
1	Kailali	77.46	22.54	100.00
2	Banke	62.34	37.66	100.00
3	Mahottari	48.79	51.21	100.00
4	Dhanusha	36.87	63.13	100.00
5	Shiraha	25.86	74.14	100.00
6	Saptari	46.38	53.62	100.00
	Average	46.97	53.03	100.00

Source: Adapted from Table 2.8 of NDC 2005: 18.

Dalit households who live in government land, popularly known as *Ailani jagga*, (“public land”) is highest in Kailali with 50.03 percent and lowest in Mahottari with 19.36 percent (Table 5.7).

**Table 5.7 Percentage Distribution of Households by Status of Landownership by Reasons, 2004**

S.N.	Reasons	Districts					
		Kailali	Banke	Mahottari	Dhanusha	Shiraha	Saptari
1	Government/ <i>Aailani</i> ("public") land	50.63	42.09	19.36	34.07	21.91	40.18
2	Low level of economic status / Landless	26.27	2.45	8.23	18.53	40.22	10.28
3	Settlement in other's lands	8.23	14.48	25.23	17.33	15.43	20.18
4	Lack of partition	4.11	11.14	4.57	6.59	2.68	2.39
5	Bought but not registered	1.90	0.67	0.91	0.65	3.79	0.92
6	Not matured	1.27	0.00	0.61	0.85	2.94	0.18
7	Cases on court	0.00	0.00	1.07	0.00	0.00	9.17
8	Lack of dual ownership	2.22	1.34	0.23	0.50	0.39	0.18
9	Others	5.38	27.84	39.79	21.48	12.62	16.51
	<b>Total</b>	<b>100.00</b> N = 316	<b>100.00</b> N = 449	<b>100.00</b> N = 1,312	<b>100.00</b> N = 2,002	<b>100.00</b> N = 1,529	<b>100.00</b> N = 545

Source: Adapted from Table 2.9 of NDC 2005: 19.

A study done by the Team Consult found that majority of the Dalit households have food deficiency. The percentage is highest in mountain with 89.66 percent, followed by 56.73 percent in the Hills and 53.61 percent in the Terai (Table 5.8).

The same study revealed that the percentages of Dalit households with food sufficiency are 10.34 percent in mountain, 43.27 percent in the Hills and 46.39 percent in the Terai region.

**Table 5.8 Percentages of Food Sufficiency Households by Caste/Ethnic Groups and Eco-regions**

Caste/Ethnicity	Physiographic Regions			
	Mountain	Hill	Terai	Total N=5,162
<b>Food sufficient</b>				N=3,745
Tagadhari	10.40	46.8	42.9	100.00 N=1,173
Matwali	57.0	52.7	41.7	100.00 N=509
<b>Untouchable</b>	<b>10.3</b>	<b>42.4</b>	<b>47.2</b>	<b>100.00</b> <b>N=1,871</b>
Other	0.00	57.0	94.3	100.00 N=192
<b>Food not sufficient</b>				N=1,417
Tagadhari	9.97	47.21	42.82	100.00 N=1,163
Matwali	5.91	52.76	41.34	100.00 N=508
<b>Untouchable</b>	<b>10.34</b>	<b>43.27</b>	<b>46.39</b>	<b>100.00</b> <b>N=1,826</b>
Other	0.00	5.88	94.12	100.00 N=3,686

Source: Adapted from Table A6. 8a. Frequency of Responses on Food Sufficiency by Ethnic Groups and Physiographic Region in Team Consult 1999: 4285

Note: out of 5,181 respondents, 5162 respondents answered question on food sufficiency/deficiency, of which 28.59% reported food sufficiency and remaining 71.41 percent (i.e. 3,686 households) reported food deficiency.

### 5.3.2 Livestock

Livestock is the second most important capital asset in rural Nepal. Both livestock and land are tied up. Dalits who have no land can have no livestock. According to Dr. Shiva Sharma, “community or social forestry has totally gone against Madhesi Dalits as it has exploited them by allowing only to the “high caste” who live within 5 k.m. range of the forest, and Dalits who live beyond are not allowed to use it” (Personal communication).

### 5.4 Wage Labour and Wage Earnings

A report prepared by the Team Consult revealed that 60.4 percent of wage labourers comprise Dalits and percentages of Bahun-Chhetris (Tagadhari) and indiegnous peoples (Matwali) is quite low (Table 5.9).

**Table 5.9 Frequency of Households Reporting Income from wage Labour by Caste/Ethnic Categories**

Caste/Ethnic Groups	Percentage
Tagadhari	20.6
Matwali	13.3
<i>Untouchable</i>	60.4
Other	5.74
Total	100.00 N=2,491

Source: Adapted from table 6.7 see Team Consult (1999:60).

Because of the traditional division of castes by occupation, landlessness and illiteracy, Dalits participation in wage labour is high and they continue to experience discrimination in wage earnings for being Dalits. Wage earning is even lower in the case of Dalit women. According to Team Consult (1999:60-61),

“...in terms of participation in wage labour, reports found that an annual average income of Rs. 25,090 (highest among all groups) among the high-class and the Untouchable group’s with Rs.16,400. But reports found that this group has the highest proportion in wage labour. No pronounced variation can be observed between the *Tagadhari*, *Matwali* and Untouchable categories in terms of average annual income from wage labour even if proportions of household participation in wage labour varied substantially. These data suggest that even if the proportion of participation in wage labour is higher in the Untouchable group, the



wage they receive in the wage labour market are lower than the wages other categories receive. This is so because of the lower bargaining capacity followed by their illiteracy and ignorance.”

According to ILO study (2005:40),

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

Wage earning is low in mountain and the Hills and a little high in the Terai region. Team Consult study revealed that annual household income from wage labour by Dalits is Nep. Rs. 13,100 in mountain, Nep. Rs. 13,920 in the Hills and Nep. Rs. 18,870 in the Terai region (Table 5.10).

**Table 5.10 Mean Annual Household Income from Wage Labour by Caste/Ethnicity and Eco-Regions**

In Rs. ‘000.

Caste/Ethnicity	Physiographic Regions			
	Mountain	Hill	Terai	Total N=2,491
Tagadhari	13.64	15.98	17.52	16.71
Matwali	12.83	16.16	14.44	15.13
Untouchable	13.1	13.92	18.87	16.4
Other	-	7.5	8.35	25.09

Source: Adapted from Table 6.6 in Team Consult (1999:59).

During fieldwork for this study, respondents reported that Dalit women belonging to 8 Dalit castes are discriminated and exploited by non-Dalits by receiving low wages. Respondents from Chidimar community reported about sexual abuse of Dalit women laborers.

### 5.5 Economic Discrimination against Dalits

During fieldwork for this study, Dalit and non-Dalit respondents mentioned that Dalits are discriminated by non-Dalits in economic fields. As most of the Dalits are poor, Dalits do not discriminate against Dalits in this field. Dalit women belonging to 8 Dalit

castes experience discrimination as agricultural labours as they are paid less than their men and non-Dalit counterparts (table 5.11). Respondents mentioned that non-Dalits give heavy and dirty works to Dalits belonging to four Dalit castes (table 5.11).

**Table 5.11 Discrimination in Labour Works**

S.N.	Form/Site of Discrimination Practices	Non-Dalits against Dalits					Dalits against Dalits				
		1	2	3	4	Total	1	2	3	4	Total
i	Dalits are restricted to work as agricultural labor	0	14	2	2	18	0	0	0	18	18
ii	Dalits are exploited as agricultural labor (They do not get adequate wage)	0	15	1	2	18	0	0	0	18	18
iii	When working as the agricultural labor, Dalits women are exploited including unequal wages than men.	8	6	2	2	18	0	0	0	18	18
iv	Working as agricultural labor, Dalits women are sexually harassed and exploited	1	14	0	3	18	0	0	0	18	18
v	Dalit child workers are exploited by physical harassment and unpaid or less paid r	2	13	3	0	18	0	0	0	18	18
vi	Underestimating Dalits, they are not provided job	1	16	1	0	18	0	0	0	18	18
vii	Non-Dalits give heavy and dirty works to Dalits	4	14	0	0	18	0	0	0	18	18
viii	Dalits have to do forced job like Balighare and haliya system	1	10	3	4	18	0	0	0	18	18

Source: Fieldwork 2006.

Code: 1 = Practiced, 2 = Not practiced, 3 = Ambiguous, 4 = Not applicable.

## 5.6 Economic and Market Discrimination

During fieldwork for this study, respondents mentioned that Dalits are discriminated in production market and resources. Respondents belonging to 8 Dalit castes do not get support from the government to form co-operatives and 7 Dalit castes are ignored by the government in getting modern skills (Table 5.12; Annex-A-Table 4). 6 Dalit castes are not allowed to participate and represent in user's groups and management committees formed for the protection, promotion and proper utilization of natural resources, including forest and water (Table 5.12; Annex-A-Table 4).

**Table 5.12. Number of Dalit Castes by Intensity of Caste-Based Discrimination by Non-Dalits and Dalits**

S.N.	Form/Site of Discrimination Practices	Non-Dalits against Dalits					Dalits against Dalits				
		1	2	3	4	Total	1	2	3	4	Total
	<b>Public Property</b>										
i	While walking on the paths, Dalits should stop walking or stand in sideline if one non-Dalit is crossing thorough the path.	3	15	0	0	18	0	0	0	18	18
ii	Dalits are not allowed to graze their cattle in the public grazing fields	0	15	0	3	18	0	0	0	18	18
iii	Dalits are prohibited to bring firewood & grass from community or other forests.	1	7	2	8	18	0	0	0	18	18
iv	Dalits are deprived from drinking water schemes	3	13	1	1	18	0	0	0	18	18
v	Dalits can use water of irrigation plant only after used by Non Dalits consumers.	0	0	0	18	18	0	0	0	18	18
vi	Electricity Authority doesn't provide electrification in the Dalit settlements.	2	7	7	2	18	0	0	0	18	18
vii	Dalits can not get employment opportunity in the employment sectors( Industry, Factory, Commercial Center & Construction Company)	2	10	4	2	18	0	0	0	18	18
	<b>Resource</b>										
i	Dalits are not allowed to participate & represent in user's groups and management committees formed for the protection, promotion and proper utilization of natural resources like land, water, and forests	6	8	2	2	18	0	0	0	18	18
ii	Dalits are deprived from using natural resources; water, land & forest	3	9	5	1	18	0	0	0	18	18
iii	Dalits are deprived from getting citizenship due to being Dalits.	2	9	5	2	18	0	0	0	18	18
iv	While rescuing the victims of natural disaster, Dalits get services after Non Dalits.	0	3	0	15	18	0	0	0	18	18
v	While rehabilitating the victims of natural disaster Dalits get services after Non Dalits.	0	0	0	18	18	0	0	0	18	18
vi	Among conflict displaced people, Dalits have to face more difficulty than others when come back to home	0	0	0	18	18	0	0	0	18	18
vii	Dalits women were compelled to work as sex workers when they were displaced due to conflict	0	0	0	18	18	0	0	0	18	18
viii	Dalits women sex workers were further sexually exploited by security forces	0	5	0	13	18	0	0	0	18	18
	<b>Loan Market</b>										
i	Local money lenders do not give loan to Dalits	3	12	3	0	18	0	0	0	18	18
ii	Co-operative, Saving & Credit group do not give loan to Dalits	1	11	3	3	18	0	0	0	18	18
iii	Bank & financial institutions do not provide loan to Dalits.	1	10	4	3	18	0	0	0	18	18
	<b>Investment Market</b>										
i	Do not sale share to Dalits	1	5	0	12	18	0	0	0	18	18
ii	Do not cooperate making Dalits partners	2	1	1	14	18	0	0	0	18	18
	<b>Production Market</b>										
i	"Upper caste" people do not buy goods from the shops	1	7	1	9	18	0	8	1	9	18

	run by "lower caste" people										
ii	"Lower caste" people are ignored when providing modern skill	7	6	4	1	18	0	0	0	18	18
iii	Government and Non- government office do not use to support Dalits to form cooperatives.	8	6	1	3	18	0	0	0	18	18

Source: Fieldwork 2006.

Code: 1 = Practiced, 2 = Not practiced, 3 = Ambiguous, 4 = Not applicable.

## 5.7 Labour Market Discrimination

Division of labour is discriminatory against Dalit women. Both “high” and “low” caste/Dalit women spend time working in the family farm and reproductive/domestic works more than their men counterparts (Table 5.13, and Table 5.14). Also, Dalit women spend time in these works more than their ‘high’ caste women counterparts.

**Table 5.13 Time-allocated Gender and Caste Division of Labour**

Type of Activity	Women		Men	
	‘Low’ Caste	‘High’ Caste	‘Low’ Caste	‘High’ Caste
Family Farm	23%	38%	15%	25%
Outside income	9	0	17	0
Reproductive/domestic	30	22	9	9
Social	27	24	37	36
Away	11	16	22	29

Source: Table 6 in Cameron 2005: 93

**Table 5.14 Comparison of Low-Caste Women’s and Men’s Work in Three Categories**

Type of Activity	Women	Men
Family Farm	68%	26%
Outside income	23	40
Riti-bhagya	9	34

Source: Table 8 in Cameron 2005: 100.

Cameron’s study reveals that ‘low’ caste people or Dalits do most of the agricultural works. Dalit women do mostly weed and dig fields, carry manures (fertilizers), and transplant seedlings (Table 5.15). Dalit men mostly do ploughing and sowing fields, and digging canals. About one thirds of respondents belonging to ‘high’ caste do works such as digging canals, transplanting seedlings and carrying fertilizers.

**Table 5.15 Features of Hired Agricultural Workers**

	Type of Activities					Totals
	Plough and Sow Fields	Dig Canals*	Carry Fertilizers	Transplant Seedlings	Weed/Dig	
Number of households	12	3	19	43	32	
Average number of workers hired per household	1.00	1.00	6.78	9.72	5.00	
Average number of days worked per worker	4.50	2.00	2.00	1.70	1.40	
Women	0	0	129 (100%)	418 (100%)	160 (100%)	707 (98%)
Men	12 (100%)	3 (100%)	0	0	0	15 (2%)
'Low' caste	11 (92%)	2 (67%)	89 (69%)	283 (68%)	128 (80%)	513 (70%)
'High' caste	1 (8%)	1 (33%)	40 (31%)	135 (32%)	32 (20%)	209 (30%)
Rupees spent on labor	300	0	500	2,904	658	4,362
Kg. of grain spent on labor	46.24	0	29.90	155.10	175.40	406.60

*Note:* The hiring practices of forty-six farming families for the rice crop of 1989 were surveyed. The numbers in parentheses indicate the cohort percentage per job. Not all hires are paid, as seen in table 12. This table shows which jobs require outside assistance and who provides the assistance.

\*. Men who assist in digging irrigation canals do it as reciprocal labor.

Source: Table 9 in Cameron 2005: 106.

## 5.8 Discrimination in other Factor Markets - irrigation and Land

Rural financial market is land based. Land is necessary to get credit and basic education is required to make use of micro-credits. Dalits living in rural areas are mostly landless and lack basic education. Hence, they have no access to financial market. Dalits, who go to Punjab in India for seasonal labour work, take credit from local money-lenders in Nepalese rupees and after their return payback in Indian currency. It means they pay 60 percent of interest in just 3 months, which is indeed highly exploitative and regressive. As most of the Dalits are landless, irrigation is irrelevant to them.

To conclude, an overwhelming majority of Dalits have very poor standard of socio-economic status.. Nepal's poverty will not be eliminated without eliminating poverty of Dalits. Poverty of Dalits would not be eliminated unless caste-based discrimination would be eliminated and landless Dalits are given ownership to land. Hence, addressing Dalits issues in Poverty Reduction Strategy Paper (PRSP) is essential.

As international donors, play key role in providing technical and financial support in PRSP process. They should play key role in making sure that Dalit issues are duly addressed in such processes. One of the key advocacy issues that need to be raised very strongly by the Dalit movement and international advocacy organizations is the issue of land rights to landless Dalits.

## **Section VI**

### **Discrimination in Political Sphere**

This chapter focuses on participation of Dalits in the political process, rights and local governance, Dalits' participation in developmental programs and discrimination against Dalits in politics. In Nepal everything revolves around politics. Problems faced by Dalits are of political nature that requires political solutions. Political solutions could be attained through their involvement in the political sphere. The problems of Dalits would not be addressed without their participation in political sphere. The available data and information suggests that Dalits are discriminated in political sphere as well.

#### **6.1 Participation of Dalits in the Political Process**

Participation in the activities like changing the existing state or political system, , voting in the elections, listening speeches, taking part in decision making, public demonstrations, election campaigns and political debates, collecting donation, giving candidacies for elections are different forms of political participation. Activities such as taking membership of any political party, seeking votes, delivering speeches, campaigning and competing for public positions are considered as active political participation (Sunar, 2002). The opportunity for political participation was considerably enhanced for all after the promulgation of the 1990 Constitution. Three general elections, including a mid-term election, and two local elections were completed after 1990.

Out of 1442 candidates standing for 205 constituencies in the 1994 elections, NC, CPN-UML and RPP together accounted for 602 (42%) of the contestants. There was predominance (80%) of Bahun/Chhetri castes among the candidates nominated by these major political parties. As a result, 61 percent of the members of the HoR belonged to this group. Dalits had no representation in HoR. NC did not give tickets to any single Dalit candidate during the election of 1998. However, CPN-UML and RPP gave tickets to Dalit candidates from the constituencies with weak support to their parties. None of these candidates won the election. There were 89 Dalit candidates of which 66 were from

the political parties, which made 4 percent of the total candidates. During the general election of 1991, only one Dalit candidate made a history by winning the election. In the subsequent elections, none of the parties put forth Dalit candidate from any constituency with a party stronghold (Gurung *et.al.*, 2001:26-27). These are indeed nothing but a direct political discrimination against the Dalits.

### 6.1.1 Caste and Ethnic Composition in the Political Parties

Three general elections of HoR were completed after restoration of democracy in 1990. In the first General Election, out of the total 1,345 candidates for the 205 seats of HoR, 18 (1.33%) candidates were the Dalits. Only one (0.48%) Dalit candidate won the election (Table 6.1). In mid-term election in 1994, out of the total 1,442 candidates, 19 (1.31%) Dalit candidates contested the election; none of the Dalit candidate won the election (Table 6.1).

**Table 6.1 Participation and Representation of Dalits in the HoR**

Year	Candidates			Elected		
	Total	Number	Percentage	Total	Number	Percentage
1991	1345	(17P* and 11*) 18	1.3	205	1	0.48
1994	1442	(9 P* and 10 I*) 19	1.3	205	0	0
1999	2238	(66P*and 23 I*) 89	4	205	0	0
<b>Total</b>	<b>5025</b>	<b>126</b>	<b>2.5</b>	<b>615</b>	<b>1</b>	<b>0.16</b>

Source: Election Commission, Koirala, 2005

Note: P: from party and I: Independent

In General Election of 1999, Dalit candidates comprised 4 percent of the total candidates, but again none of them won the election. It is clear that insignificant number of Dalit candidates contesting election from party tickets and independent Dalit candidates accounted for 27 percent of Dalit candidates. It is discouraging enough that political parties are unwilling to provide tickets to the Dalit political leaders/workers.

**Table 6.2 Percentages of Caste /Ethnic Composition of 205 Members of House of Representatives by Years**

Caste /ethnicity total number	Year 1991	Year 1994	Year 1999
Bahun/chhetri	56.7 (37.6/ 19.1)	61.7 (42.0/19.5)	58.1 (37.6/20.5)
Newar	06.8	06.3	06.8
Hill ethnic groups	15.2	12.2	14.7
Tarai communities	21.0	20.0	19.5
Others	2.9	2.0	2.5
Total	100	100	100

Source: IIDS. 2000. The Fourth Parliament Election, Kathmandu: Institute for Integrated Development Studies.



In the years 1991, 1994 and 1999, Bahun/Chetri comprised of 56.7 percent, 61.7 percent and 58.1 percent of the 205 elected members of HoR respectively (Table 6.2). Dalits are invisible in the Parliament. Except a Dalit member of HoR in 1991, there was always a zero representation of Dalits in the HoR in General Elections of 1994 and 1999.

**Table 6.3 Representation of Various Castes and Ethnic Groups in Cabinet from 1951 to 2005**

Caste/Ethnic groups	Cabinet		Percent of total population in 2001	Proportional share Index (PSI)
	No. of Ministers.	Percent		
Brahmins	352	27.0	12.7	2.13
Chhetris/Thakuris	366	28.1	17.3	1.62
Newars	131	10.1	5.5	1.84
Brahmins/Chhetri/Newars	849	65.2	35.5	1.84
Madhesis	198	15.2	22.0	0.46
Hill Social Groups (HSGs)	227	17.4	29.0	0.60
Others	28	2.2	2.5	0.88
Madhesis/HSGs/Others	453	34.8	64.5	0.54
<b>TOTAL</b>	<b>1302</b>	<b>100.0</b>	<b>100.0</b>	

Source: NCCS, 2005

Dalits representation in executive body of the state is not better than in the legislative body. The data of cabinet members from 1951 to 2005 reveals that out of the total 1,302 cabinet Ministers, 65.2 percent were represented by Bahun, Chhetri, and Newar; only 34.8 percent were represented by Madhesis, Hill Social Groups and Others (Table 6.3). Ironically, the latter groups' population, according to the census data, is 64.5 percent. After the People's Movement of 2006, 3 Dalits became Ministers (2 Full Ministers and 1 Minister of State) in the interim government. Out of 21 Ministers in the current interim government, 2 (9%) Ministers are Dalits. It is an encouraging sign for the Dalits.

**Table 6.4 Caste/Ethnic Analysis of the Holders of Leadership Positions in Scientific Organizations and Professional Associations (1999)**

Organization	Bahun/Chhetri	Mongol/Kirant	Madhesi	Dalit	Newar	Others	Total
Nepal Academy of Science and Technology	8	0	2	0	10	0	20
Nepal Medical Association	8	1	2	0	3	0	14
Nepal Engineering Association	10	0	2	0	3	0	15
Nepal Nursing Association	10	1	0	0	2	0	13
Total	36	2	6	0	18	0	62
<b>Percentage</b>	<b>58.1</b>	<b>3.2</b>	<b>9.7</b>	<b>0</b>	<b>29.0</b>	<b>0</b>	<b>100.0</b>

Source: NIMD, 1999 in Neupane, 2000

Note: Mongol/Kirant are indigenous peoples

Dalits specialize in technical and the occupational fields, but still their status in these areas is depressing (Table 6.4). Dalits have no leadership position in the scientific and professional organizations/associations such as Nepal Academy of Science and Technology, Nepal Medical Association, Nepal Engineering Association and Nepal Nursing Association. Bahun and Chhetri accounted for 58.1 percent in these organizations.

**Table 6.5 Caste/Ethnic Analysis of the Holders of Leadership Positions in Civil Society Organizations (1999)**

Organization	Bahun/Chhetri	Mongol/Kirant	Madhise	Dalit	Newar	Others	Total
Nepal Bar Association	15	0	1	0	1	0	17
NGO Federation	9	2	3	1	3	0	16
Nepal Federation of Journalists	17	0	0	0	4	0	21
Total	41	1	4	0	8	0	54
<b>Percentage</b>	<b>75.9</b>	<b>1.6</b>	<b>7.4</b>	<b>0</b>	<b>14.8</b>	<b>0</b>	<b>100.0</b>

Source: NIMD, 1999 in Neupane, 2000

Dalits' representation is zero in civil society organizations, including Nepal Bar Association, NGO Federation and Nepal Federation of Journalist (Table 6.5). With the growing debates and demand for inclusive representation in all fields and levels, NeFeJ and NGO Federation have made provisions for a token representation of one Dalit representative in these organizations.

**Table 6.6 Caste/Ethnic Analysis of the Human Resource in Leadership Positions in Civil Society Organizations (1999)**

Organization	O/P	B/C	M/K	Madhesi	Dalit	Newar	Others	Total
Nepali NGOs	72	104	13	11	0	85	0	213
Human Rights Organization	27	29	2	0	0	7	0	39
Editors: dailies and weeklies	104	77	4	4	0	1	25	111
Total	203	210	19	16	0	117	25	363
<b>Percentage</b>	<b>-</b>	<b>57.8</b>	<b>5.2</b>	<b>4.4</b>	<b>-</b>	<b>32.2</b>	<b>-</b>	<b>100</b>

Source: NIMD, 1999 in Neupane, 2000

Note: O/P = Number of Organizations/Publications, B/C = Bahun/Chhetri, M/K = Mongol/Kirat

Other civil society organizations, including NGOs, human rights organizations, and editors (dailies and weeklies) play significant role in Nepal but Dalits have zero representation in such organizations (Table 6.6).

**Table 6.7 Caste/Ethnic Analysis of the Holders of Leadership Positions in Various Councils (1999)**

Organization	Bahun/Chhetri	Mongol/Kirant	Madhise	Dalit	Newar	Others	Total
Press Council	14	0	1	0	6	0	21
National Development Council	10	1	2	1	6	0	20
Nepal Sports Council	9	4	1	0	1	0	15
Nepal health Research Council	4	0	1	0	3	0	8
<b>Total</b>	<b>37</b>	<b>5</b>	<b>5</b>	<b>1</b>	<b>16</b>	<b>0</b>	<b>64</b>
<b>Percentage</b>	<b>75.9</b>	<b>1.6</b>	<b>7.4</b>	<b>1.56</b>	<b>14.8</b>	<b>0</b>	<b>100.0</b>

Source: NIMD, 1999 in Neupane, 2000

The leadership of Dalits is invisible in the various councils. Out of 64 leaders in Press Council, National Development Council, Nepal Sports Council and Nepal Health Research Council, the representation of Dalit is only 1.56 percent (6.8) (Table 6.7). These are sectoral decision making bodies where Dalits are in lower position.

**Table 6.8 Caste/Ethnic Composition of the Holders of Leadership Positions in Industrial and Commercial Organization (1999)**

Organization	Bahun/Chhetri	Mongol/Kirant	Madhise	Dalit	Newar	Others	Total
Nepal Chamber of Commerce	4	0	11	0	11	0	25
Nepal Federation of Industry and Trade	4	0	4	0	9	0	17
Total	-	0	15	0	20	0	42
<b>Percentage</b>	<b>16.7</b>	<b>0</b>	<b>35.7</b>	<b>0</b>	<b>47.6</b>	<b>0</b>	<b>100</b>

Source: NIMD, 1999 in Neupane, 2000

Leadership of Dalits in organizations of industrial and commercial corporate sector is zero. Madhesis with 35.7 percent and Newars with 47.6 percent have better hold. Bahun and Chhetris hold 16.7 percent, which is less compared to what they hold in other fields (Table 6.8).

**Table 6.9 Caste/Ethnic Composition of the CDOs, Secretaries and Senior Officials (1999)**

Organization	Bahun/Chhetri	Mongol/Kirant	Madhisi	Dalit	Newar	Others	Total
1995	28 (65.1)	7 (16.2)	3 (6.9)	0 (0)	5 (11.6)	0 (0)	43 (100)
1999	90 (81.8)	1 (0.9)	6 (5.4)	0 (0)	13 (11.8)	0 (0)	110 (100)
<b>Difference (%)</b>	<b>+16.7</b>	<b>-15.3</b>	<b>-1.5</b>	<b>0</b>	<b>+0.2</b>	<b>0</b>	<b>100</b>

Source: Adapted from NIMD, 1999 in Neupane, 2000  
 Figures in parentheses are percentages

Dalits have zero representation in administrative leadership positions. Bahun/Chhetri and Newar monopolize 93.6 percent of CDOs, Secretaries and senior officials (Table 6.9).

**Table 6.10 Integrated National Caste/Ethnic Index of Governance (1999)**

Organization	Bahun/Chhetri	Mongol/Kirant	Madhise	Dalit	Newar	Others	Total
Judiciary							
Constitutional Body and Commission	181	4	18	0	32	0	235
Council of Ministers	14	2	3	0	6	0	25
Public Administration	20	4	5	0	3	0	32
Legislature	159	36	46	4*	20	0	265
Leadership of Political Parties	97	25	26	0	18	0	165
DDC President, Municipality Mayor, Vice-Mayor	106	23	31	0	30	0	191
Leadership in Industry and trade sector	7	0	15	0	20	0	42
Academic and Professional Leadership in the education sector	75	2	7	1	11	1	97
Academic and Professional Leadership in the cultural sector	85	6	0	0	22	0	113
Science and Technology	36	2	6	0	18	0	62
Leadership in the Civil society sector	41	1	4	0	18	0	62
<b>Total</b>	<b>1011</b>	<b>108</b>	<b>170</b>	<b>5</b>	<b>231</b>	<b>0</b>	<b>1520</b>
<b>Percentage</b>	<b>66.5</b>	<b>7.1</b>	<b>11.2</b>	<b>0.3</b>	<b>15.2</b>	<b>1</b>	<b>100</b>
<b>Percent of the Population of Nepal</b>	<b>31.6</b>	<b>22.2***</b>	<b>30.9</b>	<b>8.7**</b>	<b>5.6</b>	<b>0.1</b>	<b>100</b>
<b>Difference(%)</b>	<b>+34.9</b>	<b>-15.1</b>	<b>-19.7</b>	<b>-8.4</b>	<b>+9.6</b>	<b>-1.0</b>	

Source: NIMD, 1999 in Neupane, 2000

\* Nominated members of the Upper house. \*\*Includes hill Dalits only. \*\*\*Not inclusive of all indigenous or ethnic groups

Dalits are invisible in integrated index of governance (Table 6.10). Of the total 1,011 leadership positions in judiciary, constitutional bodies and commissions, Council of Ministers, public administration, legislature-parliament, political parties, DDC presidents, municipality industry and trade, education, culture, science and technology, civil society sector, the representation of Dalits is 0.3 percent only. All these institutions are important as they play crucial role in the decision making and implementation of plans and programs from national to local levels.

**Table 6.11 Cast/ethnic Composition of Central Committee Member**

Caste/Ethnic/ Regional Groups	Major Political Parties							Total	%
	NC	NC (Democratic)	CPN (UML)	RPP	People's Front	NWPP	NSP		
Hill caste									
Bahun	18	9	30	9	17	2	0	85	38.3
Chhetri/Thakuri	3	12	2	10	3	2	0	32	14.4
Sanyasi	0	1	0	0	3	0	0	4	1.8
Newar	1	2	6	3	4	5	0	21	9.4
Hill ethnic	4	5	4	7	8	0	0	28	12.7
Terai communities	3	7	1	5	2	0	31	49	22.1
Dalit	0	1	0	0	2	0	0	3	1.3
Total	29	37	43	34	39	9	31	222	100.0

Source: Adapted from IIDS. 2000. The Fourth Parliament Election, Kathmandu: Institute for Integrated Development Studies.

Dalits are invisible in central committees of political parties as they comprise 1.35 percent of the total members (Table 6.11). Presence of Dalit leaders in the central committee of major parties is only 1.8 percent, whereas Bahuns comprise 38 percent (Hachhethu 2006). The latest records reveals that Dalits representation in the central committees of parties are 2.7 in NC, 1.7 percent in NCP-UML, 2.2 percent in NC-D, and 3.0 percent in CPN-Maoist. Dalits representation is 4 percent in district chapters of political parties (Table 6.12).

**Table 6.12 Parties' District Level Committees and Representation of Dalit**

Caste/Ethnic	Name of Parties										Total	
	CPN(UML)		Nepali Congress		N. Janmorch		CPN(ML)		RRP		Number	%
	Number	%	Number	%	Number	%	Number	%	Number	%		
Brahmin	17	85.0	6	35.20	5	29.41	7	70.0	4	36.66	39	52.0
Chhetri	2	10.0	5	29.41	7	41.17	1	10.0	3	27.27	18	24.0
Mager	0	0.0	6	35.30	3	17.64	0	0.0	4	36.36	13	17.33
Newar	0	0.0	0	0.0	1	5.88	1	10.0	0	0.0	2	2.66
Dalit	1	5.0	0	0.0	1	5.88	1	10.0	0	0.0	3	4
Total	20	100.0	17	100.0	17	99.98	10	100.0	11	99.99	75	99.99

Source: Sunar, 2002

The representation of Dalits in VDC level chapters of political parties is 3.2 percent (Table 6.13). It indicates that local level Dalits are under represented and those who hold positions are in lower position in the political parties.

**Table 6.13 Parties' VDC level Committees and Representation of Dalits**

Name of Parties Caste/Ethnic	CPN(UML)		Nepali Congress		National Janmorcha		Total	
	Number	%	Number	%	Number	%	Number	%
Brahmin	5	45.45	2	22.22	3	27.7	10	32.25
Chhetri	2	18.18	6	66.66	5	45.45	13	41.93
Mager	3	27.27	0	0.0	3	27.7	6	19.35
Newar	1	9.09	0	0.0	0	0.0	1	3.22
Dalit	0	0.0	1	11.11	0	0.0	1	3.22
Total	11	99.99	9	99.99	11	99.98	31	99.98

Source: Sunar, 2002

At ward- level party chapters, there are 3 Dalits out of the total 48 representatives, which is somehow encouraging figure (Table 6.14).

**Table 6.14 Number of Representation of Dalits in Party's Ward level Committees of CPN-UML**

Ward	1	2	3	4	5	6	7	8	9	Total
Brahmin	1	4	1	2	1	0	2	8	4	23
Chhetri	0	0	3	0	1	0	3	1	2	9
Mager	4	1	1	1	1	4	0	0	0	12
Newar	0	0	0	0	1	0	0	0	0	1
Dalit	1	0	0	0	1	1	0	0	0	3
Total	6	5	5	3	5	1	5	9	6	48

Source: Sunar, 2002

Dalits' representation is 10 percent in the fraternal/sister organizations of two parties at the VDC level (Table 6.15).

**Table 6.15 Dalits Representation in two Parties' VDC level Fraternal/Sister Organizations**

Name of Parties/Ethnic	CPN (UML)			Nepali Congress		Total
	ANEKIS	ANEMAS	PRARAYUS	NETA DAL	NEBI SANGH	
Brahmin	2	1	6	5	4	18
Chhetri	1	8	3	2	2	16
Magar	5	1	2	2	2	12
Bishwakarma	1	0	1	0	0	2
Nepali(Sarki)	0	0	0	0	1	1
Pariyar(Damai)	0	1	1	0	0	2
Total	9	11	13	9	9	51

Source: Sunar, 2002

Note: ANEKS = Akhil Nepal Kisan Sanghathan (All Nepal Farmer's Association); ANEMAS = Akhik Nepal Mahila Sangathan (ALL Nepal Women's Association); PRARAYUS = Prjatantrik Rastriya Yuba Sangathan (Democratic National Youth Association); NETA DAL = Nepal Tarun Dal (Nepal Youth Party); and NEBI SANGH = Nepal Bidhyarthi Sangh (Nepal Student Organization).

**Nepali Congress (NC):** Nepali Congress is one of the largest parties in Nepal. Of the total 37 central committee members, only one member is from the Dalit community that comprise one fourth of the total population of Nepal. In its bylaw of 2002, there are no special measure to increase, encourage and ensure participation and representation of Dalits in its party politics (NC Bylaw, 2002). The political report and future direction passed by NC's general convention of 2005 had mentioned that the practices of untouchability is a stain in the Nepalese society, that caste and regional diversity would be reflected during restructuring of the state, that Dalits need special reservation, and that NC shall make special effort to bring Dalits and indigenous nationalities in responsible positions.<sup>5</sup> However, these nominal provisions were neither incorporated in legal documents nor translated into practices. In its election platform/manifesto of 1999, NC had stated many bold declarations, like the party would ensure appropriate representation of Dalits in the different level of the party, Dalit bill would be tabled in the parliament, an independent Dalit Council would be established, Dalit scholarship program would be extended, and Dalits' skills and knowledge would be declared (NC Election Manifesto, 1999). After the election, NC formed governments many times, but it did not implement their own commitments on Dalit issues effectively.

**Nepal Communist Party-Unified Marxist Leninist (CPN-UML):** CPN-UML is another largest party in Nepal. In its 59 members Central Committee, only one member is from the Dalit community. According to the constitution of CPN-UML passed by the 7th General Convention of 2003, the party provides two types of memberships: general and organized membership. Normally, a general member should wait two years to be eligible for organized member, but waiting period is reduced to one year for the oppressed community. Except this, there is no other special measure such as affirmative action for Dalits. In its bylaw of 2003, two seats have been reserved for women in each district committee but no seat was reserved for Dalits. The 6th general convention of the party passed the policies regarding caste, language, religious and cultural discrimination. Some of the policies relevant to the Dalits stated in the election platform of 1999 are as follows (CPN UML, 1998).

- All castes, indigenous nationalities, or caste groups of the country shall be treated equally without any discrimination;
- For the “backward” castes including oppressed Dalits, special measures shall be initiated in education, health and government services.;
- All forms of caste-based discriminations, insults and oppression shall be eliminated;
- Caste- based discrimination and untouchability shall be made punishable by laws;
- Dignity of the oppressed caste groups shall be maintained in all the places and conditions of national lives; and
- The National Assembly or the “Upper House” of the parliament shall be restructured and developed including appropriate representation of all the castes, races, women, oppressed communities and back ward areas.

**Nepali Congress-Democratic (NC-D):** NC-D is another largest party in Nepal. Only one Dalit is represented in its central working committee comprising a total of 45 members. NC-D has reserved one seat in its central committee for representation of a Dalit. This party has done some progressive efforts to increase political participation of Dalits. In its constitution, the party has reserved quota for Dalits representation at village, municipal, district, regional and national levels.<sup>6</sup> Such a provision is nothing, but just cosmetic in nature because the reserved number, i.e. one seat, is insignificant. There is no encouragement to expand membership from Dalit communities. During the national convention of 2006, the party has introduced a slogan, KaDaMaJaMa meaning Karnali (remote district in the mid-west), Dalit, Mahila (Women), Janajati (indigenous nationalities) and Madhesi (people from Madhes region) to mainstream excluded groups. Implementation part is very weak as shown in recent nomination for the interim Legislative-Parliament; the Party did not nominate a single Dalit.

**Communist Party of Nepal- Maoist (CPN-Maoist):** CPN-Maoist is also a one of the largest parties in Nepal. Only one Dalit is there in its strong central working committee



of 35 members (NCP-Maoist 2007). It is said there are more than 40 regional bureau members from the Dalit community, but total number in such bureau is not available. The status of such member is eligible to be a candidate for the central committee member. The party claims that many Dalits are in the leading position in the people's organizations, caste and other fronts of the party. However, there is none from Dalit community in the secretariat committee, which is the high command of the party. As the CPN-Maoist have joined the peace process, information about representation of Dalits at different levels is not clear. The party advocates for special rights to the Dalits in political, economic, socio-cultural, education and health, employment, statutory spheres and so on (NDLF 2006).

**Other Political Parties:** In the election platform of 1999 National Democratic Party had committed to bring reform. The agenda included economic and social programmes for the protection and development of skills, occupations and culture of Dalits, providing low-interest loans, providing training and scholarship for developing music, arts and education, giving priority in government jobs and social services, and ensuring proportional representation in the Upper House. Nepal Sadbhawana Party (NSP) had mentioned that it would eliminate caste-based untouchability and discrimination and provide free education to Dalits. Nepal Workers and Peasant Party's (NWPP) political platform states that they would protect religion, arts and culture of the Dalits. CPN-Masal had stated that they would form a secular state with upliftment of the Dalits. Joint People's Front (JPF) stated that they would amend discriminatory laws, with reference to caste and religious groups, provide rights of self-governance, launch untouchability elimination campaigns, and make untouchability in the public places punishable.

### ***6.1.2 Latest Political Development and Dalits***

**Twelve points understanding between SPA and CPN Maoist and Dalit:** In November 22, 2005, Seven Party Alliance (SPA) and CPN-Maoist signed on a twelve-point understanding for the political outlet. In preamble both sides have made commitments to resolve class, caste, sex and regional problems by progressive restructuring of the state. Nothing is mentioned about the Dalits, untouchability and caste-based discrimination in the twelve-point agreement.

**The Historic Proclamation by the Restored House of Representative:** In May 18, 2007, the restored house of representative made a historic proclamation about Nepal as a secular state. Secularism was one of the main demands of the Dalit movement. Implementation of this proclamation is still a challenge.

**Code of Conduct during Ceasefire:** Based on consensus between GoN and CPN-Maoist, a code of conduct was issued during ceasefire in May 26, 2007, but it has no mention about caste issues.

**Monitoring Committee on Code of Conduct during Ceasefire:** From the understanding of June 15, 2007, the GoN and CPN-M agreed to form a monitoring committee on code of conduct during ceasefire with individuals as observers in the dialogues. They formed a 30-member monitoring committee and 5 persons as observers. Of the 30 members only one member was nominated from the Dalit community. No Dalit was as an observer.

**Interim Constitution Draft Committee:** By the consensus of 3rd round dialogue between government and CPN-Maoist, an interim constitution draft committee was formed in June 16, 2007. In the beginning, a committee comprising of 6 members was formed but all members were Bahun and Chhetri. In July 15, 2007, 9 additional members were added in the committee, but none was from the Dalit community. Almost at the end of the tenure of the committee, a member was added from Dalit community.

**Eight-point agreement between SPA and CPN-Maoist:** In May 16, 2007, Eight- points understanding between SPA and CPN-M was made. In this document also, none explicit point is there for the oppressed class. But in point number seven there is one sentence; make progressive restructure of the state by the election of Constituent Assembly committed to resolve the class, caste, regional and gender problems.

**Peace Secretariat and Peace Committee:** To facilitate the peace dialogue and peace building process, the government of Nepal established a Peace Secretariat and formed a Peace committee. There is none Dalit representative among its 12 members. Apart from

member secretary all member are from national level leaders in the political parties. Having no senior leaders from Dalit community in the political parties, these situations have been occurred in other cases too.

**A comprehensive decision made by SPA top leaders and CPN Maoist top leader:**

From the top leaders meeting of 2063-7-22, the SPA and CPN Maoist made comprehensive decisions for political outlet. In the document of that decision there is a commitment to restructure the state to resolve the existing class, caste, regional and gender problem of the country, in the preamble. Mostly the things have been adopted in the interim constitution which has already been analyzed in that section.

***6.1.3 Existing Problems***

The main problems of lower participation of Dalits in politics are as follows (Koirala (2005) :

- Predominant control over political parties by "upper" caste people;
- Lack of substantial initiatives by political parties to eliminate untouchability and caste-based discrimination;
- Lack of initiatives by political parties to increase participation and representation of the Dalits;
- Lack of unity among Dalits leaders and workers due to their opportunist behavior and intra-Dalit feud;
- Social issues are the least prioritized issues of all political parties;
- Predominance of Brahmanism in all political institutions;
- Lack of political will for substantial political and social change;
- Lack of ideological clarity among Dalits;
- Lack of awareness and interest among Dalits to participate in the political process;
- Political parties try to keep Dalit movements within their control;
- Poverty, lack of education and awareness of the Dalit community; and

- Dalit political leaders and followers give high priority to their respective party's interests than that of their caste/community.

Similarly, Sunar (2002) has also pointed out that poor economic status of the Dalits, discriminatory caste system, prejudiced mindset of non-Dalits, weaker bargaining power due to scattered population distribution of Dalits, elites-controlled decision making process, poor educational status, lack of competitiveness, costly politics, inferiority complex among the Dalits, and superiority complex among the non-Dalits are main political problems faced by the Dalits.

## **6.2 Rights and Local Governance**

The Local Self-Governance Act of 1999 makes commitment in its preamble to increase participation of Dalits, indigenous nationalities and socially and economically backward class. It also includes mobilization and equal distribution of resources for balanced development, and to bring social equality through institutionalization of development processes. According to the Act, DDCs, Municipalities and VDCs are local bodies and their representatives are elected by the people. Most of the provisions of the Act concerning Dalits are either ambiguous or very limited in its nature and scope. As a result, often non-Dalits have reaped benefits by depriving Dalits due to ambiguous legal provisions. Ward committee comprise 5 members and these committees are the backbone of VDCs. In Ward Committee, one seat is reserved for woman, but there is no such provision for Dalits. Each of the village, Municipal, and District Councils comprise six members from women (1 compulsory), backward caste, indigenous nationalities and Dalits. Similarly, 2/2 members from these communities are represented in the VDC, Municipality and DDC (LSG Act, 1999).

The Act states that while prioritizing projects in the VDCs, DDCs and Municipalities, these projects should provide direct benefit to the backward class, women and children, but no explicit reference of the Dalits (LSG Act, 1999). The Act has no encouragement to enhance participation and representation of Dalit in planning, implementation, monitoring, and committees. The Act has given semi-judiciary role to the local bodies that includes punishment to persons who attempt to enter forcefully into

others' house. If the Dalits enter any house, including hotel, restaurant to fight against untouchability, they could be made punishable. Although this act tries to decentralize power and increase people's participation in political and development processes but it is not sensitive enough for inclusion of Dalits and enhancement of their participation in the political sphere.

An analysis of the 1997 election results revealed that of the total 735 VDC Chairpersons, Bahun/Chhetri and indigenous peoples comprised 54.42 percent, 39.86 percent respectively. The Dalits constituted only 1.63 percent. The caste/ethnic composition of the 735 VDC Vice-chairpersons followed almost the same proportions i.e. Bahun/Chhetri comprised 52.11 percent, indigenous peoples 37.82 percent and Dalits 3.95 percent (Gurung, 2001:19).

Of the 116 Mayors and Deputy Mayors elected, the Bahun/Chhetri, Newar, indigenous peoples and Dalits occupied 42 percent, 17.5 percent, 6.9 percent and 9.48 percent respectively during the elections of Municipalities in 1997. In the local elections of DCCs in 1997, Bahun/Chhetri occupied 59 percent, followed by indigenous peoples with 19.3 percent; no Dalit was elected out of total 823 DDC elected members.

In the local elections of 1992 the number of Dalit candidates was very low and of them, very few were elected. For the position of VDC Chairpersons, of the total 225 Dalit candidates, 22 percent of them got elected (Table 6.16). Similarly, out of 1,365 Dalit candidates for the VDC Vice-Chairpersons 7.61 percent were elected (Table 6.16). Likewise, out of the total 4,058 Dalit candidates for the VDC members 37.67 percent were elected. Five years later, i.e. in the local elections of 1997, these figures for the positions of VDC Chairpersons and Vice-chairpersons remained almost the same but for the position of VDC members, ward committee members and women members, the figure increased, which could be seen as a positive outcome of the Act.

**Table 6.16 Election of Local Representative Bodies and Participation/Representation of Dalits**

Positions	1992			1997*		
	Total number of Candidates	Number of elected candidates	Percentage of elected of the total candidates	Total number of Candidates	Number of elected candidates	Percentage of elected of the total candidates
VDC Chairperson	205	45	21.95	387	79	20.41
VDC Vice-Chairpersons	1,365	104	7.61	513	133	25.92
Ward Committee Chairpersons	N/A	N/A	N/A	3874	1,648	42.54
Member	4,058	1,529	37.67	19,840	9,847	49.23
Women members	N/A	N/A		4,045	1,970	48.70

Source: Adopted from, Sunar, 2002: Table 18 and 19

Note: Only of 52 districts

### 6.3 Dalits' Participation in Development

About two thirds of the development fund of Nepal relies on foreign aid. INGOs and bilateral/multilateral agencies have been contributing significantly to the development initiatives in Nepal. Presence of Dalits in these international aid agencies working in Nepal is very nominal. Dalit comprise only 1.2 percent of the professional workforce of these agencies (Table 6.17). With such a low representation, it is hard to expect to influence the decisions of these aid agencies in favor of the Dalits.

**Table 6.17 Caste/Ethnic Composition of the Holders of Professional Positions in INGOs, bilateral/multilateral Agencies (1999)**

Organisation	Orgs	B/C	M/K	Madhesi	Dalit	Newar	Others	Total
INGO	112	23	10	0	1	14	0	54
Bilateral/Multilateral Agencies	21	15	5	0	0	7	0	30
Total	133	38	15	0	1	21	0	84
<b>Percentage</b>	-	<b>45.2</b>	<b>17.8</b>	<b>0</b>	<b>1.2</b>	<b>25</b>	<b>0</b>	<b>100</b>

Source: NIMD, 1999 in Neupane, 2000

Note: Orgs. = Number of Organizations/Publications, B/C = Bahun/Chhetri, M/K = Mongol/Kirat (indigenous peoples)

In the five decades long (1958 to 2005) history of NPC, out of 185 members, no Dalit got an opportunity to be its member (Table 6.20). Of them 88.7 percent were Bahun, Chhetri and Newars (BCN) and remaining 11.3 percent were from Madhesis, the Hill Social Groups and others (Table 6.18).

**Table 6.18 Representation of Various Castes and Ethnic Groups as Members in NPC during the Periods of the King's rule and Democratic Rule**

Caste/Ethnic Groups	King's Government			Democratic Government			Total (1958-2005)		% of pop.In 2001	Proportional share index (PSI)
	No.	%	PSI	No	%	PSI	No.	%		
Brahmins	30	28.6	2.25	43	53.7	4.23	73	39.5	12.7	3.11
Chhetris	24	22.8	1.32	11	13.8	0.80	35	18.9	17.3	1.09
Newars	36	34.3	6.24	20	25.0	4.55	56	30.3	5.5	5.51
<i>Total</i>	<i>90</i>	<i>85.7</i>	<i>2.41</i>	<i>74</i>	<i>92.5</i>	<i>2.61</i>	<i>164</i>	<i>88.7</i>	<i>35.5</i>	<i>5.50</i>
Madhesis	8	7.6	0.23	6	7.5	0.23	14	7.6	33.0	2.50
HSGs	5	4.8	0.17	0	0.0	0.0	5	2.7	29.0	0.23
Others	2	1.9	0.76	0	0.0	0.0	2	1.0	2.5	0.09
<i>Total</i>	<i>15</i>	<i>14.3</i>	<i>0.22</i>	<i>6</i>	<i>7.5</i>	<i>0.12</i>	<i>21</i>	<i>11.3</i>	<i>64.5</i>	<i>0.04</i>
<b>G.Total</b>	<b>105</b>	<b>100.0</b>		<b>80</b>	<b>100.00</b>		<b>185</b>	<b>100.0</b>	<b>100.0</b>	<b>0.18</b>

Source: NCCS, 2005

Nepal has shown its commitment for Millennium Development Goals (MDGs). Nepal's plans, policies and programs are geared to achieve these goals. These goals remain elusive in Nepal. The Nepal Living Standard Survey II (2003/04) shows that the national poverty rate is 31 percent, but it is 47 percent for the Dalits (The World Bank & DFID, 2006). The Dalit movement of Nepal is demanding for institutional and special measures for substantial increase of Dalits in education, employment and development programmes. The dominant groups deliberately exclude Dalits from participation, involvement and representation in development process. Dalits have little access to decision making process, information, resources, services and assets. Dalits' participation in every sector is very low. Dalits are trapped in a vicious cycle of poverty. UNESCO stated in 1998, "One of the great dangers the world facing today is the growing number of persons who are excluded from meaningful participation in the economic, social, political and cultural life of the communities" (ESP 2001).

**Table 6.19 Discrimination against Dalits in the Community Leadership**

S.N.	Form/Site of Discrimination Practices	Non-Dalits against Dalits					Dalits against Dalits				
		1	2	3	4	Total	1	2	3	4	Total
I	"Lower caste" persons are not proposed to bear leadership role in the community based organizations like consumer groups and management committees	7	6	1	4	18	1	13	0	4	18
ii	Leadership of lower caste people is not accepted in the community organizations	6	8	0	4	18	1	12	0	5	18
iii	"Upper caste" people do not obey/honor "lower caste's" leaders, in case , they came to leadership	3	6	1	8	18	0	8	2	8	18
iv	Dalit leaders are not invited/ participated in the meetings & assembly	1	12	3	2	18	0	0	0	18	18
V	Dalits are kept as show piece in the community organization & not with decisive role t	9	5	1	3	18	0	0	0	18	18
vi	Non- Dalits women become president or leader in Dalits women groups.	2	6	4	6	18	0	0	0	18	18

Source: Field work, 2006

Note: 1:- Discrimination Practiced, 2:- Not Practiced, 3:- Can not be said clearly, 4:-Not Applicable

Dalits face discrimination in community leadership (Table 6.19; Annex-A-Table 4). Representation in the community organizations is one of the best indicators of participation in the development process. During the fieldwork for this study, respondents reported that 9 of the 18 Dalit castes are kept just as showpieces in community organizations and are not given any role in its decision making (Table 6.19). Respondents reported that leadership of Dalit is not accepted in the community organizations of 7 Dalit castes and non-Dalits do not accept instruction of Dalit leaders of 3 Dalit castes. These data reveals the prevailing practices of caste-based discrimination against Dalits in community-based organizations, consumer groups, management committees, and mothers groups.

In the modern democratic framework, participation is seen as a key to awareness and personality development. It is through participation that people know each other, identify commonalities and differences, enhance self-respect and develop ways to adjust themselves to political, economic and social processes and system. Participation helps them identify what changes or reforms are necessary in the present system. Participation thus leads to change and development for the common goal. Participation allows people to make decision about political, economic, social and cultural issues faced by them. They adopt mechanism to implement the decision and participate in the monitoring of the action (Gurung *et. al.* 2001:11)



Participation of Dalits in small farmer's development programme (SFDP), self help groups, forest user's groups, farmer's managed irrigation groups, water users groups, and agricultural commodity groups is very low. Though adoption of 'group approach' as an essential element of social mobilization in the community development, is positive but if membership in these groups should be taken as an indicator of the participation in development, Dalits' membership in such developmental groups is only 10.51 percent (Gurung *et. al.* 2001:16).

Participation in the community activities, such as labor contribution for the construction of community infrastructure, maintenance of cleanliness of the community and its environment, group efforts to raise awareness about health, sanitation and education, is beneficial to both the participants and the community. Among those who participate in such activities, Dalits comprise 20.7% and Bahun-Chetri's comprise 33.1%. Dalits do face socio-cultural exclusion while participating in community meetings, funeral rites, birth rites, wedding ceremonies, community feast and picnic, community cultural programmes, local community- based trainings on health, sanitation, agriculture, cottage industries and other income generating activities, and informal education classes. Income generating local white-collar jobs is largely inaccessible to the Dalits. Around 8 percent of Dalit households participate in NGO activities (Gurung *et. al.* 2001:16). Dalits presence (16.6%) is at average level in the water supply and sanitation user's group (GSEA 2006).

Caste/ethnic disaggregated data about direct beneficiaries of the government or donor- supported programmes is difficult to find. Some donors have started to provide such data. For example, LWF claimed that about 15 percent of its DAGs beneficiaries are Dalits but they have no specific figure of their total beneficiaries. Similarly GTZ claimed that some 5,000 of the total 50,000 beneficiary households of their rural development programmes are Dalits. NORAD's claimed that a large number of DAGs and Dalit must have benefited from Basic and Primary Education (BPEP), which receives 30-35 million Norwegian Kronor every year. It has an expectation that a large number of rural population, largely Dalits, benefit from its hydropower programme through rural electrification, health improvement and other such programs. Also, many rural poor

including Dalits get benefit from local governance improvement of UNDP, PDDP/LGP programmes, to which it is also a major contributor. UNDP covers 650 VDCs under its Village Development Programmes (VDPs), and on an average Community Organizations (COs) covers 80 percent of settlement of population within the VDC. A rough estimate suggests that over 200,000 Dalit populations might have been benefited from PDDP/LGP's social mobilization program (DNF 2005: 28-29).

#### **6.4 Discrimination against Dalits in Politics**

Political discrimination against Dalits exists in Nepal. During the fieldwork for this study, respondents mentioned that non-Dalit political candidates entice Dalits belonging to 7 Dalit castes by offering them alcohol, meat and money (Table 6.20). Voters do not vote for Dalits belonging to 6 Dalit castes during elections (Table 6.20; Annex-A-Table 4).

**Table 6.20 Discrimination against Dalits in the Election**

S.N.	Form/Site of Discrimination Practices	Non-Dalits against Dalits					Dalits against Dalits				
		1	2	3	4	Total	1	2	3	4	Total
	<b>Political Election</b>										
I	Political parties do not want to provide ticket of candidature to the Dalit leaders in the election neglecting them	2	7	6	3	18	0	0	0	18	18
ii	Political parties do not want to provide ticket for candidature to the Dalit women leaders in the election neglecting them	4	6	5	3	18	0	0	0	18	18
iii	Voters undermine Dalit candidates being Dalit and do not want to vote them during election	6	4	2	6	18	0	7	3	8	18
Iv	Candidates do not reach to the Dalit settlements during election campaigns	1	17	0	0	18	0	16	0	2	18
V	During election campaign, candidates ask Dalit voters for vote with enticement like alcohol and meat, and money rather than other motivating factors	7	7	4	0	18	1	11	3	3	18
Vi	During the election campaign candidates do not raise Dalit agenda/issues with priority.	5	11	2	0	18	0	15	0	3	18
Vii	During the voting of election, Dalit voters should be in separate queue or be over back in the queue or should wait turn after Non- Dalit.	0	18	0	0	18	0	0	0	18	18
Viii	When Mobilizing party cadres during the election campaign parties make Dalits cadres to do harder and physical tasks (Postering, wall painting, confronting with oppositions, providing security of candidates) rather than other works like convincing voters, delivering speech and so on.	1	8	4	5	18	0	0	0	18	18
Ix	Election awareness and election campaign materials are not distributed in the Dalits settlements.	0	18	0	0	18	0	16	0	2	18
X	Election candidates do not organize mass gathering/meeting in or close to Dalits settlements.	3	14	1	0	18	0	16	0	2	18

Source: Field work, 2006

Note: 1:- Discrimination Practiced, 2:- Not Practiced, 3:- Can not be said clearly, 4:-Not Applicable

During the fieldwork for this study, respondents said that candidates try to buy votes of the Dalit voters (Table 6.21). Also, Dalit voters name are left out in the voter's list, voting rights awareness activities and programs are not organized in Dalit settlements, and Dalits are not encouraged to vote (Table 6.21; Annex-A-Table 4).

**Table 6.21 Discrimination while using Voting Rights**

S. N.	Form/Site of Discrimination Practices	Non-Dalits against Dalits					Dalits against Dalits				
		1	2	3	4	Total	1	2	3	4	Total
<b>5</b>	<b>Voting Rights/ Public</b>										
I	Dalits voters cannot vote freely with their own decision.	1	15	2	0	18	0	0	0	18	18
ii	Missing name in the voter list being a Dalit.	3	13	2	0	18	0	0	0	18	18
iii	Voter education programmes are not reached out in the Dalit settlements	3	14	1	0	18	0	0	0	18	18
iv	Dalits voters are not encouraged to go for putting vote by the parties	3	15	0	0	18	0	0	0	18	18
v	Dalits' votes are tried to buy	9	3	5	1	18	1	13	0	4	18

Source: Field work, 2006

Note: 1:- Discrimination Practiced, 2:- Not Practiced, 3:- Can not be said clearly, 4:-Not Applicable

To conclude, Dalits representation in political sphere is negligible. Without Dalits' participation in politics from local to national level, neither Nepal could become a democratic country, nor could Dalits enjoy their equal rights. Democratization of political parties, proportional representation of Dalits at all levels and special rights for Dalits are essential for their development in the nation.

## **Section VII**

### **Discrimination in Education**

This chapter focuses on an overview of historic development of discrimination in education, enrollments, dropouts, discrimination by peers, teachers and management, and discrimination in curriculum. Government initiatives, including scholarships, for the development of Dalits in education are also discussed at the end of this chapter.

#### **7.1 Overview of Historic Development of Discrimination in Education**

Hindu ideology and caste system deprived Dalits from education for centuries. According to the Manu's four-fold Varna based on ascribed division of labour, Brahmins, being at the top of the caste hierarchy, had monopoly in reading and writing but Sudras, being at the bottom of the hierarchy had responsibility of menial works and they were strictly prohibited from reading and writing. The Manusmriti, one of the main Hindu religious scriptures, clearly mentions that untouchables should not get education, if they read, their tongue should be cut; if they listen, melted lead should be poured in their ears. Reading and writing were taken as a matter of pleasure or rituals (Sharma, 1993). The Lichchhavi rulers (250-878) excelled in cultural and architectural heritage but paid little attention to education of common people (Koirala, 1996: 42-43). Malla rulers (879-1768) showed some interest in educating people, but it was confined to 'high' caste people (Koirala, 1996). The objectives of education were cultural, rituals and ceremonials. King Prithvi Narayan Shah (1769-1831) integrated Nepal territorially, but he continued to respect the past tradition of Varna and caste system. The Rana rulers (1846-1950) had absolutely negative attitude towards peoples' education. They thought that schools, students and educated people are threat to their absolute rule. Therefore, they apposed to establish schools. A Rana ruler, Prime Minister Janga Bahadur Rana introduced western type of schooling after his visit to Europe. But it was limited for the Rana family members only. They established some schools and colleges just to get international respect, because of demand of people, and to develop human resources for the administrative works. Its outcome was that 98 percent of the Nepalese people were

illiterate by the year 1950. Education experts estimated that less than 100 Dalits were fortunate enough to be literate before the year 1950 (Koirala, 1996: 43-44).

The autocratic Rana rule was overthrown in 1950 by political movement led by Nepali Congress. As democracy was established in 1950, self-motivated people from communities opened schools and got assistance from the government. Schools began to mushroom due to people's rising awareness on education. Many Dalits went to schools wherever it was accessible and teachers were tolerant towards Dalits in schools (Koirala, 1996: 45). Nepal again suffered from autocratic rule in 1960 as King Mahendra banned political parties, dissolved parliament and began partyless Panchayat political system. During this period there was no special encouragement for the education of Dalits, except tuition waiver in college education. Schools were expanded in each ward of Village *Panchyats* and as a result, number of Dalit children began to attain the schools. It is difficult to get quantitative figures as the government did not provide caste/ethnic disaggregated data (Koirala, 1996).

After the restoration of democracy in 1990, the expansion of education took place remarkably. The Government started to provide free primary level education to all children. The Government initiated special programs to increase school enrollment by distributing oil and wheat flour to families who send their children to schools. After Maoist insurgency of 1996, government provided relief quota to teachers and government funding support to schools in conflict affected part of the country. The *Uppechhit, Utpidit Dalit Barga Biakas Samiti*, a government funded autonomous organization, provided scholarship to Dalit students to pursue secondary level education. MoES provides reservation to Dalit students for admission in medical (MBBS) education in Nepal. National education policy in Nepal is directed by the national goal to reduce poverty. It is reflected in the governments' Tenth plan, i.e. Poverty Reduction Strategy Paper (PRSP) and Dakar Framework for Action-Education for All. Within the broad spectrum of education for poverty alleviation, the national educational goals are to contribute towards knowledge building, empowerment and economic growth (VSO, 2005).

The literacy rate of Dalit was 17 percent in the census of 1991 and it has doubled to 33.8 percent in the census of 2001 (Table 7.1). Though doubled, it is less than the national literacy rate of 53.7 percent and far less than literacy rates of Bahun (74.9%), Chhetri (60.1%), Newar (71.2), Baniya (67.5), Kayastha (82.0) and Thakali (75.6). Literacy rate of Terai Dalit is even more miserable than of the Hill Dalits as it is only 21.1 percent (Sherpa, 2006).

**Table 7.1 Literacy Rate and Education by Caste/Ethnicity**

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

Source: NLSS- II, 2004, GSEA Report 2005.

As the pool of literacy is low, the numbers of Dalits who have passed S.L.C. and above is even less. The national average of S.L.C. education and above education is 17.6 percent, but among Dalits, it is 3.8 percent only. National average of Bachelor and above degree is 3.4 percent but of Dalit's, it is 0.4 percent.

**Table 7.2 Percentages of Educational Status by Dalit Caste Groups by Sex**

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

Source: Adapted from Acharya, 2007

Educational development of different Dalit castes varies enormously. Literacy rate of the Hill Dalits is 41.9%, but of Terai Dalits it is 21.1 percent (Table 7.2). It is not only among Dalit castes, but also among all the other low-castes and ethnic groups. Musahar's literacy rate is the lowest with 6.9 percent. Literacy percentage of most of the Dalit caste groups is below 1. Dalits with B.A. and above degree is less than 1 percent, except Tatma with 1.6 percent and Dhobi with 1.8 percent. Percentages of Badi, Chamar, Bantar, Halkhor with B.A. and above degree are zero. Dalit women's literacy rate and education is less than that of Dalit men.

The Government has brought some special measures targeting Dalits, but these are not sufficient to address the magnitude of educational marginalization of the Dalits. Dr. Bidhyanath Koirala, an expert of education and Dalits, categorized discrimination against Dalits in four categories:<sup>7</sup>

- **Structural Discrimination:** Dalits children are structurally discriminated in education. Physical infrastructure and social environment of schools are discriminatory. Dalit students sit in back benches, required attention is not given to Dalit students, and they have no proper access to the means and materials in the schools.
- **Silent Discrimination:** School Management Committees are often silent about prejudice against Dalits by school teachers, peers, management committee members and guardians. They discourage, ignore and neglect Dalit students' participation in school activities, including teaching learning, extra curricular and social activities.
- **Direct Discrimination:** Practices of caste-based untouchability and discrimination against Dalits is direct discrimination. It has resulted in higher dropout rates of Dalit students in education.
- **Pedagogical Discrimination:** There are pedagogical problems in schools. Teachers misbehave Dalit students by using derogatory words and examples. They hesitate to appreciate Dalits and their jobs, performance, culture, lifestyle,



knowledge and skills. Dalit students generally get less mark due to prejudice of school teachers against them. .

## 7.2 Enrollment

The Convention on the Rights of the Child (CRC) gives responsibility to governments to ensure that all the children should get access to primary education. Nepal is signatory to Education for all, and is attempting to achieve the Millennium Development Goals (MDGs) (UNICEF, 2006). The MDGs are directed to achieve free and compulsory primary education of good quality. Children in Nepal formally start their school education in Grade 1 at the age of five. The net enrollment rate (NER) indicates that participation in primary school starts at the age of 5-9 years. The gross enrollment rate (GER) measures participation at primary level of schooling among those aged from 5-18 years. The GER is always higher than the NER for the same level, because the GER includes participation by those who may be older or younger than the official age range for that level [New ERA, 2005].

According to the Ministry of Education and Sports, Net Enrolment Rates (NER) for the year 2004 was 84 percent for primary school, 44 percent for lower secondary school, and 32 percent for higher secondary school (DoE, 2004). The national living standards survey of the year 2003/04 reports that NER for the year 2003 was 72 percent for primary school, 29 percent for lower secondary school, and 8 percent for higher secondary school (CBS, 2003/4).

**Table 7.3 Percentage of Population and Enrollment by Dalit and Janjati, 2004**

	Share in population (5-9 years)		Share in enrollment		Gap (Population and enrollment)	
	Dalit	Janjati	Dalit	Janjati	Dalit	Janjati
Nepal	13.3	43.7	8.7	25.8	4.7	17.9
Mountains	9.0	30.6	1.9	16.5	7.2	14.1
Hills	14.1	37.3	7.3	17.5	6.8	19.7
Tarai	14.4	52.2	12.5	37.7	1.9	14.5
Valley	2.4	24.5	1.9	18.7	0.6	5.8

Source: School level Educational Statistics of Nepal: Flash Report 2004  
Note: Janjati = Indigenous Peoples

There is a remarkable gap between the population of Dalit in relation to their school going age population and enrollment (Table 7.3). It explains why a remarkable number of Dalit children are outside the school (DoE, 2004).

**Table 7.4 Gross Enrollment Rate by Sex and Social Groups, 2004**

	Total			Dalit		
	Girls	Boys	Total	Girls	Boys	Total
Nepal	124.2	137.0	130.7	126.0	134.6	130.5
Mountains	136.8	162.4	149.8	173.5	234.4	204.6
Hills	154.6	159.1	156.9	168.6	161.0	164.6
Tarai	97.3	115.9	106.9	93.8	111.6	103.4
Valley	145.3	149.2	147.3	288.4	255.6	271.4

Source: Table adopted from School level Educational Statistics of Nepal: Flash Report 2004

The primary level GER for Dalits is highest in the Kathmandu Valley and lowest in the Terai and Sarlahi (Table 7.4). This implies that necessary efforts are needed to bring all the Dalit children into schools (DoE, 2004).

**Table 7.5 Percentage of Distribution of Enrollment by Social Groups, 2004**

	Dalit		Janjati	
	Lower Secondary	Secondary	Lower Secondary	Secondary
Nepal	6.8	8.1	28.9	30.2

The share of enrollment of Dalit and indigenous peoples is lower than their population size. The Dalit share of population (Age 10-12 years) is 8 percent but enrollment of the Dalit is 6.8 percent (Table 7.5). Dalits and indigenous people comprise approximately 57 percent of the total population of Nepal, but their children's representation in primary school is 34 percent. Only 15 percent of the total Dalit population have educational attainment, which is almost half of the national average. Hill Dalits are relatively better in education than Terai Dalits. Education among Terai Dalits such as Chamar, Khatwe and Dushad is very poor but that of Mushahar is almost none.

**Table 7.6 Comparison of Enrollment of the Dalit and Indigenous Peoples (Janjati) Students**

Level	2004		2005		2006	
	Girls	Boys	Girls	Boys	Girls	Boys
<b>Nepal</b>						
Primary	1,865,012	2,165,033	1,638,484	1,856,016	2,188,130	2,408,249
Lower Secondary	653,159	791,838	482,961	600,791	572,375	682,678
Secondary	260,472	327,094	204,675	254,264	245,751	296,876
<b>Dalit</b>						
Primary	194,392	227,213	262,486	213,169	355,815	402,576
Lower Secondary	41,923	56,210	35,502	51,517	46,717	64,422
Secondary	20,601	27,248	9,229	14,614	12,593	19,095
<b>Janajati</b>						
Primary	455,792	597,080	704,085	772,876	854,705	911,590
Lower Secondary	193,082	224,274	201,981	237,041	245,794	278,628
Secondary	81,414	96,017	76,683	91,821	95,434	111,383

Source: Flash Report II, 2004-05 & 2005-06

In primary level, the enrollment rate of Dalit students in the year 2005 has been increased by 12.8 percent than that of the year 2004 (Table 7.6). Enrollment rate decreased in lower secondary level and secondary level to 11.3 percent and 50.1 percent respectively. The rates of enrollment increased to 59.4 percent in primary level, 27.1 percent in lower secondary and 32.9 percent in secondary level. The positive perception of parents towards children's education and government's incentives including scholarship has positive impact on the school enrollment of Dalit children. The Government and other non-governmental organizations are working for the improvement of Dalit education, a substantial number of Dalit children are still out of the schools. Dalits are far behind in education when compared to other caste groups in Nepal.

### 7.3 Dropouts

Repetition and dropout rates are high, especially in Grade 1<sup>st</sup>, and the completion rate is low in primary schools. Completion rate has improved from 41 percent in the year 1999 to 50 percent in the year 2003. About half of the children enrolled in schools do not finish primary education. Except in grade 4<sup>th</sup>, Dalit girls' dropout rate is high in all grades [New ERA, 2005]. Dropout rates are high and the quality of education continues to remain poor in public schools. Private schools have better quality and performance but these are unaffordable by the poor, including Dalits (New ERA, 2005).

**Case 7.1 Dropouts**

"The Dalit children attend school up to the 2<sup>nd</sup> grade. The girls drop out from schools to do household works. There is only one Dalit girl in the 4<sup>th</sup> grade. No Dalit child has enrolled in the 6<sup>th</sup> grade and above in Doti district."

Source: FEDO Baseline Report, 2001.

According to a survey report of NNDSWO, one of the reasons for not attending school by Dalits of Terai is poverty. More than 50 percent of literate Dalits in Surkhet and Baitatdi districts reported that they were not allowed to go to schools, but in Gulmi district poverty is reported as a major reason for not attending schools by Dalits (Case 7.1; NNDSWO, 2004).

**Table 7.7 Percentages of Enrollment Gaps in Primary and Secondary Schools**

Levels	Population	Enrollment	Gap
Primary level enrollment (5-9 years)	13.3	8.7	4.6
Lower secondary level (10-12 years)	8.0	6.8	1.2
Total	21.8	15.5	6.3

Source: School level Educational Statistics of Nepal: Flash Report 2004

The population of 5-12 years old Dalit children comprises 21.8 percent, but the total enrollment rate is only 15.5 percent (Table 7.7). This gap shows dropouts of Dalit students from schools. The main reasons for high rate of dropouts include poverty or parents inability to support them to continue their education. Some of the students leave schools as they experience discriminatory and exclusionary behaviors in schools (see Cases 7.2).

**Case 7.2 Dropout due to Discrimination by a Teacher**

Miss Rita Raut (Dom) lives in *Dom Basti* in Parsa District. She studies in class three. She said, "I have to sit at the last bench in my classroom. Once I sat in the front desk, teacher shouted at me and scolded." The teacher said that students from Dalit caste should not get education, if they would like to learn they must sit in last bench. She said, "I felt very neglected and inferior. Sometime I feel to drop my classes and stay at home and learn to work. I will not continue my education in that school. I will change my school when my mother comes. If I experience similar discrimination again, I will definitely dropout from my school."

Source: FEDO Baseline Report, 2001.

Many Dalit students dropout from schools and there are various reasons for doing so. Some Dalits students dropout from schools because of discrimination in renting rooms. Generally, schools and colleges are located far from the Dalit settlements. Getting rooms without caste-based discrimination is difficult; Dalit students get depressed and frustrated and discontinue their studies. Most of the Dalit children drop out as their parents force them to do household chore and take care of their younger siblings.

The blanket approach of development is another cause of dropout of Dalit students. Both the government and non-governmental organizations have used plenty of resources in educational sector. However, very little resources have been allocated targeting the Dalits. No clarity has been developed yet about what makes incentives or disincentives for education of the Dalits. Practical needs of Dalit's parents have not yet been addressed by the concerned authorities. As a result, many Dalit students unwillingly leave schools or colleges. Lack of adequate participation of Dalits in development processes makes their representation negligible in educational institutions.

The number of Dalit graduates is low and these graduates are jobless. The government policy is not proactive to ensure Dalits' entry in public service and other sectors. Lack of affirmative action for Dalits has prevented them from getting any job. Not getting a job after investing in education encourages parents and students to dropout of the schools. Caste- based prejudiced curriculums and textbooks are other reasons of dropouts. Early marriage, mostly of Dalit girls, is another reason of the dropouts.

### ***7.3.1 Problems for Low Enrollment and Dropout of Dalits***

**Economic Problem:** Poverty rate is very high among the Dalits as indicated by the fact that 47 percent of Dalits live below the poverty line. The per capita income of Dalits is \$ 239, which is lower than that of other caste groups. Almost 80 percent of Dalits have no land and are without capacity to produce the foods for the whole year. According to 2001 census, among 24.94 percent of landless people, 80 percent are Dalits. 38 percent Dalit children are engaged in child labor in urban areas. Dalit have no access to governmental employment. Of the Dalits living in the area of community schools, 82.5 percent are poor, among which 27.4 percent are extremely poor (Table 7.8).

**Table 7.8 Economic Status of Dalits in the Area of Community Schools**

Economic status	Dalits	Other excluded groups	Other groups	Total
Well to do	0.8	2.2	7.1	5.3
Medium	16.6	32.5	50.9	42.5
Poor	55.1	50.7	35.7	41.3
Very poor	27.4	14.6	6.4	10.9

Source: Adopted from, Baseline Survey Report of Community School, Vol-I, World Bank, 2005:

A case study revealed that economic status has direct impact on enrollment and the drop out rates of children in schools. Economic condition of Dalits is not favorable for affording education.

Private schools are considered to provide quality education. Only 6.9 percent of Dalits are enrolled in private schools (Table 7.9). Dalits are deprived from quality education as they can not afford to private schools due to their poor economic condition.

**Table 7.9 Enrollment Percentage of Dalits in the Government and Private Schools**

Social Groups	Sex	Government school	Other governmental schools	Private school
Dalits	Male	74.5	18.9	6.9
	Female	72	22.2	5.8
Other marginalized groups	Male	54.4	37.9	7.7
	Female	65	28.9	6.1

Source: Adopted from, Baseline Survey Report of Community School, Vol-I, World Bank, 2005:

**Caste-based Discrimination:** Dalit community is facing caste-based discrimination in educational institutions. Dalit students face direct and/or indirect discrimination by teachers and peers. Dalit students face discrimination in the community (see case 7.3). A popular proverb says-“*Padhe lekhe kaune kam, halo jote khayo mam*” (“It is useless to study; eat food by ploughing”). Most of the Dalit children help their parents instead of going to schools.

**Case 7.3 Eviction from a Rented House**

A Dalit student appearing in S.L.C. examination was evicted from a house owned by a ‘high’ caste person in Chitwan district. Salikram Kharel, a Bahun house owner, expelled student Binod Pariyar when Kharel came to know that Binode was a Dalit.

Source: Rajdhani, 2006.

**Geographical:** Dalit community are forced to live at the top of the hills or in barren land but 'high' caste people live in fertile lands. Therefore, their settlements are segregated. There is no provision of schools in Dalit community. Most of the schools are located at one to two hours of walking distance from their communities. Dalit children do not attend schools at the right age. Most of the schools are constructed in the settlements of 'high' caste groups, and not at the Dalit settlement, even if it is numerously populated. . Parents think that their children can go to school only when they are 8 to 9 years old" (Mahat 1999). So Dalit children cannot enroll in appropriate age and are compelled to drop out the school because of geographical remoteness (see case 7.4).

**Case 7. 4 Musahar Children Deprived from Education**

Muashar children are deprived from getting education in their neighboring schools. Musahar children enroll in schools to receive scholarships and school dress. In the year 2005, 200 Musahar children were enrolled in schools but 75 percent of them dropped out of the schools. Parents also spend scholarship money to drink alcohol.

Source: Educational pages, 2006.

**Awareness level of Dalit Parents:** The awareness level of Dalits is low. They force their children to follow their traditional professions or take care of younger brothers and/or sisters. Many Dalits do not send their children to schools. Most of Dalit children are engaged in child labor. Many Dalit parents believe that 5 or 6 years old children are small enough to join schools. They believe that when their children study class 1 or 2, they should do physical works (The World Bank, 2005).

**Lack of Representation:** The government decisions makers prepare educational policies and programs without consultation, participation and the representation of Dalits and other excluded groups. The representation of Dalits is zero in national education committee to District education committees. The 7<sup>th</sup> amendment of Education Act cut off the provision of Dalit parents' involvement in School Management Committees (SMC). The 6<sup>th</sup> amendment made a provision of one representative from Dalit community in the SMC. Only 3.9 percent Dalits are represented in SMC. It was 7.3 percent in the year 2005 when there was a special measure. Among teachers, Dalits represent only 2 percent (The

World bank, 2005). Dalit children friendly decisions and implementation would be difficult in absence of Dalit representatives in the SMC.

**Prejudiced State Mechanism:** There is no effective state mechanism to prepare policy and monitoring. Government does not easily give approval to Dalit initiated schools; provide funding support and the teachers' posts. Without basic infrastructure in schools, students are not encouraged to join and continue the schooling (See case 7.5).

**Case 7. 5 Lack of Support from the Government**

Dalit students study sitting at the cold floor, due to lack of physical infrastructure of schools opened in their community. Mijar community of Taruka-5, Nuwakot district opened a school in the year 2004 though the District Education Office did not give approval to do so. Therefore, there is no quota of teachers for this school. There are 80 Dalit students in this school.

Source: Kantipur, 2007.

**Unemployment:** Most of the graduate Dalit are jobless in spite of the number of Dalit graduation is quite lower than other caste groups. The government policy is not proactive to ensure the Dalit entrance in public service. Only 76 (3.8%) Dalit staffs are working in different organization among 2114 staffs. This status of Dalit is not proportionate as compared to their total population of Dalit (SC-US, 2004). This data reveal that Dalit are out of employment opportunity. Dalit people are involved either in their traditional profession or in other labor because of discouraging environment.

#### **7.4 Discrimination by Peers**

Dalit students have been experiencing discrimination done by their own peers. It is also one of the reasons for dropout of Dalit students from schools. “High” caste students refer peer Dalit students as *Kami, Sarki, Chamar, and Dom* in a very humiliating way. ‘High’ caste students do not allow their peer Dalit students to sit together with them in class rooms. Generally Dalit student sit in the back benches separately and in some schools Dalit are not allowed to enter the class rooms. The ‘high’ caste students do not prefer to sit with Dalit students to make sure that their tiffin is not touched by their peer Dalit students.



A study revealed that Sarki students do not get opportunity to get admission in schools at appropriate age (Mahat 1999). Therefore, peers tease them that they are older than other peers to get educated. Some of them want to join schools but they do not do so because of humiliation by their peers.

Dalit children do not get support from 'high' caste children in learning process, e.g. discussion, sharing and exchanging ideas. 'High' caste students make a gang to discourage Dalit students which eventually lead to high dropout rates of Dalit students.

**Table 7.10 Practice of Untouchability against Dalit Students by Non-Dalit Students**

S.N.	Form/Site of untouchability Practice	ND – D					DD – D				
		1	2	3	4	Total	1	2	3	4	Total
i	"Lower caste" student cannot eat together with "upper caste" students.	3	14	1	0	18	1	16	1	0	18
ii	By saying untouchable thing they do not allow Dalits to touch them.	5	13	0	0	18	2	14	2	0	18
iii	Can't sit together in classroom.	0	18	0	0	18	0	18	0	0	18
iv	Could not play together.	0	17	1	0	18	0	18	0	0	18

Source: Field work, 2006

1 = Discrimination Practiced, 2 = Not practiced, 3 = cannot be said clearly, 4 = Not applicable, ND=Non Dalit, D=Dalit, DD=Dalit Dalit.

The field data indicates that the practice of untouchability by peers is decreasing (Table 7.10). Respondents belonging to 3 of the 18 Dalit castes reported that Dalit students are denied of eating together by non- Dalit students. Similarly, respondents belonging to 4 of the 18 Dalit castes reported that non-Dalit students do not allow touching food, water and body by saying that "they carry untouchable things with them." Concerning intra-Dalit untouchability amongst Dalit students, respondents belonging to only one of the total 18 castes, reported that they have experienced untouchability among other Dalit students while eating together. Respondents belonging to 2 of the 18 Dalit castes reported that they were not allowed to touch, for it is said that they carry "untouchable things" with them. There is no problem in sitting together in the classroom and while playing.

**Table 7.11 Caste-based Discrimination against Dalit Students**

S.N.	Form/Site of untouchability Practice	Non-Dalits - Dalits					Dalits - Dalits				
		1	2	3	4	Total	1	2	3	4	Total
i	“Upper caste” students address “lower caste” students by using non-respecting words, but the latter must address the former with full respect.	4	12	2	0	18	3	15	0	0	18
ii	“Upper caste” students force “lower caste” Dalit students to carry their school bags.	0	18	0	0	18	0	18	0	0	18

Source: Field work, 2006

1 = Discrimination Practiced, 2 = Not practiced, 3 = cannot be said clearly, 4 = Not applicable, ND=Non Dalit, D=Dalit, DD=Dalit Dalit.

During the field work for this study, respondents reported that the Dalits belonging to 4 of the 18 castes are forced to use words that shows respect to non-Dalits but non-Dalits use words that show domination and disrespect to Dalits (Table 7.11). The same is true among ‘high’ and ‘low’ caste Dalits as well.

### 7.5 Discrimination by Teachers

Teachers are the main actors in teaching and learning process. An overwhelming majority of teachers comprise ‘high’ castes, namely Bahumns and Chhetris. Teachers from Dalits and indigenous peoples comprise 2 percent each. The proportion of the Dalit teachers is highest (4%) in far western development region and lowest in the eastern development region (1%) for the primary level. Proportion of teachers from Dalit and indigenous peoples in secondary level are low. Of the five development regions, three development regions have no Dalit teacher in the secondary level (TRSE, 2005). Leadership and representation of Dalit teachers in the teachers union is also very nominal (Table 7.12).

**Table 7.12 Caste/Ethnic Representation in Leadership Positions in Teachers' Organizations (1999)**

Organization	Bahun/Chhetri	Mongol/Kirant	Madhise	Dalit	Newar	Others	Total
Nepal College Teachers Association	16	0	2	0	3	0	21
Nepal Teachers' Association	24	2	3	1	1	0	31
Nepal National Teachers Organization	25	0	1	0	3	1	30
<b>Total</b>	<b>65</b>	<b>2</b>	<b>6</b>	<b>1</b>	<b>7</b>	<b>1</b>	<b>82</b>
<b>Percentage</b>	<b>79.3</b>	<b>2.4</b>	<b>7.3</b>	<b>1.2</b>	<b>8.5</b>	<b>1.2</b>	<b>100.0</b>

Source: NIMD, 1999 in Neupane, 2000

### **7.5.1 Teachers' Behavior to Dalit Students**

Teachers play significant role for all-around development of students. But there is a huge gap between children and teachers. Students do not dare to discuss openly with teachers because they feel teachers might use corporal punishment against them. Dalits experience various forms of discrimination, which are as follows:

- teachers abuse Dalit children by using their surname which they find humiliating;
- teachers do not accept drinking water touched by Dalits;
- teachers inspire non-Dalit children to be seated separately from Dalit;
- teachers give less marks to Dalit children;
- teachers give priority to non-Dalit children in extra-curricular activities including educational visits;
- class monitors are selected from non-Dalit children who always beat and punish Dalit students;
- many Dalit students face problems while renting room, but teachers do not help them in such a situation; and
- Dalits are prohibited to attend schools if they resist ill treatment done by 'high' caste students and teachers (Case 7.6).

#### **Case 7.6 Restriction against a Dalit Student**

Dalit students were restricted from school in Mahottari in the time of Government policy provision to provide Dalit scholarship to inspire Dalit children in education. The students restricted from Durga Secondary school, located at Manarakatti V.D.C. were Mr. Chintu Rajak, Bishwanath Pandit, Birendra Bhandari and Chhabil Ram. They were restricted for being Dalits and ethnic people. This incident occurred while the students quarreled with each other. The quarreling case became a cause of student restriction in spite of the request for the excuse to the headmaster. The head teacher Jayakanta Thakur decided to restrict the students for being Dalits.

Source: Annapurna Post, 2005.

Some teachers' attitudes are unsympathetic or even discriminatory against Dalit students in the class. Caste- based discrimination and stigma attached to being untouchables makes it difficult for Dalit students to attend the schools of their choice (Case 7.7). In some communities, Dalit students are forced to eat their lunch in a separate place, which is humiliating (UNICEF, 2006).

**Case 7.7 Why discrimination in school ?**

Even in this 21<sup>st</sup> century, there still exists practice of discrimination. All the human beings are the gift of nature. Why there is still discrimination in school. Kura is a rural place of Nawalparasi district where the majority of people are Dalit. I feel very much humiliation when I am treated as Dalit and face the discrimination by Teachers in schools. They do not allow us to touch the water tap, sacred foods and enter the kitchen. In fact, the school is a temple for all, although there is discrimination.

Source: Educational pages, 2006.

During field work for this study, respondents reported that teachers use and/or give derogatory words or proverbs or examples against Dalits in class. Students belonging to six Dalit castes have become its victims (Table 7.13; Annex-A-Table 4). Respondents reported that teachers force Dalit students to sit separately in back benches, deprive them from using educational materials and equipment, and to participate in sports and extracurricular activities. no greeting by non-Dalit students and disobey to Dalit teachers are experienced, by Dalits belonging to one caste each.

**Table 7.13 Caste-based Discrimination against Dalit Students by non-Dalit Teachers**

S.N.	Form/Site of Discrimination Practices	Non-Dalits – Dalits (Public Sector)					Dalits – Dalits				
		1	2	3	4	Total	1	2	3	4	Total
i	Teachers force Dalit students to sit separately in back benches	1	17	0	0	18	0	0	0	18	18
ii	Dalits students are deprived from using educational materials and equipment	1	17	0	0	18	0	0	0	18	18
iii	Teachers neglect/do not care about home works & class works of Dalits students	0	17	1	0	18	0	0	0	18	18
iv	Discourage or deprive Dalit students to participate in sports & extracurricular activities.	1	17	0	0	18	0	0	0	18	18
v	Teachers use/give derogatory words or proverbs or examples against Dalit students in the class room	6	8	3	1	18	1	14	0	3	18
vi	Dalit teachers are not greeted by others	1	4	0	13	18	0	4	0	14	18
vii	Students do not obey to Dalit Teachers.	1	4	0	13	18	0	4	0	14	18

Source: Field work, 2006

1 = Discrimination Practiced, 2 = Not practiced, 3 = cannot be said clearly, 4 = Not applicable, ND=Non Dalit, D=Dalit, DD=Dalit Dalit

## 7.6 Discrimination by School Management Committee

Dalits are least represented in School Management Committees (SMCs). The selection process of SMC members is confined to the head teacher, chairperson of the Ward where the school is located, and the chairperson of the VDC. The lack of the Dalits in teaching profession and their inability to win elections prevents them from being its members (Koirala, 1996). The ‘high’ caste people who hold the position in school SMCs restrict Dalits to be its candidates. Headmasters of some schools play such a negative role.

### Case 7.8 Restriction to Dalit student

"The headmaster Rupnarayan Pandit and Ex. Headmaster Divakar Misra of Gaurishankar lower secondary school situated at Mahamadpur V.D.C.-4, Bardiya restricted Dalit people to be candidate for the SMC chairperson and nominated own relatives."

Source: Samacharpatra, 2006.

SMC members are selected on the basis of power, money and social network. Dalits are weak in these things. A study revealed that the Dalits were represented in only one third of the SMCs despite their considerable population in the concerning school areas (New ERA, 2005:34). SMCs main function is to guide to make school effective. SMCs' role is more powerful in community managed schools as they select teachers, manage resources and provide quality education.

**Table 7.14 Practices of Untouchability in Schools**

SN	Form/Site of untouchability Practices	NonDalit-Dalit					Dalit-Dalit				
		1	2	3	4	Total	1	2	3	4	Total
i	Prohibited to enter school canteen	3	6	0	9	18	0	0	0	18	18
ii	"lower caste" student cannot eat together with "upper caste" students	3	14	1	0	18	1	16	1	0	18
iii	"Lower caste" students or their guardians can not participate in picnic, worship, tiffin or other refreshment program in the school	4	13	1	0	18	1	15	0	2	18
iv	Dalits are not allowed to touch water and other things in the school premises	4	14	0	0	18	2	15	1	0	18
v	Can't sit together in classroom	0	18	0	0	18	0	18	0	0	18
vi	In school's feeding (Sweets or Tiffin) programme Dalits can not cook	3	4	0	11	18	0	0	0	18	18

Source: Field work, 2006

1 = Discrimination Practiced, 2 = Not practiced, 3 = cannot be said clearly, 4 = Not applicable, ND=Non Dalit, D=Dalit, DD=Dalit Dalit

During fieldwork for this study, respondents mentioned that SMC has not prevented practices of untouchability in schools against Dalits belonging to three to four Dalit castes (Table 7.14; Annex-A-Table 3). A news report indicates that SMC members, teachers and education officers are involved in corruption of Dalit scholarships in many schools. Such corruption could be stopped and Dalit students could benefit, if Dalits should be represented in SMCs.

**Case 7.9 Corruption in Dalit scholarship**

A report of a monitoring committee formed by a civil society revealed that corruption is rampant in Dalit scholarship provided by the Nepal Government. The District Education Officers and schools teachers are involved in such corruption. The SMC chairpersons and teachers misuse Dalit scholarship.

Source: Rajdhani, 2006.

## **7.7 Discrimination in Curriculum**

Curriculum is the heart of education (Taba 1962). Curriculums play significant roles in establishing social justice by eliminating social stigmas and discrimination. Socially sensitive curriculum helps to change quality of life of disadvantaged and marginalized people in the society promoting social justice. Hamilton (1996) is of the view that reading and learning is a never ending process. Cultural values are developed through educational medium and education is guided by social structure. One of the goals of curriculum is to eliminate social inequality. Therefore, socially just curriculums should focus to mainstream the excluded groups in education and health and national development.

School curriculums are developed at different levels: primary, lower secondary, secondary and higher secondary. Curriculum, teaching materials, and teaching methodology are traditional that are geared towards production of educated people to fulfill the needs of administrative human resources. After reinstatement of democracy in 1990, private schools, especially boarding schools, mushroomed. They provide demand-based education in modern fields with scientific and practical teaching methods. They follow teaching methods formed and accepted in developed countries. Public schools still follow traditional curriculums and teaching methods. Curriculums are insensitive to Dalits, indigenous peoples and other marginalized groups. Some contents of curriculum such as texts, proverbs and stories, are discriminatory against Dalits (Vishwokarma, 2006). NDC's review and study on the "Perspectives of Dalit in Curriculum and Teachers Guide" revealed the following major weakness, in 6 major subjects of school level curriculums (NDC 2004; 2005/6):

- Curriculums do not mention about Dalits' traditional professional tools, such as hammer, ring and shoes;
- Life stories of Dalit social workers, scientist, historical personality, singer, poets, political leaders are not included in school level curriculums;

- Curriculums do not contain any text and materials directed to elimination of caste-based discrimination and untouchability. Dalits' historic contributions are not mentioned in lower secondary level curriculums;
- Dalits produce agricultural and household tools, but these are not introduced positively in the curriculums;
- There is no teaching materials with a message of eliminating caste-based discrimination and untouchability and giving importance of Dalits' traditional profession and stories to unite Nepalese people; and
- Curriculums present negative portrayal of the Dalits, and contain discriminatory words and phrases for them. There is a lack of relevant teaching and learning materials to discourage the discrimination and untouchability.

### **7.8 Government Initiatives for the Development of Dalits in Education**

As part of the Dakar Framework for Action, the government is working towards the fulfillment of the following six goals, which incorporate two key Millennium Development goals:

- Expanding and improving comprehensive early childhood care and education, especially for the most vulnerable and disadvantaged children;
- Ensuring that by 2015, all children, particularly girls, belonging to ethnic minorities, have access to and complete free and compulsory primary education of good quality;
- Ensuring that the learning needs of all young people and adults are met through equitable access to appropriate learning and life skills program;
- Achieving a 50 percent improvement in levels of adult literacy by 2015, especially for women, and equitable access to basic and continuing education for all the adults;



- Eliminating gender disparities in primary and secondary education by 2005, and achieving gender equality in education by 2015, with a focus on ensuring girls' full and equal access to basic education of good quality;

There are some pro-Dalit policies initiated by the government. These are as follows:

- *Education Act 1971 (8<sup>th</sup> amendment)*: The Act mentioned that primary education was free, text books were provided by the government, certain amount of reduced-fees were charged for lower secondary and secondary school education, free education was provided to poor Dalit, indigenous peoples and women, and private schools should provide 10 percent free scholarship to poor students.
- *Education bylaws 2002*
  - The Education bylaws requires up-to-date disaggregated data regarding age, caste and gender of children, who are enrolled and not enrolled in schools, and take necessary action to ensure their participation in education.
  - Community schools should manage free education to poor Dalits, ethnic groups, girls and others.
- *Inclusive provision in Annual Strategic Implementation Plan (ASIP) 2006-07*: MoES has clearly stated the need of inclusive education system. It assumes that all children have capacity to learn, if favorable environment is ensured. . It suggested that excluded children or children at risk of dropping out in a particular context should be identified and there is a need to facilitate a process that is sensitive to social, cultural and academic needs. MoES' annual strategic implementation plan of 2007 considers girls/women, children with disabilities, Dalit, indigenous peoples, street children, child labourers, children affected by conflict, children trafficked for sexual and other purpose, -orphans, children whose parents are in jail, and sick children as vulnerable groups. The plan states that existing social, economic and geographic barriers against inclusion in education of disadvantaged and vulnerable groups including Dalits shall be

addressed by taking various measures. It includes policy reform to improve and enhance inclusion of teachers from traditionally disadvantaged groups.

It aims to improve all the aspects of the quality of education and ensuring excellence of all. So that measurable learning outcomes are achieved by all, especially in literacy, numeracy and essential life skills.

- *Center for Technical Education and Vocational Training (CTEVT)*: The government policy is to give priority to technical vocational training conducted through CTEVT. Some Dalits have received education from CTEVT.
- *Provision in MoES Teachers Education Project (2003-2007)*: The government has planned to train 2,500 Dalit and indigenous peoples to produce trained teachers. Initially, this plan will be implemented in 11 districts.
- *Millennium Development Goals (MDGs) and Education for All (EFA)*: The government has shown its commitment to achieve universal primary education, by the year 2015. EFA clearly emphasizes to expand and comprehend child care and education for the vulnerable and disadvantaged children and intends to provide free and compulsory education by the year 2015. However, ineffective plans and programs that are insensitive to Dalits and other marginalized groups have made it impossible to achieve this goal within the expected time.

### ***7.8.1 Dalit Scholarship***

Dalit scholarship is one of the major visible components of the government's program to support education for the Dalits. The objective of this scholarship is to benefit Dalits, though the implementation is not effective in contrast to its objectives. Scholarship has been misused by teachers and SMCs. The target students generally do not get scholarship easily.

Government has following provisions for school level scholarships:

- *Primary scholarship*: the government started to distribute Dalit scholarships of monthly Nepalese Rupees (NRs.) 25 and annually NRs. 250 since 1994 in certain

districts. The scholarship program was expanded to all districts in FY 2004/05. The amount of the scholarship was increased to NRs. 500 per student in FY 2005/06. The government intended to support 583,441 Dalit students through this.

- *Secondary school level scholarship:* Government of Nepal has provisioned NRs. 500 per Dalit student studying at secondary level from 2003. Similarly Government has provision of prize distribution to intelligent Dalit students, which is provided to 12 students of Nepal through Dalit Bikas Samiti.
- *Higher education scholarship:* The Uppechit, Utpidit Dalit Barga Uttahan Samiti has been distributing higher education scholarship to 165 Dalit students every year. The scholarship amount per student is NRs. 1,500 for pursuing Intermediate level, NRs. 2,000 for pursuing Bachelor's and Master's degree and NRs. 4,000 for pursuing technical degrees.

The policy and program are not implemented effectively. Dalit scholarship has been widely misused due to a lack of an effective monitoring mechanism and prejudice of 'high' caste teachers and officials against the Dalits.

Though inadequate, some progress has been achieved in the education of the Dalit children. Increased tendency of school participation of Dalit children can be seen today, but these improvements are still limited in the sense that 30 percent of the children of school going age are still out of schools (Baseline survey, 2001). The facts and evidences show that the level of Dalit enrollment in school is increasing but there is still a big challenge of retention in and stop dropouts of Dalit children from schools. Neither the government's policy and programs to uplift the education status of Dalit is adequate, nor its implementation is effective.

### **7.9 Dalits' Representation in Literary Associations**

In literary associations such as the Nepal Academy, Cine Artists Association and Nepal Progressive Writer's Association there is no representation of the Dalits. In academic institutions/associations such as Tribhuvan University, Nepal College/University Teacher's Association and Nepal Teacher's Association also Dalit's

representation is zero. Out of 30 members of Nepal National Teacher's Organization only one member is a Dalit.

**Table 7.15 Caste/Ethnic Representation in Academic and Administrative Leadership Positions in Various Associations (1998)**

Organization	Bahun/ Chhetri	Mongol/Kirant	Madhise	Dalit	Newar	Others	Total
Nepal Academy	37	4	0	0	16	0	57
Cine Artists Association	15	0	0	0	2	0	17
Nepal progressive writers Association	33	2	0	0	4	0	39
Tribhuvan University	112	2	24	0	70	0	208
Nepal College Teachers Association	16	0	2	0	3	0	21
Nepal Teachers' Association	24	2	3	1	1	0	31
Nepal National Teachers Organization	25	0	1	0	3	1	30
<b>Total</b>	<b>262</b>	<b>10</b>	<b>30</b>	<b>1</b>	<b>99</b>	<b>1</b>	<b>403</b>
<b>Percentage</b>	<b>65.1</b>	<b>2.4</b>	<b>7.5</b>	<b>0.2</b>	<b>24.6</b>	<b>0.2</b>	<b>100.0</b>

Source: NPWA; NIM, 1999 in Neupane, 2000

To conclude, Dalits need special rights or affirmative action in education to improve their educational status. Elimination of caste-based discrimination is also essential to improve educational status of the Dalits.

## Section VIII

### Bonded Labour and Multiple Discrimination against Dalit Women

#### 8.1 Bonded Labour

Caste-based untouchability and division labor, illiteracy, landlessness, semi-feudal system etc. are responsible for perpetuation of discriminatory labor practices such as *Bista*, *Balighare*, *Haliya* etc. In *Bista* and *Balighre* practices, each Dalit household has a non-Dalit patron and provide their labor through the year, and get rewards in kind once in a year during the harvesting time. Of these, *Haliya* is indeed a form of bonded labour. According to the Human Rights Watch, the Center for Human Rights and Global Justice, only three percent of Dalits own more than a hectare of land (See Goyal 2005:11). Clearly denial of landownership to Dalits in an agrarian country like Nepal has resulted squatters and bonded labourers. Majority of them are Dalits indeed. A report prepared by the Center for Human Rights and Global Justice states, “such discrimination is intentionally designed to keep alive a system of debt bondage and free farmlands for cultivation by the” upper caste” only” (Goyal 2005: 11). According to Robertson and Mishra (1997:vi), “Although there has been no survey of the number of people affected by debt bondage, it is estimated that they run into hundreds of thousands. There are men and women who have mortgaged their working life in lieu of interest on a loan they will never be able to repay. It is an irony that in many cases, the original debt may amount to no more than the average family in the industrialized world would spend on a restaurant meal.”

##### *8.1.1 Reasons for Bondedness: The Haliya System*

There are two main reasons for existence of the Haliya system. These are: (1) caste-based division of labour, and (2) debt bondage. Menial works including ploughing land is considered to be works of low social status; hence associated with low castes such as “untouchables” or Dalits. If Brahman/Bahun and Ksyatriya/Chhetri plough land, they would lose their “high caste” status. *Haliya* system is most prevalent in middle and far

western Nepal, because traditional caste system is most strong in these regions. Robertson and Mishra (1997:1) states, “The powerful custom demands that only untouchable castes or low status ethnic groups plough the land as *Haliya*.” During peak agriculture season, labour would be expensive but “high caste” peoples avoid ploughing. Robertson and Mishra (1997:2) write, “The dilemma is resolved by use of debt bondage to secure unpaid labour from low-caste labourers.” They further states, “it violates the United Nations Supplementary Convention on the Abolition of Slavery and Slave Trade and Institutions and Practices similar to Slavery (1956) to which Nepal is a signatory” (Robertson and Mishra 1997:2). Robertson and Mishra (1997:34-40) lists ten reasons for perpetuation of bonded labours, including *Haliya*. These are: the feudal legacy, *Birta* land, *Jagir* and *Rakam* land, *Zamindars*, failure of land reform, marginalization and landlessness, indebtedness, debt farming, discrimination and division. According to a report prepared by the Center for Human Rights and Global Justice (CHRGJ), “Dalits are charged much higher interest rates on loans from landlords than their “upper-caste” counterparts” and “such discrimination is intentionally designed to keep alive a system of debt bondage and free farmhands for cultivation by “upper-caste” (CHRGJ 2005:8).

### ***8.1.2 Nature of Bondedness of the Haliya System***

The Khas-Nepali term “*Haliya*” is associated with word “*Hali*”, which literally means “plough” and its literal meaning is “one who ploughs.” In Terai region, “*Haliya*” is called as “*Haruwa*” or “*Hali*.” It is one of the forms of agriculture labour and debt bondage found in Nepal and elsewhere in South Asia region. In Nepal, although such a system is generally thought to prevail in western Hills, it is prevalent in most of the rural areas. Three types of *Haliya* system is found in Nepal. These are: (1) regular *Haliya*, (2) seasonal *Haliya*, and (3) daily wage *Haliya*. *Haliya* works for a debt ranging from few hundred to thousands of rupees. They take loans from their landlords for personal expenses such as festivals and life cycle rituals such as marriage. *Haliyas* should be available to their landlords whenever they need them. As their little earnings are not sufficient to pay debts, they sink in debt after debt. If they get sick, they must send another family member as his replacement. According to (Robertson and Mishra 1997:5), “The only way a *Haliya* can usually escape is by selling whatever land and possessions

he has (if they are not already mortgaged) thus making his family homeless.” During off-agricultural-season, *Haliyas* have to make their own living; hence many migrate to India in search of work. They must return to their villages during peak agriculture season to offer service to their landlords. As the landlords belong to “high caste” and *Haliyas* belongs to Dalit castes, their relationship is characterized by domination of the former against the latter. Robertson and Mishra (1997:6) cites a case story, which is as follows:

*It was during the time of rice transplanting, I was working for many days in mud and water right through into the evening. My legs and feet became so painful and swollen because of the water. I couldn't go near the water any more. Then one evening the landlord ordered me to go and wash the oxen in the stream. I showed him my legs and said I couldn't go near the water again because I was in pain. I refused to go so he beat me. Some other people stepped in and stopped him in the end. I didn't wash the oxen but the next morning I went back to the fields again and nothing more was said.”*

*Haliyas* are all males, and mostly Dalits. Women do not work as *Haliyas* because they do not plough and also because they are restricted from getting loans due to lack of ownership or inheritance of land. Wives of *Haliya* indeed help their husbands' landlords to gather fodders for animals, carry manure to the farms etc. Similarly, children of *Haliyas* work as cowherds to watch the cattle of their landlords. According to Robertson and Mishra (1997:22), “It is rare for the children of *Haliya* to go to school and very few complete a primary school education. Less than half of *Haliya* families send any of their children to school.” In their community also, they give educational priority to male child rather than female child. During agricultural peak season or when there are more siblings to look after, the female child has to withdraw from the school.

## **8.2 Multiple Discrimination against Dalit Women**

In Nepal neither women nor Dalit are homogenous categories. Instead both are characterized by diversity. Nepal is rich in both bio-diversity and socio-cultural diversity. The main elements of socio-cultural diversity are race, including caste and ethnicity, language, religion, culture, region, sex and class. A little more than half of the 22.5 million total population of Nepal comprise women. Therefore, socio-cultural diversity among and discrimination against Dalit women are as follows (Table 8.1):

- Female Dalits face gender discrimination from their male counterparts, both by non-Dalit and Dalit men.
- Madhesi Dalit women face additional region-based discrimination from the Hill people, including the Hill Dalits.
- Non-Hindu Dalit women face additional religious discrimination from the Hindus.
- Non-Khas-Nepali language speaking Dalit women face additional discrimination from Khas Nepali language speaking people.
- Lower class Dalits women face additional discrimination from middle and upper class people.

**Table 8.1 Levels of Discrimination against Dalit Women by Categories of Dalits and Sex**

Categories of Dalits	Sex	Levels of Discrimination						
		As Dalits		As regional, linguistic and religious groups			As women	
		By Non-Dalits	By Dalits	By Hill Peoples	By Khas-Nepali Language Speakers	By Non-Dalit Hindu Religious Groups	By Non-Dalit men	By Dalit Men
Hill Dalit	Men	√	√					
	Women	√	√				√	√
Madhesi Dalit	Men	√	√	√	√			
	Women	√	√	√	√		√	√
Non-Hindu Dalit	Men					√		
	women					√	√	√
Mother tongue speakers	Men				√		-	-
	Women				√		√	√

### **8.3 Caste-based Discrimination, including Untouchability, against Dalit Women as Dalits**

Non-Dalits practice caste-based discrimination, including untouchability, against Dalits, both women and men. Dalit women experience caste-based discrimination, including untouchability very first, from the non-Dalits. Dalit women and men are denied entry not only into Non-Dalits' houses, but also in public places such as water sources, temples, tea shops and discriminated in wages through *Haliya*, *Bali Ghare*, and *Bista* systems.



## 8.4 Gender Discrimination against Dalit Women and Girls

Dalit women and girls experience gender discrimination from their men and boys counterparts. Gender discrimination, when compared with indigenous society and culture, is severe in Hindu society and culture due to patriarchy. Dalits traditionally belongs to Hindu religious and socio-cultural systems. Therefore, both non-Dalit and Dalit men and boys discriminate against Dalit women and girls in both private and public spheres in performing triple roles, namely reproductive, productive and community roles. Dalit women are confined in performing reproductive works such as child birth and child care, cooking, feeding and washing.

They have either limited or no access to and control over resources such as land, house, jewellery, and cash. Unlike non-Dalit women, (specially Bahun-Chhetri women) Dalit women do have social mobility, though limited, and engage in labour or wage works.

Unfortunately, Dalit women and girls experience violence, including physical and psychological such as battering, rape and verbal abuse. A study done by SAATHI revealed that about 21 percent Dalit women are vulnerable of being a rape victim as against 6 percent of Bahun-Chhetri women.

Similarly, a report prepared by the NEW ERA revealed that the number of trafficked women is highest among indigenous women/girls followed by Dalit women/girls with 26.9 percent (Table 8.2). Also, in mid-Nepal and far west Nepal, Dalit women are sexually exploited by non-Dalit men and when they become pregnant, they are either forced to carry out unsafe abortion or marry with other men who are given money for accepting them (Bhattachan *et al.* 2000).

**Table 8.2 Percentage of Women engaged in Prostitution and Trafficked in India**

S.N.	Caste/Ethnicity	Prostitution in Nepal N = 8,282	Trafficked in India N = 1,921
1	Indigenous Nationalities	37.2	42.3
2	Dalit	33.7	26.9
2.1	Damai, Kami, Sarki, Gaine, Sunar and other low castes	27.8	25
2.2	Badi	4.2	0.6
2.3	Musahar, Dom, Band, Dusadh	1.7	1.3
2.4	Bahun, Chhetri and Terai castes	26.8	18.7
2.5	Others and don't know	2.5	11.9
	Total	100.0	100.0

Source: Adapted from Table 59 in IIDS 2002: 133

Note: IIDS adapted it from NEW ERA-Nepal 1998.

Gender discrimination in Madhesi community is even more severe than among the women belonging to Hill castes, including Hill Dalits. *Ghumto* (“shawl”) system is still prevalent in Madhesi community. It means Madhesi women cover their head by shawls when they see males, including family members, neighbors and strangers. Although such practices are declining rapidly due to gender awareness activities launched by (I)NGOs and other development programs.

According to a report prepared by the Human Rights Watch in 1999:

In *Nepal*, Dalit women are economically marginalized and exploited, both within and outside their families. As the largest group of those engaged in manual labor and agricultural production, their jobs often include waste disposal, clearing carcasses, and doing leatherwork. Despite their grueling tasks and long hours, exploitative wages ensure that Dalit women are unable to earn a subsistence living. In some rural areas Dalit women scarcely earn ten to twenty kilograms of food grain a year, small enough to sustain a family. Many have been driven to prostitution. One caste in particular, known as *[B]adi* caste, are trafficked into sex work in Indian brothels.” (HRW 2001:21; quoted by CHRGI 2005:13)

Violence against Dalit women are as follows:

***Girls Trafficking:*** Girls/women belonging to indigenous nationalities and Dalits are the main victims of girls trafficking in Indian brothels. Min Viswakarma has listed some of its reasons that includes push factors such as poverty and illiteracy and pull factors such as enticement for employment and fake-inter-caste marriages (Viswakarma, Min 2005: 44).

***Inter-caste Marriage:*** Min Viswakarma has mentioned problems related to two types of inter-caste marriage

- (a) between Dalit girls and non-Dalit boy, and
- (b) Dalit girl and Dalit boy

(Viswakarma, Min 2005:44-45). Main problems in inter-caste marriage between Dalit girl and non-Dalit boy include abandon of the girl after having sexual relation,

abandon of wife on the very first day of wedding, refuse to accept bride by husband's parent, deprive from inheritance rights, boycott the couple by the community people, take legal action to describe the marriage as null/void, give needless torture and hardship to the girls, and demote boy's caste. Similarly, main problems in inter-caste marriage between Dalit girl and Dalit boy include obstruction before marriage, mental torture to both girls and boys, fake legal charges, police custody, null and void marriage through intimidation, battering, and expulsion from the community.

***Dowry:*** Dowry is a popular in the Madhesi communities, including Madhesi Dalits (Paswan, Nirmala 2005: 67-68). Dalit brides suffer from both physical and mental torture and some times death due to problems related to dowry. As almost all Madhesi Dalits are poor, dowry is indeed a big problem for any Madhesi Dalit girl and her parent.

***Parda Pratha*** ("Shawl custom"): It is a custom that the women should cover their face/head by their shawls (Paswan, Nirmala 2005:66-67) Women are not supposed to talk directly with men showing their faces. Such a practice has a lot of negative impacts on women's personality development, mobility, education and participation in public sphere.

***Battering on the Charge of Witchcraft:*** Sometimes in the villages, specially in the Terai, Dalit women are charged as witches when some misfortune happens to non-Dalits (Paswan, Nirmala 2005:67; (Viswakarma, Min 2005:45). Dalit women who are charged as witch are battered by the non-Dalits.

***Suicide:*** Some Dalit women commit suicide due to violence against them by other gender and for caste- based discrimination.

***Sexual Violence during Violent Conflict:*** During armed conflict between the government security forces and the Maoist insurgents, many Dalit women experienced sexual violence. According to a report of the Center for Human Rights and Global Justice, "Late night intrusion into Dalit homes and sexual abuse by intoxicated police officers was a common experience for many Dalit women, even before the Maoist insurgency was officially declared. The burgeoning presence of the police and army in

the villages since the insurgency, and the subsequent power of the security forces to detain, question, and intimidate rural villagers has led to even greater sexual abuse and exploitation. In the wake of State resistance to the insurgency, armed forces are unrestrained in entering Dalit homes and victimizing Dalit women. According to a 2005 Amnesty International report, there have been a number of reports of security forces raping girls during “searches” of villagers’ homes. Girls belonging to marginalized communities are particularly vulnerable to attack by the “upper-caste” members of the security forces.” (CHRGJ 2005: 35-36).

### **8.5 Regional Discrimination against Hill Dalit Women and Girls**

All Madhesis are discriminated by the Hill people on regional grounds because the Hill people, particularly, Bahun-Chhetris, have full control over the State machinery since 1769. All Madhesis are treated like second class citizens and often treated like non-Nepalese. Madhesi Dalits comprise one of the major groups of Madhes and hence they are discriminated by the Hill people on regional grounds. Prior to 1950, Madhesis needed permission for entry in the Kathmandu Valley. The Nepal Sadvabana Party and Madhesi leaders claim that 4 million Madhesis were deprived from citizenship certificates. Among them almost all the Madhesi Dalits were deprived from it. As half of the population is of women and girls, obviously almost all Madhesi women have been deprived from the citizenship certificates. As the Nepal Government has made a political decision to distribute citizenship certificates at the doorsteps, all Dalit women and men are expected to get it. But poverty, illiteracy and lack of awareness may deprive some Madhesi Dalits from getting it.

### **8.6 Linguistic Discrimination against Non-Khas Nepali Language Speaking Dalit Women and Girls**

Hill Dalits, like Hill Bahun and Chhetris, speak Khas Nepali language, which is the only official language of Nepal and also is considered as “lingua franca” in Nepal, specially in the Hills. Indigenous peoples and Madhesis have their own languages, which comprise more than 125 languages and dialects. Madhesi Brahman, Kshyatriya, Vaishya and Dalit speak languages including Maithil, Awadhi, Bhojpuri, and Dehati. Some

Madhesi political leaders and activists consider Hindi as the “lingua franca” in the Terai region but many oppose such views.

The Dalit movement and its leaders did not pay attention to linguistic issue and it was never a demand of the movement until the beginning of the 21<sup>st</sup> century. The main reason for such overlook was that the Dalit movement was mostly led by Hill Dalits and they had no experience of languages other than Khas Nepali. As Madhesi Dalits also came forward in the movement, though in small numbers, they raised issues including linguistic rights. Given the low literacy among the Madhesi Dalits and Musahar imposition of Khas Nepali language in the offices, education, media and development programs, have provided least chances to the them of being literate, getting formal education, including basic and primary, school and higher education, and semi-skilled and skilled jobs. From gender perspective, women, more than their men counterpart, maintain their mother tongues and cultures due to restricted mobility, access to, and control over resources.

### **8.7 Religious Discrimination against Hindu and non-Hindu Dalit Women and Girls**

As caste system is a product of Hindu religion, in Hindu society and Hindu culture, caste- based discrimination, including untouchability, against Dalit women and girls continue to be optimum. Caste-based discrimination is not found in other religions such as Buddhism, Christianity and Islam. Therefore, many Dalits of Nepal have adopted these religions to get rid of caste-based discrimination. However, practices of caste-based discrimination against Dalit women and girls are found, though low, in varying degrees in these religions, i.e. Buddhism and Christianity, as these are the two religions which many Dalits have adopted for emancipation from caste- based discrimination in Hindu religion. As most of the top positions within the Church is monopolized by Bahun-Chhetris, they are liberal in many ways, but they too are tend to practice caste-based discrimination as far as marriage of their children with Dalits and Dalit’s entry in their houses are concerned. Other examples of such practices include, Dalit women and girls are not allowed to be priests, *Aanis* (Female monk) in Buddhist religion; whereas “upper caste” women and indigenous women are allowed to be *Aani*. Dalit women who have adopted Christian religion are also discriminated to some extent by non-Dalit Christians.

“High caste” Christians discourage inter-caste marriage of their sons and daughters especially with Dalits.

To conclude, *Haliya* system, which is a form of bonded labor, should be eliminated by providing land rights to Dalits who are suffering from such a discriminatory system. Also, violence against Dalit women and double discrimination against them should also be eliminated. Both national and international actors should play significant role in such endeavors.

## **Section IX**

### **Conclusion**

The term “Dalit” has been accepted by the Dalit movements of Nepal, the National Dalit Commission and the Nepal Government with focus on caste-based untouchability and discrimination. The main area of the concern of the Dalit movements of Nepal and of this study is caste-based discrimination and untouchability. It indeed has obvious implications on securing Dalits’ rights by eliminating caste-based discrimination and untouchability. The Nepal Government has yet to legally recognize 22 Dalit castes identified by the National Dalit Commission.

In Nepal, there are inadequate constitutional and legal provisions to eliminate caste-based discrimination and untouchability. There are many constitutional and legal provisions that discriminate against Dalits. There is a big gap between law and practice. If existing constitutional and legal provisions are implemented effectively it could contribute greatly in reducing such inhuman practices. There are indeed a lack of legislative framework and problems with judiciary in providing justice to the “victims” or survivors of crimes related to caste-based discrimination and untouchability. Nepal has ratified many international instruments of human rights, including International Convention on the Elimination of All Forms of Racial Discrimination and endorsed Durban Declaration and Plan of Action, but the implementation parts has not been effective. Advocacy for Dalits’ rights has been intensifying from international, national to local levels but there are many people at the community level who lack knowledge of law related to caste-based discrimination and untouchability.

The Nepal Government, donors, (I)NGOs and researchers have not produced socio-economic data disaggregating by caste or ethnicity. Even recent data are not disaggregated in this form. There is some information available on Dalits’ socio-economic conditions but these are outdated. Although different researchers, governmental and non-governmental agencies and institutions, and donors use different definition and identification of Dalits, the definition and identification of Dalits by the

National Dalit Commission has helped to minimize problems in application of affirmative action policies.

Nepal is going through a peace process and democratic transition since the April movement of 2006. Political turmoil and transition has been a hindrance not only for effective implementation of policies, plans and programs, but also for any policy changes with peaceful approach. However, it is great opportunity to bring significant policy changes if the Dalit movement could exert heavy pressure to the government if they use violence. As the mandate of the interim government is to hold an election for constituent assembly and the elected constituent assembly would draft a new constitution of Nepal in an inclusive way, there is a big opportunity to address the problems of caste-based untouchability and discrimination during making of the new constitution.

The Hill Dalit women have double “minority” status, one as the Dalits and the other as women. Madhesi Dalits also have double “minority” status, one as the Dalits and the other as the Madhesi Dalits, like that Madhesi women also have additional “minority” status. Given the caste hierarchy system, some Dalits casts have minority status even among the Dalits.

Hindu religion played main role in encouraging the caste-based untouchability and discrimination. The State also patronized Hindu religion by describing itself as a Hindu state. During the partyless Panchayat political system from 1960 to 1990, Nepal was declared as a Hindu State. Nepal is now a secular State but in practice domination of Hindu religion continues as usual.

Although Dalits comprise about one-fourth of the total population and some Dalit caste groups are populated in all 75 districts of Nepal, caste-based untouchability and discrimination against Dalits by non-Dalits and against “low caste” Dalits by “high caste” Dalits continues, though it is gradually declining in some areas. There are inadequate constitutional and legal provisions to safeguard Dalits’ human rights and the Government’s performance in implementation of existing provisions is weak. Dalits are discriminated in both public and private spheres, including social, economic, educational and political fields. There is discrimination in labor and consumer markets, and also in



accessing common property resources. Many Dalits live not only below poverty line but also as bonded labourers. Dalit women suffer from double discrimination, for being Dalits as well as women. Madhesi Dalits also suffer from additional discrimination as being Madhesis. Elimination of caste-based discrimination, including untouchability, gender and regional discrimination are essential for improving livelihoods of Dalits, peace and prosperity of the community and the country.

There are many advocacy challenges and opportunities in pursuit of elimination of caste-based untouchability and discrimination in Nepal. Informed policy advocacy is needed and this research vacuum should be filled in on priority basis. Some of the key priority areas, where in depth research and advocacy needed, are land rights, housing, and proportional representation at all levels and special rights. Lack of attention by universities and government studies is conspicuous. International NGOs/aid groups have given inadequate attention on Dalits' issues. Many Dalit organizations are making efforts from local to national and international levels to eliminate caste-based untouchability and discrimination against Dalits. However, there is a lack of solidarity between Dalit communities and other marginalized groups.

Caste-based discrimination, including untouchability, could be eliminated by synchronized concerted efforts from all stakeholders, including the Nepal Government, political parties, media, civil society organizations, Dalits' rights movement, and international actors including the United Nations, multi-lateral and bilateral organizations, INGOs and advocacy organizations.

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## Endnotes

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- 1 Personal communication.
- 2 They provided this information during a national conference of Dalits in Kathmandu organized by Dalit civil society organizations with support of Constitutional Advisory Support Unit of UNDP.
- 3 Chudara refers to Curaute.
- 4 Chunara refers to makers of wooden vessels.
- 5 NC political report and future direction, 2005.
- 6 Constitution, 5th edition, of the NC Democratic, 2005.
- 7 This information is based on personal communication with Dr. Koirala on 1 Feb 2007.

## Annexure A : Tables

**Table 1 : Population of caste/ethnicity by sex (Census of 2001)**

Total	Caste/Ethnicity	Male	Female	Total	Percentage
	<b>Population of Nepal</b>	11,359,378	11,377,556	22,736,934	100.0
<b>Dominant Caste</b>	<b>Total</b>	<b>3,464,273</b>	<b>3,558,947</b>	<b>7,023,220</b>	<b>30.89</b>
1	Chhetri	1,774,709	1,818,787	3,593,496	15.80
2	Brahman - Hill	1,426,915	1,469,562	2,896,477	12.74
3	Thakuri	164,643	169,477	334,120	1.47
4	Sanyasi	98,006	101,121	199,127	0.88
<b>Minorities</b>	<b>All Total</b>	<b>7,895,105</b>	<b>7,818,609</b>	<b>15,713,714</b>	<b>69.11</b>
<b>Indigenous Nationalities</b>	<b>Total</b>	<b>4,090,839</b>	<b>4,181,136</b>	<b>8,271,975</b>	<b>36.31</b>
<b>Mountain</b>	<b>Sub-Total</b>	<b>95,354</b>	<b>94,753</b>	<b>190,107</b>	<b>0.82</b>
5	Sherpa	77,511	77,111	154,622	0.68
6	Bhote	9,959	9,302	19,261	0.08
7	Thakali	6,216	6,757	12,973	0.06
8	Byangsi	1,094	1,009	2,103	0.01
9	Walung	574	574	1,148	0.01
<b>Hill</b>	<b>Sub-Total</b>	<b>2,967,139</b>	<b>3,071,367</b>	<b>6,038,506</b>	<b>26.51</b>
10	Magar	784,828	837,593	1,622,421	7.14
11	Tamang	641,361	640,943	1,282,304	5.64
12	Newar	620,213	625,019	1,245,232	5.48
13	Rai	312,363	322,788	635,151	2.79
14	Gurung	259,376	284,195	543,571	2.39
15	Limbu	174,760	184,619	359,379	1.58
16	Gharti/Bhujel	58,023	59,545	117,568	0.52
17	Sunuwar	48,065	47,189	95,254	0.42
18	Chepang ( Praja)	26,685	25,552	52,237	0.23
19	Thami	11,392	11,607	22,999	0.10
20	Yakkha	8,132	8,871	17,003	0.07
21	Pahari	5,803	5,702	11,505	0.05
22	Chhantel	4,545	5,269	9,814	0.04
23	Brahmu/ Baramu	3,441	3,942	7,383	0.03
24	Jirel	2,582	2,734	5,316	0.02
25	Dura	2,377	2,792	5,169	0.02
26	Lepcha	1,935	1,725	3,660	0.02

27	Hayu	892	929	1,821	0.01
28	Yehlmo	281	298	579	0.00
29	Kusunda	85	79	164	0.00
<b>Inner Terai</b>	<b>Sub-Total</b>	<b>123,975</b>	<b>127,142</b>	<b>251,117</b>	<b>1.11</b>
30	Kumal	48,883	50,506	99,389	0.44
31	Majhi	36,367	36,247	72,614	0.32
32	Danuwar	26,192	27,037	53,229	0.23
33	Darai	7,195	7,664	14,859	0.07
34	Bote	3,881	4,088	7,969	0.04
35	Raji	1,111	1,288	2,399	0.01
36	Raute	346	312	658	0.00
<b>Terai</b>	<b>Sub-Total</b>	<b>901,813</b>	<b>885,173</b>	<b>1,786,986</b>	<b>7.85</b>
37	Tharu	774,924	758,955	1,533,879	6.75
38	Rajbansi	48,234	47,578	95,812	0.42
39	Santhal/ Sattar	21,515	21,183	42,698	0.19
40	Jhagar/ Dhagar	20,892	20,872	41,764	0.18
41	Gangai	15,808	15,510	31,318	0.14
42	Dhimal	9,646	9,891	19,537	0.09
43	Tajpuriya	6,532	6,718	13,250	0.06
44	Meche	1,830	1,933	3,763	0.02
45	Kisan	1,382	1,494	2,876	0.01
46	Koche	693	736	1,429	0.01
47	Munda	357	303	660	0.00
<b>Unknown</b>	<b>Sub-Total</b>	<b>2,558</b>	<b>2,701</b>	<b>5,259</b>	<b>0.02</b>
48	Adibasi/ Janajati	2,558	2,701	5,259	0.02
<b>DALIT</b>	<b>Total</b>	<b>1,614,238</b>	<b>1,619,210</b>	<b>3,233,448</b>	<b>14.99</b>
<b>Hill Dalit</b>	<b>Sub-Total</b>	<b>777,804</b>	<b>833,331</b>	<b>1,611,135</b>	<b>7.09</b>
49	Kami	432,937	463,017	895,954	3.94
50	Damai/Dholi	188,329	201,976	390,305	1.72
51	Sarki	153,681	165,308	318,989	1.40
52	Gaine	2,857	3,030	5,887	0.03
<b>Madhesi Dalit</b>	<b>Sub-Total</b>	<b>836,434</b>	<b>785,879</b>	<b>1,622,313</b>	<b>6.74</b>
53	Chamar/ Harijan/ Ram	138,878	130,783	269,661	1.19
54	Dhanuk	97,507	90,643	188,150	0.83
55	Musahar	88,041	84,393	172,434	0.76



56	Dusadh/Paswan/ Pasi	82,173	76,352	158,525	0.70
57	Sonar	72,331	72,757	145,088	0.64
58	Kewat	70,815	66,138	136,953	0.60
59	Mallah	59,649	56,337	115,986	0.51
60	Kalwar	61,221	54,385	115,606	0.51
61	Hajam/thakur	51,617	46,552	98,169	0.43
62	Lohar	42,270	40,367	82,637	0.36
63	Dhobi	38,350	35,063	73,413	0.32
64	Bantar	18,139	17,700	35,839	0.16
65	Chidimar	6,516	5,780	12,296	0.05
66	Dom	4,631	4,300	8,931	0.04
67	Badi	2,152	2,290	4,442	0.02
68	Halkhor	1,848	1,773	3,621	0.02
69	Kuswadiya/ Patharkatta	286	266	552	0.00
<b>Unknown</b>	<b>Sub-Total</b>	<b>85,063</b>	<b>88,338</b>	<b>173,401</b>	<b>0.76</b>
70	Unidentified Dalit	85,063	88,338	173,401	0.76
	<b>MADHESI</b>				
	<b>"High Caste"</b>	<b>1,475,884</b>	<b>1,326,303</b>	<b>2,802,187</b>	<b>12.30</b>
71	Yadav	473,421	422,002	895,423	3.94
72	Teli	158,647	145,889	304,536	1.34
73	Koiri	130,424	120,850	251,274	1.11
74	Kurmi	111,638	101,204	212,842	0.94
75	Brahman - Tarai	70,623	63,873	134,496	0.59
76	Baniya	67,308	59,663	126,971	0.56
77	Kanu	50,706	45,120	95,826	0.42
78	Sudhi	47,198	42,648	89,846	0.40
79	Tatma	39,606	36,906	76,512	0.34
80	Khatwe	38,643	36,329	74,972	0.33
81	Nuniya	35,224	31,649	66,873	0.29
82	Kumhar	28,289	26,124	54,413	0.24
83	Haluwai	26,387	24,196	50,583	0.22
84	Rajput	25,905	22,549	48,454	0.21
85	Kayastha	23,343	22,728	46,071	0.20
86	Badhae	24,160	21,815	45,975	0.20
87	Marwadi	23,205	20,766	43,971	0.19
88	Barae	18,479	16,955	35,434	0.16
89	Kahar	18,109	16,422	34,531	0.15

90	Lodha	13,018	11,720	24,738	0.11
91	Rajbhar	12,755	11,508	24,263	0.11
92	Bing/ Binda	9,641	9,079	18,720	0.08
93	Bhediyar/ Gaderi	9,342	8,387	17,729	0.08
94	Nurang	9,198	8,324	17,522	0.08
95	Dhunia	614	617	1,231	0.01
<b>Muslim</b>		<b>504,325</b>	<b>471,624</b>	<b>975,949</b>	<b>4.29</b>
96	Muslim	501,793	469,263	971,056	4.27
97	Churaute	2,532	2,361	4,893	0.02
<b>OTHER</b>		<b>134,767</b>	<b>130,954</b>	<b>265,721</b>	<b>1.16</b>
98	Mali	5,884	5,506	11,390	0.05
99	Bangali	5,680	4,180	9,860	0.04
100	Kamar	4,516	4,245	8,761	0.04
101	Punjabi/sikh	1,567	1,487	3,054	0.01
102	Jaine	551	464	1,015	0.00
103	Unidentified Caste/Ethnic	116,569	115,072	231,641	1.02

Source: Census of 2001, Table 16: Population by caste/ethnic group and sex (HMG-N 2002:72-3).

- Note:
- This data grouped by social group and geographic zone was first done by Gurung (2000).
  - Census of 2001, Table 1: Number of households, population in the household by sex, area and population density, 2001 (HMG-N 2002:1-2) shows total population of 23,151,423 with 11,563,921 males and 11,587,502 females. The total population in this table is 414,489 less because the Household data was generated in the first part and individual characteristics was collected in the second part and census forms were not filled out in scores of Village Development Committees (VDC) in the Maoist insurgency affected areas.

**Table 2 : Population distribution of Dalit castes by districts**

S.No.	District	Total Population of all caste	Bishwakarma (B.K.)				Dholi Damai	Sarki	Gaine	Badi	Chamar/Harijan Ram	Musahar	Dusadh Paswan	Tatma	Khatwe	Dhobi	Bantar	Chidimar	Dom	Halkhor	Kushwadi	Unstated Dalits	Total Dalits
			Kami	Sunar	Lohar	Total B.K.																	
1	Taplejung	134698	5958	15	8	5981	2115	1134		1		221	1	221	22							310	9785
2	Paanchthar	202056	6537	69	1	6607	3647	904	4	2	8		8		9			12				631	11826
3	Ilam	282806	9500	370	5	9875	4130	1096	3	2	7		7		8							174	15316
4	Jhapa	633042	16726	628	158	17512	11342	3731	179	2	441	275	272	275	190	87	14	164	29			1247	39384
5	Morang	843220	15706	2286	309	18301	10189	3651	6	42	2326	1255	5826	1255	1055	976	12384	305	355	143		2475	90339
6	Sunsari	625633	11640	917	296	12853	5665	2745	26	179	4243	1536	1597	1536	4888	828	8614	203	878	105		1304	89830
7	Dhankuta	166479	5477	38		5515	3471	1968	5		20		3		2	1		13	4			104	11107
8	Tehrathum	113111	4788	27	15	4830	3163	1575	2	3				1	4							328	9907
9	Sankhuwasabha	159203	7003	62	8	7073	3349	1763	1	1	1				10	3			5			330	12536
10	Bhojpur	203018	10242	17	3	10262	5197	4245	51	12	2				3	16						50	19839
11	Solukhumbu	107676	5745	1		5746	1727	473		3		1		1	3							150	8106
12	Okhaldhunga	156702	5986		8	5994	4466	3714	1	3					9	1			1			128	14318
13	Khotang	231385	10368	41	17	10426	5985	5501	1	31		1		1	3			1				146	22096
14	Udaypur	287689	13583	184	9	13776	7694	6597	7	13	74	1	52	1	38	23	1	51				687	31835
15	Saptari	570282	3381	1666	329	5376	872	497	4		21784	3703	5660	3703	27450	13221	10501	3	1415	369		345	121078
16	Siraha	569880	2734	2136	441	5311	8786	2517	4		26670	10301	15775	10301	7984	4176	1341	5	1266	316		1201	118349
17	Dhanusha	671364	3533	6350	4082	13965	1061	3301	5	16	22678	22643	16381	22643	14347	3569	139	9	314	617		516	116373
18	Mahottari	553481	3595	7246	5545	16386	1529	1953	1	1	16206	6937	12315	6937	12708	3783	2586	12	824	236		358	94175
19	Sarlahi	635701	6747	6855	9765	23367	2356	2693		14	20425	6224	19581	6224	5864	6392	16	3	595	122		2017	99386
20	Bara	559135	2973	5797	5453	14223	712	862	1	5	22960	4878	16507	4878	68	4092	25	2515	586			522	73944
21	Sindhuli	277259	12117	124	52	12293	7540	8960		20	35	15	6	15	14	3		35				702	31265
22	Ramechhap	212408	6434	55	5	6494	3993	5597	2	37		2	1	2	1	35			1			1075	17240
23	Dolkha	175912	5879	26	4	5909	3055	3491	2	28	6				3	1			1			1249	13745
24	Sindhupalchok	293719	10767	314	10	11091	4234	3600		9	16		6		2	8						1525	20491
25	Kavre	385372	9535	168	17	9720	5534	6337	7	1	7	1	6	1	16							1016	22646
26	Lalitpur	337785	1928	308	58	2294	1809	2798	16		14	20	17	20	1	236	11	2				1120	8365
27	Bhaktapur	225461	948	70		1018	1691	1737	37	1	6		1		18							280	4802
28	Kathmandu	1081845	5568	2172	148	7888	7336	6099	183	41	190	39	93	39	34	497	23	5	4	3		2169	24678
29	Nuwakot	288478	8020	1239		9259	3756	4066		2	5		1		3			3				2599	19699
30	Rasuwa	44731	904			904	321	29		1	2				2	1						131	1391
31	Dhading	338698	11434	1668		13102	7935	13602	28	10	6		2		3			1				1613	36303
32	Makawanpur	392604	10529	571	30	11130	3311	1011			16	23	13	23	1	33		1				1250	16803
33	Rautahat	545132	2298	5962	9155	17415	984	909	11	54	19713	12585	14676	12585	1	9838		1	699			2893	84867
34	Parsa	497219	1566	6908	5897	14371	764	1221	52		21052	5711	11661	5711	22	2740	5	2545	899	874		616	70384
35	Chitwan	472048	21018	1721	297	23036	10594	5480	424	11	167	4	91	4	2	28	4	6		12		1013	41000
36	Gorkha	288134	13431	1177	72	14680	8788	16781	148	49	1				2							766	41220
37	Lamjung	177149	13159	470	1	13630	6021	6861	110	24	19				8		5	1		1		1406	28086
38	Syangja	317320	21167	1683		22850	10266	10497	136	31	3		13		3	2			3			815	44626

S.No.	District	Total Population of all caste	Bishwakarma (B.K.)				Dholi Damai	Sarki	Gaine	Badi	Chamar/Harijan Ram	Musahar	Dusadh Paswan	Tatma	Khatwe	Dhobi	Bantar	Chidimar	Dom	Halkhor	Kushwadi	Unstated Dalits	Total Dalits
			Kami	Sunar	Lohar	Total B.K.																	
39	Kaski	380527	26280	4384	13	30677	14864	9315	505	5	92		6		26		7		1		5022	60532	
40	Tanahu	315237	20411	2022		22433	10444	9141	261	1	19			3	6		5				5164	47479	
41	Manang	9587	136	2		138	36	21						1	1						2	199	
42	Mustang	14981	874	3		877	872	51			2		3								86	1891	
43	Myagdi	114447	15273	421		15694	5180	3222								1			1		1478	25576	
44	Parbat	157826	11824	1221		13045	10327	7865	25	17	1						1			1	931	32213	
45	Baglung	268937	35150	1935		37085	10623	11699	156	1	492	1		1	6	2					2282	62353	
46	Gulmi	296654	28065	2277	11	30353	9489	9990	284	15	3		3							1	4833	54972	
47	Palpa	268558	15631	1500	13	17144	5192	6971	175		4		3		4	10				4	2098	31606	
48	Nawalparasi	562870	20664	3705	1242	25611	9868	4598	34	27	20880	24	4250	24	11	2191	1	181	94	11	49	1613	73157
49	Kapilbastu	481976	5682	3980	3084	12746	2815	1634	368	62	25813	51	17410	51	7	6122	4	469	30		195	1078	68948
50	Rupandehi	708419	14974	6987	3387	25348	7562	2908	198	27	27697	33	10711	33	125	8937		181	94		49	1613	86723
51	Argakhachi	208391	18245	1718		19963	6076	7580	208	59	1		1								4904	38792	
52	Pyuthan	212484	23418	4388	69	27875	6028	7873	102	75					11		7				774	42748	
53	Rolpa	210004	22049	1575		23624	6777	1509	22	36					1				1		3306	35277	
54	Rukum	188438	7505	340		7845	2034	1037	29	45		7		7	7						2079	13084	
55	Salyan	60643	4520	286	13	4819	1516	1379	81	24					2						1173	8994	
56	Dang	462380	24346	3533	26	27905	12349	8226	615	606	743	1	51	1	11	40		28			3696	54273	
57	Banke	385840	9300	8639	1036	18975	4801	1292	173	156	11349	10	3949	10	12	4552		2320	9		189	1917	49717
58	Bardia	382649	12875	5953	666	19494	6557	2297	317	517	3043		1283			423		3496	1	2	15	3238	40690
59	Surkhet	269870	40382	8702	105	49189	10553	5502	466	878	26	3	1	3	3	25					3959	70799	
60	Daiilekh	225201	35534	3576	17	39127	10029	6200	48	253		1		1							1817	57477	
61	Jajarkot	134868	26603	1335	205	28143	5184	1795	181	639		1		1		6			1		1623	37576	
62	Dolpa	22071	1288	106		1394	170	212													90	1866	
63	Jumla	69226	3589	1080	18	4687	1442	4470		33					1						1297	11930	
64	Kalikot	11510	2485	192	56	2733	647	6		20		1		1							34	3441	
65	Mugu	31465	934		32	966	11	43			1				1						5129	6151	
66	Humla	40595	2008	228	55	2291	1104	489													1414	5298	
67	Bajura	100626	9498	1741	1714	12953	4024	3557	15										3		3963	24515	
68	Bajhang	167026	13201	1255	485	14941	3637	4630		2			198		13		6	1			3440	26869	
69	Achham	231285	31109	1184	3385	35678	14709	5954	21	3	1	1	4	1					1		9231	65605	
70	Doti	207066	16644	349	3667	20660	10789	9000	17	13	4				16				2		12913	53423	
71	Kailali	616697	38301	3997	3703	46001	12967	7786	6	203	178	184	103	184	2	143	51				16832	84462	
72	Kanchanpur	377899	18840	7606	2895	29341	6658	4477	44	59	30	9	37	9	20	11					21037	61836	
73	Dadheldura	126162	9646	308	1323	11277	3662	6632	4		3	8		8		1			1		3087	24677	
74	Baitadi	234418	14360	63	10821	25244	3612	7436	1	20	16	1	4	1	4	2			6	2	3872	40232	
75	Darchula	121996	6449	76	2666	9191	699	2194			81		4								834	13009	
	<b>Total</b>	<b>22733934</b>	<b>895954</b>	<b>145088</b>	<b>82637</b>	<b>1123679</b>	<b>390305</b>	<b>318399</b>	<b>5887</b>	<b>4442</b>	<b>269661</b>	76512	158525	76512	74972	73413	35839	12296	8931	3621	552	173401	2946082

Source: Census of 2001











Caste untouchables	Gandharva	Sarki	Kami	Damai	Badi	Pasi	Khatik	Chidimar	Dusad/Paswan	Musahar	Chamar	Dom	Sarvang/Kalar	Halkhor	Bantar	Khatwe	Tatma	Dhobi		
she should become pregnant by him																				
Separate seating arrangement to eat food in wedding parties	3	3	1	2	1	2	1	2	1	2	1	1	1	1	1	1	1	1	1	
Wash plate after eating food in the party	3	2	1	2	1	2	1	2	1	2	3	1	1	1	3	1	1	1	1	
<b>Settlement</b>																				
Prohibited to migrate near Non Dalits/"high caste" Dalit settlement areas	2	2	3	2	2	2	2	2	1	2	2	2	2	2	2	2	2	2	2	
Prohibited to buy land near Non-Dalits/"high caste" settlement areas	2	2	2	2	2	2	2	2	3	2	2	2	2	2	2	3	2	2	2	
Denial of entry in the homes	1	2	1	1	1	2	3	1	1	1	1	1	1	1	1	1	1	1	1	
Denial of entry in and use community building/facilities	2	2	2	2	4	4	2	2	2	2	2	2	4	4	2	2	2	2	2	
Denial of entry in the meetings	3	2	2	2	1	2	2	2	1	2	2	2	1	2	1	1	1	1	1	
Bahun-Chhetris practice caste-based untouchability against Dalits more than by indigenous peoples	1	4	1	1	4	4	2	2	1	2	1	2	4	4	4	4	4	4	4	
Bahun-Chhetris practice caste-based untouchability against Dalits more than by Madhesi Vaishyas	4	4	4	4	4	4	4	4	1	2	1	2	1	2	1	4	1	4	4	
Bahun -Chhetris practice caste-based untouchability against Dalits more than by Madhesi Muslims	4	4	4	4	4	4	4	4	1	2	1	2	2	2	1	4	1	4	4	
Indigenous peoples practice caste-based untouchability against Dalits more than by Bahun-Chhetri	1	4	3	4	4	4	1	2	2	2	2	2	4	4	2	4	4	4	4	
Madhesi Vaishyas	4	4	4	4	4	4	4	4	2	2	2	2	2	2	1	4	2	4	2	4

Caste untouchables	Gandharva	Sarki	Kami	Damai	Badi	Pasi	Khatik	Chidimar	Dusad/Paswan	Musahar	Chamar	Dom	Sarvang/Kalar	Halkhor	Bantar	Khatwe	Tatma	Dhobi														
practice caste-based untouchability against Dalits more than by Bahun-Chhetri																																
Madhesis Muslims practice caste-based untouchability against Dalits more than by Bahun-Chhetri.	4	4	4	4	4	4	4	4	2	2	2	2	1	2	2	4	2	4	2	4	2	4	4	4	2	4	4	4	2	4		
Non-Dalits practice caste-based untouchability against Dalits more than by the Dalits	2	4	1	4	1	4	1	4	1	4	1	4	1	4	1	4	1	4	1	4	4	4	1	4	3	4	1	4	1	4	1	4
Dalits practice caste-based untouchability against Dalits more than by Non Dalits	4	4	4	3	4	2	4	2	4	2	4	2	4	2	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
Non-Dalits practice caste-based untouchability against Dalits Women Dalits more than by Dalit males	1	4	1	4	1	4	1	4	1	4	1	4	3	4	3	4	1	4	1	4	3	4	1	4	3	4	1	4	3	4	3	4
Dalits practice caste-based untouchability against Dalit women more than by Non-Dalits	1	4	1	2	2	2	2	2	2	2	2	2	4	4	1	4	2	4	2	4	2	4	2	4	2	4	3	4	2	4	2	4

Note: ND= Non Dalit, D= Dalit, 1= Practiced, 2= Not practiced, 3= Ambiguity, 4= Not applicable



Caste Discrimination	Gandharva	Sarki	Kami	Damai	Badi	Pasi	Khatik	Chidimar	Dusad/Paswan	Musahar	Chamar	Dom	Sarvang/Kalar	Halkhor	Bantar	Khatwe	Tatma	Dhobi	
Dalit teachers are not greeted by others	2	4	4	2	4	4	4	4	1	4	2	4	4	2	4	4	2	4	4
Students do not obey to Dalit Teachers.	2	4	4	2	4	4	4	4	2	4	1	4	4	2	4	4	2	4	4
Dalit students' parents are not invited to attend school programs and activities	2	2	2	2	2	2	2	2	2	1	1	2	1	2	2	2	1	1	4
Dalits are not represented in school management committees	2	3	2	2	1	1	1	1	1	1	2	1	3	2	1	1	1	1	4
"Upper caste" students address "lower caste" students by using non-respecting words but the latter must address the former with full respect	2	1	2	2	2	2	2	2	1	3	1	1	3	2	2	2	2	2	2
"Upper caste" students force "lower caste" Dalit students to carry their school bags	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
<b>Health</b>																			
Health workers do not pay full attention to Dalit patients during health check ups	2	2	2	2	2	2	2	2	2	3	2	2	2	2	3	2	4	4	4
Dalit patients get their turn only after the non-Dalits during health check ups	2	2	2	2	2	2	2	2	2	1	2	2	2	1	2	2	1	2	4
Non-Dalits deny to take service from Dalit health workers	2	2	2	2	4	4	4	4	2	4	4	4	4	4	4	4	4	4	4
Do not greet Dalit health workers	4	1	1	1	3	4	4	4	3	4	4	4	4	4	4	4	4	4	4
Health workers do not go for home visits to provide health services for Dalits	2	2	2	2	2	2	2	2	2	1	2	2	2	1	2	2	1	1	2
Neglect to provide health services to Dalits	2	2	2	2	2	3	2	2	2	1	2	2	2	1	2	2	3	3	2
Force to carry out insecure abortion or offer money to pregnant Dalit women to get married with other men	4	2	4	4	4	4	2	4	1	4	4	4	4	4	4	4	4	4	4
<b>Political Election</b>																			
Political parties do not want to provide ticket of candidature to the Dalit leaders in the election neglecting them	1	2	2	3	3	2	4	4	3	4	2	3	3	3	2	1	2	2	4
Political parties do not want to provide ticket for candidature to the Dalit women leaders in the election neglecting them	3	2	2	3	2	2	4	4	3	4	2	1	3	3	1	1	2	1	4
Voters undermine Dalit candidates being Dalit and do not will to vote them during	4	1	2	2	4	3	4	4	1	4	1	1	1	3	2	4	2	1	3











