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# THE JANAJATI OF NEPAL

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*Professor Hari Bansh Jha*



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Vivekananda International Foundation

3, San Martin Marg, Chanakyapuri, New Delhi - 110021

Tel: 011-24121764, Fax: 011-43115450

E-mail: [info@vifindia.org](mailto:info@vifindia.org), Website: [www.vifindia.org](http://www.vifindia.org)

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# Abbreviations

ADB	Asian Development Bank
AIDS	Acquired immune deficiency
AIN	Action Aid Nepal
B/C	Brahman Chhetri
CA	Constituent Assembly
CBS	Central Bureau of Statistics
CEC	Chief Election Commissioner
CPN	Communist Party of Nepal
CPN-MC	Communist Party of Nepal - Maoist Centre
CPN-UML	Communist Party of Nepal- Unified Marxist-Leninist
DANIDA	Danish International Development Agency
DFID	Department for International Development
EU	European Union
EUEOM	European Union Election Observation Mission
FPTP	First-Past-the-Post
GESI	Gender equality and social inclusion
HDI	Human Development Index
HIV	Human immunodeficiency virus infection
HOR	House of Representatives
IDEA	Institute for Democracy and Electoral Assistance
IWGIA	International Work Group for Indigenous Affairs
ILO	International Labour Organization
LPG	Liquefied Petroleum Gas
INGO	International Non Governmental Organization
IP	Indigenous People
NA	National Assembly
NEFIN	Nepal Federation of Indigenous Nationalities
NFDIN	National Foundation for Development of Indigenous Nationalities
NIWF	National Indigenous Women Federation
NGO	Non Governmental Organization
NR	Nepalese Rupee

PR	Proportional Representation
SDC	Swiss Agency for Development and Cooperation
SNV	Netherlands Development Organization Nepal
STD	Sexually Transmitted Disease
TKS	Tharu Kalyankarini Sabha
UNDP	United Nations Development Programme
US	United States
VDC	Village Development Council
WB	World Bank
YFIN	Youth Federation of Indigenous Nationalities

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## Foreword



The VIF is delighted to publish Dr. Hari Bansh Jha's monograph on *Janajatis* in Nepal. Dr. Jha is a renowned economist from Nepal with deep knowledge of Nepali economy, politics and society. *Janajatis* are the indigenous people of Nepal forming 35.6 percent of Nepal's population and spread over all the 77 districts of the country. The National Foundation for Development of Indigenous Nationalities has identified 59 communities as Janajatis. 24 Janajati clusters live in the hill region of Nepal, 17 in the Himalayan region and 18 in the Terai region.

Within themselves, the Janajatis exhibit great diversity of ethnicities, language, and culture. They are divided and do not have a unified political front. The Magar is the largest Janajati community constituting 7.24 percent of Nepal's population followed by the Tharu (6.5 percent), Newar (5.6 percent), Tamang (5.5 percent), Rai (2.8 percent), Gurung (2.4 percent), and Limbu (2.4 percent). With the exception of Newars, most Janajatis are poor and have low literacy rate and per-capita income. Child and bonded labour is not uncommon. Nepal's Janajatis often complained about discrimination, low representation in electoral politics, government jobs and resources.

Indian research on Nepal is dominated by the themes of politics, history and bilateral relations. The research on Nepal's indigenous people is scant. Dr. Jha's monograph is a factual as well as analytical study of the status of Nepal's Janajati communities. It fills an important gap in Nepal studies. Without studying the Janajatis, which constitute over a third of Nepal's population, one cannot have a complete picture of Nepal. Rich in data, the monograph provides useful information and analysis on an important but neglected aspect of Nepal's socio-economic and political conditions.

I hope that the monograph will deepen our understanding of Nepal.

Arvind Gupta  
Director VIF

## Preview

Nepal, of course, has an independent and sovereign status. But, it has not yet been transformed into a nation. It is only geographically that it is united, but it has to go a long way to get united and integrated socially, economically and above all emotionally. This reality is well reflected in the present study on "The Janajati of Nepal."

The Janajati people constitute 35.6 percent of Nepal's total population. They live in all the seventy-seven districts of the country, though they are not in the majority in any of the district. Because of their rich culture, glorious traditions and economic prosperity, they had a higher status in the society. They were second to none in the task of nation-building. Yet the state started marginalizing and discriminating with them especially after Prithvi Narayan Shah of Gorkha established his rule in Nepal in the later part of the 18th century. Since then, the degradation of the Janajati people started in the country.

In the *Muluki Ain* (code of the country) of 1854, the Janajati people were called *matwali* (liquor consumer) and they were divided into slavable and non-enslavable categories. Some of them were put in the category of "untouchables." In course of the passage of the time, certain changes were introduced in the *Muluki Ain* in 1963, which ensured that all the people in Nepal were equal. Yet, they continue to be socially discriminated, economically exploited and politically excluded in all important state mechanism. Therefore, their presence in administrative, political and in decision-making bodies is far from satisfactory.

Because of the growing awareness among the Janajati people in Nepal, they raised their voice to end the age-old discrimination. In the past, the *Panchas* during the Panchayat system (1960-90) and the major political parties that ruled the country after the introduction of the multi-party system in 1990 vowed to end state discrimination with them, but that just remained lip service as nothing substantial was done to improve their socio-economic conditions.

The Janajati had pinned a great hope that their demand to end discriminatory practices would be addressed in the new constitution that was promulgated on September 20, 2015. But their hopes were belied. Instead of addressing their issues, the constitution carved the state boundaries, apart from the electoral constituencies of the parliament, the state assemblies and the local bodies, in such a way that they had a very little option left but to remain in minority. As if this was not enough, the Khas-Arya group of Brahmin-Chhetri who are the most privileged group in the society were given a reservation of seats in the electoral bodies as well as in the government services to marginalize the

Janajati, Madheshi, Dalit and other disadvantaged groups. Therefore, the Janajati issue will continue to remain a burning issue until they are addressed through effective affirmative actions.



However, the paucity of data on the Janajati people was a major problem in conducting the study. In order to meet this challenge, the present study was conducted to fill the void and present the comprehensive picture of all important Janajati groups in Nepal. Towards this end, the study on Janajati in Nepal has been divided into five chapters. Chapter One on "An Introduction to the Janajati Communities" presents an account of 59 Janajati groups living in all the ecological belts of the country, including in the Himalayan/mountain, the hills, the Inner Terai and the Terai regions. From the given account, it is gathered that the Janajati groups are heterogeneous rather than homogenous in terms of language, dress and way of life.

In Chapter two on "Socio-Economic Conditions fo the Janajati Communities," it was found that there was a great disparity in the socio-economic conditions of Janajati groups themselves. Such Janajati groups as the Newar was more advanced and in some way even in better condition than the privileged ruling elites like the hill-Brahmin and Chhetri. The other Janajati groups like the Gurung and Magar fared well economically because of their major source income from the Nepalese, Indian and British army. And, the Thakali were better off because they were trading community. On the other hand, the substantial sections of the Janajati groups were living a most degraded life. Worse was the condition of those Janajati groups who happened to be nomadic like the Chepang and the Bankariya. These people are in the most endangered category and they are on the brink of extinction. Unfortunately, taking advantage of their pitiable condition, many of them have converted to the alien faith.

Chapter Three on the "Janajati Groups in State Affairs and other Sectors" presents the extent to which the Janajati groups have been represented in different State mechanism and also in political bodies. It is found that these people are lagging behind in the human development index. More than any measure that could address their issues is through the implementation of 10 Province Model of High-level Restructuring Committee report that was submitted to the Constituent Assembly One. Through the implementation of this report, the Janajati would be in majority at least five out of 10 states.

In Chapter Four, the detailed account has been given about the bilateral institutions, multilateral agencies, INGOs, NOGs and government bodies that have been trying to improve the socio-economic conditions of the Janajati in Nepal by launching different programmes. And finally, Chapter Five on "Conclusions and Recommendations" presents concluding remarks and a few recommendations for the overall improvement of the different Janajati groups.

The present study would not have been complete in the absence of support from Vivekanand International Foundation, one of the prominent think tanks in India. For this, I would like to extend my sincere thanks to its Director, Dr Arvind Gupta. Also, my thanks are due to Ms Anuttama Ganguly and library staff of the Foundation who provided me literature related to Janajati communities of Nepal.

In Nepal, I am obliged to Professor Binod Pokhrel, Department of Sociology/Anthropology, Tribhuvan University for providing me with a number of books on Janajati groups. My sincere thanks are also due to my colleague, Mr Tamla Okyab - a well-known administrator, diplomat and Janajati scholar - for sharing with me information on Janajati groups.

I received valuable information for the study from Mr Jagat Bahadur Baran, President of Nepal Foundation of Indigenous Nationalities (NEFIN), apart from Mr Govind Chhantyal, Vice-President of NEFIN. For this support, I would like to express my sincere thanks to them.

For valuable information and guidance on the main theme of the study, I would like to express my thanks to Dr Krishna Bhattachan - a noted scholar on Janajati issues. Also, I am obliged to Professor Om Gurung, Department of Sociology/Anthropology of Nepal's Tribhuvan University for sharing valuable details on Janajati issues.

And, last but not the least I would also like to thank the administrative and library staff of NFDIN, apart from those of Nepal Academy for the trouble that they took in providing valuable literature on the Janajati people.

November 23, 2018

Prof Hari Bansh Jha

# Janjatis in Nepal

## Chapter One

### An Introduction to the Janajati Communities

#### 1.1 Background

As per the Convention No. 169 of the International Labour Organisation (ILO) 1989, the indigenous peoples are those whose social, cultural and economic conditions are different from those of the other communities. The life of these people in one or the other way is regulated by their own customs, traditions, laws and regulations. There is a need to safeguard their institutions, property, cultures and environment, apart from the issues related to human rights and fundamental freedom (The details are given in Annex One).

Echoing the sentiments of the ILO Convention, the indigenous peoples (IPs), popularly called Janajati in the Nepali language, are defined as those people who maintain unique traditions and have their own socio-cultural, economic and political characteristics different from those of other people in the societies. These people are aboriginal tribal who do not fall in any category of Hindu *Varn* systems like the Brahmin, Chhetri, Vaishya and Sudra. They have a distinct culture, language, religion and custom and their own geographical locations. They have written or unwritten history and commonality in traditional social structure.<sup>1</sup>

In Nepal, the Janajati had been a most prosperous community in the past. They had rich social, cultural and spiritual traditions. Most of them had their own rule in different parts of the country.

However, their voice was suppressed after the second half of the 18<sup>th</sup> century when Prithvi Narayan Shah established his rule in the country. Following this event, they had to lose their territories along with their traditional governance system under the new political dispensation. They also became victims of state discrimination in executive, legislative, judiciary, security and other agencies. They were not only excluded from the decision-making process, but they were also made politically oppressed, economically exploited and socially discriminated against.

The old *Muluki Ain* (country code) of 1854 as promulgated by the Rana Prime Minister Jung Bahadur Rana established the supremacy of the hill Brahmin and Chhetri over the

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1 Tamla Ukyab and Shyam Adhikari, *Nationalities of Nepal*, (Nepali), National Committee for Development of Nepal, Kathmandu: 2057 Vikram Sambat.

Janajati people. Before this, Jayasthiti Malla who ruled Kathmandu Valley in the 14<sup>th</sup> century had introduced a rigid caste system.<sup>2</sup> The derogatory word *matwali* meaning liquor-drinkers was used for them. Most of these people were put in the category of either non-enslavable alcohol-drinkers or enslavable alcohol-drinkers. The Janajati were expected to serve the elite groups of the hill Brahmin and Chhetri.

Yet, the level of discrimination with different Janajati groups was not the same. The Magars and Gurungs who supported the monarchical regime in the country were often rewarded. The Newars, for example, were given high positions in state mechanism. On the other hand, the communal land of the Kirant people in the eastern hills was seized by the state. Some of the religious land of the Newars in Kathmandu Valley had also been confiscated.<sup>3</sup>

Later on, in 1963, the old legal code was revised at the initiative of King Mahendra, after more than a century. Accordingly, provision was made to penalise a person if s/he pursued untouchability. It became illegal to discriminate against a person on the basis of caste in the court, educational institutions and employment sectors.<sup>4</sup> Subsequently, Article 11.3 of the 1990 Constitution of Nepal guaranteed the right to equality to the citizens and made a commitment not to discriminate citizens on the basis of religion, colour, sex, caste, ethnicity and belief.<sup>5</sup>

In its effort to make an intervention, the Constitution of Nepal (1990) gave thrust for the improvement of socio-economic conditions of the Janajati people. Accordingly, the planners and policymakers in the country incorporated a number of activities for their upliftment.

But, soon afterwards taking advantage of poverty and backwardness among the Janajati, the Maoists during the People's War (1996 to 2006) tried to influence them. For this, all such issues as related to their language, cultural rights, right to self-determination, demand for federalism, proportional and inclusive representation and restructuring of states were raised.

## 1.2 Status of the Janajatis

Controversy surrounds if the indigenous people are truly indigenous. If at all there are indigenous people in the country, there are a number of groups in the country whose claim for 'indigeneousness' cannot be challenged so easily. The Brahmins, Rajputs,

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2 David N. Gellner and *et al.*, *Nationalism and Ethnicity in Nepal*, Kathmandu: Vajra Publications, 2008, p. xxxvii

3 Gerard Toffin, "Autochthony and Indigeneity in Nepal and the Himalayas," in Marine Carrin, Pralay Kanungo and Gerard Toffin (ed.) *The Politics of Ethnicity in India, Nepal and China, Delhi*, Indian Council of Social Science Research in association with Primus Books, 2014, p. 71.

4 Prayag Raj Sharma, "How to Tend This Garden," *Himal*, May-June 1992, p. 7

5 Harka Gurung, *Trident and Thunderbolt - Cultural Dynamics in Nepalese Politics*. Lalitpur: Social Science Baha, 2003, p. 3.

Kayasthas, Yadavas and several other castes of people in the Terai or even in the hills are not categorised in the list of 59 indigenous nationalities, though they are more indigenous than any other groups of people who claim themselves to be indigenous.

Researches conducted in the past shows that almost all of those who have been categorised in the list of Janajati groups are migrants from other geographical regions. The Rais, for example, in Nepal had come from the south; while the Sherpas entered into the country from Kham region in Tibet in the 16<sup>th</sup> century. Origin of the Tamangs is traced to southern Tibet. The Newars of Kathmandu Valley are believed to have come from the south, north-east, Tibet and China.<sup>6</sup>

The Janajati groups are neither culturally homogenous nor are they so linguistically. In the case of the Newars, there are as many as 30 castes. Likewise, the Rais of eastern Nepal have 30 different colloquial languages. The Tamangs living east and west of Kathmandu Valley have also vast linguistic differences. In the Terai region, too, the Tharus in one part of the region speak one local language while those in other parts speak othe language.<sup>7</sup>

Interestingly, marriage between the Janajati populations and that of the non-Janajatis are not very uncommon. Several high caste Thakuris and Ranas have had marriage relations with the Janajatis groups like the Tamangs, Magars and the Gurungs.

The Janajati is the largest cluster ethnic group as their share in the country's total population is 35.6 per cent. Of the total population of these people, 25.1 per cent live in the hills, 7.9 per cent in the Terai/Madhesh, 1.1 per cent in the inner Terai/Madhesh and the remaining 0.7 per cent in the Himalayan region.<sup>8</sup> It is largely believed that the population of the different Janajati groups, particularly those living in the Terai has been grossly underenumerated by the previous censuses.

Importantly, the Janajati are spread in all the 77 districts of the country, but they are mostly confined to 35 districts. The Tamang have a major population in 7 districts; while the Rai are spread in 6 districts, the Tharu in 6 districts, the Magar in 5 districts, the Gurung in 4 districts, the Limbu in 3 districts, the Newar in 3 districts and the Bhote in 1 district.<sup>9</sup>

But none of the Janajati groups is in majority in any of the 77 districts. Nevertheless, the Janajati are the second largest population group in 21 districts. Among the Janajati groups, the Tharu are the second largest population group in 7 districts; while the Magar are the second largest population group in 5 districts, the Tamang in 2 districts, the

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6 Gerard Toffin, No. 3, p. 69.

7 Ibid, pp. 65-66.

8 Hark Gurung, No. 5.

9 Ibid.

Gurung in 2 districts, the Sherpa in 2 districts, the Bhote in 2 districts and the Rai in 1 district<sup>10</sup> (For details see the location map of the major Janajati groups).

The National Foundation for Development of Indigenous Nationalities (NFDIN) identified 59 communities as Janajati groups in Nepal. They are the most heterogeneous groups in the country. There is no homogeneity among them vertically from north to south or horizontally from east to west. One Janajati group widely differs from the other in terms of language, culture and way of life.

Among the Janajati, the Magar is the largest community constituting 7.24 per cent of Nepal's total population closely followed by the Tharu (6.5 per cent), Newar (5.6 per cent), Tamang (5.5 per cent), Rai (2.8 per cent), Gurung (2.4 per cent), Limbu (1.6 per cent) and the others (less than 1 per cent).<sup>11</sup>

While the Magar is the largest Janajati community, the Surel with only 200 population is the smallest community. There are also certain ethnic communities like the Kusunda, Bankariya, Raute, Surel, Hayu, Raji, and Kisan whose existence is endangered.<sup>12</sup>

In view of the backwardness of the Janajati groups, a provision has been made in the Nepalese Constitution 2015 to give them protection.<sup>13</sup> These people have also been given the right to employment in state structures as per the principle of inclusion.<sup>14</sup>

Nepal's Federal Government in the current Budget for 2018-19 allocated budget for the protection of language, religion and culture of Janajati groups. In this context, *Ethnic Museum* will be constructed in Kirtipur in Kathmandu, which could focus the Janajati culture as well.<sup>15</sup>

However, the constitution is defective for giving the privileged *Khas Arya* group reservations in state structures at the cost of the Janajati groups. The new constitution is also criticised for its failure to carry out the spirit of the Interim Constitution (2007) that guaranteed proportional and inclusive representation of the Janajati in state mechanism, apart from the rights of self-determination and their rights over the natural resources. It has also failed to recognise the traditional justice mechanism of ethnic communities.<sup>16</sup>

Moreover, the provision made in the new constitution to demarcate the country in seven federal provinces is not only against the Article 138 (1) (a) of the Interim Constitution,

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10 Ibid.

11 Ibid.

12 Ibid.

13 Constituent Assembly Secretariat, *Constitution of Nepal 2015*, Kathmandu, p. 6

14 Ibid, p. 14

15 Government of Nepal, *Budget Speech of Fiscal Year 2018-19*, Kathmandu: Ministry of Finance, 2018, p. 15.

16 Om Gurung, "Anti-Janajati Constitutional Provisions," *Indigenous Voice*, October 16, 2015, in [indigenousevoice.com](http://indigenousevoice.com)

but it is also against the order of Nepal's Supreme Court.<sup>17</sup> The constitution is also defective in the sense that despite the introduction of federal states, most of the power is still confined to the Federal government.<sup>18</sup> Indirectly, this is the continuation of a unitary form of a political system dominated by the Khas-Arya group.

The Janajati lawmakers were reluctant to sign the new constitution because of its regressive nature. But, they were compelled to do so when the ruling political parties took resort to whips. This was one of the reasons why certain Madheshi lawmakers abstained from voting on the new constitution. As the aspirations of the disadvantaged groups like the Janajati and Madheshi were not addressed, most of them rejected the constitution.<sup>19</sup>

The new constitution also overlooked all the agreements made with the Janajati groups in the past. Whatever pro-Janajati provisions that existed in the previous constitution were diluted. Over and above, it also overlooked the letter and spirit of the ILO Convention 169.<sup>20</sup>

Therefore, the European Union Election Observation Mission (EUEOM) raised the question on March 22, 2018, that the proportional representation system in Nepal served the interest of only the higher caste hill Brahmin/Chhetri. It was revealed that by doing so the interests of the Madheshi, Tharu, Janajati and the Dalit were sacrificed. Such a practice was not merely against the international standards, but it even aggravated ethnic as well as gender inequality.

Prime Minister KP Sharma Oli wanted the EUEOM to revise its report as it directly undermined Nepal's sovereignty as well as its constitution.<sup>21</sup> Before the release of an official statement from the government, senior leaders of major political parties criticised the EUEOM as they found the recommendation 'unwarranted', 'unnecessary', 'inappropriate' and 'interventionist'.<sup>22</sup> The leaders even accused the EU for its efforts to plant seeds of division among the Nepalese.

However, the Nepal Federation of Indigenous Nationalities (NEFIN), the apex body of the Janajati, along with the social activists expressed solidarity with the recommendations made by the EUEOM. Defending this report, they said that by providing reservation to the Khas-Arya group in the proportional representation system

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17 Ibid.

18 Ibid.

19 Ibid.

20 Ibid.

21 Republica, "EUEOM Report is an Insult to Nepal's Sovereignty: PM," *My Republica*, March 26, 2018.

22 Kosh Raj Koirala, "Govt Skips Consultation Meet Called by EU Poll Mission," *My Republica*, March 24, 2018.

in the State Assembly and the Parliament, the State not only worked against the inclusive and democratic norms, but it also tried to perpetuate the rule of certain groups in the country.<sup>23</sup> Therefore, they appealed to all the concerned units of the Janajati to oppose the government for its attack on the EUEOM report.

#### 1.4 Ecology-wise Distribution of Janajati People

Based on the geographical regions, the Janajati have four major clusters groups. As the following Table shows, 24 Janajati cluster groups live in the hill region, 17 in the Himalayan region, 7 in the Inner Terai (Bhitri Madhesh) region and the remaining 11 in the Terai (Madhesh) region.

**Table No 1.1: Ecology-wise Distribution Janajati Groups**

Ecological Belts	Groups
Himalayan/Mountain Region	(1) Baragaunle, (2) Bhote, (3) Byansi, (4) Chhaintan, (5) Dolpo, (6) Larke, (7) Lhomi, (8) Siyar, (9) Lhopa (10) Mugali, (11) Sherpa, (12) Thakali, (13) Thudam, (14) Tangbe, (15) Topke Gola, (16) Marphali, and (17) Walung
Hill Region	(1) Magar, (2) Tamang, (3) Newar, (4) Rai, (5) Gurung, (6) Limbu, (7) Sunuwar, (8) Jirel, (9) Bhujel, (10) Thami, (11) Hayu, (12) Chhantyal, (13) Hyolmo (14) Pahari, (15) Tingaule, (16) Surel, (17) Kusunda, (18) Frin, (19) Yakha, (20) Chepang, (21) Kumal, (22) Baramu, (23) Lepcha, and (24) Dura
Inner Terai ( <i>Bhitri Madhesh</i> )	(1) Bote, (2) Danuwar, (3) Darai, (4) Majhi, (5) Raji, (6) Raute, (7) Bankariya
Terai (Madhesh)	(1) Dhanuk, (2) Dhimal, (3) Gangai, (4) Jhangad, (5) Kisan, (6) Kushwadiya, (7) Meche, (8) Rajbanshi, (9) Satar/Santhal, (10) Tajpuria, and (11) Tharu

*Source: National Foundation for Development of Indigenous Nationalities*

#### 1.5 The Himalayan Janajatis

Given below is the account of the Janajati groups living in the Himalayan/mountain region of Nepal:

##### 1.0 Baragaunle

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<sup>23</sup> Press Communique, "NEFIN Nepal," Lalitpur, March 22, 2018.



The Baragaunle people originate in Mustang district in the Himalayan region of Nepal. Men and women from this community wear a typical dress that resembles the traditional dress of people across the border in Tibet. The world-famous temple of Muktinath that is pilgrimage centre for the Hindus, Buddhists and the Bon-Po religion is within this region. Also, Kagbeni, another sacred place where the Hindus often go to perform ancestral religious rites, is in this region. Importantly, it is between Kagbeni and Muktinath that the rare *Shaligram* stone worshipped by the Hindus as Lord Vishnu is available in the Gandaki River. Kagbeni is also the confluence of two rivers, the Kali Gandaki and the Muktinath Khola.

As there is very little precipitation in this region, the houses of the Baragaunle people are mud-walled and mud-roofed. Marriages among the young couples are often arranged by the parents. But, at the same time marriages also take place through capture and elopement practice. Polyandry system in some form is still practised by these people.

The Baragaunle people are basically Buddhist, but there is still the influence of Bon-Po religion on them. Widely prevalent in the Baragaunle areas are *gombas* of Ngak-pa, Sakya-pa and Karma-pa sects, apart from those of Bon-Po religions.<sup>24</sup> In addition to agricultural activities, these people also depend on wages and business for their livelihood. *Pembu*, the headman of Baragaunle, help settle disputes, if any, in the community.

## 2.0 Bhote

People living in the northern Himalayan region of Nepal adjacent to Nepal-Tibet border are called Bhote. The language, dress, religion, culture and way of life these people are akin to the people across the border in Tibet. These people have a rich culture and age-old civilisation. Many of them have marital relationships with people across the border in Tibet. As per the agreement made between Nepal and China, the people living within 30 kilometres of Nepal-China border on both the sides, have been accorded facility to enter into barter trade. These people follow Buddhism and depend on livestock farming and business for their livelihood. Some of these people have also settled in hill districts.

## 3.0 Byansi

The Byansi people who have Mongloid features mainly belong to Darchula district in the Himalayan region in western Nepal. Their total population is 4,100.<sup>25</sup> They worship nature, but at the same time, they also follow Bon-Po, the traditional religion of Tibet. They have a distinct dialect, dress and way of life. They handle business between

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24 Dor Bahadur Bista, *People of Nepal*, Kathmandu: Ratna Pustak Bhandar, 1967, pp. 215-18.

25 Joshua Project, "Byansi in Nepal," in [https://joshuaproject.net/people\\_groups/19335/NP](https://joshuaproject.net/people_groups/19335/NP)

Darchula in Nepal and Taklakot in Tibet. Often, they keep Prayer flag, *Dharchyo*, in their courtyard. The dialect of these people belongs to the Tibeto-Burman family.

#### 4.0 Chhairotan

Living in the high mountain Himalayan region, the Chhairotan people mostly live in Mustang district. These people speak the language and use dress almost akin to that of the Thakali and Marphali. They are Buddhists and are engaged in agriculture as well as in business. However, many of them have left their villages and migrated outside in search of livelihood.<sup>26</sup>

#### 5.0 Dolpo

Most of the Dolpo people live in 40 villages of Dolpa district in the Himalayas at the altitude ranging between 13,000 and 14,000 feet above the sea level.<sup>27</sup> Most of these people are illiterate. People of this region wear a typical dress like that of the Tibetans. Apart from the marriages by arrangement, the young couples marry by choice. Marriages between the Dolpo people and the Tibetans are quite common. There is not much prejudice in the society in regard to pre-marital or extra-marital sexual affairs. Because of the prevalence of polyandry system, brothers or even friends marry a common girl. Divorces are not that uncommon.

Usually, men spin and the women weave woollen blankets. Economically, these people are better-off for they grow enough of wheat, barley and potato in their agricultural fields. Additionally, they generate income through the breeding of cattle and sheep.

Mostly, the Dolpo people believe in Bon-Po and Buddhism. Their language and dress are typical, which in many respects are similar to that of the Lhopa and the Tibetans. The dead bodies of the Dolpo people are either thrown into the rivers or are cut into pieces and then offered to the vultures.<sup>28</sup>

#### 6.0 Larke

The Larke indigenous community lives in Nepal's northern Gorkha district. These people are heavily influenced by Tibetan culture. Mostly, they make their living through trade with Tibet.<sup>29</sup> But some of them are also engaged in agricultural activities. Most of these people speak the Tibetan language and follow Buddhism.

#### 7.0 Lhomi

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26 Tamla Ukyab and Shyam Adhikari, No. 1.

27 Ibid.

28 Dor Bahadur Bista, No. 24, pp. 219-222.

29 Tamla Ukyab and Shyam Adhikari, No. 1.

Mainly, the Lhomi community lives in Sankhuwasabha district. It is believed that these people migrated to Nepal from Tibet.<sup>30</sup> In all such areas as language, dress, social and religious affairs, there is a commonality between the Lhomi people in Nepal and the people across the border in Tibet. These people follow both the Bon-Po and Buddhism religions. The headman of the Lhomi community who is known as *pembu* resolves disputes within the community. There is the paramount influence of *Jhankrism* or shamaism on these people.

Basically, the Lhomi are non-killing people. So they hardly kill animals. But then they sacrifice pigs, chicken and other animals on the eve of *Lhosar*, the New Year. They also enjoy taking *chhang*, a kind of liquor. Often, the dead bodies of these people are cremated and a *chorten* is constructed on the grave.<sup>31</sup>

The Lhomi people are engaged in trade as well as in agricultural activities. They produce wheat, maize, barley, potato and millet for their consumption. Millet, however, is mostly used for preparing *chhang*. They also rear cattle and sheep to generate additional income for their families. While some Lhomi people are engaged in tourism-related activities; the others go out of the country for foreign employment.<sup>32</sup>

## 8.0 Siyar

Being the inhabitants of northern part of Gorkha district, the Siyar community is also called Chumba.<sup>33</sup> The total population of these people is 500.<sup>34</sup> Since they live almost in an isolated pocket closer to the Nepal-China border, they have more of affinity with the Tibetans in areas of language and culture rather than with people from other parts of Nepal. The Siyar families practice Buddhism and are engaged in agricultural activities as well as in business and trade with Tibet.

## 9.0 Lhopa

Settled in Mustang district in the Himalayan region, the Lhopa community is Buddhist. Their culture, dress, way of life and social relations are more with Tibetan people living across the border in Tibet. They are engaged in agricultural activities and livestock farming. Besides, they conduct trade with Tibet. By tradition, they follow polyandry system as in Tibet. The middle son in the family is made *bhikshu* (monk).<sup>35</sup> The Mustang King belongs to this community.

## 10.0 Mugali

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30 Ibid.

31 Dor Bahadur Bista, No. 24, pp. 198-202.

32 Sangbu Nuppa Lhomi, *Pahichanko seropheroma Lhomi Jati (Nepali)*, Lalitpur: Aadibasi Janajati Utthan Rastriya Pratisthan, 2072 Vikram Sambat, p. 52

33 Tamla Ukyab and Shyam Adhikari, No. 1.

34 Joshua Project, "Siyar in Nepal," in [https://joshuaproject.net/people\\_groups/15598/NP](https://joshuaproject.net/people_groups/15598/NP)

35 Tamla Ukyab and Shyam Adhikari, No. 1.

Being the inhabitants of Mugu district, the Mugali are Buddhists by religion. Their language, dress and culture mostly resemble people living across the border in Tibet. For their livelihood, they are engaged in agricultural activities as well as in business.<sup>36</sup>

### 11.0 Sherpa

Living mostly in Solukhumbu district in the Himalayan region, the Sherpa have earned a great name and fame for being the best mountaineers. Their settlement areas are located between 10,000 and 14,000 feet above the sea level in the Himalayas. Snowfall is quite common in these pockets. They speak the Tibetan language, which has Tibetan script. Basically, they are Buddhist and celebrate the religious festival called *Lhosar*, the New Year, in February with a great pomp and show. Besides, they also celebrate *Dumdze* for seven consecutive days in July in which they worship Guru Rimpoche and other deities. There is a feeling that this festival provides good health and brings prosperity to life. Other festivals that are celebrated by the Sherpa include *mani-rimdu*, *yardzang*, and *nyungne*.<sup>37</sup> By nature, the Sherpa are peace-loving people as they hardly kill any animal. This might be due to the influence of *Ningma-pa* sect of Tibetan Buddhism on them.

In general, the Sherpa are liberal in matters related to sexual affairs so long as such matters do not violate their clan norms. Unlike other major communities, polyandry system is still followed by these people. Accordingly, two brothers could either marry one girl or they might have two common wives. Often, the middle brother is allowed to maintain celibacy and become a monk if the parents have three sons. In such a case, the elder and younger have a common wife.<sup>38</sup>

The Sherpa are heavily employed as trekkers by the mountaineers, which is the main source of their income.<sup>39</sup> Many of them have travelled far and wide both within and outside the country in Europe and America because of their exposure to the outside world as great mountaineers. By tradition, these people make their livelihood through mountaineering, apart from business, animal husbandry and agriculture. They produce maize, wheat, millet and potato in higher altitude.<sup>40</sup> Potato is the main staple food of these people.

### 12.0 Thakali

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36 Ibid.

37 Dor Bahadur Bista, No. 24, pp. 186-196.

38 Ibid.

39 Ramesh Raj Kunwar, *Fire of Himal: An Anthropological Study of the Sherpas of Nepal Himalayan Region*, New Delhi: Nirala Publications, 1999, pp. 95-96.

40 Ibid, pp. 86-88.

Basically, the Thakali have Mongloid features. The total population of these people is around 8,000.<sup>41</sup> They originate in Thakkhola in Mustang district and speak Tibeto-Burman language, which resembles with the dialect spoken by the Gurung and Tamang. They believe both in Bon-Po and Buddhism. Major surnames of these people are Gauchan, Tulachan, Sherchan and Bhattachan. Outside Thakkhola, Pokhara has attracted most of the Thakalis.

The Thakali marry the daughter of father's sister and even the daughter of mother's brother in the same way as it is practised among other hill-based Janajati groups like the Tamang and the Gurung. Apart from the arranged marriage, marriage by capture is also prevalent in this community. Polyandry system is practised by these people for generations.<sup>42</sup>

In the religious affair, the Thakali are influenced not only by Buddhism but also by Hinduism, *Bon-Po* and *Jhankrism*.

The Thakali are widely known for their involvement in business and trade-related activities. By tradition, the Thakali of Thakkhola has been conducting trade with the Tibetan people taking advantage of the proximity factors. Often, they import salt from Tibet in exchange for foodgrains like rice, wheat and barley.

Importantly, the Thakali people grow agricultural crops and produce all such foodgrains as wheat, buckwheat, barley and maize.<sup>43</sup> They also produce potato and radish for their consumption.

Thakali hotels or even *bhattis* are well known for providing food in the neat and clean environment and also for night sleep along the trekking routes in the high Himalayas or in other routes.

*Dhigur* is a unique system developed by the Thakalis to collect money for profitable ventures.<sup>44</sup> In this system, each of the group member deposits equal share of money ranging from one hundred rupees to one thousand rupees and the neediest member gets the loan each year. Significantly, the loan is given on a lottery basis or through a bidding process to a person. The group may range from say twenty-five to thirty. Those who need least of money wait for their turn. Each year a member of the group gets a loan and this goes on till every member gets it. After each of the group members gets a loan, the group is dissolved and a new group is formed. A person who gets a loan can

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41 Tamla Ukyab and Shyam Adhikari, No. 1.

42 Dor Bahadur Bista, No. 24, p. 110.

43 Ibid, pp. 106-07.

44 Ibid, p. 108

use the money in any activity s/he likes, but the only obligation is that s/he has to repay the loan by the end of the year along with the interest. Hundreds of *dhigurs* run in different parts of the country to meet the requirement of money in business and trade.

Given below in Box No. 1.1 is the account of the use of natural resources by the Thakali Women.

**Box No. 1.1**

***Use of Natural Resources by Thakali Women***

*Suraja Gauchan, 39 years old, is a resident of Kalopani, Lete, Thasang Village Development Council, Ward No-3, Mustang. She is a temporary teacher of Ganudaya Higher Secondary School, Lete. She teaches in class five in English subject. She is also handling hotel business in support of her husband. She has been involved in hotel business for the past 29 years. She is also a very successful entrepreneur. She acknowledge about the traditional forest product processing and brings it in the market as an income initiation in her community.*

*She got this knowledge from her mother about the Thakali food processing process. Mustang is a very cold and snowy place for more than 6-month long. So, they have a very good knowledge to preserve food for the winter season. They have good knowledge to dry the fruit, vegetables and medicinal plants for long-term preservation. She has used this knowledge to convert it into income generating sources. She collects Jimbu, Dhokayako sag, Jagali Lasun, Phalu phool, different types of mushroom etc. She dries the mushroom at home, pack in the different size with the information about the food with the processing process. Mustang is a tourist area where many domestic and foreign tourists visit in the peak season. Because she has been in this business for a long time, she is aware that tourists prefer locally produced products. She earns two lakh Nepali Rupees per year. She is very happy with her traditional knowledge, but she disclosed that traditional knowledge is not enough for the expansion of her earning activities. If the Government introduces subsidy in the Dry machine, and market linkages to other districts she could continue and expand in bigger quantities.*

*Only traditional knowledge is not enough to promote and sustain the market. So she requests for training on the expiry date for her products. She is only a successful entrepreneur in her community. She is visioning to promote such products and involve a more indigenous woman who has such knowledge in this sector.*

*She said that if the government supports and promote such knowledge creation and provide incentives, loan grant and training, many Thakali women can boost themselves by getting involved in such processes. There is a big opportunity in Mustang for the women to get involved in income generating activities, however, the government should play an important role to strengthen and create a friendly environment to secure them with economic activities.*

*Source: Economic Empowerment of Indigenous Women in Nepal*

### 13.0 Thudam

The Thudam people live in Sankhuwasabha district. By tradition, they make incense stick out of herbs and export them to Tibet.<sup>45</sup> Besides, they engage themselves in agricultural activities, apart from livestock farming.

<sup>45</sup> Tamla Ukyab and Shyam Adhikari, no. 1.

#### 14.0 Tangbe

Being the inhabitants of Tangbe village in Mustang district in the Himalayas, the Tangbe people are Buddhist.<sup>46</sup> In the past, they used to be involved in the salt business. Presently, they are engaged in different business activities. Some of these people are engaged in agricultural activities and produce millet and potato. They also make incense of juniper wood.<sup>47</sup> There is a wide demand for this incense in the Nepalese and Tibetan market because of its pleasant scent. These people also domesticate animals such as yak and bulls. Community disputes among these people are largely settled by *pembu*, the headman.

#### 15.0 Topke Gola

Living in far eastern hill region in Taplejung, the Topke Gola people are basically business persons. They are engaged in different kinds of businesses in Dhankuta, Dharan and Sankhuwasabha districts in the eastern region of Nepal.<sup>48</sup> Their culture, language and way of life are similar in many ways to that of the Tibetans.

#### 16.0 Marphali

By their facial features, language and dress sense, the Marphalis have many things in common with the Thakalis. These people have Hirachan, Lalchan, Juharchan and Pannachan as their surnames. They are Buddhists by religion and are engaged in business, agriculture and horticulture-related activities.

#### 17.0 Walung

The Walung people live mostly in Olangchunggola region in the eastern part of the hills. By occupation, they are mainly engaged in business activities. There is a similarity between the Walung people and the Tibetan people in the matters of religion, language, food, dress and culture. They have a big monastery in Olangchunggola. They celebrate their festivals, including Lhosar, Neso, Futuk, and Sakadawa with a great fanfare.<sup>49</sup>

### 1.6 The Hill Janajati

An account has been given below about those Janajati groups who live in different hill districts of Nepal:

#### 1.0 Magar

The Magar who have Mongloid features live in different hill districts, including in Palpa, Gulmi, Tanahun, Myagdi, Rukum, Salyan, Pyuthan, Rolpa, Arghakhanchi, Syangja, Parbat, Baglung, Dolpa, Surkhet and Sindhuli. Among the different Janajati

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46 Ibid.

47 Dor Bahadur Bista, No. 24, p. 203.

48 Tamla Ukyab and Shyam Adhikari, No. 1.

49 Ibid.

communities, the Magar have the largest population and they have a rich culture. While most of these people speak Tibeto-Burman dialect, the others also speak Nepali and Tibetan languages.

By and large, the Magar are endogamous people. Influence of the Brahmin and Chhetri castes on these people is quite distinct in their marriage traditions. It is the Brahmin priests who perform rituals during the marriages of the Magar community.<sup>50</sup> Most of the marriages of the Magar are arranged, but at times the youngsters marry at their own will.

In general, the Magar are Hindu, but there are also some who are Buddhist. Like the Hindu, many of the people from the Magar community worship such Gods and Goddesses as Ram, Vishnu, Mahadev, Krishna, Ganesh, Lakshmi, Saraswati and Kali. Besides, they celebrate Dasain and Tihar festivals.<sup>51</sup>

A large segment of the Magar people depends on agriculture for their livelihood. They produce food grains like corn, rice, millet and wheat. Besides, they produce vegetables and fruits. They often domesticate sheep and goats and work as masons and carpenters. Some of them are also engaged in activities related to quarrying, stonecutting and trade.

Mostly, the Magar are widely known for their bravery. So they get the main source of their income from army service. They have been recruited in Gurkha regiments of Indian army and also in the British army.<sup>52</sup> In the Nepalese army, however, they have mostly been assigned jobs in lower positions. They draw larger sums as pension after their retirement from military service.<sup>53</sup>

## 2.0 Tamang

Constituting as much as 5.5 per cent of Nepal's total population, the Tamang have a massive population in the peripheral districts of Kathmandu Valley, including in Rasuwa, Sindhupalchowk, Kavrepalanchowk, Makwanpur, Nuwakot, Dhading, Ramechhap, Dolakha and Sindhuli districts.<sup>54</sup> Most of the Tamang settlements exist at the altitude varying between 5,000 and 7,000 feet above the sea level.

The Tamang are basically Buddhist and they have their own language, culture and tradition. Most of these people speak Tamang language which is of Tibeto-Burman origin and has a Tibetan script. They celebrate Lhosar, Maghe Sankranti, Baishakh Poornima and Shraavan Poornima with a great fanfare.<sup>55</sup>

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50 Dor Bahadur Bista, No. 24, pp. 70-72.

51 Ibid.

52 Ibid, p. 68.

53 Meen Sris Magar, *Galkot Khuwakshetrako Magar Sanskriti*. (Nepali). Lalitpur: Aadibasi Janajati Utthan Rastriya Pratisthan, 2074 Vikram Sambat, pp. 22-23.

54 Amrit Yonjan Tamang, *Tamang Sahityako Itihas*. Kathmandu: Nepal Pragnya Pratisthan, 2068 Vikram Sambat, p. 13.

55 Tamla Ukyab and Shyam Adhikari, no. 1.



As per the social norms, love affairs between couples do not forbid them from future marriages. There is no stigma attached to a young man marrying an elderly widow, the divorcee, or even the unmarried girl who is made pregnant by someone else. Marriage system among the Tamang community is sometimes arranged, but it is also realised through mutual consent and capture. The capture marriage takes place forcefully in case the bride refuses to accept the boy. In case a boy makes a girl pregnant and then refuses to marry her, he could do so by paying a certain fine. If someone abducts the wife of another person, the new husband has to pay certain compensation to the old husband.<sup>56</sup>

Though the Tamang are Buddhists, they celebrate Hindu festivals like Dasain with a great zeal. By tradition, they are highly religious. As such, the artists from this community make wonderful *thankas*, which are religious scroll paintings.

One might find a Buddhist temple in each major Tamang settlements. The Tamang lamas often study in Sherpa monasteries, but some of them also go to Tibet for this purpose. Shamanism, which in the local language is called *Jhankrism*, is quite common among these people. A *Jhankri* priest often drives bad spirit from the body of a person when s/he falls ill.<sup>57</sup>

It was for a long time that the Tamang adopted a Kipat system in which the clan or community and not the individual had ownership over the land. But, this system has now been abolished. Today, the Tamang depend on agriculture for their livelihood. However, agricultural products like wheat, maize, millet, barley and potato do not fetch enough returns and so they are poor. The women from this community have skills in making woollen jackets from the wool of the sheep. Additionally, they make bamboo baskets, leaf-umbrellas and receptacles to preserve foodgrains. Besides, the Tamang also work as masons, builders, carpenters, porters, coolies and domestic servants.<sup>58</sup>

### 3.0 Newar

The Newar, who mainly live in Kathmandu Valley and a few other urban centres of Nepal, are the most influential group among the Janajati community. They have both Mongloid and Mediterranean physical features. The total population of these people is 1,300,000. They follow both the Hindu and Buddhist religions and speak Newari language, which belongs to the Tibeto-Burman family. They have 2,500-year-old history and distinct civilisation.

In fact, the Newar is a nation in the sense that all the caste groups from the sweeper to the priest are found there, which is basically based on the division of labour. Virtually,

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<sup>56</sup> Dor Bahadur Bista, No. 24, p. 61-62.

<sup>57</sup> Ibid, pp. 63-65.

<sup>58</sup> Ibid, p. 60.

the Newar were the rulers of Kathmandu Valley until its merger into the Nepali state in the 18<sup>th</sup> century.

Interestingly, the Tirhutiya/Maithil/Madheshi community like the Mishra, Thakur and Jha who migrated to Kathmandu Valley over five hundred years ago had been adopted by the Newar communities. Along with Dasain and Tihar, the Newar celebrate Machhendranath Rath Yatra (Chariot festival), Gai Yatra, living Goddess Kumari Puja, Indra Puja with a great fanfare.

The Newar are widely known as shopkeepers, business-persons, importers, exporters, farmers and crafts-persons. Many of them work as masons, carpenters, woodcarvers, ivory workers, painters, goldsmiths, silver-smiths, brass-smiths, bronze-smiths. The Jyapus among the Newar is farming community who are well-known for producing grains and vegetables.<sup>59</sup>

#### 4.0 Rai

The Rai, apart from the Limbu, are the two important groups among the Kirantis in Nepal who are well-renowned for their bravery and straightforwardness.<sup>60</sup> Constituting some 2.34 per cent of the country's total population, they are the 10<sup>th</sup> largest ethnic group in the country.<sup>61</sup> Originally, they belong to eastern hill districts, including in Solukhumbu, Okhaldhunga, Bhojpur, Khotang and Udaipur.

The Rai community has their own Rai language that belongs to the Tibeto-Burman family. Usually, the Rai men wear a typical traditional dress and carry with them *khukuri*, a kind of knife. The women, on the other hand, wear a skirt and blouse. The Rai follow Kirant religion. *Mundhum* is their main religious textbook. They have a rich culture and superb dancing skills.

It is not a social taboo for the Rai man to marry the widow of his elder brother, or the younger sister of his dead wife. If the wife of a person is abducted, the second husband is compelled to pay compensation to the victim, which is based on his economic status.<sup>62</sup> In case a girl becomes pregnant, the lover is under obligation to marry her or pay delivery expenses. However, such a girl with a child from another husband is not treated as disqualification.

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<sup>59</sup> Ibid, pp. 19-31.

<sup>60</sup> Ibid, pp. 35-43.

<sup>61</sup> Rajesh Chamling Rai, *Kirati Rai Samudayko Paramparagat Sancharmadhyam*. Lalitpur: Aadibasi Janajati Utthan Rastriya Pratisthan, 2074 Vikram Samvat, p. 22.

<sup>62</sup> Dor Bahadur Bista, No. 24, pp. 35-43.

Earlier, the Rai people had communal rights over the *kipat* land. Such land used to be tax-free and had under its domain all the cultivated lands, forests, streams and rivers within a specified area.<sup>63</sup> But the *kipat* system exists no more.

Most of the Rai people have their major earnings from employment in the Indian and British army. They are also engaged in agricultural activities and produce maize, millet, wheat, rice and mustard. Additionally, they produce different varieties of vegetables, beans, potato, banana, jackfruit and guava. They also produce textile clothes and rear pigs, chickens and sheep to generate additional income. For their home consumption, they produce spirits and beer.

In religious affairs, the Rai people follow both Buddhism and Hinduism. They worship local deities, apart from Jalpa Devi, the goddess of a snowy mountain, and Satkanya, the seven virgins. By tradition, they bury the dead bodies.

## 5.0 Limbu

Forming 1.6 per cent of Nepal's total population, the Limbu belong to Kirant group like that of the Rai. These people have dominance in such districts as Sankhuwasabha, Terhathum, Dhankuta, Tapejung, Panchthar and Ilam, which is usually called Limbuwan or the land of the Limbu. A *Subba* is the leader of the fellow Limbu villagers.

However, many of the Limbu have migrated from the hills to the Terai.<sup>64</sup> They speak Limbu language, which has its own script called Sirijunga. Many of the books have been written in this language. *Mundhum* is the main religious text of these people.

Whereas the women mostly use *sari* and *blouse*, the men from this community often use typical Nepali dress, including the cap. The women use silver necklaces, bangles and a blouse.

Like the Rai, the Limbu are married by arrangement, capture or even elopement. Quite often, a Limbu man enters into a marriage relationship with the widow of his elder brother, or even with the younger sister of his dead wife. If one intends to marry the wife of another person, he has to elope with his wife under the expectation that the former husband does not become furious. The Limbu worship Kalika and Thulodevi, apart from Pathibhara. *Udhauli-ubhauli* happens to be their main religious festival.<sup>65</sup>

By occupation, the Limbu are either farmers or employed with the British and the Indian army. They are also employed with the armed police force in Nepal.<sup>66</sup> They grow rice, wheat, maize, barley and millet for their consumption and also for *rakshi* and

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63 Ibid, pp. 35-43.

64 Ibid, p. 47.

65 Ibid, pp. 54-55.

66 Ibid, p. 50.

beer.<sup>67</sup> Additionally, they produce bean, pulse, potato and such fruits like orange, banana, guava and papaya. Besides, they rear buffalo, cow, goat, sheep and chicken for generating additional income.

## 6.0 Gurung

The Gurung people who have typical Mongoloid features are also called Tamu.<sup>68</sup> They are mostly Buddhist. History of these people is very old. They live in Kaski, Lamjung, Gorkha, Syangja, Manang, Tanahu, Baglung and Parbat districts in the western hills. They have a strong presence in parts of the eastern hills as Okhaldhunga, Sankhuwasabha and Taplejung as well. They speak a Tibeto-Burman dialect, which does not have its own script. But many of those who live outside their main settlement areas speak Nepali.

Men from the Gurung community are known for making bamboo baskets, popularly called *doko*. These hand-made baskets have multi-purpose uses such as for carrying water vessels. Besides, the men also make thick blankets and mats. Women from this community not only weave clothes and make wool, but they also prepare beer, cheese and engage themselves in activities such as grinding and husking the grain.<sup>69</sup>

The women from the Gurung community prefer to wear traditional costume of blouse with colourful sari skirt, bangles and ornaments, which symbolises their social status. In Nepali culture, the Rodi dance performed by the Gurung has special importance. These people often marry within their own community.

There is the immense influence of Hinduism on the Gurung communities. In some families, rituals are performed by the Brahmin. Like the Hindu, they also celebrate Dasain festival.

The Gurung draw most of their income in the form of salaries and pensions from the Indian and British armies, apart from the Nepal army. They are widely known for their bravery. They fought in both the First and the Second World War for the British.<sup>70</sup> Many members of the Gurung families have been awarded with prestigious medals for their outstanding performance in the wars.

Though service in the army is the main source of income of the Gurung families, they also draw income from agriculture and sheep breeding. The Gurung produce foodgrains such as maize, rice, wheat, millet and potato. Besides, some of them also rear buffalo and cows, and engage themselves in a petty trade with the Tibetans across the border.

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<sup>67</sup> Ibid, p. 48.

<sup>68</sup> Centre for Nepal and Asian Studies, Kathmandu: Tribhuvan University, 1990, p. 5.

<sup>69</sup> Murari Prasad Regmi, *The Gurungs – Thunder of Himal*, New Delhi: Nirala Publications, 1991, p. 60.

<sup>70</sup> Dor Bahadur Bista, No. 24, pp. 92-94.

## 7.0 Sunuwar

The mainland of the Sunuwar is Okhaldhunga, Ramechhap and Dolakha districts. Whereas the men put *khukuri* (knife) in their waistband; the women wear a typical blouse and colourful sari. The women also love to wear ornaments. Marriages among the Sunuwar community are mostly arranged. But, there are also marriages by capture and elopement.<sup>71</sup> However, the girls so married do not lose their social status.

Most of the Sunuwar people follow Kirant religion. Yet, it is the Brahmin who conducts religious rituals of the Sunuwar.

A number of people from the Sunuwar community have been employed in the British and the Indian army, apart from those employed in the Nepal army. Recruitment in armies has improved the socio-economic conditions of the Sunuwar community.<sup>72</sup>

In general, the Sunuwar are dependent on agriculture for their livelihood. They produce rice, wheat, maize, barley, millet and corn, apart from vegetables and fruits. Some of these people also work as wage earners in Bhutan, apart from Assam and Sikkim states of India.

## 8.0 Jirel

Jirel, also called Jiripa, mostly live in Jiri and Jugu villages of Dolakha district of the Himalayas. Some of them live in Ramechhap, Sindhupalchowk and Okhaldhunga districts as well. There is a perception that Jirels are born from Sherpa and Magar.

The housing structures of the Jirel are quite attractive. The dresses that the men and women wear are similar to those worn by the Sunuwar. Marriages with widows and with women deserted by their husband are common.<sup>73</sup>

Among the Jirel people, *Dhami-Jhankri* system is most common. They speak a dialect of the Tibeto-Burman family. Their culture and way of life is similar to that of the Sherpa, who live in the higher altitude of the mountains. Unlike the Sunuwar, the Jirel are least interested in military service. So they are basically engaged in agriculture for their livelihood. They produce foodgrains, including rice, barley, wheat, maize and millet, apart from fruits and vegetables.<sup>74</sup>

## 9.0 Bhujel/Gharti

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71 Ibid, pp. 87-88.

72 Ibid, pp. 85-86.

73 Ibid, p. 87.

74 Ibid, p. 86.

With Mongloid features, the Bhujel originally belong to Baglung district in western hills of Nepal. Most of the traditions of these people are similar to that of the Magar community. However, these people are in a most disadvantaged position in social and economic sectors and their culture is almost at the brink of extinction. Presently, they depend partly on agriculture and partly on wages for their livelihood.<sup>75</sup>

#### 10.0 Thami

The Thami live in 30 districts of Nepal. They are mainly concentrated in Dolakha, Sindhupalchowk and Ramechhap districts. The total population of these people is 28,671.<sup>76</sup>

Among the different Janajati groups, the Thami are mostly marginalised and forgotten people. Most of them are victims of acute poverty and are excluded from the mainstream socio-economic, political and governance system. They speak Tibeto-Burman dialect.

There is the massive influence of Tamang culture on Thami people. Nearly, 54 per cent of the Thami first visit *Jhankri* for their primary treatment.<sup>77</sup> About 72 per cent of their children are malnourished. Literacy rate among these people is 57 per cent against the national average of 66 per cent. Estimates are that 81 per cent of the community speak Thami language.<sup>78</sup> Yet, this language is in the endangered category.

The Thami has a rich cultural tradition. They practice shamanism and are also heavily influenced by Hinduism, Buddhism and Kirantism. Apart from worshipping Nature, the Thami celebrate Hindu festivals like Dasain and Tihar as well as Buddha Jayanti and Kiranti festivals like *Ubhyauli* and *Udhyauli*. *Bhume* is their ancestral God who showers blessings on them. They worship *Bhume* – firstly in April-May before sowing crops and secondly in November/December after harvesting it.<sup>79</sup> Recently, some of these people have also started celebrating Christmas and Easter under the growing influence of Christianity in their areas.

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75 Tamla Ukyab and Shyam Adhikari, No. 1.

76 Tek Raj Thami, *Thami Jatiko Paramparagat Sanchar Madhyam* (Nepali): Lalitpur: Aadibasi Janajati Utthan Rastriya Pratisthan, 2016, p. 9.

77 Ibid, p. 51

78 Om Gurung and Bir Bahadur Thami, *Thami of Nepal*, Kathmandu: Central Department of Sociology/Anthropology, 2014, pp. 11-12.

79 Ibid, pp. 33-34.

Like the Madheshi, the Thami are not that easily accepted in the British army, Indian Gurkha, Nepal Army and the Nepal Police. They are looked down upon as unsuitable for these jobs.<sup>80</sup>

Almost 77 per cent of the Thami depend on agricultural activities for their livelihood. They grow rice, maize, millet, wheat, barley, bean and soybean. Yet, only 11 per cent of them are self-sufficient in food.<sup>81</sup>

#### 11.0 Hayu

Being in minority, the Hayu community mostly belongs to Kavrepalanchowk, Sindhuli and Ramechhap districts. Until some years ago, these people were dependent on agriculture for their livelihood. The cultural tradition of these people in many ways is similar to that of the Rai.<sup>82</sup>

#### 12.0 Chhantyal

The Chhantyal whose total population is 20,000 have Mongoloid features. They speak a dialect that is identical with Thakali language.<sup>83</sup> Most of them live in the Magarat region and so their culture is somewhat similar to that of the Magar. Though they are Buddhist, they also worship Nature. Basically, they depend on agriculture for their livelihood.

#### 13.0 Hyolmo

The Hyolmo community which lives in Sindhupalchowk district is Buddhist. They have traditional relations with people across the Nepal-Tibet border in Tibet.<sup>84</sup> For their livelihood, they are engaged in business, tourism and agricultural activities.

#### 14.0 Pahari

Being in minority, the Pahari people originate in Kavrepalanchowk district of the hills. Also, they have their presence in Lalitpur and in some other districts. They are mainly Buddhists and speak *Pahari* dialect. By tradition, they are dependent on agriculture and wages for their livelihood. Besides, they generate income by making *doko* and *nanglo*, which the people use for carrying goods and heavy stuff on their back in the mountain and hill regions.<sup>85</sup>

#### 15.0 Tingaule

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80 Ibid, p. 48.

81 Ibid, p. 46.

82 Tamla Ukyab and Shyam Adhikari, No. 1.

83 Ibid.

84 Ibid.

85 Ibid.

The Tingaule people who belong to the Thakali group mostly live in three villages of Syang in Mustang district. Their total population is around 500. They speak their own native language that is based on Tibeto-Burman family. Cross-cousin marriage is common among these people. *Toranla* and *phalh* are two major festivals of these people.

Significantly, the Tingaule people have a unique traditional political system of village assembly and government. Whereas, the village assembly makes laws; the government executes it. At the village level, the government ensures security, protects the property of the villagers and maintains roads, bridges, pastures and forests. It also provides justice in case of disputes in the community.

Mostly, the Tingaule people depend on agriculture and livestock for their livelihood. *Dhikur* or *Dhigur*, which promotes savings and loans among the member groups, is widely practised in this region.<sup>86</sup> Estimates are that 86.26 per cent of these people follow Buddhism; while the remaining 12.68 per cent follow Hinduism and 1.06 per cent Christianity.<sup>87</sup>

#### 16.0 Surel

Being in minority, the Surel people are originally Kiranti. The population of these people is only 200 or so. They speak Tibeto-Burman dialect. Also, they believe in *Dhami-jhankri*. *Mundhum* happens to be the main religious text of these people. Apart from earning wages, the Surel people engage themselves in agricultural activities.<sup>88</sup>

#### 17.0 Kusunda

The Kusunda belong to the endangered group. They mostly live in the forest areas outside the traditional settlement zone in Gorkha, Kaski, Salyan, Pyuthan, Dang, Dailekh and Surkhet districts. In several ways, their lifestyle is similar to that of the Chepang who live a nomadic life. Sometimes, they are also called the King of the forest.<sup>89</sup> They speak a dialect based on the Tibeto-Burman dialect. They do not eat cow or buffalo meat and mostly worship the Nature.

#### 18.0 Frin

Originally, the Frin people belong to Sindhupalchowk, Kavrepalanchowk, Makwarnpur and Lalitpur districts, which are the surrounding districts of Kathmandu. Their culture, dialect and religion are similar to that of the Newar and the Pahari.<sup>90</sup>

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86 NCARD, "Tin Gaule Thakali," in <http://www.ncard.org.np/categorydetail/tin-gaule-thakali-yhulkosompaimhi.html>

87 Joshua Project, "Thakali Tin Gaule in Nepal," in [https://joshuaproject.net/people\\_groups/19331/NP](https://joshuaproject.net/people_groups/19331/NP)

88 Tamla Ukyab and Shyam Adhikari, No. 1.

89 Ibid.

90 Ibid.



### 19.0 Yakkha

The Yakkha have Mongoloid features and live in lower Arun valley in the southern part of Sankhuwasabha district in the eastern hills. They belong to the Kirat family of eastern hills such as the Limbu, Sunuwar and Rai. They have a distinct culture and tradition.

The Yakkha language is based on Tibeto-Burman dialect, but it is on the brink of extinction due to the influence of the external factors. In 2001, the total population of these people was 17,000; of which 81.43 per cent were Kirat, 14.17 per cent Hindu and 1.04 per cent Buddhist. Some of these people have also settled in Darjeeling district in West Bengal, apart from Sikkim and North-Eastern states of India.<sup>91</sup> They largely depend on agriculture for their subsistence.

### 20.0 Chepang

Having Mongoloid features, the Chepang is the most underdeveloped and endangered community in Nepal. Often, these people live in the isolated pockets of remote and inaccessible parts of Makwanpur, Chitwan, Gorkha and Dhading districts. They speak the Tibeto-Burman dialect.

By nature, the Chepang are submissive and non-violent in character and so they are exploited by the *Khas-Arya* group, like the hill-Brahmin and Chhetri, apart from the Tamang.

In religious affairs, the Chepang appear to be influenced by the Hindu religion. They have their own *Purohit* to perform rituals. Many of the Chepang claim that they are the descendants of Goddess Sita of the epic *Ramayana*. Even to this day, they live either in caves or in temporary huts. Nevertheless, there is a growing tendency for these people to send their children to schools.

The Chepang are rigid in their age-old customs and traditions. During the head-shaving ceremony, the brother of the boy's mother is called to shave the head and leave a 'turf' of hair. Similarly, in case of a death in the family the eldest son of the deceased observes mourning ritual for 13 days without taking salt and eating boiled rice and ghee in the same way as the Hindu does. He also shaves hair, moustache and beard. On the 13<sup>th</sup> day, a feast is given to the relatives and the villagers who are served boiled rice and meat of buffalo, goat and chicken, apart from beer and wine.<sup>92</sup>

The Chepang celebrate all the Hindu festivals such as *Dasain*, *Tihar* and *Sankranti*, apart from *nwagi*, the tribal festival. They perform *bhoomi puja* and worship Hindu Gods and Goddesses such as Mahadev and Kali.

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91 Wikipedia, "Yakkha," in <https://en.wikipedia.org/wiki/Yakkha>

92 Dor Bahadur Bista, No. 24, p. 124.

By tradition, the Chepang have very little clothes to cover their bodies. But, on account of the interventions made by the Non-Governmental Organisations (NGOs), International Non-Governmental Organisations (INGOs) and different government bodies, their lifestyle has started changing. Nevertheless, they are malnourished and also victims of different diseases. Christian missionaries have also played an active role in the changing lifestyles of the Chepang community.<sup>93</sup>

The Chepang are good hunters. They mostly live on *kand-mool* (forest-based root-fruits).<sup>94</sup> Nevertheless, some of them have now started producing maize, millet and wheat. They make liquor out of the foodgrains that they produce.

Apart from arranged marriages, marriages by capture and by elopement are common. Often, a girl is dragged and even a show of force is applied in course of marriage by capture. Women wear a blouse and skirt along with the ornaments; while the men wear loin cloth together with a waistcoat.

#### 21.0 Kumal

By profession, the Kumal have Mongoloid features. They live mostly in Dolakha, Dhading, Sankhuwasabha, Palpa and Parbat districts. They speak the Tibeto-Burman language and are well-known for producing clay pots.<sup>95</sup> Most of them live near the riverside in warm places. They eat pork and buffalo meat. The dead are either buried or their bodies are immersed in the rivers.

#### 22.0 Baramu

As their name resembles Burma, many of the Baramu families have a perception that they migrated to Nepal from Burma. Mostly these people have their settlements in the Gorkha district. As per the Census Report 2011, the total population of the Baramu is 8,140 and they live in 60 districts of the country. However, the statistics available from Nepal Baram Sangh reveal that the population of these people is 21,739.<sup>96</sup>

Educationally, the Baramu are backward. Only 51 per cent of these people are illiterate. Though they have their own mother tongue of Tibeto-Burman origin, only a few among them speak this dialect. As such, this dialect is at the point of extinction.

Basically, the Baramu are animists, but they are also influenced by Buddhism and Hinduism. They worship Hindu Gods and Goddesses such as Durga, Lakshmi, Saraswati, Ganesh, Ram, Hanuman, Bhawani and Krishna, and they also worship

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93 *The Gorkha Express*, April 10, 2018.

94 Tamla Ukyab and Shyam Adhikari, No. 1.

95 Ibid.

96 Harichan Chhantyal and Jagat Bahadur Baram, *Baram Jaatiko Chinari*, Lalitpur: Aadibasi Janajati Utthan Rastriya Pratisthan, 2072 Vikaram Sambat, p. 3.

Buddha. Traditionally, they worship Chandi, Thani, Bhimsen, Maikot, Bir, Dangre and Agni Deuta. They believe in *Jhankrism* and worship evil spirits.<sup>97</sup>

Almost 90 per cent of the Baramu people depend on agriculture and livestock for their livelihood.<sup>98</sup> They grow agricultural products such as paddy, millet, maize, wheat, ginger, cardamom, sugarcane, tobacco, orange and potato. Besides, they make living through wages. Since they are excluded from the mainstream of the nation, their presence in government service is almost negligible.<sup>99</sup>

### 23.0 Lepcha

Since time immemorial, the Lepcha community has been living mostly in the Ilam district of Nepal. In India, they live in Sikkim, Kalimpong and Darjeeling. They regard the mountain *Kanchanjungha* as their God. They have a belief that they are the descendants of the royal family. They speak a Tibeto-Burman language, which has its own script. Also, they have their own religious text, called *Astachyo*.<sup>100</sup> In recent years, they have started embracing Buddhism and Christianity. Unlike many other communities, they treat wine as pure. There is hardly any such thing as untouchability among them. They have a rich culture and excellent dancing skills. They are dependent on agriculture and business for their livelihood.

### 24.0 Dura

The Dura mostly hail from Lamjung district in western Nepal's hill region. Speaking Tibeto-Burman dialect, Dura, these people have distinct tradition. Culturally, they are close to the Gurung. Traditionally, the Dura are fighters, but they are mostly dependent on agriculture for their livelihood.<sup>101</sup>

## 1.7 The Inner Terai Janajati

The Inner Terai region is that part of the Terai that lies in the form of valleys between the Mahabharat and Shivalik (Chure) range of the Himalayan foothills. This region happens to be the abode of a number of Janajati groups. Given below is the account of these people:

### 1.0 Bote

Traditionally, the Bote people are well-known for ferrying travellers across the rivers through the boats, which often are prepared from the trunks of the trees. Besides, these people make their living by fishing and wage earning. Some of these people are also

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97 Ibid, p. 66.

98 Ibid, p. 126.

99 Ibid, p. 140.

100 Tamla Ukyab and Shyam Adhikari, No. 1

101 Ibid.

engaged in agriculture activities.<sup>102</sup> Those among the Bote who own land grow maize, rice, pulses, millet, potato and green vegetables. Apart from all this, they also rear cattle, goat, pig and fowl for their consumption as well as for generating income.

Most of the Bote houses are mud-built and they have thatched roofs.<sup>103</sup> The dialect and culture of these people in several ways is similar to that of the Danuwars, Darai and Majhi.

The Bote people celebrate such festivals as Chandi Puja, Kalyan Puja, Bayu Puja, Bhuayar Puja, Sansari Mai Puja, Baje Bajei Puja, Jala Puja, Dunga Puja and *Nhwagi Khhane* Puja. Importantly, these people also offer Puja to the local ghosts, witches and spirits.

Though the Bote people communicate among themselves in their mother tongue, their children often speak the Nepali language. Sadly, the language, traditional dress and culture of these people are already on the verge of extinction.

## 2.0 Danuwar

The settlement areas of the Danuwar are widely scattered in the Inner Terai region.<sup>104</sup> Men and women from this community wear very little clothes and the children even go naked. Originally, these people were Nature worshippers. Few of them also wear 'sacred thread' like the Brahmins. For their livelihood, they do fishing and engage themselves in agricultural activities.

## 3.0 Darai

The Darai people have adopted fishing as their main occupation. They speak Darai dialect, which is a mixture of Maithili, Bhojpuri, Magar and Gurung. The ladies of this community command high respect in the society. They are mostly Buddhists, but then they also offer wine to the deities during the religious festivals.<sup>105</sup>

## 4.0 Majhi

The Majhi have Mongoloid features and they live mostly in the Inner Terai region, apart from the hill districts like Kavrepalanchowk, Sindhupalchowk, Ramechhap, Sindhuli, Dhankuta and Okhaldhunga. They are engaged in agricultural activities, apart from fishing and sailing. They speak a dialect which is a mixture of Tibeto-Burman, Bhojpuri and Maithili languages. Basically, they worship Nature.

People from the Majhi community have their own traditional dress, songs and music. Some of the musical instruments that they play upon include *madal*, *dhol*, *jhyali* and

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102 D. B. Rai, *Bote Jatiko Chinari*, Lalitpur: Aadibasi Janajati Utthan Rastriya Pratisthan and Nepal Bote Samaj, 2069 Vikram Sambat, pp. 48-49.

103 Suresh Dhakal and Netra Bikram Sapkota, *Bote of Nepal*, Kathmandu: Central Department of Sociology/Anthropology, TU, 2014, pp. 32-35.

104 Tamla Ukyab and Shyam Adhikari, No. 1.

105 Ibid.

*ghanti*. Also, they play on the flute. They love to sing and dance at important festivals, such as the Dasain and the Tihar.<sup>106</sup>

The Majhi follow different kinds of marriage system, including cross-cousin marriage, *Jaari* marriage (marrying another man's wife), forced marriage, theft marriage and arranged marriage.<sup>107</sup> Though these people do not employ Brahmin priest while performing religious rites, they claim themselves to be Hindu.<sup>108</sup> They observe all such festivals as Baisakh Purnima, Sansari Puja, Aitabare, Shrawan Sankranti, Dashain, Tihar, Godhko dhup, Maghe Sankranti and Chaite Dasain. Additionally, they also perform Kulpuja, Bhimsen Puja and Dhami Puja.<sup>109</sup>

### 5.0 The Raji

Having Mongoloid features, the Raji community as the Chepang, Kusunda and Raute is one of the endangered Janajati communities of Nepal. They have a distinct culture, language, religion and history. Traditionally, they live as nomads in the forests. They have their presence in 34 districts of the country, but they live mostly in Dailekh, Achham, Surkhet, Kailali, Kanchanpur, Bardiya and Dang districts. They speak Tibeto-Burman dialect.

The total number of the Raji people in the country is 4,235; of which 88 per cent practice Hinduism; while the remaining 12 per cent worship Nature.<sup>110</sup> These people engage themselves in *Pitri Puja* (ancestor worship), *Kul Puja*, *Shikari Puja* (before hunting), *Ghat Puja* (worshipping boats), Tree Puja and Ghosts/Demons Puja. They celebrate festivals such as Holi, Dasain and Tihar. They sing different traditional songs and perform dances, particularly on the occasion of Manshir Purnima, Holi and Jesthasi Purnima. The women from this community put on typical dress and ornaments.

The Raji people marry among themselves. They also believe in *shamanism* or *Dhami-jhankri* system. Divorce and widow marriage is common among these people. In their feast, they use wine and pork. By tradition, they bury the dead and observe mourning for 13 days.

The Raji people make their living mostly through fishing and hunting wild animals. They make boats for fishing and ferrying people. Besides, they also gather wild honey and edible roots and fruits in the forest. They are skilled in craft works and make *dhunki*, *tokari* and *dalo* out of bamboo. They have knowledge of medicinal herbs and can use these herbs to heal people from different diseases.<sup>111</sup>

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106 Janak Rai and Hridaya Majhi, 2014, *Majhi of Nepal*, Kathmandu: Central Department of Sociology/Anthropology, pp. 15-16.

107 Ibid, pp.19-21.

108 Ibid, p. 33.

109 Ibid, pp. 35-40.

110 Om Gurung and *et al.*, *Raji of Nepal*, Kathmandu: Central Department of Sociology and Anthropology, Tribhuvan University, 2014, p. 7-8.

111 Ibid, p. 47.

The handicraft items of the Raji people find it difficult to survive because of the stiff competition from the industrial products. As a result, many of these people have switched over to other occupations. Presently, a number of the Raji people have started working as wage earners and they are now engaged in a petty business like running local tea shops and grocery stores. It is only recently that some of these people have adopted agricultural activities.

## 6.0 Raute

With around 900 people as population, the Raute have nomadic characteristics. They hardly stay in one place for more than a few months. They have few belongings because of their mobile life pattern. The most that they have are a hatchet, chisel or axe which they use for making wooden objects.<sup>112</sup>

The Raute people make their living by eating *kand-mool* and hunting animals in the thick of the forest. They make wooden objects which they barter against foodgrains with people of the surrounding villages. Eating monkey meat supplements their diet. The dialect that they speak is called *khamchi*, which belongs to the Tibeto-Burman family.<sup>113</sup> Basically, they worship Nature. Given below in Box No. 1.2 is the description of the transitional problems faced by the Raute women.

### **Box No. 1.2**

#### ***Raute women facing the problem of transitional condition***

*Nepal Government took the policy to settle nomadic Raute in 1980. As a result, with help of some Raute, the local government administration identified the land of Ampani and Rajwad located in Jogbuda, Dadeldhura. They brought Raute who were nomadic in Bajura, Achham, Baitadi and Dadeldhura to settle there in 1980. In the initial stage, Raute came there but later they again went back to their original habitat system in their respective areas. Very few Raute settled there. The government provided land at the rate of 1.5 bigha per family in the beginning.*

*Again, for the second time, with help of settled Raute, the local level government administration brought those Raute who had already left the place. Most of them settled there and very few did not. At present, they have land ranging from 1 Katta to 1.5 bighas. Some have not more than 1 Katta land because they settled later. Some Raute is landless due to they came later and settled there. The process continued till 1983 from 1980. There are, now, altogether nearly 84 families (households) including both settlements- Ampani and Rajwad.*

*As expressed by Raute women of both settlements, they faced a great problem in the initial stage and still facing the problem. They had no idea and knowledge how to do agriculture farming and how to move ahead of their livelihood. The forests attached to their settlements were not made community forests for a long time till 2000. They could use and go into the forest and could bring things as they had enjoyed in their original habitat system. Slowly, they learnt to do agriculture farming, goat rearing, poultry farming etc. They started to send their children to school. That was a very painful process in their lives. Before*

112 Dor Bahadur Bista, No. 24, p. 232.

113 Om Gurung and *et al.*, *Raute of Nepal*, Kathmandu: Central Department of Sociology/Anthropology, 2014, p. 15.

*they were free and there was no restriction on them. After they settled, they have been facing restrictions and problems. They liked to say the present life as confined and kept in a fenced house just like animals are kept into it.*

*People belonging to other caste and ethnic group transformed the forest used by Raute as a Community Forest (CF). The main committee of the community forest captured the land attached to the forest where landless Raute had been living since they settled there. The CF fenced the forest, and restricted Raute to go in the forest. Also, the CF restricted Raute to take their animals in the forest, and restricted to bring firewood and other forest products. Since then, they faced difficulty to run their livelihood. Because of that difficulty, most of the Raute sold their land for their livelihood, although the lands are not passed due to the law has prohibited passing the lands of Raute to other.*

*This has created conflict between Raute and other people who purchased the lands. If their land is passed, all of them except 4-5 families become landless having no other alternative and have to go back again to their original habitat system however that will be again painful for them. Raute women are victimized more from this painful process and difficulty.*

*Source: Economic Empowerment of Indigenous Women in Nepal*

## 7.0 Bankariya

The Bankariya originally belong to the Makwanpur district. They have Mongoloid features and a nomadic character. They like to eat forest-based *kand-mool*. Earlier their number was three to four hundred, but now this number has substantially reduced.<sup>114</sup> Their religion and dialect in many ways are similar to that of the Chepang. Often, they exchange forest-based product like the *kilo* in exchange for foodgrains in the surrounding villages where they live.

### 1.8 The Terai Janjati

Apart from the other ecological regions, the Janajati have a strong presence in the flat land of the Terai region from the Mechi River in the east to the Mahakali River in the west. Given below is the account of Janajati groups living in the Terai region:

#### 1.0 Dhanuk

The Dhanuk live in different Terai districts, but they are mostly confined to Sarlahi, Mahottari, Dhanusha, Siraha and Saptari. In certain quarters, these people are not regarded as Janajati as they fall in Hindu caste groups. Apart from agriculture, they are traditionally known as service providers. Because of their exposure, many of them have adopted white collar and technical jobs, apart from agricultural activities.

#### 2.0 Dhimal

The Dhimal people who have Mongoloid appearance like that of the Meche live mostly in Morang and Jhapa districts of the Terai. In the past, they were the landlords and they had a monarchical system in their society. But, after the implementation of Malaria

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114 Tamla Ukyab and Shyam Adhikari, No. 1.

Eradication Programme in the Terai, they began to be exploited by the hill migrants, particularly the hill-Brahmin and Chhetri castes of people, who took away much of their land on one or the other pretext.

Consequently, many of the Dhimal people became landless and paupers. As such, they had very little means to survive except for working as wage earners. Nevertheless, agriculture is still the main occupation of the Dhimal people. Those people who own land grow rice, wheat and barley in their field.

Many of the Dhimal people have a feeling that they are far more advanced than their Tharu brethren. They have a unique system of a village council in which its headman, *deonia*, is given authority to settle disputes within the community.

The Dhimal people are also known for their honesty and straightforwardness. They are regarded as fighters. They are expert hunters as well. They have their own dialect, dress and culture. They are fond of singing, dancing and playing musical instruments such as the drums mainly during festivals.<sup>115</sup> Apart from celebrating their traditional festivals like the *dantabarang*, *testapuri* and *dolthakur*, they celebrate Durga Puja like the Hindu. They also worship *din*, the god that bestows rain. The dead are often buried during the rainy season and cremated in the dry season.<sup>116</sup> They observe death and birth rituals almost like the Hindus in which the Brahmin priest performs certain rituals.

### 3.0 Gangai

Living mostly in Jhapa and Morang districts in eastern Terai region, the Gangai people have their physical features similar to Lepchas. They are also called “Ganesh” or “Mandal.” While the Gangai of Morang speaks the Maithili language, those living in Jhapa speak the Rajbanshi dialect.<sup>117</sup> Even the dress of the Gangai people varies from those others living in Morang and Jhapa districts. Being Nature worshipper, their clan gods are known as Mahabir and Thakur. Until today, they live in the joint family. They mostly depend on agriculture for their livelihood.

### 4.0 Jhangad

The Jhangad or Dhangar are originally Dravidian people. They live mostly in Nausaya Bigha village of Dhanusha district in the Terai. But they are also spread to districts from Sarlahi to Morang. They are mostly Buddhists, but they also worship Nature. Use of wine and pork is usual during their feast.<sup>118</sup> Being in minority, they are backward and depend on agriculture and wages for their livelihood.

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115 Rishikeshab Raj Regmi, *The Dhimals: Miraculous Migrants of Himal*, New Delhi, Nirala Publications, 1991

116 Dor Bahadur Bista, No. 24, pp. 169-72

117 Tamla Ukyab and Shyam Adhikari, No. 1.

118 Ibid.



Studies show that the Jhangad have many things in common with the Bhitwa community of Central India. Basically, they are agricultural workers. They grow paddy, wheat and barley. They also rear cow, buffalo, goat and chicken. They are skilled in making bamboo baskets.

However, the Jhangad are treated as untouchables by the local population. Invariably, each of the Jhangad settlement has its own headman, *maiyan*, who is responsible for settling disputes within their community. As different from other Hindu caste groups, the groom family has to make a certain payment to the bride's family during the arranged marriage.

Durga Puja is one of the great festivals of the Jhangad people. They make merriment through singing, dancing and feasting. They sacrifice buffalo, goat and chicken on this occasion. Similarly, they perform *Kali puja* with a great fanfare. Holi is another festival celebrated by the Jhangad.<sup>119</sup> They mostly bury the dead and observe the death rituals in the same way as the Hindus.

#### 5.0 Kisan

The total number of Kisan people living in Dhulabari and Dhaijan Village Council of Jhapa district is only 700. Agriculture is their main occupation. They speak Dravidian language, which has Uraon script. These people are also called Kuntam, Kuda, Kora, Mirdha, Kola, Morva, Birhor and Nagesiya. By tradition, they have a system of marrying the maternal uncle's daughter. Also, the widow is allowed to marry the brother of the deceased husband. Basically, they are a nature worshipper. In some ways or the other, their culture resembles those of Kisan people of Odisha and Uraon people of Bihar in India.<sup>120</sup>

#### 6.0 Kushwadiya

The Kushwadiya inhabit 52 districts of Nepal, but they have a major concentration in Midwest and western region of the country, apart from Kathmandu. As they are basically nomadic people and they scratch their living by making grinding stones like *silaut* and *jaant*, apart from *jhadu* (boom) and *dori* (rope). In view of the nature of their work, they are also called Pattharkatta, Silkut, Kuchbadiya, Kushbandiya and Thabahi. But most of these people live in mid-west and west Nepal and also in Kathmandu.

Even to this day, the Kushwadiya make their living mainly through hunting animals as the jackal, mongoose, squirrel, wild cats, tortoise, porcupine, fox, rats, cats, etc.<sup>121</sup> the Kushwadiyas are mostly uneducated. Literacy rate among them is just 66 per cent.<sup>122</sup> They have no presence in mainstream politics, in government and in other bodies.

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119 Dor Bahadur Bista, No. 24, pp. 174-76.

120 Tamla Ukyab and Shyam Adhikari, No. 1.

121 Om Gurung and Laxmi P. Devkota, *Kushbadiya of Nepal*, Kathmandu: Central Department of Sociology/Anthropology, 2014, p. 46.

122 Ibid, p. 52.

As per the 2011 census, the total population of the Kushwadiya was 3,182.<sup>123</sup> Earlier they used to live under the shadow of the trees, but now they live mostly in thatched huts. The Kushwadiyas are landless because of their nomadic habits. They eat meat and are used to taking alcoholic drink.

Kushwadiya men wear lungi, *gamchha*, shirt along with turban, while the women wear sari/blouse or *salwar-kamij*. Women also like to be tattooed on their bodies. Though they are Hindu, they hardly use Hindu priests to perform religious rituals. But, they observe Hindu festivals like the Dasain and Tihar, apart from worshipping God Hanuman. They worship their traditional female deities like Mata Maharani and Dharmin Thakurain.<sup>124</sup> They hardly consult modern-day doctors when they fall ill. Rather, they consult *Jhankri* priest as they believe that evil spirits, witchcraft and magic cause illness.

#### 7.0 Meche

The Meche people, also known as Bodo originate in the Jhapa district. They are Nature worshippers. The Meche lived a nomadic lifestyle until recently. Today, they have made their settlements. Presently, they are mostly engaged in agricultural activities for their livelihood.<sup>125</sup>

#### 8.0 Rajbanshi

The Rajbanshi, who are also called Koch-Rajbongshi or Kochrajbongshi, live mostly in Nepal's eastern districts of Jhapa, Morang and Sunsari. Their total population is 111,000. In the past, the Rajbanshi ruled over a kingdom that spread from the western half of Assam to eastern part of Morang district.<sup>126</sup> Most of these people are dark-skinned and maintain medium height. They speak Rajbanshi dialect, which in many respects is influenced by Bengali and Maithili languages. In fact, the Rajbanshi language is the *lingua franca* of the southeastern region of Nepal's Terai.<sup>127</sup>

Mention of the Rajbanshi people is made in the famous epic Mahabharata. These people have their origin in Koch Bihar (India). But, they also do have a minor presence in Assam, Meghalaya and Kisangujn district of Bihar in India. Some of them have been traced to Bangladesh as well. The largest segment of the Koche with their surname Rajbanshi is found in Nepal.

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123 Ibid, p. 2.

124 Ibid, p. 2.

125 Tamla Ukyab and Shyam Adhikari, No. 1.

126 Anne Buggeland, "Citizenship, Tenancy Rights and Identity: The Case of the Santals/Satars of Jhapa" in Nepal: Tharu and Tarai Neighbours (Ed. Harald O. Skar), Bibliotheca Himalayica, Series III, Volume 16, 1999, p. 99.

127 Amrit Yonjan Tamang, *Nepalka Matribhasa Bhag 1*, Kathmandu: Nepal Pragnya Pratisthan, 2069 Vikram Sambat, p.190.

The Rajbanshi are primarily Hindu as they worship Kali and celebrate Dasain and Tihar as the Hindus. They are well-known for their talents in making masks (mukhotas) of different deities. Some of these people also follow *shamanism* and worship Nature. However, reports are that some 5.40 per cent of those people have recently been converted to Christianity.

In general, agriculture is the main occupation of the Rajbanshi. They live on a subsistence level of agricultural farming and grow rice, maize, wheat and mustard. Besides, they also rear livestock.

#### 9.0 Satar/Santhal

The Satar or Santhal people who live mostly in Jhapa, Morang and Sunsari districts in the eastern part of Terai region have their origin in Jharkhand state in India. They have a distinct culture quite different from the culture of other communities. They speak Santhali language, which is a branch of the Austro-Asiatic linguistic group. They can communicate with other people in such languages as Maithili, Hindi and Nepali. Like the Rajbanshi, they were the predominant ethnic group in the region until the hill migrants settled in there.<sup>128</sup> But, now they are on the verge of extinction. Given below in Box No. 1.3 is the plight of the Satar people.

#### **Box No. 1.3**

##### ***The Satars in My Locality***

*I belong to Jhapa district where there is the largest concentration of the Satars. These people have a rich culture. They do hunting with the help of bow and arrow. At the tip of the arrow, they put poison. They hardly miss the target once they hit through the arrow.*

*But the Satar has degraded social status and are treated as untouchables. Mortality rate, especially among the children and women of these people, is as high as 60 per cent. This is one of the reasons why the number of these people is declining. But their population also declined because many of them migrated to India to avoid atrocities at home. Until a few years ago, the total population of the Satar in Jhapa district was about 25,000. But now their number in this district has declined to merely 5,000 or so.*

*Taking advantage of their wretched socio-economic status, some of the Christian Missions converted them to their faith. If any serious plan is not made to address the problems of the Satar, they are likely to lose their existence in the district.*

*I had once asked Prime Minister K.P. Sharma Oli who represents Damak, the constituency where most of the Satar live, to make an intervention for the socio-economic upliftment of the Satar. But it is so sad that he did not take any interest in this matter. This was also one of the factors for which he once lost the parliamentary elections in Jhapa district.*

*Source: Kashi Nath Gautam, Jyotish, Jhapa*

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128 Anne Buggeland, No. 120, p. 99.

People from the Satar community worship the same Gods and Goddesses as worshipped by the Hindus. They also worship their village deities like Maran Buru, Moreko and Thakur.<sup>129</sup> Major festivals of these people include *vaha* that is observed in the month of February; while *sohraya* another major festival is observed in November. They celebrate festivals with great pomp and show in which they eat chickens, pigeons, goats, pigs and rice.

Often, the Satar men and women make merriment through dancing, singing, playing on the flute and beating the drums.<sup>130</sup> Women from the Satar community use ornaments like brass/silver bangles, bracelets, anklets and necklaces. They also wear traditional dress especially on the occasion of festivals, fairs and marriage ceremonies.

As per the tradition, the Satar people offer the first harvest and wild fruit to the Gods and also to their ancestors before consuming them. Usually, they cremate the dead and observe pollution after the birth and death.

Of the total population of the Satar, 67.1 per cent are Hindu, while 25.3 per cent Christians, 3.6 per cent animists and the remaining 4 per cent follow other faiths. Religious conversion among the Satar is pervasive.<sup>131</sup> The Christian organisations that are active in the Satar area are Roman Catholic, Protestant, Brethren in Christ and Lutherans.<sup>132</sup>

Despite the problem of landlessness, the Satar people basically depend on agricultural activities for their livelihood. Some of them also work as agricultural workers in different townships of Nepal and India. They get supplementary food from wild fruits and tubers, apart from hunting tiger, jackal, deer, snakes and other animals. They also breed cattle, goat and chicken. Women from this community often make straw mats, brooms and baskets to supplement their meagre income.

#### 10.0 Tajpuria

The Tajpuria people mainly inhabit Morang and Jhapa districts in far eastern part of the Terai region. The language and culture of these people is almost akin to that of the Rajbanshi people. They are well-known for making artistic handicraft items.<sup>133</sup> They depend on agriculture for their livelihood. They have a system of burying the dead.

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129 Ibid, p. 100.

130 Dor Bahadur Bista, No. 24, p. 166.

131 Sita Sibakoti, *Santal Jatiko Sanskriti Ra Sanskar*, (Nepali), Kathmandu: Swadesh Prakashan, 2073 Vikram Sambat, p. 35.

132 Yogendra B. Gurung and Kundan Tamang, *Santhal of Nepal*, Kathmandu: Central Department of Sociology/Anthropology, 2014, pp. 33-34.

133 Tamla Ukyab and Shyam Adhikari, no. 1.

## 11.0 Tharu

History of the Tharu is traced back to the eleventh century. In the 15<sup>th</sup> century, they ruled from Kamtapur in the northern part of Bengal in India. However, there is also a perception that they had their kingdom in Champaran in Bihar, India. It is also believed that they originated in the Thar region of Rajasthan in India.<sup>134</sup>

Most of the Tharu have Mongoloid physical features. In fact, they are the frontier people in Nepal. They are divided into different groups such as Dangaura, Kochila/Morangia, Chitwania and Kathariya.<sup>135</sup> They have a rich culture and language.<sup>136</sup> On account of the variation in geographical areas in which they live in, the Tharu language is heavily influenced by Hindi, Bengali, Abadhi, Bhojpuri and Maithili. These people are originally Buddhist, but many of them have also adopted the Hindu caste system.

In the *Muluki Ain* of 1854, the Tharu were placed in the category of enslaveable matwali (wine consuming) caste. Ever since the eradication of Malaria in the 1950s in the Terai region, the Tharu began to be discriminated. Their land was taken by the newly hill migrants. The discrimination against these people continued unabated ever since then.<sup>137</sup>

The total population of the Tharu is 1,737,470<sup>138</sup> and they form nearly 5.4 per cent of the country's total population. The Tharu are widely spread from one end of the Terai to the other, apart from the inner Terai region like the Dang, Surkhet, Udaipur and Chitwan. It is largely believed that their population is heavily under-enumerated in the census report. These people have a major concentration in the mid and the west of the Terai region. Also, there are Tharu pockets across the Nepal-India border in Bihar and Uttar Pradesh states of India. The region in which the Tharu live is popularly known as *Tharuwan* or *Tharuhat*.

Significantly, the Tharu in India enjoy the same privileges as provided to the tribal population. But such privileges have not been provided to the Tharu in Nepal. Therefore, the elite groups among the Tharu want the Nepal Government to provide them with reservations in government service, education and other sectors as provided in India.<sup>139</sup>

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134 Mary Ann Maslak, *Daughters of the Tharu: Gender, Ethnicity, Religion, and the Education of Nepali Girls*, New York: Routledge Falmer, 2003, p. 19.

135 Ibid, p. 20

136 Mohanlal Chaudhary, "Tharu Samuday Ki Utpati Aek Singhwolokan," (Hindi), *Himalini*, August 2018, pp. 15-16.

137 Arjun Gunaratne, *Many Tongues, One People*, New York: Cornell University, 2002, p 32.

138 Government of Nepal, Central Bureau of Statistics, *National Population and Housing Census*, Kathmandu, 2013, p. 3.

139 Ibid, p 65.

In Nepal, the Tharu organisations, including the Tharu Kalyankarini Sabha have been working in the interest of the Tharu in the same way as the Bharatiya Tharu Kalyan Maha Sangh has been working in the interest of the Tharu in India. Both the Tharu Kalyankarini Sabha in Nepal and the Bharatiya Tharu Kalyan Maha Sangh in India exchange invitations in each other's conventions.<sup>140</sup>

By tradition, the Tharu have agriculture as their main occupation. But they are victims of debt, illiteracy and above all drinking habits. Most of these people live hand-to-mouth as they are landless.

Until recently, the *Kamaiya* system was imposed in the Tharu settlements, which was virtually an open slavery system. Accordingly, a *Kamaiya* was obliged to bring his family members, including his wife and children in the service of the employer. His wife, who served the employer, was called *Bukrahi*. Often, she would help with domestic chores and in farm-related work. For this, she would be paid one-tenth of her husband's wage, which was 1000 kg of paddy for a year. If a *Kamaiya* did not have a spouse, he would be paid less. Often, a spouseless *Kamaiya* would bring other female members of his house, such as his sister or mother to the employer. The children of the *Kamaiya* had to serve as animal herders for the employer.<sup>141</sup>

A *Kamaiya* was allowed to change his employer on the day of *Maghi Sankranti* (January). However, he had to take a fresh loan from the new employer to pay to the previous employer, which was called *Saunki* or *Bhota*.<sup>142</sup> The system was developed in a way that the *Kamaiya* could not get rid of the loan. A *Kamaiya* once was a *Kamaiya* forever. And, thus, the slavery-like situation continued unabated. Given below in Box No. 1.4 is the account of a Tharu woman bonded labourer.

**Box No. 1.4**

***Tharu woman bonded labourer***

*Serdevi Tharu (former kamlari) a resident of the Mohanpur Village, Thakurbada Municipality, Ward No. 7. She is 28 years old. Currently, she is doing tailoring for the last 15 years. Although she is not working as a professional, from tailoring, she is earning two thousand rupees per month. She is also investing her income for her household. Her husband is working as a labour. She got training from the Ministry of Land Reform where her father suggested her to participate in the training. She got 3-month tailoring training, and afterwards she started her tailoring from her own home. She is earning 2 thousand rupees per month, which helps her to be a strong decision maker in her home. She is saving some money in Nirdhan Saving and credit local level finance.*

140 Ibid, p 65.

141 Shiva Sharma and Manasa Thakurathi, *A Visit to the Kamaiya System of Nepal*, Kathmandu: INSEC, 1998, pp. 2-3.

142 Ibid, p. 3.

*She has also traditional knowledge to make Bhakari, Dhakkiya, Cultural dress, etc. She has gained such knowledge from her mother in childhood. She shared that if the women involved in economic activities, they change the society. Very less income also can bring the change in the decision-making process at home. Many organizations are working for the former Kamlari (Tharu women bonded labourer) in different sectors in her area but she was not involved in any programme due to her busy household chores and tailoring.*

*Source: Economic Empowerment of Indigenous Women in Nepal*

The situation of the *Kamaiya* turned to be worse after the abolition of the *Kamaiya* system in 2000 A.D. They even failed to get whatever minimal support that was available to them from the employers. And, the state did very little to give them compensation and improve their socio-economic condition.

### **1.9 The Janajatis under the New Political Dispensation**

Politically, the Janajatis have been widely divided in their ideology among different political parties. In view of this reality, the Janajati leader Ashok Rai-led Federal Socialist Party-Nepal (FSP-N) and the Madheshi leader Upendra Yadav-led Madheshi-Janadhikar Forum-Nepal (MJF-N) declared merger of the two parties in June 2015 and the formation of a new party called Federal Socialist Forum-Nepal (FSF-N).<sup>143</sup> Immediately after its formation, the FSF-N joined the United Madheshi Democratic Forum (UMDF), an alliance of seven Madhesh-based political parties, which gave a call for indefinite strike from August 8, 2015, in their bid to exert pressure to the government to address their demands in the new constitution.

The Madhesh-based political parties had identified 11 demands; of which four demands were important. The first of such demands was the delineation of boundaries of federal states to ensure the formation of two undivided Madhesh states; while the second demand was the delineation of electoral constituencies for bicameral parliament and local bodies based on population rather than geographical land area. Similarly, the third major demand of the UMDF was the proportional representation of the disadvantaged groups like the Madheshis, Janajatis and other groups in all state mechanism. In addition, the fourth demand was that the children born from the Nepalese having marriage with foreigners should be given citizenship by descent to avoid any kind of discrimination with them.<sup>144</sup>

Intriguingly, none of the major demands of the UMDF were addressed in the new constitution promulgated on September 20, 2015. Therefore, the UMDF imposed an economic blockade in August 2015, including at Nepal-India border at Birgunj-Raxaul point for five months. The basic objective of this blockade was to pressurise the Nepal Government to address their grievances.

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143 THT ONLINE, "Upendra Yadav, Ashok Rai Announce Unity, Form FSF-N," *The Himalayan Times*, June 15, 2015

144 Hari Bansh Jha, *Nepal's Madhesh in Turmoil*, New Delhi: Highbrow Scribes Publications, 2018, pp. 49-50.

In their bid to make anti-constitution protest more effective, the Madhesh-based political parties together with the hill-based Janajati parties formed Federal Alliance (FA) in May 2016. It was a loose coalition of 27 political parties, including the UDMF and the FSF-N. In fact, the FA was a new experiment in Nepal as it gave a platform to both the Madheshis and hill-Janajati groups to get closer and make common Kathmandu-centric protest programme.<sup>145</sup>

The FA was a natural alliance in the sense that both the Madheshis and the hill-based Janajatis had many things in common among them despite major differences in cultural and other fronts. For ages, these two communities remained victims of state discrimination. Whereas the Madheshis are strong force in the Madhesh region, the Janajatis are strong in the hills. The Khas-Arya group people of hill-Brahmins and Chhetris having only 28 per cent of Nepal's total population virtually control all important political parties, apart from executive, legislative, judiciary, army, police and intelligence units of the states. These people do not want to share power with the Madheshis and hill-Janajatis who constitute over two-thirds of the country's population.

In a major development, six out of the seven constituents of UDMF, including the Tarai Madhes Democratic Party, Sadbhavana Party, Rashtriya Madhesh Samajbadi Party, Madheshi People's Rights Forum-Republican, Tarai Madhes Sadbhavana Party and Federal Sadbhavana Party declared their merger on April 2017 to form a new political party named Rastriya Janata Party, Nepal (RJP-N).<sup>146</sup> However, the FSF-N representing Madheshi/hill Janajati groups escaped from the merger.

Eventually, rift cropped up between the RJP-N and FSF-N when the date of local level elections was announced by the government for May 14 and June 14 in 2017. The RJP-N boycotted elections at the local level on these dates on the ground that the demands of the Madheshis, Tharus, Janajatis and other disadvantaged groups were not addressed in the constitution. On the other hand, the FSF-N participated in these elections.

During the third phase of local elections on September 18, 2018, the RJP-N and the FSF-N forged an electoral alliance and fought the elections in Province No. 2 despite the fact that their demands were not met by the government. Electoral alliance between the RJP-N and FSF-N continued even during the elections of the provincial and federal parliamentary level elections that were conducted simultaneously on November 26 and December 7, respectively.

In all the elections at the local, provincial and federal parliamentary levels, the CPN-UML and the CPN-MC that later on merged into one single party called Communist Party of Nepal (CPN) emerged as the largest party. On the other hand, the FSF-N/RJP-N emerged as the largest political force in Terai.

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145 "Federal Alliance Announces Stir," *The Kathmandu Post*, May 14, 2016.

146 Roshan Sedhai, "Six Madhesh Parties Unify as Polls Looms Closer," *My Republica*, April 21, 2017.



Unfortunately, the hill-Janajati groups cast very little votes in favour of the Janajati/Madhesh-based party, the FSF-N as they had a feeling that this party had supported the Madhesh movement and also the economic blockade. Most of the hill-Janajati had a feeling that it was India and not the Madheshis who imposed economic blockade that made their life difficult in the country. Therefore, the voters from among the hill-Janajati groups mostly supported the CPN mainly for its anti-India stand. It is, therefore, less likely that the mindset of the hill-Janajati groups in regard to India would change any time soon.

Nevertheless, the FSF-N and the RJP-N not only secured most of the seats at the local levels in Province No. 2, but they also formed a government in this state mainly due to the support extended to them by the Madheshi people. But this was at a great cost of losing their influence in the remaining 14 Madhesh districts which have been amalgamated into the hill-based provinces. So the area of influence of both the RJP-N and FSF-N largely got confined to Province No. 2, which constitute merely eight out of 22 Madheshi districts.

Both the RJP-N and the FSF-N extended unequivocal support to the CPN-led government with K.P. Sharma as the Prime Minister. As if this was not enough, the FSF-N led by Upendra Yadav joined the federal government anticipating that this would enable the Oli-led government to address the grievances of the Madheshis, Janajatis and other disadvantaged groups through the amendment of the constitution.

However, the federal government so far has shown little interest in addressing Madheshi and Janajati issues. Many of the RJP-N workers, including its Tharu leader Resham Chaudhary who won the federal parliamentary level seat from the western part of the Terai, are still in Jails and many of them are facing criminal charges for their only fault that they participated in Madheshi agitation in 2015-16. Being frustrated, the RJP-N leaders threatened to withdraw their support to the government at the centre. However, the CPN holds nearly two-thirds vote in the federal parliament and withdrawing support by the RJP-N will make little difference. But, chances are high that this would affect the power equation in Province No. 2 where both the RJP-N and FSF-N are in government.

### **1.10 Conclusion**

The Janajati who constitute the bulk of Nepal's total population had a glorious history in the past. They were in the forefront of the nation in different sectors, including in governance, business, crafts, skills and other sectors. Many of the historical monuments, that symbolise Nepal's pride, are the creations of the Janajati groups. Their contribution in defending the territorial integrity of the nation is matchless. However, the downfall of these people started after the mid-1850s when King Prithvi Narayan Shah defeated the Malla kings and held control over different parts of the country. Since then deliberate efforts have been made by the state to marginalise and exclude them in the national mainstream.

Except the Newars, none of the Janajati groups in Nepal belong to ruling class. Larger percentage of Janajatis is in non-Hindu category. Yet, they are heavily influenced by Hinduism.

Certain Janajati groups have adopted Nepali language and given up the practice of speaking their own mother tongues. Today, the language, culture and population size of many of the Janajati groups are either in an endangered category or even at the point of extinction. Hence, vigorous efforts need to be made by the state and other stakeholders to empower these people and also to enable them to get a rightful place in state mechanism. Any failure on the part of the stakeholders to do so will further aggravate the plight of the Janajati people.

## **Socio-Economic Condition of the Janajati Communities**

### **2.1 Background**

The ILO Indigenous and Tribal Peoples Convention 1989 considered all possible measures to improve the socio-economic, cultural and spiritual life of the Janajati people. Towards this end, thrust was given for creating an environment in which the Janajati could enjoy human rights and fundamental freedoms. The commitment was made to improve their life and working environment, apart from protecting their lands. Discrimination with them in employment was decried. The focus was given to the promotion of vocational programmes and ensuring proper health services and educational opportunities to them (Annex One).

In Nepal, the Janajati are most diverse groups not only in terms of language/dialect that they speak but also in social, economic, religious, cultural and other spheres. Even physical features of the Janajati groups widely vary from Mongolian, Dravidian to Negroid. Their food habit, housing structure and way of life from birth to death also differ widely from each other.

Of the 77 districts in Nepal, there is hardly any district where the Janajati people are in majority. Yet, there is also no district where they don't have a presence. Amidst these diversities, there are certain commonalities among them as well. Many of these people don't fall under any Hindu caste structure and they basically worship Nature.

### **2.2 Classification of Janajati Groups**

Table 2.1 shows that fifteen of the Janajati groups, including the Gurung, Magar, Rai, Limbu, Chhaintan, Tanbe, Tingaunle, Baragaunle, Marphali, Sherpa, Yakha, Chhantyal, Jirel, Byansi, and Hyolmo are in disadvantaged category; while twenty of the Janajati groups like the Sunuwar, Tharu, Tamang, Bhujel, Kumal, Rajbanshi, Gangai, Dhimal, Bhote, Darai, Pahari, Topke Gola, Tajpuria, Dolpo, Frin, Larke, Mugali, Lhopa, Dura, and Walung are in marginalised category.

Furthermore, twelve of the Janajati groups including the Majhi, Siyar, Lhomi, Thudam, Dhanuk, Chepang, Satar/Santhal, Thami, Jhangad, Bote, Danuwar, and Baramu are in the highly marginalised category. And, the remaining seven Janajati groups, such as the Kusunda, Bankariya, Raute, Surel, Hayu, Raji, and Kisan are in the endangered category.

**Table No. 2.1: Classification of Different Janajati Groups**

<b>Classification of Janajati Groups</b>	<b>Groups</b>
Endangered	(1) Kusunda, (2) Bankariya, (3) Raute, (4) Surel, (5) Hayu, (6) Raji, and (7) Kisan
Highly Marginalised	(1) Majhi, (2) Siyar, (3) Lhomi, (4) Thudam, (5) Dhanuk, (6) Chepang, (7) Satar/Santhal, (8) Thami, (9) Jhangad, (10) Bote, (11) Danuwar, and (12) Baramu
Marginalised	(1) Sunuwar, (2) Tharu, (3) Tamang, (4) Bhujel, (5) Kumal, (6) Rajbanshi, (7) Gangai, (8) Dhimal, (9) Bhote, (10) Darai, (11) Pahari, (12) Topke Gola, (13) Tajpuria, (14) Dolpo, (15) Frin, (16) Larke (17) Mugali, (18) Lhopa, (19) Dura, and (20) Walung
Disadvantaged	(1) Gurung, (2) Magar, (3) Rai, (4) Limbu, (5) Chhaintrotan, (6) Tanbe, (7) Tingaunle, (8) Baragaunle, (9) Marphali, (10) Sherpa, (11) Yakha, (12) Chhantyal, (13) Jirel, (14) Byansi, and (15) Hyolmo
Advanced	(1) Thakali, and (2) Newar

*Source: National Foundation for Development of Indigenous Nationalities*

### 2.3 Caste and Ethnic Groups

Of the three ethnic groups in Nepal, the Janajati are the largest ethnic groups (37.2 per cent) in the country followed by the hill-Brahmin/Chhetri group (30.9) and the Madhesh/Terai group (31.9) (Table 2.2). Among the Janajati groups, the largest number of people (26.6 per cent) lives in the hills; while 8.7 per cent live in the Terai and 1.1 percent in the Inner Terai region.

**Table 2.2: Percentage Distribution of Population by Some Social Characteristics, Nepal, 2001**

<b>Nepal</b>	<b>22,736,934</b>	<b>100.0</b>
<b>Hill B/C</b>	<b>7,023,219</b>	<b>30.9</b>
<b>Tarai B/C</b>	<b>427,345</b>	<b>1.9</b>
<i>Tarai Middle Caste</i>	<b>2,938,827</b>	<b>12.9</b>
<b>Dalit</b>	<b>2,675,182</b>	<b>11.8</b>
Hill Dalit	1,615,577	7.1
Tarai Dalit	1,059,605	4.7
<b>Janajati</b>	<b>8,460,702</b>	<b>37.2</b>
Mountain Janajati	177,713	0.8
Hill Janajati	6,056,841	26.6
Inner Terai Janajati	250,460	1.1
Tarai Janajati	1,975,688	8.7
<b>Religious Minorities (Muslim)</b>	<b>980,018</b>	<b>4.3</b>
<b>Others</b>	<b>231,641</b>	<b>1.0</b>

Source: CBS 2003, Vol I; and UNDP/RIPP and NTG 2006.

## 2.4 Caste Hierarchy

In the *Muluki Ain* (country code) of the country prepared in 1854 by the legendary Prime Minister Jang Bahadur Rana, the different ethnic caste groups were divided into five groups. Of those caste groups, the *tagadhari* (who wear the holy cord), including the Upadhyaya Brahman, Rajput, Jaisi Brahman, Newar Brahman and Indian Brahman were regarded as supreme in the society (Table 2.3). However, derogatory word such as *matwali* (alcohol drinkers) was used for the Janajati groups. Even among the Janajati groups, divisions were made between such groups as the Magar, Gurung and Sunuwar who were put in lower “non-enslavable” category; but the other Janajati groups like the Bhote, Chepang, Kumal, Tharu and Gharti were put in the lowest “enslavable” category. Until 1963 (2020 Vikram Sambat) this *Muluki Ain* was amended, the punishment was given to a person on be the basis of caste. But after the amendment of the Ain, such categorisation of society on the basis of ethnic castes or even discriminatory practices of punishment on the caste basis was removed. It is also ridiculous how the Madheshi/Terai Brahman were called “Indian” Brahman, which in a way was a derogatory term for them.

**Table 2.3: Caste Hierarchy of the *Muluki Ain***

1. Caste group of the "Wearers of the holy cord" (tagadhari) Upadhyaya Brahman Rajput (Thakuri) ("Warrior") Jaisi Brahaman Newar Brahaman Indian Brahaman Ascetic Sects Variuos Newar Castes
2. Caste group of the "Non-enslaveable alcohol drinkers" (masinya matwali) Magar Gurung Sunuwar Some Other Newar castes
3. Caste group of the "Enslaveable alcohol drinkers" (masinya matwali) Bhote (people of Tibetan origin) Chepang Kumal (potters) Tharu Gharti (descendants of freed slaves)
4. Impure but "touchable" castes (pani nachalnya choi chito halnu naparnya) Kasai (Newar butchers) Kusle (Newar musician) Hindu Dhobi (Newar washerman) Musulman Mleccha (Europeans)

5. Untouchable castes (pani nachlyan choi chito halnu parnya)  
 Kami (blacksmiths) and Sarki (tanners)  
 Kadara (Stemming from unions between Kami and Sarki)  
 Damai (tailors and musicians)  
 Gaine (minstrels)  
 Badi (musicians and prostitutes)  
 Cyame (Newar Scavengers)

*Source: Modified after Hofer 1979:45.*

## 2.5 Socio-economic Life

The Janajati groups have mostly been engaged in agricultural activities. There are also some who depend on business, trade and wages for their livelihood. Those among the Janajati groups who live in Nepal's northern region often conduct trade with people across the Nepal-China border in Tibet. Box No. 2.1 as given below presents the role of the Janajati in making Nepal prosperous:

### **Box No. 2.1**

#### ***Janajati Making Nepal Prosperous***

*The Janajati are great people. In fact, they are the main pillars of the nation. The contribution of these people was immense in the unification of Nepal in the 18th century. Because of their valour, they earned worldwide fame for their service in the foreign army. They fought both the first and second world wars. They are also the people who fetch the hefty amount of remittance in the form of salary and pension while serving in Indian, British and other armies. While mostly the Bahun and Chhetri castes of people put their money outside the country when they have the opportunity to work abroad; in the case of the Janajati, they put their money in the national banks. Nepal will not survive as a nation if the Janajati issue is overlooked any more.*

*Most of the Janajati working in Nepalese army go abroad in a peacekeeping force. They bring on an average 2 to 3 crores of rupees. I had once come across a Janajati retired soldier. During his service in the foreign army, he earned 3 crores rupees. With the money that he earned, he set up an industry in Biratnagar after his retirement where 30 people are employed. Thus, even at the end of his service, he is serving the nation.*

*Source: Kashi Prasad Gautam, Jyotish, Jhapa*

Quite a larger segment of the Janajati households are engaged in the agriculture sector, which is the reflection of their poverty. A major portion of their agricultural land is not irrigated.<sup>1</sup> Of the total Janajati population, only 13 per cent have been employed in non-farm activities like trading, manufacturing and businesses.<sup>2</sup>

1 Chaitanya Subba and *et al.*, *A Study on the Socio-Economic Status of Indigenous Peoples in Nepal*, Kathmandu: LAHURNIP, 2014, p. 228.

2 *Ibid.*

While the Newar get major sources of their income from the non-farming sector, the Rai and Limbu get their income mainly from the farming sector. Interestingly, the Tharu, too, have their major sources of income from the non-farming sector. The Gurung get income mainly from the remittance as they work abroad.<sup>3</sup>

Of the total population of the Janajati, 61 per cent have been living below the poverty line;<sup>4</sup> when the national average is nearly 25 per cent. In the case of the Magar, 31.7 per cent are below the poverty line. On the other hand, the poverty levels of such hill Janajati groups as the Newar, Gurung, Sherpa, Bhote and Thakali is very low. Only some 10.25 per cent of the Newar are below the poverty line.<sup>5</sup> Among the Gurung, only 20 per cent of the people live below the poverty line; while among the Tamang people living below the poverty line is as high as 61 per cent.<sup>6</sup>

Significantly, the poverty incidence was 44 per cent for the hill Janajati; while it was 31 per cent at the national level in 2004. Significantly, the poverty incidence declined by 11 points at the national level between 1996 and 2004, but in the case of the hill Janajati, it declined by only half of the national average.<sup>7</sup>

Until today, very few people from among the Janajati groups have access to electricity, telephones, sanitary systems, garbage disposal and toilets. And, only 3 to 8 per cent of the hill and Terai Janajati groups, including the Limbu, Kumal, Sunuwar, Majhi and Chepang have access to sanitation system.<sup>8</sup>

Whereas the literacy rate among the hill Brahmin is 79 per cent; it is 52 per cent among such Janajati groups as the Kumal, Sunuwar, Majhi and Chepang. Among the Tamang, Tharu, Sherpa, Bhujel, Limbu, Rai, Gurung and Magar, the literacy rate is between 56 and 68 per cent.<sup>9</sup> Moreover, the literacy rate among the Madheshi Janajati groups is still lower (50 per cent).

The per capita income of hill Brahmin and Chhetry is NRs. 63,234 and NRs. 46,079 respectively; while the same of the Newar and Gurung is NRs. 73,170 and Rs. 62,852. Except for the per capita income of the Newar and Gurung, the per capita income of the Janajati groups is very low. The per capita income of hill Janajati groups is NRs.

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3 Ibid, p. x.

4 Mukta Singh Tamang, "Nepalka Aadibasi Janajatiko Bikaska Neti Tatha Karyakramharu Chunauti Ra Aagami Prathmikta," in *Journal of Indigenous Nationalities, (Nepali)*, Volume 4, Lalitpur: Aadibasi Janajati Utthatan Rastriya Pratisthan, p. 20.

5 Chaitanya Subba and *et al.* No. 1, p. vi.

6 The World Bank and DFID. 2006. *Unequal Citizens*. Kathmandu: P. 20

7 Ibid.

8 Chaitanya Subba and *et al.* No. 1, p. vv.

9 Ibid, p. xvi.

43,561; while the same of the Terai Janajati groups is NRs. 32,473. The Limbu of the eastern hills has the least per capita income of NRs. 29,489.<sup>10</sup>

In Nepal, the Janajati groups are more indebted than the other groups. Studies show that 65 per cent of the Janajati households have taken loans. With the exception of the Newar, closely four-fifths of the hill Janajati households have taken loans to meet their expenditures. Of total such loans, almost half is spent on consumption.<sup>11</sup>

A recent study shows that 80 per cent of the houses owned by the Janajati groups are unsafe for living. On the other hand, a greater percentage of the Newar and Gurung people have safe concrete houses.<sup>12</sup>

Use of cooking fuel is also one of the denominators of quality of life. Statistics show that four-fifths of the Janajati households use firewood for cooking purpose; while half of the Newar households, one-third of the Gurung and Brahmin households use Liquefied Petroleum Gas (LPG) for cooking purpose.<sup>13</sup>

The case of child labour is as high as 5.3 per cent among the Tamang; while it is 8.4 per cent for the Majhi, Kumal, Sunuwar and Chepang, and about 8 per cent for the Tharu.<sup>14</sup>

As yet, only 25 per cent of the women from the hill Janajati groups go to healthcare units during the time of delivery. But, 61 per cent of the hill Brahmin women and 60 per cent of the Newar women deliver babies in healthcare units. On the other hand, 42.5 per cent of the Gurung women and 28 per cent of the Terai Janajati women deliver babies in healthcare units.<sup>15</sup>

Ever since the introduction of Malaria eradication programme in the Terai region, the traditional lands owned by the Terai Janajati groups like the Tharu, Rajbanshi, Gangai, Dhimal, Meche, Santhal and Jhangad were taken by the hill migrants under one or the other pretext with the support of the government. In certain pockets of the Terai, 80 per cent of the Tharu landlords were made landless within a brief span of time.<sup>16</sup>

## **2.6 Human Development Index**

The human development index is, in fact, the best indicator of a socio-economic life of the people. In this respect, Table 2.4 presents that the human development index of the Newar Janajati group was highest among all the ethnic groups (0.565). The Janajati

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10 Ibid, p. 226.

11 Ibid, p. 227.

12 Ibid, p. 227.

13 Ibid, p. 227-28.

14 Ibid, p. 230.

15 Ibid, p. 237.

16 Ibid, p. 72.



groups excluding the Newar are lagging behind the hill Brahman/Chhetri group in human development index. Whereas, the human development index of the Janajati groups, excluding the Newar was only 0.482, the same of the hill Brahman was 0.538.

**Table 2.4: HDI by Major Caste and Ethnic Groups, 2011**

<b>All Brahman/Chhetri</b>	<b>0.538</b>
Hill Brahman	0.557
Hill Chhetri	0.507
Madheshi/Terai Brahman/Chhetri	0.536
<b>Madheshi Other Castes</b>	<b>0.460</b>
<b>All Dalits</b>	<b>0.434</b>
Hill Dalit	0.446
Madheshi Dalit	0.400
<b>Others</b>	<b>0.565</b>
<b>All Janajatis excluding Newar</b>	<b>0.482</b>
Hill Janajati	0.509
Madheshi/Terai Janajati	0.473
<b>Muslim/Musalman</b>	<b>0.422</b>
<b>All Hill/Mountain Groups</b>	<b>0.511</b>
<b>All Madheshi/Terai Groups</b>	<b>0.454</b>
<b>Others</b>	<b>0.586</b>

*Source: Nepal Human Development Report 2014*

## 2.7 Status of Women in the Society

One of the common factors among the Janajati groups both in the hills/mountain and the Terai is the respect for the women. In several Janajati groups, the women have a predominant role in the family, which is also due to the fact that their contribution in household affairs is more than the men. The women work more as labourers in agricultural and other family activities. As such, girls, when born, are not regarded as a burden in the society as prevalent in other non-Janajati groups.

Significantly, 'polyandry' system that hardly survives in many parts of the world is still practised by certain Janajati groups in Nepal, particularly among those who are of Tibetan origin. This could be due to the influence of Tibetan culture in Nepal's northern region. In the *Mahabharata* period, the Pandavas practised polyandry system and now its remnants could be found in Nepal. In such a system, a woman marrying brothers or even friends wields immense power in the family affairs. Given below in Box No. 2.2 is the case of a Tharu Janajati woman of Terai.

**Box No. 2.2*****Respect for Women among the Janajati Groups***

*A few years back, I had an occasion to give discourse in one training programme organised at a High School at Kushaha village along the East-West Highway in Saptari district in Terai region of Nepal. I still remember that one of the participants in the programme was a young lady from the local Tharu community. During the training programme, I observed that she frequently went outside after the lecture hours to feed breast-milk to her little baby. When she was in a training programme, her husband used to take all the care to the baby, which also included activities like cleaning the bottom of the baby, changing clothes, etc. This was something that is not so common among non-Janajati groups in the hills/mountain or in the Terai. I was told that there was no dowry system among the Tharu and also that there was no such case as violence against the women in this community. Higher respect for the women is not confined to the Tharus in the Terai region alone, but it is quite conspicuous among different other Janajati groups in the country.*

*Source: Hari Bansh Jha, Centre for Economic and Technical Studies, Nepal*

**2.8 Organizational Network of Janajati Groups**

Over the years, a number of organisations have been formed for the improvement of socio-economic conditions of the Janajati people. A brief account is made of some of these bodies below:

***Tharu Kalyankarini Sabha (TKS)***

Among the Janajati organisations, the Tharu Kalyankarini Sabha (TKS) founded in 1949 is the oldest organisation of the Tharu Janajati group of the Terai. It is now working as a pressure group for the Tharu.<sup>17</sup>

***Nepal Federation of Indigenous Nationalities (NEFIN)***

Formed in 1991, the NEFIN is a national-level umbrella organisation of Janajati people in Nepal. Presently, 56 of the Janajati member organisations that run in all the three ecological belts of the country are associated with it (List of the member organizations is presented in Annex Two). Credited for being an autonomous institution, the NEFIN is also a member of United Nation's Working Group on Indigenous Populations. Over the years, the NEFIN received hefty financial support from the European Union (EU) and also from the British Department for International Development (DFID) to launch different programmes for the Janajati groups.<sup>18</sup>

***National Foundation for Development of Indigenous Nationalities (NFDIN)***

NFDIN, the apex body of the Janajati is affiliated to the Ministry of Local Development of Nepal Government with the Prime Minister of the country as its chair. It was formed

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17 David N Gellner, "Castes, Ethnicity and Inequality in Nepal," *Economic and Political Weekly*, May 19, 2007, p. 1825

18 Ibid.

in 2002 through an Act with the objective of working for the welfare of different Janajati groups. In the past, it launched various programmes and published important literature for the socio-cultural upliftment of the Janajati communities. Major financial support to the NFDIN was provided by the Nepal Government, apart from the DFID.<sup>19</sup>

#### *National Indigenous Women Federation (NIWF)*

The NIWF is a national-level umbrella organisation of 42 different women groups. It has been implementing different programmes for the upliftment of the Janajati women.<sup>20</sup> A list of the organisations affiliated to the NIWF is presented in Annex Three.

#### *Youth Federation of Indigenous Nationalities, Nepal (YFIN)*

Established in 1999, the YFIN is an autonomous organisation of Janajati youth of Nepal. It aims at empowering the youth through capacity building and launching activities against discrimination on race, origin, ethnicity, language, religion, etc. A list of the 42 youth organisations affiliated to the YFIN is presented in Annex Four.

### **2.9 Cross-Border Relations among Janajati Groups**

By tradition, many of the Madheshi Janajati border inhabitants find the people across the border in India closer to them than their own bretherens in Kathmandu or other parts of the country. This is equally true in the Himalayan region where the mountain Janajati groups find themselves closer to the people of Tibet than the people living in other parts of Nepal.

As the Madheshi Janajati groups speak the languages spoken across the border in India; the mountain Janajati groups speak the same language as their brethren speak across the border in Tibet. Even in the matter of dress, food and way of life, there is a great similarity between the Madheshi Janajati and the Janajati of India in the same way as there is a similarity between the mountain Janajati and the Tibetan people. As a result of this cultural affinity, cross-border marriages between the Madheshi and Indian Janajati groups is a common affair, in the same way as there are cross-border marriages between the mountain Janajati groups and the people across the border in Tibet.

### **2.10 Major Challenges of the Janajati Groups**

Presently, the Janajati groups have only limited control over the resources of the nation. They also don't have meaningful participation in the decision-making process in the state mechanism. Because of the exclusionary policy of the state, many of them have been denied jobs in civil service and other fields. This has created massive unemployment and under-employment problem among these people.

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<sup>19</sup> Ibid.

<sup>20</sup> Kailash Rai, *Aadibasi Janajati Mahilaka Sangathan, Andolan Ra Lekhan*, Lalitpur: Aadibasi Janajati Utthathan Rastriya Pratisthan, 2017, pp. 14-17.

Of the 59 total Janajati groups in Nepal, only the Thakali and the Newar fall under the category of advanced people (Table 2.1). Other than these two communities - one living in the high mountain region of Mustang and the other in Kathmandu Valley - the rest of the Janajati live in pitiable situation. Given below is the account of some of these challenges:

#### *The disparity in Socio-Economic Conditions*

Dichotomy among the Janajati groups is well-known. There are two extremes – on the one hand are the Raute who do not own private property mainly on account of the fact that they are living a nomadic life. But, on the other hand, are the Newar who are in better condition than even the Brahmins in the education and business sectors. Also, the Thakali, Sherpa and Gurung are doing better in the human development indicators. Bridging this gap in socio-economic sectors is the main challenge for the policymakers.

There is a disparity in the income and wealth within the Janajati groups as well. Hill-based Janajati groups as the Magar, Gurung and Limbu are employed in Indian, British and Nepali army who draw hefty income in the form of salary and pension. But, the other Janajati groups do not have such opportunities.

Those people who work in the Indian army are called *Gurkhas*. They fought the first and second World Wars, apart from the Indo-Chinese War of 1962, the Indo-Pak War of 1965 and Bangladesh Liberation War in 1971. Many of them also served in the peacekeeping force in UN agencies. As a result, these people, apart from their family members, got wider exposures with different countries of the world. Such a development not only gave them a modern outlook, but it also brought about economic affluence in their life. But such opportunities were not available to other Janajati groups.

#### *Belief in Dhimi Jhankri*

Influence of *Dhimi Jhankrism* (shamanism) on the Janajati groups is pervasive. As such, many of these people first visit *Dhimi Jhankris* before even going to the modern health clinics or hospitals for the treatment whenever they fall ill. Such a practice among the Janajati groups is common in all the ecological belts of the country – be it in the Himalayan region, the hills, the Inner Terai or the Terai regions. The more a Janajati group is illiterate and ignorant about the modern world, the more is there the tendency on their part to believe the superstitious power of *Dhimi Jhankris*.

#### *Over Consumption of Liquor*

Perhaps, there is no community in which liquor consumption is not prevalent. But, only the Janajati were branded by the state as *Matwali* (liquor consuming people). Importantly, liquor is served by the Janajati not only during festivities, but it is also offered to the deceased ancestors, deities, Gods and Goddesses and treated as auspicious.

Many of the Janajati people are alcoholic and so they could live without food, but they could not live without alcohol. A substantial portion of the foodgrains such as wheat, barley and millet that they produce is used just for making liquor.

Overconsumption of liquor has also caused poverty among the Janajati groups. Many of the Tharu in Terai were made paupers simply for being an alcoholic. Reports are that the clever hill migrants encouraged the Tharu to make excess consumption of liquor for which they were given money on loans. After these people failed to clear the debt, their land was confiscated. As such, many crimes are being committed by these people under the influence of liquor.

#### *Sexual Affairs and Sexually Transmitted Diseases (STDs)*

As compared to different communities, certain Janajati groups in the hills are comparatively more liberal in the matter of sexual affairs. They don't have as many taboos in sexual life as it is with other groups.

Earlier over 7,000 hill Janajati girls and women used to be trafficked to India each year, but now they are being trafficked to different parts of the world. With the earnings made by these women, many of the houses in the hills have shining tin-roof tops.

Trafficking of girls and women is not a new phenomenon among the hill Janajati groups. In fact, it is continuing from the Rana period (1846-1951). The only difference in the nature of trafficking is that earlier such practice used to remain confined to the Rana palaces in Kathmandu valley, but now it is diversified and has almost become a global phenomenon.

As a result of the growing number of trafficking of girls and women, cases of Sexually Transmitted Diseases (STDs) as human immunodeficiency virus infection and acquired immune deficiency (HIV/AIDS) has grown beyond all proportions. Many of the NGOs, INGOs and other institutions in this country have been making efforts not only to create awareness in the society to control such diseases, but they have also been trying to rescue girls and women trafficked to the brothel houses in India.

#### *Religious Conversion*

The Janajati groups mainly follow Buddhism, Hinduism and Bon-po. They also worship Nature. Christian Missionaries have converted many Janajati people to Christianity over the years. Acute poverty and ignorance on part of the people have led to their mass conversions. As a result we find that Churches have thrived in most segments of the Janajati clusters.

Of late, the Maoists in Nepal have also become a factor in promoting Christianity. During the Maoist insurgency period (1996-2006), the Maoists used to restrict people from performing religious rituals. They even threatened those who performed religious activities. Action used to be taken against those teachers in the schools who taught

Sanskrit as Hindu rituals were performed in this language. But now things have reversed. Reports are that certain ex-Maoist guerrillas who used to punish others for performing religious activities have now themselves become devout Christians and its advocate. Under the influence of Christianity, many of these people often go to the Churches instead of going to the doctors or the traditional *Dhami Jhankris*.<sup>21</sup>

Many of the ex-Maoist fighters who earlier waged war against those producing or consuming liquor during the conflict period have themselves become alcoholic. On account of unemployment among the youth, caste issues in Hinduism and active role played by the Christian Missions, the number of people getting converted to Christianity has thrived.<sup>22</sup>

For a long time, the government of Nepal remained silent on the conversion issue. But recently, the Nepalese Prime Minister KP Sharma Oli directly charged one of the organisations, the EU, for converting people to alien faith.<sup>23</sup> One of the reasons why the EU opposed the Nepalese Constitution was that the Christians were denied inclusion in proportional representation (PR) system in the parliament, though they formed only 1.4 per cent of the total population of the country.<sup>24</sup>

The Christian Missionaries have taken most of the influential people like the hill Brahmins, human rights organisations, NGOs and civil society into confidence so that they don't make any obstruction in conversion activities. Therefore, voices have recently been raised to close all the churches in Nepal that have been built after 2008. Also, there is a demand in certain quarters to reconvert those converted to Christianity into their traditional Hindu and Buddhist religions.<sup>25</sup>

### *Kamaiya System*

Until recently, there prevailed Kamaiya (bonded labour) system among the Tharu, particularly in the five districts of Dang, Banke, Bardiya, Kailali and Kanchanpur in far and mid-western districts of Terai region. Each of the 20,000 Kamaiya households used to surrender at least one or more than one child to work for their employers as they were not in a position to support their families due to the problems of landlessness, poverty, low pay structures, excessive hours of work and lack of alternative sources of income. Often the minor children were used as collateral for loans taken by their parents.

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21 Post Report, "EU's Report Undermined Nepal and Nepalis: PM Oli," *Kathmandu Post*, March 25, 2018.

22 Ibid.

23 Ibid.

24 Ibid.

25 Dirgh Raj Prasai, "2063 Pachhi Banaieka Churchharu Hataunu Parchh," (Nepali), *Gorkha Express*, March 6, 2018.

Virtually, the Kamaiya system was nothing, but the act of "... buying and selling of the Kamaiya - leading to a system that was slave-like, if not actually slavery".<sup>26</sup>

In the mid-1990s, 15,152 persons were found working as bonded agriculture labour under the Kamaiya system, which directly affected the lives of the 83,375 people.<sup>27</sup> On July 17, 2000 the Kamaiya system was abolished. The Nepal Government had made only 3 Kattha of land to each Kamaiya household, but even then many of them could not avail of this land. Moreover, the 3 Kattha of land provided to certain Kamaiya was too little to scratch a living. The economic condition of many of the Kamaiya deteriorated further, as they could not get the minimal support that they used to get earlier from their landlords.

### *Child Labour*

Many of the Janajati children, especially from the Tharu, Tamang, Magar, Gurung, Rai and Limbu ethnic communities, have been working as child labour in areas such as domestic affairs, rag-picking, carpet, portering and girls' trafficking. Some of these children are addicted to smoking, alcohol and drugs and they are usually also victims of cold, illness and malnutrition.

## **2.11 An Overview**

The Janajati groups, in general, have been discriminated against in almost all important sectors of the nation. Most of them are poverty-stricken and are subject to injustices. Also, several Janajati groups are in the endangered category. So they are lagging behind the other communities in living standard, health services, human development and other sectors. But, part of the problem of the Janajati groups is self created. Overconsumption of liquor, illiteracy, ignorance and lack of a strong organisational network is a major problem. The gap in income and opportunities among the Janajati groups and also between Janajati and non-Janajati groups is a matter of concern.

Another potential threat to the Janajati could come from those who have converted themselves to Christianity. If this problem is not addressed, there could be a religious war among the Janajati communities themselves. Some of these challenges might have been addressed if the state were serious about them. Unfortunately, such an initiative is lacking both on the part of the state and other stakeholders.

Therefore, poverty reduction measures must target the vulnerable groups among the Janajati populations as it is at the core of the problem. These people also need to be given an important role in the decision-making process in the state mechanism. Improvement in socio-economic situation of these people is not possible if they lag behind in education and health sectors.

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26 Anita Cheria and *et al.*, *Liberation is not enough*, Kathmandu: Action-Aid Nepal, 2005, p. 14.

27 *Ibid*, p. 1.

## Janajati Groups in State Affairs and other Sectors

### 3.1 Background

The history of Nepal is basically the history of the ruling elites of Khas-Arya group.<sup>1</sup> As such, the contributions made by the Janajati, Madheshi, Dalit and other ethnic groups in the state-building process have been largely overlooked. Despite their glorious traditions, these people were given the most degraded status in the *Muluki Ain*. The ethnic territories were carved in favour of the ruling elites. As if this was not enough, an effort was made to target their culture and exclude them in administrative and governance sectors.<sup>2</sup> But due to growing awareness in the society, the voice is now being raised to re-write the history in such a way that the contributions of the deprived, subjugated and marginalised groups in state-building are reflected.

Except for the democratic interludes of the 1950s and 1990s, Nepal always had an authoritarian political system. This led to the suppression of the voice of the Janajati, Madheshi, Dalit, women and other disadvantaged groups. It was only after the political change in the 1990s that such political parties as the Rastriya Jana Mukti Party, Nepal Sadhbhawana Party, Mongol National Organisation and other Janajati leaders started criticising the state for its failure to address the Janajati issues. They charged the state not only for excluding them in the social, economic and political system, but also for depriving them of the opportunities to benefit from the modernisation process of the economy.

Subsequently, under the pressure from several quarters, Nepal Government was compelled to broadcast news through the radio Nepal in some of the important ethnic languages. Besides, the Royal Nepal Academy also started publishing works in ethnic languages.<sup>3</sup> Yet, the unitary form of the political system was not in a position to meet the aspirations of Janajati people.

In a major political development, Nepal was declared Federal Republic State by the reinstated Legislative Parliament in 2007 under the pressure of Madheshi, Janajati and other deprived groups. Soon afterwards, the Interim Constitution 2007 focused on the

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1 Karl-Heinz Kramer, "The Janajati and the Nepali State," paper presented at the First Annual Workshop of the Himalayan Studies Network, Meudon, C.N.R.S., September 25-26, 1998.

2 Ibid.

3 Ibid.



need to institutionalise federalism for ending all forms of racial discrimination. Besides, the monarchical institution was abolished by the Constituent Assembly One (CA1) in 2008. All such developments gave a major jolt to the authoritarian regime.

Thereafter, a conducive environment was created whereby the marginalised communities like the Janajati could ventilate their feelings against the discriminatory policy of the state. In the changed situation, a 20-point agreement was signed between the government and NFDIN/NIWF in 2007 in which the government made a commitment to form a commission for the Janajati people, apart from ensuring inclusive participation and proportional representation of ethnic groups (Annex Five). In addition, Nepal government's talks Team entered into an agreement with Federal Limbuiwan State Council in 2008 whereby the government made a commitment to grant them the right to an autonomous state. Besides, it also accepted the fact that the feudalist centralised state had "exploited, oppressed and isolated the Limbuwan from mainstream" (Annex Six). Furthermore, the Indigenous Parliamentary Caucus submitted a proposal to the first Constituent Assembly to incorporate such issues as the right to live with dignity, right to freedom, right to equality, right to justice, right to information, right to women, right to self-determination and right to land and natural resources (Annex Seven).

However, none of the agreements which the government made with Janajati bodies was ever implemented. Such agreements were overlooked even in the constitution making process in 2015.

Many of those among the Janajati groups such as the Tharu who tried to raise their demands for Tharuhat Pradesh at Tikapur in Western Terai region as per the agreement made with the government were dealt with harshly by the state. Criminal charges were levelled against them on false grounds. Many men and women from this community were tortured and were put in jails.<sup>4</sup> Even the report submitted to the government by the high-level committee under former Justice of Supreme Court, Girish Chandra Lal, that is supposed to have given green chit to those people, could not be made public. All the three tiers of government that have been formed after the elections in 2017 could not address the aspirations of the Janajati people as yet.<sup>5</sup>

### **3.2 The Janajati against the Discrimination**

As against the spirit of social inclusion, Prithvi Narayan Shah promoted mainly the hill-Brahmin and Chhetri castes of people in civil service whose legacy continues unabated

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4 Mohan Lal Chaudhary, "Tikapurko Ghatana Charam Soshanko Aek Namuna," (Nepali), Unpublished.

5 LAHURNIP and *et al.*, *Alternative Report of the Indigenous Peoples of Nepal to the State Report Submitted by the Government of Nepal to the Committee on the Elimination of Racial Discrimination*, (Report Submitted to 95th Session of the United Nations Committee on the Elimination of Racial Discrimination, Office of the United Nations High Commissioner for Human Rights), Geneva, March 18, 2018, pp. 3-4.

until today.<sup>6</sup> Even if the two higher caste people such as the hill-Brahmin and Chhetri are considered together, they form only 28 per cent of Nepal's total population. Yet, they over-dominate in politics. In the nine-member secretariat of Communist Party of Nepal, there are 7 hill-Brahmins and only two Janajati. Of the 45-member standing committee of the party, 71 per cent people belong to Khas-Arya group against only 20 per cent from the Janajati. Because of the over-representation of the hill-Brahmin in politics, there is very little space left for the Janajati groups. This is one of the reasons why the Janajati movement in Nepal is driven by the spirit of anti-hill Brahmanism.

Today, the Janajati oppose all kinds of discrimination and oppression by the dominant groups of hill-Brahmin-Chhetri groups. The Newar of Kathmandu Valley strongly opposed the ruling cliques of Nepal in their bid to get due recognition to their Newari language. To vent their feelings against the state, some of the Janajati groups also tried to unite, but their plans were foiled by the state.

Taking advantage of their anti-state stand, the Janajati were largely inducted by the Maoists in the People's War between 1996 and 2006. Of the different Janajati groups, the hill-based Magar community and the Terai-based Tharu community largely participated in the war against the state.

Interestingly, the Communist Party of Nepal leader, Pushpa Kamal Dahal Prachanda, had once made a statement about the Magar community that they looked as the Chinese and also they were brave fighters. They were regarded as primitive communists with guts to bring communism to the rest of Nepal. Realising this potentiality among the Magar community, the Maoists made Kham Magar regions of Rolpa and Rukum districts in Western hills as the base area for their operations during the insurgency period. Even during the Panchayat era (1960-1990), the Thabang village of this region was regarded as stronghold of the communists.<sup>7</sup> Consequently, the security forces targeted the Magar and Tharu more than the other Janajati groups. As such, they became victims of serious human rights violations.

It is reported that of the 900 people disappeared by the state, between 1996 and 2006, nearly 300 were from the Tharu community alone though they constituted only 7 per cent of Nepal's total population.<sup>8</sup> Among the hill-based Janajati groups, the Magar were major victims.

Subsequently, the Janajati communities in general and the Tharu of Terai, in particular, were betrayed by the Maoists, apart from the Nepali Congress and the Communist Party

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6 Krishna Bhattachan, "Nepal's Inclusion Policy and Access of Indigenous Peoples in Civil Service," (Nepali), Kathmandu: Rastriya Aadibasi Janajati Mahila Manch, no date, p. 5.

7 David N Gillner, "Caste, Ethnicity and Inequality in Nepal," *Economic and Political Weekly*, May 19, 2007, p. 1826.

8 Clare Castillejo, "Ethnic and Indigenous Groups in Nepal's Peacebuilding Process," Norwegian Centre for Conflict Resolution, March 2017, p. 3

of Nepal (Unified Marxist-Leninist), when the Nepalese Constitution 2015 was drafted and promulgated. The core demands of the Janajati people like that of the Madheshi and Dalit were totally overlooked in the constitution that was prepared by the government in which the Maoists were one of the major players. Table 3.1 as given below presents the stand of the Janajati groups in regard to Brahmanism, Hinduization, Hindu religion, Nepali language, under-representation in decision-making, and engineering of census data.

**Table No. 3.1: Janajati versus Bahun-Chhetri**

<b>Against</b>	<b>For</b>
<ul style="list-style-type: none"> <li>• Bahunism (Brahmanism)</li> </ul>	<ul style="list-style-type: none"> <li>• Creation of Society as a “salad bowl” or “rainbow culture”,</li> </ul>
<ul style="list-style-type: none"> <li>• Hinduization or Nepalization or melting pot or homogenization</li> </ul>	<ul style="list-style-type: none"> <li>• Secular state</li> </ul>
<ul style="list-style-type: none"> <li>• Domination of Hindu religion</li> </ul>	<ul style="list-style-type: none"> <li>• Equal language status</li> </ul>
<ul style="list-style-type: none"> <li>• Imposition of Nepali as the only official language and lingua franca</li> </ul>	<ul style="list-style-type: none"> <li>• Right to self-determination or ethnic autonomy or proportional representation or federal government based on ethnicity, language and region</li> </ul>
<ul style="list-style-type: none"> <li>• Displacement from traditional homeland</li> </ul>	<ul style="list-style-type: none"> <li>• Right to land, forest, water and pasture</li> </ul>
<ul style="list-style-type: none"> <li>• Under-representation in a decision-making position in government-executive, legislature and Judiciary</li> </ul>	<ul style="list-style-type: none"> <li>• Affirmative action or positive discrimination (both remedial and preferential)</li> </ul>
<ul style="list-style-type: none"> <li>• Marginalization in the public sphere</li> </ul>	<ul style="list-style-type: none"> <li>• Transformation of the Upper House (the National Assembly) as the House of the Nationalities</li> </ul>
<ul style="list-style-type: none"> <li>• Engineered census data</li> </ul>	<ul style="list-style-type: none"> <li>• Native title to land resources</li> </ul>
	<ul style="list-style-type: none"> <li>• De-politicization of the Foundation for development of Indigenous Nationalities</li> </ul>
	<ul style="list-style-type: none"> <li>• Protection and promotion of intangible culture heritage</li> </ul>
	<ul style="list-style-type: none"> <li>• Customary right</li> </ul>
	<ul style="list-style-type: none"> <li>• Mainstreaming indigenous of nationalities and other minorities</li> </ul>
	<ul style="list-style-type: none"> <li>• Factual census data.</li> </ul>

Source: Krishna B. Bhattachan. 2003. *Indigenous Nationalities and Minorities of Nepal*

### 3.3 Ethnic Revolts and Movement

The unification of Nepal was not a natural phenomenon. There was the brutal use of force in the formation of the state. As such, the feeling of victor and defeatist still looms large in the psyche of the people. Therefore, there have been cases of protests and insurgency against the state in different periods. In fact, ethnic and cultural revolts against the state began immediately after Prithvi Narayan Shah conquered smaller states until 1769. The first such revolt against the state was made by the Limbu in the Eastern hilly region in 1770 followed by the other revolt on the language issue in 1778 (Table 3.2). Later on, the Tamang, Rai, Gurung, Magar, Sherpa and other groups also revolted against the state on different issues until 1964. These were some of the attempts made by the Janajati groups to bring unity among them.

**Table No. 3.2: Ethnic Revolts by the Janajatis**

Year	Episode	Area
1770	Limbu revolt and expulsion	East of Arun
1778	Limbu language suppression	East of Arun
1793	Murmi (Tamang) revolt	Nuwakot
1808	Khambu (Rai) revolt	Bhojpur
1858	Gurung (Sukhdev) revolt	Lamjung
1867	Dasain boycott (two Rais killed)	Dhankuta
1870	Limbu Language suppression	East of Arun
1875	Magar (Lakhan) revolt	Gorkha
1876	Gurung (Supati) revolt	Gorkha
1925	Tsering Norbu Lama and four monks exiled	Patan
1937	Buddhist monks exiled	Kathmandu
1950	Kiranti Insurgency	Eastern Hills
1951	Tamang peasant revolt	Nuwakot
1964	Kirant opposition to kipat abolition	Eastern Hills

*Source: Harka Gurung, 'Rastriyeta Ra Janajati', quoted in Trident and Thunderbolt - Cultural Dynamics in Nepalese*

### 3.4 Addressing Janajati Issues

For the first time in Nepal's history, an effort had been made by the 10 Province Model of High-Level Restructuring Committee of Constituent Assembly One (CA1) to address the Janajati issues. Had this committee report been executed by the government, the Janajatis would have been in majority in at least five out of ten provinces. Accordingly, the Limbu would have been the first large group in Limbuwan, the Rai in Kirant, the Tamang in Tamsaling, the Magar in Magarat, and the Tharu/Baji Madheshi in Tharuwan (Table 3.3). Importantly, such Janajatis group as the Newar would have been

the second largest group in Newa, the Magar in Narayani and the Gurung in Tamuwan. But, on account of the vested interests of certain ethnic communities, the Committee's report has not yet been implemented. Instead, the 7-Provincial Model was passed in Constituent Assembly Two (CA2) against the interest of the Janajati groups in which the boundaries of the 7 provinces were carved in such a way that the Janajati could not become a first large group in any of these states.

**Table No. 3.3: Province Model of High-level Restructuring Committee**

Province	1 <sup>st</sup> Large Group	Margin (%)	2 <sup>nd</sup> Large Group	Margin (%)
Limbuwan	Limbu	27	Khas Arya	27
Kirant	Rai	35	Khas Arya	27
Madhesh	Madheshi	74	Pahadi	26
Newa	Khas Arya	37	Newar	36
Tamsaling	Tamang	35	Khas Arya	30
Narayani	Khas Arya	45	Magar	11
Tamuwan	Khas Arya	33	Gurung	32
Magarat	Magar	35	Khas Arya	35
Tharuwan	Thru (27) + Baji Madheshi (25)	52	Khas Arya(25) + Pahadi Janajati (23)	48
Khaptad	Khas Arya	60	Pahadi Dalit	19

Source: Hari Bansh Jha. 2018. *Nepal's Madhesh in Turmoil quoted from Atmaram Prasad Shah, "Nepal Aur Nepal Ke Madhesi Aur Unki Samasyaen" Birgunj, 2016.*

### 3.5 Janajati in State Organs and Other Bodies

For the first time in the constitutional history of Nepal, the highly privileged group of the Khas-Arya group, including the Bahun, Chhetri, Thakuri, Sanyasi and Dasnami, were given undue recognition in reservation quota at the cost of the Janajati and other disadvantaged groups who constitute over two-thirds of Nepal's total population. The Khas-Arya people with only 28 per cent of the total population have a monopoly in decision-making in all such areas as the parliamentary affairs, bureaucracy, constitutional bodies and political appointments.

The Khas-Arya group have been given 31 per cent seats in proportional representation in the elections so that they could establish their dominant position in state mechanism.<sup>9</sup> It was argued that the reservation quota was given to this group on the basis of their economic backwardness. But, the fact was that such an indicator was hardly ever

<sup>9</sup> LAHURNIP and *et al*, No. 5, pp. 5-6

applied. Therefore, the European Union Election Observation Mission (EUEOM) in its report recommended scrapping the quota system provided to the Khas-Arya group to ensure justice to the Janajati and the other disadvantaged groups.

Even the parliamentary constituencies, provincial boundaries and the areas of municipal and village councils were delineated to ensure that the Janajati groups remain in the perpetual minority and accept the dominance of Khas-Arya group.<sup>10</sup>

The leadership of the civil service has always been concentrated in the hands of the hill-Brahmin, Chhetri and Newar castes people. In the total population of the country, the share of the hill-Brahmins is merely 13 per cent. Among these people, the population of hill-Brahmin men is only 6.5 per cent. Nevertheless, they have over-dominance in state organs, including in the judiciary, universities and civil service. Between 1985 and 2002, the hill Brahmin-Chhetri men constituted 70 to 90 per cent share in a bureaucratic system.

Despite having a dominant population in the country, the Janajatis had only 2.8 per cent share in higher positions in civil service in 1854. In 1950, their share in such positions declined all the time low to 0.8 per cent, but it somewhat improved to 8.4 per cent in 1999.<sup>11</sup> The hill Janajati excluding the Newar and Tharu, who constitute 22 per cent of Nepal's total population, have only 7 per cent share in bureaucracy.<sup>12</sup>

Of the 21 people appointed as Vice-Chairpersons of the National Planning Commission (NPC), there was only one person from the Janajati group. All others at the Commission belonged to hill-Brahmin, Chhetri and Newar castes. Similarly, all the 19 cabinet secretaries appointed from 1951 onwards belonged to these three groups only.<sup>13</sup>

In the 1970s, the share of Bahun, Chhetri and Newar at the level of Gazetted Second Class officer and above was 92.8 per cent, but the share of the Janajati groups during that period was only nominal.<sup>14</sup> After the political change in 1990, only 2 Janajatis out of 22 could reach the position of secretary. On the other hand, the share of the Janajati was nil among 132 officials at the Gazetted First Class level officers and there were only 9 officials from among the Janajatis out of 805 at the Gazetted Second Class officer level.<sup>15</sup> In 2001-2002, the share of hill Brahmin and Chhetri at the Gazetted

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10 Ibid, pp. 6-7.

11 Hark Gurung, *Janajati Serofero*, Kathmandu: Nepal Aadibasi Janajati Mahasangh, 2004, p. 138.

12 David N Gellner, No. 6, p. 1825.

13 The World Bank and DFID, *Unequal Citizens*, Kathmandu, 2006, pp. 31-32.

14 Bhattachan, No. 6.

15 Ibid, p. 14.

Third Class level was 87 per cent; while the same of the Janajati other than the Newar was only 3 per cent.<sup>16</sup>

Table 3.4 shows that the Janajati other than the Newar had only 3.3 per cent share at the levels of Gazetted officers, including at the special class, first class, second class and third class levels. On the other hand, the share of the Brahmin/Chhetri in total positions of the Gazetted officers was 71.6 per cent. Another important group, such as the Madheshi had also only a 9.9 per cent share in total positions of Gazetted level officers. One of the reasons why the Janajati have not been given a due share in the civil service is due to the fact that they don't have any say in the decision-making process. Besides, most of the Janajati have their mother tongues different from Nepali and so it is a great disadvantage to them when they have to face civil service examinations in the Nepali language. Also, there is a lack of political will on the part of the elite ruling circles to promote the Janajati groups in civil service positions. This is the basic reason why the Janajati groups have a very little option but to seek employment opportunities in other sectors such as in the army, foreign employment, business, dance and sports.<sup>17</sup>

**Table No. 3.4: Status of Gazetted Level Posts (per cent)**

Caste and Ethnic Groups	Special Class	Gazetted Level			Total Position	
		First Class	Second Class	Third Class	No	%
Brahman/Chhetri	79.0	73.8	67.6	73.0	5,801	71.6
Newar	18.4	17.1	17.5	12.7	1,152	14.2
Janajati	2.6	0.8	3.3	3.4	264	3.3
Dalit	0.0	0.8	0.5	1.1	74	0.9
Madheshi	0.0	7.6	11.1	9.7	805	9.9
Total	100.0	100.0	100.0	100.0	8,096	100.0

*Source: Civil Service Documentation Central 2006.*

### 3.6 Janajati Representation in Legislative Bodies

As compared to their population, the Janajati have been under-represented in the Nepalese Parliament. The following table shows that the representation of these people in the Parliament hovered from 17 per cent to 32 per cent between 1959 and 1999. Still worse was the representation of Terai high and middle caste in the Parliament, which hovered between 8.8 per cent and 17 per cent during that period. On the other hand, the Brahmin and the Chhetri together were over-represented in the Parliament as their share in the Parliament hovered from 50 per cent to 62 per cent.

<sup>16</sup> Ibid, p. 16.

<sup>17</sup> Ibid, p. 40.

**Table No. 3.5: Representation of Janajatis and Ethnic Groups in Parliament, Nepal, 1959-1999**

Caste and Ethnic Groups	1959		1967*		1978*		1981*		1986*		1991		1994		1999	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Brahman	64	59	77	62	73	57	55	50	66	59	116	57	126	62	121	60
Chhetri																
Newar	4	3.7	15	12	10	7.9	9	8	7	6.3	14	6.8	13	6.3	14	6.8
Janajati except Newar	21	19	21	17	28	22	36	32	29	26	48	23	38	19	35	17
Terai High & Middle Caste	18	17	11	8.8	11	11	10	8.9	10	8.9	21	10	24	12	27	13
Muslim	2	1.8	0	0	1	0.8	2	1.8	0	0	5	2.8	4	1.9	2	0.9
Dalit	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	109	100	125	100	127	100	112	100	112	100	205	100	205	100	205	100

Source: UNDP/RIPP and NTG 2006: and Neupane

### 3.7 Janajati in Local Units under Federal System

In 2017, three elections were held at the local, state and parliamentary levels in Nepal. Of all the positions at the local levels, including that of the Mayor and Deputy Mayor of the municipalities and Chairperson and Vice-Chairperson of Village Councils, the Janajatis could get 29.4 per cent of the seats; while the Bahun/Chhetri got 33.8 per cent seats (Table 3.6). Similarly, the Madheshi who are also dominant population could win only 12.5 per cent of the seats.

**Table No. 3.6: Representation of Janajatis in Local Election in 2017**

Position	Bahun/Chhetri	Janajati	Madheshi	Dalit	Muslim	Total
Mayor	149	68	66	5	5	293
Male	144	67	65	5	5	286
Female	5	1	1	-	-	7
Deputy Mayor	149	76	48	11	9	293
Male	9	6	1	1		17
Female	140	70	47	10	9	276
Chairperson	209	173	67	10	9	276
Male	203	168	67	2	9	449
Female	6	5	-	-	-	11
Deputy Chairperson	206	172	62	14	6	460
Male	19	14	2	1	-	36
Female	187	158	60	13	6	424
Ward Chairperson	3070	2384	1057	123	174	6808
Male	3041	2359	1050	123	172	6745
Female	29	25	7	-	2	63
Dalit Women Member	-	-	-	6557	-	6557
Women Member	2858	2417	1004	203	157	6739
Ward Member	5202	4925	2078	795	480	13216
Male	5097	4796	2056	791	476	13216
Female	105	129	22	4	4	264
Total	11843	10315	4382	7710	840	35090
Percentage	33.8	29.4	12.5	22.0	2.4	100.0

Source: Election Commission 2017



### 3.8 Janajati in Federal Parliament in 2017

The Parliament constitutes elected House of Representatives (HOR) and the National Assembly (NA). The HOR has 275 members who are elected by the people. On the other hand, of the 59-member NA, 56 members are indirectly elected; while the remaining 3 members are nominated by the President. Table 3.7 indicates that the Janajati had 21.6 per cent representation in the NA; while the Bahun/Chhetri had 47.6 per cent representation. Like the Janajati, the Madheshi also had only 15.3 per cent representation in the NA.

**Table No. 3.7: Legislative Parliament Ethnic Representation in 2017s**

Janajati	House of Representative			National Assembly			Mp	Total
	Male	Female	Total	Male	Female	Total		
Bahun/Chhetri	91	31	122	21	16	37	159	47.6
Direct	82	5	87	-	-	-	87	-
PR	9	26	35	-	-	-	35	-
Dalit	5	13	18	7	-	7	25	7.5
Direct	2	-	2	-	-	-	2	-
PR	3	13	16	-	-	-	16	-
Janjati	41	22	63	5	4	9	72	21.6
Direct	33	1	34	-	-	-	34	-
PR	8	21	29	-	-	-	29	-
Madheshi	33	13	46	3	2	5	51	15.3
Direct	31	-	31	-	-	-	31	-
PR	2	13	15	-	-	-	15	-
Muslim	4	4	8	-	-	-	8	2.4
Direct	3	-	3	-	-	-	3	-
PR	1	4	5	-	-	-	5	-
Tharu	11	7	18	1	-	1	18	5.7
Direct	8	-	8	-	-	-	8	-
PR	3	7	10	-	-	-	10	-
Total	185	90	275	37	22	59	334	100

Source: Election Commission, 2017

### 3.9 Representation in Top Executive Positions

Executive positions matter a lot in ensuring inclusive socio-economic growth in a country. But in Nepal's case, the Janajati have no representation in any of the eleven top executive positions such as President, Prime Minister, Speaker, NA Chairman, Public Service Commission Chairman, Chief Justice, and Chief of Army staff (Table 3.8). All

such positions are the exclusive monopoly of hill Brahmin with the exception of one seat of vice-President held by a Janajati and another position of Chief Election Commissioner (CEC) by a Madheshi.

**Table No. 3.8: Representation of Janajati in Top Executive Positions**

Name	Cast community situation
1. President	Hill Brahmin
2. Vice President	Janajati
3. Prime Minister	Hill Brahmin
4. Speaker	Chhetri
5. National Assembly Chairman	Hill Brahmin
6. Public Service Commission Chairman	Hill Brahmin
7. Chief Justice	Hill Brahmin
8. Chief Election Commissioner	Madheshi
9. Chief of Army State	Chhetri
10. IGP	Hill Brahmin
11. IGP, APF	Hill Brahmin

*Source: Paper presented by Dr Surendra KC on "Contemporary Political Challenges of Nepal and its Impact on State Building Process" in Janakpur*

### 3.10 Challenges of Representation of Janajatis

The Janajati parties met a major setback on account of certain changes made in the Electorate Act that recognises only such a political party as the national party which gets at least three per cent of the total valid votes cast under the PR electoral system and minimum one seat under the First-Past-the-Post (FPTP) electoral system. As a result, certain political parties that were duly represented in the CA Elections of 2008 and 2013 were wiped out from the scene in the 2017 federal level elections. Those political parties that lost the status of the national party in the federal elections of 2017, included Dalit Janajati Party, Khabuwan Party, Nepal; Rastriya Party, Rastriya Janamukti Party, Nepal, Sanghiya Limbuwan Party, Nepal; Sanghiya Lokatantrik Rastriya Manch (Tharuhat), and Tharuhat Tarai Party.<sup>18</sup> As if this was not enough, most of the ancestral land and the natural resource of the Janajati groups were fragmented while carving the boundaries of the states. This was deliberately done to ensure that the Janajati remain in the perpetual minority and also this intended to weaken their hold in state mechanism.

Of the total women of Nepal, the Janajati women's share is nearly 36 per cent. These women have their own distinct identity and culture different from that of the other groups of women. Yet, these women have been subject to multiple forms of discriminations not merely for being women, but more so because they belong to

<sup>18</sup> LAHURNIP and *et al*, No. 5, p.9

Janajati groups. There is no separate reservation quota for the Janajati women among the women groups in the constitution.<sup>19</sup> As such, much of the benefits in the name of reservation quota are taken by the hill-Brahmin/Chhetri women. As a result, women from the Janajati groups in general and the Terai-based Janajati groups, in particular, continue to be deprived, excluded, marginalized and exploited.

Of course, there is a provision in the constitution to form two commissions - one for the Janajati people and the other for the Tharu. But, the structure of these two commissions is toothless as they don't have any power to take action against the human rights violators<sup>20</sup>.

As per the agreement between the government of Nepal and the leaders of Janajati leaders, the Janajati people had to be granted autonomy, self-rule and right to self-determination in their traditional ancestral lands. But when the time for changing wrongs to rights came during the constitution-making process in 2015, the Janajati people were excluded at all the levels in that process.

### **3.11 Conclusion**

The Janajati groups have been deprived of many of the opportunities of representation in electoral politics, government jobs and allocation of resources. As a result of such unequal treatment, these people are subject to marginalisation, exclusion and discrimination in the state mechanism. Under the existing situation, it will be difficult for these people to get justice and due representation in different layers of state mechanism at least in the foreseeable future. These people will be forced to live in perpetual poverty and bear the brunt of discrimination until they are brought in the decision-making process at the local, state and national levels.

Provision of equal rights made in the Nepalese Constitution appears to be theoretical only. The Janajati have not been able to enjoy the fruits of equality as guaranteed in the constitution. As such, positive discrimination needs to be guaranteed not in words but in action in all important organs of state, including in education and economic opportunities. Towards this end, it will be necessary to remove the legal provision of quota given to Bahun-Chhetri/ Khas-Arya group in the HOR as well as in the state assemblies, apart from the provision to provide them reservation quota in jobs. Also, it is necessary to enhance the ownership and control of the Janajati women in the land and resources of the nation. They should also be provided reservation and quota at each level of state organs. This is so because the affirmative action is meant only for those disadvantaged groups who have been discriminated by the state in socio-economic and political spheres of life. There is no moral ground to provide reservation quota to the Khas-Arya group as they are already over-represented at all levels in state mechanism.

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<sup>19</sup> Ibid, p. 16.

<sup>20</sup> Ibid, p.11.

## **Agencies Working for the Upliftment of Janajati Groups**

### **4.1 Background**

A number of agencies, including the Ministry of Finance and other ministries of the Government of Nepal, apart from the bilateral bodies, multilateral institutions and INGOs have been providing support to Janajati organisations in the country. Certain Janajati organisations are also believed to have received funding through other channels such as the HUNDI. NEFIN and NFDIN, the two umbrella organisations of the Janajati groups, are major beneficiaries of foreign funding in Nepal.

Some of noted external agencies that have provided substantial support to the Janajati organisations, include United Nations Development Programme (UNDP), ILO, Action Aid Nepal (AIN), EU, DFID, World Bank (WB), Asian Development Bank (ADB), Swiss Agency for Development and Cooperation (SDC), Danish International Development Agency (DANIDA), Norwegian Embassy, Finland Embassy, Netherland, International Institute for Democracy and Electoral Assistance (International IDEA), International Work Group for Indigenous Affairs (IWGIA) and Care Nepal. Many of the Janajati organisations at the central and local levels have benefited from the support given by these organisations.

However, the Janajati organisations have a perception that they are not receiving due support from the international agencies. Lack of adequate funding is one of the major problems for them in continuing dialogues with people and agencies in other parts of the globe.<sup>1</sup> Also, different studies suggest that there have been duplications on the part of the funding organisations in providing support to the Janajati groups.

### **4.2 Government, Donors, NGOs/INGOs for Janajati Upliftment**

It was for the first time during the 8th Five Year Plan that a need was felt for the improvement in socio-economic conditions of the Janajati people. Subsequently, in the 9<sup>th</sup> Five-Year Plan (1997-2002), special programmes were launched for the development of indigenous people. In the 10<sup>th</sup> Five-Year Plan (2002-2007), social

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1 Christina Nilsson and Sille Stidsen, "Constitutional Politics and Indigenous Peoples in Nepal", (Based on monitoring visit to Nepal between March 18 and 27, 2014), p. 8 in [https://www.iwgia.org/images/publications//0686\\_Constitutional\\_Politics\\_and\\_Indigenous\\_Peoples\\_in\\_Nepal.pdf](https://www.iwgia.org/images/publications//0686_Constitutional_Politics_and_Indigenous_Peoples_in_Nepal.pdf)

inclusion turned out to be one of four strategic pillars of development. Importantly, inclusive development was also adopted as a strategy in the Three-Year Plan (2008-2010) for the growth of Nepal.<sup>2</sup> In this plan, quantitative targets were fixed for improving Human Development Index (HDI) of the Janajati people by 10 per cent, increasing their empowerment index by 10 per cent, and promoting gender empowerment measures of Janajati women by 10 per cent<sup>3</sup>.

The NFDIN under the Ministry of Local Development of Nepal Government receives funds for the promotion of culture, custom festivals, language, literature, arts, folklore and history of different the Janajati groups. Towards this end, the NFDIN had at its disposal US\$1,400,000.00 budget for some of these activities in 2017-18.<sup>4</sup> While half of this budget was spent through the Janajati organisations, the other half was spent on administration. But, in the current fiscal year 2018-19, the budget allocated to NFDIN was slashed to half as the other half of the budget was transferred to the local bodies without any commitment to spend it for the cause of the Janajati people.

Apart from the government initiative to support the Janajati, the donors were convinced during Nepal's 10<sup>th</sup> Plan period (2002-2007) that exclusion and discrimination were a major stumbling block in the development of Nepal. As such, they vigorously launched different programmes for the socio-economic development of Janajati and other disadvantaged groups.

The donors started "dollar-kheti" by providing funds for the empowerment of the Janajati groups to meet the costs of training manpower, construction of project office buildings and also for meeting the operational costs of projects. For this purpose, they worked with the NGOs and local bodies.<sup>5</sup>

By 2007 development organisations such as the EU, DANIDA, SDC, DFID and the Embassy of Finland had a clear vision that in their aid programme they needed to focus on issues related to discrimination and social exclusion. This spirit was duly reflected in such donor-funded initiatives as the Norwegian-funded Social Inclusion Research Fund,

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2 UNDP and UNDEF, *Communications for Empowerment in Nepal - An Assessment of Communication and Media Needs among Indigenous Peoples*, Bangkok: UNDP, 2010, p. 32.

3 Ibid, p. 33.

4 LAHURNIP and *et al.*, *Alternative Report of the Indigenous Peoples of Nepal to the State Report Submitted by the Government of Nepal to the Committee on the Elimination of Racial Discrimination*, (Report Submitted to 95th Session of the United Nations Committee on the Elimination of Racial Discrimination, Office of the United Nations High Commissioner for Human Rights), Geneva, March 18, 2018, pp. 3-4.

5 David N. Gellner and Krishna Hachhethu (ed.), *Local Democracy in South Asia- Microprocesses of Democratization in Nepal and its Neighbours*, New Delhi: Sage Publications India Pvt. Ltd., 2008, pp. 273-274.

the WB and DFID. The ADB also felt it necessary to address social exclusion issue in its aid programme in Nepal. ILO had a strong mandate in addressing Janajati issues in view of the fact that Nepal had signed ILO Convention No. 169 and that the government was under the obligation of this treaty to protect the rights of the Janajati people.<sup>6</sup>

The two apex bodies of the Janajati groups, the NEFIN and the NEFDIN, which were established with the objective of bringing improvement in the life of the Janajati groups, received hefty grants from the DFID.<sup>7</sup> Between 2004 and 2011, the DFID provided financial support worth over £ 2 million to NEFIN alone. But NEFIN's large Janajati Empowerment project was discontinued in May 2011 after it was involved in street protests and nation close down activities.<sup>8</sup> Significantly, DFID also provided financial and technical support to different other Janajati groups in such areas as agriculture and livestock farming. Also, it supported activities that aimed at improving socio-economic conditions of Janajatis, including the Magar and former Tharu Kamaiya people.

UNDP provided livelihood and other support worth NRs. 13 crores to certain Janajati groups. It also provided support to Tharu people of Benimanipur Village Development Council in Nawalparasi district.<sup>9</sup> Similarly, the ADB provided support to Majhi, Kumal and Bhote communities, apart from the support extended to the Dalit communities.<sup>10</sup> JASUWA, a noted Christian Missionary Organisation, provided support to the Janajati, with its focus on the Janajati groups of the Terai region.

The Netherlands provided support exclusively to the Chepang, which is over and above the support provided to this community by the Government of Nepal. In the 1990s and 2000s, under the Chepang Mainstreaming Project, the SNV extended support to improve food security and household income, educational status and management of natural resources of the Chepang community in Chitwan district.<sup>11</sup> It also tried to enable the Chepang to establish their rights over *khoriya* (slash and burn land plots) and other cultivated land, apart from promoting their culture, language, history, traditional knowledge and skills. Additionally, an attempt was made to enhance the representation of Chepang women in development affairs.

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6 Christina Nilsson and Sille Stidsen, No. 1, p. 8.

7 David N Gellner, "Caste, Ethnicity and Equality in Nepal," *Economic and Political Weekly*, May 19, 2007, p. 1825.

8 John Narayan Parajuli, "Supporting Bandas Costs Nefin Dear," *The Kathmandu Post*, May 12, 2011 in [kathmandupost.ekantipur.com/news/2011-05-11/supporting-bandas-costs-nefin-dear.html](http://kathmandupost.ekantipur.com/news/2011-05-11/supporting-bandas-costs-nefin-dear.html)

9 Damodar Tripathi, *Inclusion of Indigenous Tharu People in UNDP Supported Village Development Programme*, Kathmandu: Department of Sociology/Anthropology and Rural Development, Tribhuvan University, 2008, pp. 70-71.

10 Information based on interview with Dr. Om Gurung.

11 David N. Gellner and Krishna Hachhethu (ed.), No. 5, pp. 271-72.

Forest is one of the areas in which the donors have extended support to the government of Nepal. But, the irony is that it is the Janajati groups who have mostly been affected in their own forestland. The Chepang were affected when restrictions were imposed on their movement in the forest areas. It is very sad that almost 85 per cent of the total 52,237 Chepang people have hardly any land registration certificate and citizenship certificate with them.<sup>12</sup> In fact, landlessness is a major problem among the Janajati groups, including the Tharus.

The Tharu were affected most under the Shukla Phant Wildlife Reserve, the Royal Bardiya National Park, the Royal Chitwan National Park and Parsa Wildlife Reserve. Similarly, they were affected by the Shey-Phoksundo National Park.

Moreover, such ethnic communities as the Gurung, Magar, Thakali and Baragaunle were affected under the Annapurna Conservation Area Project. The Tamang were affected under Langtang National Park in the same way as the Rai and Sherpa were affected under the Makalu Barun National Park and Kanchanjunga Conservation Area.

Significantly, the Government of Nepal and Royal Norwegian Embassy in Kathmandu formed "Social Inclusion Research Fund" in 2005 under the Netherlands Development Organisation Nepal (SNV Nepal). The primary aim of this project was to conduct qualitative research on the issues that led to the social exclusion of Janajati and other disadvantaged groups. Also, the project aimed at exploring ways and means to bringing such disadvantaged groups in the national mainstream.<sup>13</sup> The amount allocated for this project was spent through the Department of Sociology and Anthropology of Nepal's Tribhuvan University for 18 months beginning from November 2011.<sup>14</sup> Research grants varying from NRs 2 lakh to NRs 5 lakh were granted to scholars to carry out specific study.<sup>15</sup>

The donor agencies have helped the Janajati and other disadvantaged groups to raise the identity and inclusion related issues at the national level. They also extended their support to enhance their access to state institutions. In this effort, certain donors even adopted exclusion issues in their programs. As if this was not enough, they tried to influence the government bodies to follow the suit. In this process, the donors put forward the idea of gender equality and social inclusion (GESI), which was adopted by

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12 Krishna B Bhattachan, *Indigenous Nationalities and Minorities of Nepal*, London, (Report submitted to Minority Rights Group International), 2003, p. 22.

13 Rojan Bajracharya (ed.), *Social Inclusion and Nation Building in Nepal*, Lalitpur: Social Inclusion Research Fund, 2009, p. i.

14 Central Department of Anthropology of Tribhuvan University, "Research Projects" in [cdatu.edu.np/about/research-projects](http://cdatu.edu.np/about/research-projects)

15 Nepalese Rupees 160 is equivalent to Indian Rupees 100.

the government bodies as well.<sup>16</sup> It is a different matter that this idea of GESI is merely a lip service and it is not working.

However, the Government of Nepal has taken the GESI more as interference in the internal affairs of the country. Such a support to the Janajati and other disadvantaged groups was also treated as the imposition of Western values. On this ground, the donors were opposed by the ruling elites for bringing divisions among different castes and communities. However, people from the Janajati and the disadvantaged groups supported the donor agencies as the issues that they raised helped empower them.

One of the problems with the donor agencies is that they are not allowed to work among the disadvantaged groups such as the Janajati in the remote areas.<sup>17</sup> Another problem with these agencies is their failure to spend the desired portion of funds for the targeted groups, as larger parts of the funds was taken back by the donor agencies as consultancy and administrative costs. Therefore, only a small portion of the funds reached the grass-roots level.

With the over-dominance of the hill Brahmin in policy-making, bureaucracy, development institutions and decision-making process, the politicians from this community often discouraged the donors, including the bilateral agencies, multilateral institutions and the INGOs from supporting the disadvantaged groups such as the Janajati. If any such donor took the initiative to do something for the Janajati, they were discouraged to do that.<sup>18</sup> The donors bowed down before the government pressures and became less interested in touching upon identity and exclusion related issues. So they are now a bit hesitant to support the Janajati and other disadvantaged groups in their bid to maintain their traditional relations with the government.<sup>19</sup>

In addition to the Western donors, India and China have also been competing with each other to influence Nepal Government's policy with regards to the Janajati, Madheshi, Tharu and other disadvantaged groups. India does not seem to have any problem with the Western donors' efforts to raise identity and exclusion issues of these groups. But, China is more concerned about such issues simply because it feels that such issues could have bearing on the Tibetan people.<sup>20</sup>

### 4.3 Conclusion

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16 Clare Castillejo, "Ethnic and Indigenous Groups in Nepal's Peacebuilding Processes," Norwegian Centre for Conflict Resolution, March 2017, p. 7

17 Krishna B Bhattachan, No. 12, p. 23.

18 Ibid, p. 21.

19 Clare Castillejo, No. 15, p. 8.

20 Ibid.



Over the years, quite a few of the Janajati organisations have received funds from the donor agencies, INGOs and other institutions for the upliftment of the Janajati groups. But, on account of the paucity of data and also due to the lack of transparency on the part of both the funding and receiving organisations, it is difficult to know the total number of funding organisations and the amount of money that they have received. Therefore, it is difficult to pinpoint the extent to which the different Janajati groups have been empowered.

However, in light of the fact that the donor's interest in the Janajati people is declining, it is a challenge as to how to increase the support of the bilateral and multilateral agencies, apart from the INGOs for the empowerment of this community. But, more than that is the challenge to coordinate the activities of donor agencies and INGOs and pooling their resources for the effective implementation of Janajati programmes. Now since there are federal, State and local level governments in Nepal, they might also be motivated to allocate funds for the upliftment of the Janajati groups as per their needs.

## Conclusions and Recommendations

### Conclusions

There have not been adequate researches and studies on the Janajati of Nepal. So, there is an acute paucity of data on this subject. However, from the available information, it was gathered that the Janajati attracted the attention of the government, planners, policy makers, political parties and the international community basically after the political change in 1990.

As the Janajati are not a homogenous community, they are widely diversified in terms of language, dress, food habits, culture and socio-economic conditions. During the last 250 years, many of these people have been marginalised socially, culturally, economically and politically and they are subject to discrimination, neglect and exploitation. The Newar and the Thakali among the Janajati, apart from the Gurung, managed to thrive mainly on account of being city dwellers and that they are involved in trade and commerce.

The Janajati constitute 35.6 per cent of Nepal's total population; of which 26.6 per cent live in the hills, 8.7 per cent in the Terai, 1.1 per cent in the Inner Terai and the remaining 0.8 per cent in the Himalayan region. Also, 24 groups of the Janajati live in the hill region; 17 groups in the Himalayan/Mountain region; 11 groups in the Terai (Madhesh) region; and the remaining 7 groups in the Inner Terai (Bhitri Madhesh) region.

Studies show that 15 of the total 59 Janajati groups are in the disadvantaged category; 20 groups in marginalised category; 12 groups in the highly marginalised category and the remaining 7 groups in the endangered category. These people have little control over their ancestral lands and resources and they are living a miserable life in poverty, ignorance and illiteracy. No doubt the government has signed several conventions, but they are yet to be implemented effectively.

All the Janajati groups excluding the Newar have lower human development index (0.494). On the other hand, the human development index of the hill-Brahmin is quite high (0.612). Besides, there is a wide disparity in income and resources among the Janajati groups as well.

The Madheshi Janajati like the Tharu, Gangai, Tajpuriya, Rajbansi and Jhangad living mostly in Terai and also in Inner Terai are both "voiceless" and "choiceless" and so their condition is worse-off than many of the Janajati in the hills in almost all areas of human

development index as education, health, employment and income generation opportunities.

Significantly, the Janajati have their presence in all the 77 districts of the country, but they are not in majority anywhere. There are two extremes in the population size of the Janajati. On the one hand, there are predominant groups of Janajati like the Magar, Tharu, Newar and Tamang with a population exceeding 1 million each. On the other hand, the number of such other groups as Raute, Kusunda, Hayu and Kisan is very small. External cultural interventions are so strong that the small groups of Janajatis are almost on the verge of extinction.

However, as a silver lining, the Janajati groups organised themselves under the umbrella of NEFIN in their bid to improve their socio-economic conditions. Additionally, the formation of the autonomous body, NFDIN, symbolised the recognition of the Janajati cause and the government commitment to improve the socio-economic conditions of these people.

Presently, the Janajati are up in arms against the constitutional provision to give 31 per cent seats to such privileged groups as Khas-Arya in proportional representation in the elections. As if this was not enough, the parliamentary constituencies, state boundaries and the areas of municipal and village councils were carved in a way that the Janajati would remain in the perpetual minority.

Because of the exclusionary policy of the state, the presence of the Janajati in bureaucracy, judiciary, universities and other establishments is far low. But understanding the need to uplift the socio-economic conditions of the Janajati groups, the government of Nepal, apart from the donor agencies came forward in support to these people. Towards this end, vigorous efforts were made to raise the identity and inclusion related issues at the national level. Besides, a number of research activities and publications were made.

However, in recent years, the support extended by the donor agencies to the Janajati groups has been declining. What is also worrying is the fact that the donor agencies take back larger portions of the funds meant for the Janajati programmes in the form of consultancy and administrative costs.

### **Recommendations**

The following recommendations have been made for the socio-economic upliftment of different Janajati groups:

- Since Nepal has become a federal state, the government of Nepal, apart from the States and the local bodies like the Village Councils and municipalities need to allocate more of resources for the socio-economic development of the of the Janajati people.

- The donor agencies not only need to increase the volume of support to the Janajati people, but they should also consider the human development index for each individual Janajati groups while providing funds for them.
- While launching programmes for the Janajati, the particular focus must be given for the empowerment of those who are disadvantaged and marginalised.
- Such groups among the Janajati as the Chepang, Satar, Raute, Kusunda, Hayu and Kisans who are on the brink of extinction need major support to preserve their socio-economic and cultural identity.
- The Janajati caucus groups should be formed in the Nepalese Parliament, State Assemblies and Local bodies so that they could be effective in formulating policies and programmes in favour of the Janajati groups.
- The reservation quota given to the highly privileged Khas-Arya groups should be annulled in the interest of the Janajati groups.

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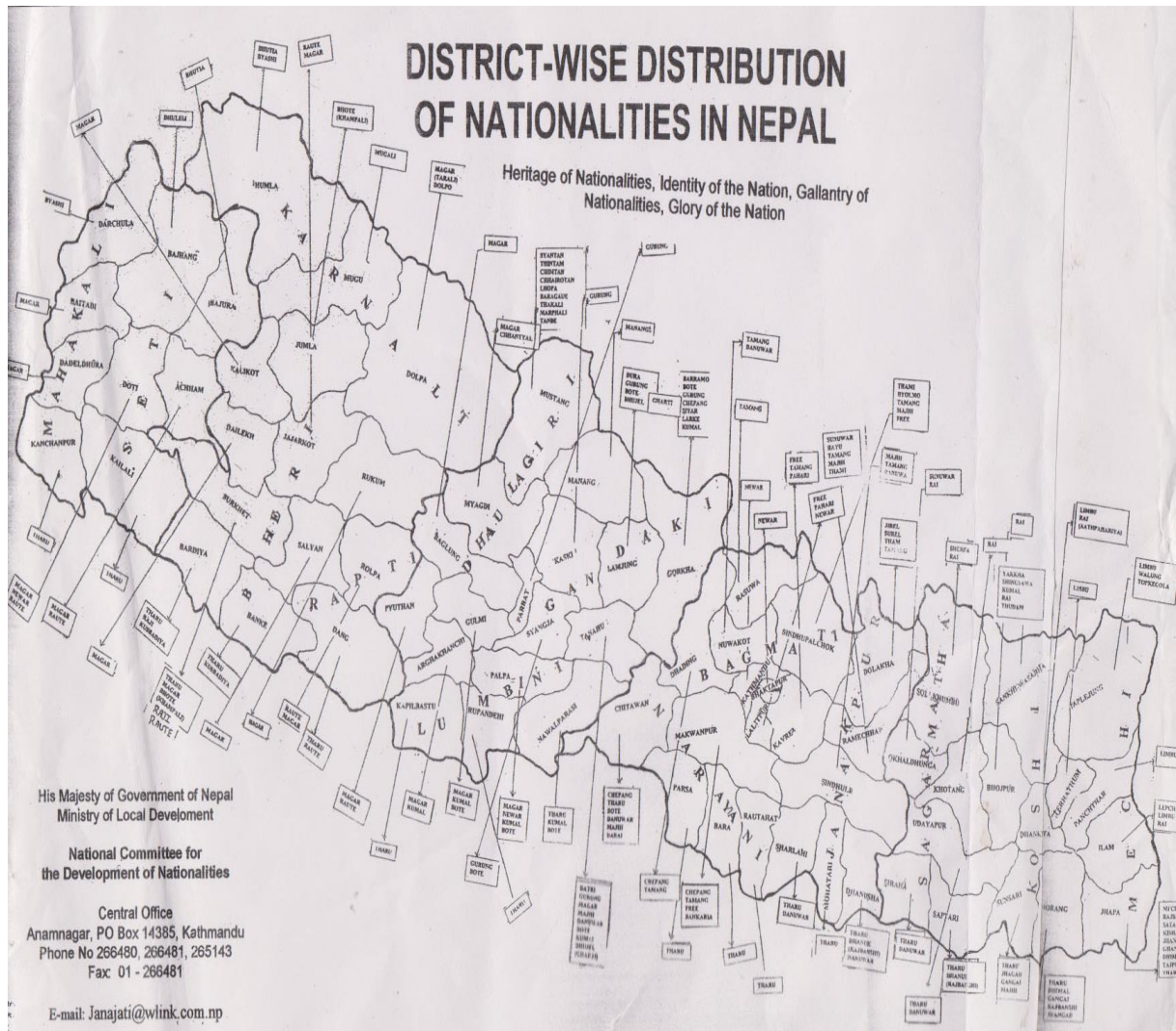
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### Location Map of the Janajati People



## Annex One

### **C169 - Indigenous and Tribal Peoples Convention, 1989 (No. 169)**

*Convention concerning Indigenous and Tribal Peoples in Independent Countries (Entry into force: 05 Sep 1991) Adoption: Geneva, 76th ILC session (27 Jun 1989) - Status: Up-to-date instrument (Technical Convention). Convention may be denounced: 05 Sep 2021 - 05 Sep 2022*

#### **Preamble**

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 76th Session on 7 June 1989, and

Noting the international standards contained in the Indigenous and Tribal Populations Convention and Recommendation, 1957, and

Recalling the terms of the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, and the many international instruments on the prevention of discrimination, and

Considering that the developments which have taken place in international law since 1957, as well as developments in the situation of indigenous and tribal peoples in all regions of the world, have made it appropriate to adopt new international standards on the subject with a view to removing the assimilationist orientation of the earlier standards, and

Recognising the aspirations of these peoples to exercise control over their own institutions, ways of life and economic development and to maintain and develop their identities, languages and religions, within the framework of the States in which they live, and

Noting that in many parts of the world these peoples are unable to enjoy their fundamental human rights to the same degree as the rest of the population of the States within which they live, and that their laws, values, customs and perspectives have often been eroded, and

Calling attention to the distinctive contributions of indigenous and tribal peoples to the cultural diversity and social and ecological harmony of humankind and to international co-operation and understanding, and

Noting that the following provisions have been framed with the co-operation of the United Nations, the Food and Agriculture Organisation of the United Nations, the United Nations Educational, Scientific and Cultural Organisation and the World Health

Organisation, as well as of the Inter-American Indian Institute, at appropriate levels and in their respective fields, and that it is proposed to continue this co-operation in promoting and securing the application of these provisions, and

Having decided upon the adoption of certain proposals with regard to the partial revision of the Indigenous and Tribal Populations Convention, 1957 (No. 107), which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention revising the Indigenous and Tribal Populations Convention, 1957;

adopts this twenty-seventh day of June of the year one thousand nine hundred and eighty-nine the following Convention, which may be cited as the Indigenous and Tribal Peoples Convention, 1989;

## **PART I. GENERAL POLICY**

### ***Article 1***

1. This Convention applies to:
  - (a) tribal peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;
  - (b) peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonisation or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions.
2. Self-identification as indigenous or tribal shall be regarded as a fundamental criterion for determining the groups to which the provisions of this Convention apply.
3. The use of the term *peoples* in this Convention shall not be construed as having any implications as regards the rights which may attach to the term under international law.

### ***Article 2***

1. Governments shall have the responsibility for developing, with the participation of the peoples concerned, co-ordinated and systematic action to protect the rights of these peoples and to guarantee respect for their integrity.
2. Such action shall include measures for:

- (a) ensuring that members of these peoples benefit on an equal footing from the rights and opportunities which national laws and regulations grant to other members of the population;
- (b) promoting the full realisation of the social, economic and cultural rights of these peoples with respect for their social and cultural identity, their customs and traditions and their institutions;
- (c) assisting the members of the peoples concerned to eliminate socio-economic gaps that may exist between indigenous and other members of the national community, in a manner compatible with their aspirations and ways of life.

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### ***Article 3***

1. Indigenous and tribal peoples shall enjoy the full measure of human rights and fundamental freedoms without hindrance or discrimination. The provisions of the Convention shall be applied without discrimination to male and female members of these peoples.
2. No form of force or coercion shall be used in violation of the human rights and fundamental freedoms of the peoples concerned, including the rights contained in this Convention.

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### ***Article 4***

1. Special measures shall be adopted as appropriate for safeguarding the persons, institutions, property, labour, cultures and environment of the peoples concerned.
2. Such special measures shall not be contrary to the freely-expressed wishes of the peoples concerned.
3. Enjoyment of the general rights of citizenship, without discrimination, shall not be prejudiced in any way by such special measures.

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### ***Article 5***

In applying the provisions of this Convention:

- (a) the social, cultural, religious and spiritual values and practices of these peoples shall be recognised and protected, and due account shall be taken of the nature of the problems which face them both as groups and as individuals;
- (b) the integrity of the values, practices and institutions of these peoples shall be respected;
- (c) policies aimed at mitigating the difficulties experienced by these peoples in facing new conditions of life and work shall be adopted, with the participation and co-operation of the peoples affected.

**Article 6**

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1. In applying the provisions of this Convention, governments shall:
  - (a) consult the peoples concerned, through appropriate procedures and in particular through their representative institutions, whenever consideration is being given to legislative or administrative measures which may affect them directly;
  - (b) establish means by which these peoples can freely participate, to at least the same extent as other sectors of the population, at all levels of decision-making in elective institutions and administrative and other bodies responsible for policies and programmes which concern them;
  - (c) establish means for the full development of these peoples' own institutions and initiatives, and in appropriate cases provide the resources necessary for this purpose.
2. The consultations carried out in application of this Convention shall be undertaken, in good faith and in a form appropriate to the circumstances, with the objective of achieving agreement or consent to the proposed measures.

**Article 7**

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1. The peoples concerned shall have the right to decide their own priorities for the process of development as it affects their lives, beliefs, institutions and spiritual well-being and the lands they occupy or otherwise use, and to exercise control, to the extent possible, over their own economic, social and cultural development. In addition, they shall participate in the formulation, implementation and evaluation of plans and programmes for national and regional development which may affect them directly.
2. The improvement of the conditions of life and work and levels of health and education of the peoples concerned, with their participation and co-operation, shall be a matter of priority in plans for the overall economic development of areas they inhabit. Special projects for development of the areas in question shall also be so designed as to promote such improvement.
3. Governments shall ensure that, whenever appropriate, studies are carried out, in co-operation with the peoples concerned, to assess the social, spiritual, cultural and environmental impact on them of planned development activities. The results of these studies shall be considered as fundamental criteria for the implementation of these activities.
4. Governments shall take measures, in co-operation with the peoples concerned, to protect and preserve the environment of the territories they inhabit.

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**Article 8**

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1. In applying national laws and regulations to the peoples concerned, due regard shall be had to their customs or customary laws.
2. These peoples shall have the right to retain their own customs and institutions, where these are not incompatible with fundamental rights defined by the national legal system and with internationally recognised human rights. Procedures shall be established, whenever necessary, to resolve conflicts which may arise in the application of this principle.
3. The application of paragraphs 1 and 2 of this Article shall not prevent members of these peoples from exercising the rights granted to all citizens and from assuming the corresponding duties.

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**Article 9**

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1. To the extent compatible with the national legal system and internationally recognised human rights, the methods customarily practised by the peoples concerned for dealing with offences committed by their members shall be respected.
2. The customs of these peoples in regard to penal matters shall be taken into consideration by the authorities and courts dealing with such cases.

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**Article 10**

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1. In imposing penalties laid down by general law on members of these peoples account shall be taken of their economic, social and cultural characteristics.
2. Preference shall be given to methods of punishment other than confinement in prison.

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**Article 11**

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The exaction from members of the peoples concerned of compulsory personal services in any form, whether paid or unpaid, shall be prohibited and punishable by law, except in cases prescribed by law for all citizens.

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**Article 12**

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The peoples concerned shall be safeguarded against the abuse of their rights and shall be able to take legal proceedings, either individually or through their representative bodies, for the effective protection of these rights. Measures shall be taken to ensure that members of these peoples can understand and be understood in legal proceedings, where necessary through the provision of interpretation or by other effective means.

**PART II. LAND****Article 13**

1. In applying the provisions of this Part of the Convention governments shall respect the special importance for the cultures and spiritual values of the peoples concerned of their relationship with the lands or territories, or both as applicable, which they occupy or otherwise use, and in particular the collective aspects of this relationship.
2. The use of the term *lands* in Articles 15 and 16 shall include the concept of territories, which covers the total environment of the areas, which the peoples concerned occupy or otherwise use.

**Article 14**

1. The rights of ownership and possession of the peoples concerned over the lands which they traditionally occupy shall be recognised. In addition, measures shall be taken in appropriate cases to safeguard the right of the peoples concerned to use lands not exclusively occupied by them, but to which they have traditionally had access for their subsistence and traditional activities. Particular attention shall be paid to the situation of nomadic peoples and shifting cultivators in this respect.
2. Governments shall take steps as necessary to identify the lands which the peoples concerned traditionally occupy, and to guarantee effective protection of their rights of ownership and possession.
3. Adequate procedures shall be established within the national legal system to resolve land claims by the peoples concerned.

**Article 15**

1. The rights of the peoples concerned to the natural resources pertaining to their lands shall be specially safeguarded. These rights include the right of these peoples to participate in the use, management and conservation of these resources.
2. In cases in which the State retains the ownership of mineral or sub-surface resources or rights to other resources pertaining to lands, governments shall establish or maintain procedures through which they shall consult these peoples, with a view to ascertaining whether and to what degree their interests would be prejudiced, before undertaking or permitting any programmes for the exploration or exploitation of such resources pertaining to their lands. The peoples concerned shall wherever possible participate in the benefits of such activities, and shall receive fair compensation for any damages which they may sustain as a result of such activities.

**Article 16**

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1. Subject to the following paragraphs of this Article, the peoples concerned shall not be removed from the lands which they occupy.
2. Where the relocation of these peoples is considered necessary as an exceptional measure, such relocation shall take place only with their free and informed consent. Where their consent cannot be obtained, such relocation shall take place only following appropriate procedures established by national laws and regulations, including public inquiries where appropriate, which provide the opportunity for effective representation of the peoples concerned.
3. Whenever possible, these peoples shall have the right to return to their traditional lands, as soon as the grounds for relocation cease to exist.
4. When such return is not possible, as determined by agreement or, in the absence of such agreement, through appropriate procedures, these peoples shall be provided in all possible cases with lands of quality and legal status at least equal to that of the lands previously occupied by them, suitable to provide for their present needs and future development. Where the peoples concerned express a preference for compensation in money or in kind, they shall be so compensated under appropriate guarantees.
5. Persons thus relocated shall be fully compensated for any resulting loss or injury.

**Article 17**

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1. Procedures established by the peoples concerned for the transmission of land rights among members of these peoples shall be respected.
2. The peoples concerned shall be consulted whenever consideration is being given to their capacity to alienate their lands or otherwise transmit their rights outside their own community.
3. Persons not belonging to these peoples shall be prevented from taking advantage of their customs or of lack of understanding of the laws on the part of their members to secure the ownership, possession or use of land belonging to them.

**Article 18**

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Adequate penalties shall be established by law for unauthorised intrusion upon, or use of, the lands of the peoples concerned, and governments shall take measures to prevent such offences.



**Article 19**

National agrarian programmes shall secure to the peoples concerned treatment equivalent to that accorded to other sectors of the population with regard to:

- (a) the provision of more land for these peoples when they have not the area necessary for providing the essentials of a normal existence, or for any possible increase in their numbers;
- (b) the provision of the means required to promote the development of the lands which these peoples already possess.

**PART III. RECRUITMENT AND CONDITIONS OF EMPLOYMENT****Article 20**

1. Governments shall, within the framework of national laws and regulations, and in co-operation with the peoples concerned, adopt special measures to ensure the effective protection with regard to recruitment and conditions of employment of workers belonging to these peoples, to the extent that they are not effectively protected by laws applicable to workers in general.
2. Governments shall do everything possible to prevent any discrimination between workers belonging to the peoples concerned and other workers, in particular as regards:
  - (a) admission to employment, including skilled employment, as well as measures for promotion and advancement;
  - (b) equal remuneration for work of equal value;
  - (c) medical and social assistance, occupational safety and health, all social security benefits and any other occupationally related benefits, and housing;
  - (d) the right of association and freedom for all lawful trade union activities, and the right to conclude collective agreements with employers or employers' organisations.
3. The measures taken shall include measures to ensure:
  - (a) that workers belonging to the peoples concerned, including seasonal, casual and migrant workers in agricultural and other employment, as well as those employed by labour contractors, enjoy the protection afforded by national law and practice to other such workers in the same sectors, and that they are fully informed of their rights under labour legislation and of the means of redress available to them;
  - (b) that workers belonging to these peoples are not subjected to working conditions hazardous to their health, in particular through exposure to pesticides or other toxic substances;

- (c) that worker belonging to these peoples are not subjected to coercive recruitment systems, including bonded labour and other forms of debt servitude;
  - (d) that workers belonging to these peoples enjoy equal opportunities and equal treatment in employment for men and women, and protection from sexual harassment.
4. Particular attention shall be paid to the establishment of adequate labour inspection services in areas where workers belonging to the peoples concerned undertake wage employment, in order to ensure compliance with the provisions of this Part of this Convention.

#### **PART IV. VOCATIONAL TRAINING, HANDICRAFTS AND RURAL INDUSTRIES**

##### ***Article 21***

Members of the peoples concerned shall enjoy opportunities at least equal to those of other citizens in respect of vocational training measures.

##### ***Article 22***

1. Measures shall be taken to promote the voluntary participation of members of the peoples concerned in vocational training programmes of general application.
2. Whenever existing programmes of vocational training of general application do not meet the special needs of the peoples concerned, governments shall, with the participation of these peoples, ensure the provision of special training programmes and facilities.
3. Any special training programmes shall be based on the economic environment, social and cultural conditions and practical needs of the peoples concerned. Any studies made in this connection shall be carried out in co-operation with these peoples, who shall be consulted on the organisation and operation of such programmes. Where feasible, these peoples shall progressively assume responsibility for the organisation and operation of such special training programmes, if they so decide.

##### ***Article 23***

1. Handicrafts, rural and community-based industries, and subsistence economy and traditional activities of the peoples concerned, such as hunting, fishing, trapping and gathering, shall be recognised as important factors in the maintenance of their cultures and in their economic self-reliance and development. Governments shall, with the participation of these people and whenever appropriate, ensure that these activities are strengthened and promoted.

2. Upon the request of the peoples concerned, appropriate technical and financial assistance shall be provided wherever possible, taking into account the traditional technologies and cultural characteristics of these peoples, as well as the importance of sustainable and equitable development.

## **PART V. SOCIAL SECURITY AND HEALTH**

### ***Article 24***

Social security schemes shall be extended progressively to cover the peoples concerned, and applied without discrimination against them.

### ***Article 25***

1. Governments shall ensure that adequate health services are made available to the peoples concerned, or shall provide them with resources to allow them to design and deliver such services under their own responsibility and control, so that they may enjoy the highest attainable standard of physical and mental health.
2. Health services shall, to the extent possible, be community-based. These services shall be planned and administered in co-operation with the peoples concerned and take into account their economic, geographic, social and cultural conditions as well as their traditional preventive care, healing practices and medicines.
3. The health care system shall give preference to the training and employment of local community health workers, and focus on primary health care while maintaining strong links with other levels of health care services.
4. The provision of such health services shall be co-ordinated with other social, economic and cultural measures in the country.

## **PART VI. EDUCATION AND MEANS OF COMMUNICATION**

### ***Article 26***

Measures shall be taken to ensure that members of the peoples concerned have the opportunity to acquire education at all levels on at least an equal footing with the rest of the national community.

### ***Article 27***

1. Education programmes and services for the peoples concerned shall be developed and implemented in co-operation with them to address their special needs, and shall incorporate their histories, their knowledge and technologies, their value systems and their further social, economic and cultural aspirations.
2. The competent authority shall ensure the training of members of these peoples and their involvement in the formulation and implementation of education programmes, with a view to the progressive transfer of responsibility for the conduct of these programmes to these peoples as appropriate.

3. In addition, governments shall recognise the right of these peoples to establish their own educational institutions and facilities, provided that such institutions meet minimum standards established by the competent authority in consultation with these peoples. Appropriate resources shall be provided for this purpose.

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**Article 28**

1. Children belonging to the peoples concerned shall, wherever practicable, be taught to read and write in their own indigenous language or in the language most commonly used by the group to which they belong. When this is not practicable, the competent authorities shall undertake consultations with these peoples with a view to the adoption of measures to achieve this objective.
2. Adequate measures shall be taken to ensure that these peoples have the opportunity to attain fluency in the national language or in one of the official languages of the country.
3. Measures shall be taken to preserve and promote the development and practice of the indigenous languages of the peoples concerned.

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**Article 29**

The imparting of general knowledge and skills that will help children belonging to the peoples concerned to participate fully and on an equal footing in their own community and in the national community shall be an aim of education for these peoples.

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**Article 30**

1. Governments shall adopt measures appropriate to the traditions and cultures of the peoples concerned, to make known to them their rights and duties, especially in regard to labour, economic opportunities, education and health matters, social welfare and their rights deriving from this Convention.
2. If necessary, this shall be done by means of written translations and through the use of mass communications in the languages of these peoples.

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**Article 31**

Educational measures shall be taken among all sections of the national community, and particularly among those that are in most direct contact with the peoples concerned, with the object of eliminating prejudices that they may harbour in respect of these peoples. To this end, efforts shall be made to ensure that history textbooks and other educational materials provide a fair, accurate and informative portrayal of the societies and cultures of these peoples.

**PART VII. CONTACTS AND CO-OPERATION ACROSS BORDERS****Article 32**

Governments shall take appropriate measures, including by means of international agreements, to facilitate contacts and co-operation between indigenous and tribal peoples across borders, including activities in the economic, social, cultural, spiritual and environmental fields.

**PART VIII. ADMINISTRATION****Article 33**

1. The governmental authority responsible for the matters covered in this Convention shall ensure that agencies or other appropriate mechanisms exist to administer the programmes affecting the peoples concerned, and shall ensure that they have the means necessary for the proper fulfilment of the functions assigned to them.
2. These programmes shall include:
  - (a) the planning, co-ordination, execution and evaluation, in co-operation with the peoples concerned, of the measures provided for in this Convention;
  - (b) the proposing of legislative and other measures to the competent authorities and supervision of the application of the measures taken, in co-operation with the peoples concerned.

**PART IX. GENERAL PROVISIONS****Article 34**

The nature and scope of the measures to be taken to give effect to this Convention shall be determined in a flexible manner, having regard to the conditions characteristic of each country.

**Article 35**

The application of the provisions of this Convention shall not adversely affect rights and benefits of the peoples concerned pursuant to other Conventions and Recommendations, international instruments, treaties, or national laws, awards, custom or agreements.

**PART X. FINAL PROVISIONS****Article 36**

This Convention revises the Indigenous and Tribal Populations Convention, 1957.

**Article 37**

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

**Article 38**

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1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.
2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.
3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

**Article 39**

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1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.
2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

**Article 40**

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1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.
2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

**Article 41**

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The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

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**Article 42**

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

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**Article 43**

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides-
  - (a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 39 above, if and when the new revising Convention shall have come into force;
  - (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.
2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

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**Article 44**

The English and French versions of the text of this Convention are equally authoritative

**Annexe Two****Janajati Organisations affiliated to NEFIN**

Given below is the list of the Janajati organisations affiliated to NEFIN

SN	IPs	Organization Name	Address
1	Kishan	Kishan Samudaya Club	Mechinagar-4, Magurmadi, Jhapa
2	Kumal	Nepal Kumal Samaj Sudhar Samiti	Anamnagar, Kathmandu
3	Gangai	Nepal Gangai Kalyan Parishad	Madhumara-11, Biratnagar, Morang
4	Gurung	Tamoo Hyul Chhanjdhi	Mitranagar, Gangabu, Kathmandu
5	Chepang	Nepal Chepang (Praja) Sangh	Pulchok, Lalitpur
6	Chhantyal	Nepal Chhantyal Sangh	Manamaiju, Kathmandu
7	Jirel	Jirel Samudaya Utthan Sangh Nepal	Jiri, Dolkha, Nepal
8	Jhangad	Nepal Jhangad (Urau) Kondrom Sudhara	Laukahi-6, Sunsari
9	Tajpuriya	Tajpuriya Samaj Kalyan Parishad	Juropani-5, Gaurigunj, Jhapa
10	Tamang	Nepal Tamang Ghedung,	Bagbazar, Balaju
11	Tangbe	Tangbe Samaj Sewa Sangh	Mahendrapul, Pokhara
12	Topkegola	Tokpegola Welfare Society	Kathmandu, Nepal
13	Thakali	Thakali Sewa Samiti	Binayakbasti, Balaju
14	Thami	Nepal Thami Samaj	Koteshwar, Kathmandu
15	Tharu	Tharu Kalnyankari Sabha	Purano Baneshwar, Kathmandu
16	Danuwar	Danuwar Jagaran Samiti	Purano Baneshwar, Kathmandu
17	Darai	Nepal Darai Utthan Samaj	Chitwan
18	Dura	Dura Sewa Samaj	Basundhara, Kathmandu
19	Dhimal	Dhimal Jati Bikas Kendra,	Urlabari-6, Morang
20	Newar	Newar Deya Dabu,	Tamsipakha, Kathmandu
21	Pahari	Nepal Pahari Bikash Sangh	Kumaripati, Lalitpur
22	Baram	Nepal Baram Sangh	Kaldhara-16, Kathmandu
23	Bote	Nepal Bote Samaj Sewa	Bharatpur-10, Chitwan
24	Bhujel	Bhujel Samaj Sewa Samiti	Dillibazar, New Plaza, Kathmandu
25	Bhote	Nepal Bhote Janajati Sewa Samiti	Martadi, Bajura



26	Magar	Nepal Magar Sangh	Shantinagar, Kathmandu
27	Majhi	Nepal Majhi Utthan Sangh	Madhuwan-7, Sunsari
28	Mugal	Mugal Janajati Samaj Kalyan Krndra	Mugu
29	Meche	Meche Samaj Sibiyari Afat	Jorsimal, Mechinagar-12, Jhapa
30	Yakkha	Kirat Yakkha Chhumma	Mahalaxmasthan, Lalitpur
31	Limbu	Kirat Yakthung Chumlung	Mahalaxmasthan, Lalitpur
32	Rai	Kirat Rai Yayokkha	Koteshor, Kathmandu
33	Rajbanshi	Rajbanshi Samaj Bikash Samiti	Biratnagar, Madhumara, Morang
34	Raji	Raji Salma Samaj	Tikapur-9, Kailali
35	Lapcha	Rong Sejum Thi	Fikkal-6, Ilam
36	Larke	Larke Samaj Kalyan Kendra	Kuleshor, Kathmandu
37	Walung	Walung Sewa Samaj	Ghattekulo, Kathmandu
38	Lhomi	Lohmi (Singsa) Kalyan Kendra	Kathmandu, Nepal
39	Sherpa	Nepal Sherpa Sangh	Kumarigal, Budha, Kathmandu
40	Byasi	Byasi Sauka Samaj	Khalanga, Darchula
41	Santhal	Nepal Santhal Aadibashi Utthan Sangh	Majhare-8, Morang
42	Siyar	Siyar Samaj Kalyan Kendra	Swambhu, Kathmandu
43	Sunuwar	Sunuwar Sewa Samaj	Koteshor, Kathmandu
44	Hayu	Bayu Gukhata Kolu Padakmi (Hayu)	Ramechhap, Nepal
45	H yolmo	Nepal Hyolmo Samaj Sewa Sangh	Baudha, Kathmandu
46	Marfali	Marfa Thakali Samaj Sewa Samiti	Chapapani, Kaski, Pokhara
47	Tingaule Thakali	Tingaule Thakali Sewa Samiti	Thakalichowk, Pokhara
48	Dolpo	Nepal Dolpa Janajati Bikash Kendra	Baudha, Kathmandu
49	Thudam	Thudam Sewa Samaj	Baudha, Kathmandu
50	Surel	Surel Jati Utthan Sangh	Dolakha
51	Dhanuk	Nepal Dhanuk Samaj	Gwarko, Lalitpur
52	Kuchbadhiya	Kuchbadhiya Utthan Sangh	Nepalganj, Banke
53	Bahragau	Bahragau Samaj Sewa Samiti	Jomsom, Mustang
54	Lhopa	Lochhodun Lhopa Sangh	Lomanthang, Mustang
55	Raute	Nepal Raute Bikash Sangh	Jogbudha-1, Dadeldhura
56	Kusunda	Nepal Kusunda Bikash Samaj	Dang, Nepal

*Source: Alternative Report of the Indigenous Peoples of Nepal*

## Annexe Three

**National Indigenous Women Federation, Nepal (NIWF), Buddhanagar, Kathmandu, Nepal**

Given below is the list of the women organisations affiliated to the NIWF

SN	IPs	Name of Organisation	Email Address
1	Newar	Nepal Bhasa Misha Khala, Central Committee Kathmandu	nananewa@yahoo.com premhiraatuladhar@gmail.com mrs.shreejanapradhan@gmail.com
2	Magar	Nepal Magar Mahila Sangh, Central Committee Kathmandu	
3	Sunuwar	Sunuwar Mahila Samaj, Central Committee Kathmandu	sunuwarlaxmi32@gmail.com 1583sunuwar@gmail.com
4	Rai	Nepal Kirat Rai Mahila Sangh, Central Committee Kathmandu	mrs.somarai@gmail.com gole_sushila@yahoo.com
5	Tharu	Tharu Mahila Jaagaran Kendra, Central Committee, Kathmandu	phulmati45@yahoo.com
6	Tamang	Nepal Tamang Mahila, Ghedung, Central Committee, Kathmandu	sunilama28@gmail.com
7	Thakali	Thakali Mahila Sangh, Central Committee, Kathmandu	kusumbishalnagar@gmail.com
8	Majhi	Nepal Majhi Mahila Utthan Sangh, Central Committee, Kathmandu	sismajhi@gmail.com majhimahima@gmail. bndmajhi@hotmail.com
9	Kumal	Nepal Kumal Mahila Samaj Sudhar Samiti, Central Committee, Kathmandu	kalpanakumal@hotmail.com
10	Walung	Walung Mahila Sangh, Central Committee, Kathmandu	-
11	Gurung	Nepal Gurung (Tamu) Mahila Sangh, Central Committee, Kathmandu	grgck01@gmail.com
12	Danuwar	Danuwar Mahila Samaj Sudhar Sangh, Central Committee, Udayapur	sanjadanuwar11@gmail.com

13	Sherpa	Nepal Sherpa Mahila Sangh, Central Committee, Kathmandu	atesnimi@wlink.com.np
14	Pahari	Nepal Pahari Mahila Bikash Sangh, Central Committee, Lalitpur	-
15	Mechee	Meche Mahila Utthaan Sangh, Central Committee-Jhapa	punam.meche@yahoo.com
16	Rajbanshi	Rajbanshi Mahila Sangh, Central Committee, Jhapa	-
17	Limbu	Kirat Yakthung Maangena Chumlung, Central Commitee, Kathmandu	-
18	Lhomi	Lhomi Mahila Kalyan Manch, Central Committee, Lalitpur	cching9@hotmail.com
19	Dolpo	Palden Dolpo Mahila Sangh, Central Committee, Kathmandu	-
20	Mugal	Mugal Adivasi Janajati Mahila Utthaan Sanstha, Central Commitee, Kathmandu	tomalama123@yahoo.com
21	Byasi Sauka	Byasi Sauka Mahila Sangh, Central Committee, Kathmandu	pushpa_lala@yahoo.com
22	Chhantyal	Nepal Chhantyal Mahila Sangh, Central Committee, Kathmandu	-
23	Barhagaule Thakali	Barhagaun Chhimighyarcha Mahila Samaj Sewa, Central Committee, Kathmandu	tashi3248@yahoo.com
24	Tajpuriya	Tajpuriya Mahila Utthaan Sangh, Central Committee, Kathmandu	-
25	Bhujel	Bhujel Mahila Samaj, Central Committee, Kathmandu	-
26	Jirel	Jirel Mahila Samaj Sewa, Central Committee, Dolakha	shantijirel@hotmail.com
27	Gangai	Nepal Gangai Mahila Parishad, Central Committee, Jhapa	-
28	Dhanuk	Dhanuk Mahila Samaj, Central Commitee, Kathmandu	dhanukwomen@gmail.com

29	Dure	Dura Mahila Samaj, Central Committee, Kathmandu	dilu.dura123@gmail.com
30	Chepang	Nepal Chepang Mahila Sangh, Central Committee- Kathmandu	chepangwomen@gmail.com
31	Dhimal	Dhimal Mahila Sangh, Central Committee, Morang	dhimalmanju7@gmail.com
32	Yakkha	Yakkhama Yapsen, Central Committee, Lalitpur	indirajimee@yahoo.com
33	Baram	Nepal Baram Mahila Sangh, Central Committee, Kathmandu	tarabaram@yahoo.com
34	Thami	Nepal Thami Mahila Samaj, Central Committee, Kathmandu	nanu.thami@yahoo.com
35	Hyolmo	Nepal Yolmo Women Association, Central Committee, Kathmandu	Buddhamaya14@gmail.com
36	Surel	Surel Jati Mahila Utthan Samaj	-
37	Jhagad	Nepal Jhagad Mahila Sangh	-
38	Bhote	Nepal Bhote Janajati Mahila Sangh	-
39	Darai	Nepal Darai Mahila Samaj	-
40	Kusunda	Kusunda Mahila Bikash Samaj Nepal	-
41	Bankariya	Bankariya Mahila Bikash Sangh	-
42	Topkegola	Topkegola Mahila Samaj Sewa Samiti	-

Source: Alternative Report of the Indigenous Peoples of Nepal

## Annexe Four

### **Youth Federation of Indigenous Nationality, Nepal (YFIN-Nepal), Bagbazar, Kathmandu Nepal,**

Email: [yfin.nepal@gmail.com](mailto:yfin.nepal@gmail.com), [www.yfin.org.np](http://www.yfin.org.np)

Given below is the list of youth organisations affiliated to the YFIN, Nepal

1. Nepal Magar Youth Association, Central Committee
2. Tamu hyula youth chhonz ghi, Central Committee
3. Newa lyamha daboo, National Commitee
4. Nepal Tamang Youth Ghedung, Central Committee
5. Tharu Kalyankarini Youth Shabha, Central Executive Commitee
6. Kirat Yakthum Youth Chumlung
7. Nepal Chhantyal Yuwa Sangh
8. Kirat Rai Youth Association
9. Nepal Sherpa Youth Association
10. Nepal Kumal Yuwa Samaj
11. Nepal Hyalmo Youth Samaj
12. Danuwar Youth Samiti
13. Kirat Sunuwar Youth Association
14. Kirat Aathpahariya Youth Samaj
15. Nepal Baram Youth Association
16. Nepal Dura Youth Association
17. Nepal Tajpuriya Youth Samaj
18. Urau Youth Samaj
19. Rajbanshi Youth Committee
20. Bhte Yuwa Samaj
21. Nepal Dome Youth Samaj
22. Nepal Khawas Youth Samaj
23. Kirat Kulung Youth Samaj
24. Nepal Bhujel Youth Samaj

25. Kirat Khaling Youth Samaj
26. Kirat Bahing Youth Association
27. Nepal Chepang Youth Association
28. Nepal Jirel Youth Association
29. Kirat Jero Youth Samaj
30. Karmarogn Youth Samaj
31. Thakali Yuwa Samaj
32. Nepal Thami Youth Association
33. Darai Youth Association
34. Nepal Lapcha Youth Association
35. Surel Youth Committee
36. Topkegola Youth Committee
37. Kirat Thulung Youth Samaj
38. Nepal Dhanuk Youth Association
39. Lapcha Youth Association
40. Kirat Yakhkha Youth Chhumma
41. Nepal Walung Youth Sewa Samaj
42. Majhi Youth Sudhar Samiti

Source: Alternative Report of the Indigenous Peoples of Nepal

**Annexe Five****Twenty-Point Agreement between the Nepal Government, NFDIN and NIWF**

The 20-point agreement between the Government and Indigenous Peoples (Janajatis) of Nepal before the CA election in 2007

(7 August 2007/ 22 Saun 2064)

Unofficial translation from the original Nepali, by the United Nations Mission in Nepal (UNMIN)

1. While nominating candidates for the first past the post electoral system arranged for the constituent assembly election in the present constitution, candidacy will be determined so as to ensure proportional representation of all castes and janajatis.
2. While preparing a proportional list, all political parties participating in the election will make arrangements to ensure the representation of each of the listed indigenous janajati communities.
3. In case a listed indigenous janajati group is unable to secure its representation through both electoral systems, the Government of Nepal and the eight parties will reach a mutually acceptable conclusion in order to ensure that there is at least one representative of such a group and that the representation is legal and constitutional.
4. A state restructuring commission will soon be formed to present recommendations to the constituent assembly regarding a federal state structure based on ethnicity, language, geographic region, economic indicators and cultural distinctiveness while keeping national unity, integrity and sovereignty of Nepal at the forefront. The commission will include indigenous janajatis, Madhesis, dalits, women and eminent experts from various groups, regions and communities.
5. A commission for indigenous janajatis will be formed.
6. While so far only Nepali has been recognised as the government's official language, the constituent assembly will also make arrangements to give recognition to locally spoken mother tongues along with Nepali. The government will remain committed towards ensuring linguistic rights of its citizens.
7. Arrangements will be made for the general public to seek and receive information on matters of public importance, including the constituent assembly, in their respective mother tongues.
8. The Government of Nepal has agreed in principle that all groups, genders, communities, castes and ethnicities should be represented in political parties at all levels. A fully representative task force will be formed immediately to conduct a

study in order to ensure inclusive participation and proportional representation of all castes, ethnicities, groups, communities, genders and regions in all bodies and levels of the state.

9. All sectors will take initiatives to practically implement their legal and policy level commitments to ensuring inclusive and proportional representation of all genders, classes, regions and communities, including indigenous janajatis in all bodies and levels of state.
10. A system will gradually be developed to receive advice and consultation from concerned groups and bodies while making important decisions regarding various groups, regions, genders and communities, including indigenous janajatis.
11. Arrangements will be made to immediately pass the proposal to ratify and adopt Convention 169 of the International Labour Organisation.
12. Appropriate steps will be immediately taken to complete the necessary legal process for adopting the United Nations Declaration on the Rights of Indigenous Peoples.
13. A District Coordination Committee for indigenous janajatis will be formed in a democratic and transparent manner. Also, high importance will be given to the involvement of the Nepal Federation of Indigenous Nationalities and the National Federation of Indigenous Women in this process.
14. In keeping with the spirit and sentiment of gender mainstreaming in development plans and programmes, including interim planning, and paying attention to women and diversity in programme implementation and profit sharing, emphasis will be laid upon participation of women from indigenous janajati, dalit and Madhesi groups.
15. As party to the Convention on Biodiversity, the country will ensure that the traditional knowledge, skills, practices and technology of indigenous janajatis are harnessed and preserved.
16. The country will honour the renowned geographer Dr. Harka Gurung.
17. Arrangements will be made to provide Rs. 1 million each as relief and compensation to the families of all the Nepalis who died in the helicopter crash in Ghunsa, Taplejung.
18. The process started by the government to find a permanent solution to the problems faced by freed kamaiyas (bonded labourers) will be taken forward in an effective manner as per the agreement.
19. The government will make a serious effort to reach an agreement for addressing the demands of various groups and communities, including Madhesi, women and dalits through talks and discussions with the respective groups.



20. Nepal Federation of Indigenous Nationalities, Indigenous Nationalities Joint Struggle Committee and National Indigenous Women Federation request all indigenous communities in the country to unite for the success of the upcoming constituent assembly election.

(Ram Chandra Poudel, Coordinator, Government Talks Team, Dr. Om Gurung, Coordinator, Nepal Federation of Indigenous Nationalities, KB Gurung, Coordinator, Indigenous Nationalities Joint Struggle Committee)

## Annexe Six

### **Agreement reached between the Government Talks team comprising seven parties and the Federal Limbuwan State Council on 19 March 2008**

The feudalist and centralised state authority and unitary state structure have exploited, oppressed and isolated the people of Limbuwan from the mainstream. (The Federal Limbuwan Status Council) has expressed its dissatisfaction over it. Realising the said norms and sentiments of historic Jana Andolan 2006 to restructure the state and in the context of the movement being carried with demand for a federal democratic republic with the right to self-determination and autonomy along with ethnic identity, we, the parties mentioned below have reached the following agreement expressing commitment to build a peaceful, prosperous and modern new Nepal by incorporating all Nepali people including Limbuwan in one national mainstream while restructuring the state.

1. The Federal Governance system shall be adopted by making constitutional provision for autonomous states on the basis of historic background of Limbuwan, geographical area, etc. while restructuring of current Nepal from the Constituent Assembly thereby addressing the immense desire of the people of Limbuwan and their movement, and maintaining the national unity, integrity and indivisibility.
2. Honouring Late Rajkumar Angdembe (Mangtok) who attained martyrdom during the movement carried out by the people of Limbuwan as the martyr, his family shall be provided with a compensation of one million rupees. The Government shall make arrangements for the treatment of those injured and provide compensation for the losses occurred during the movement. The Government shall withdraw the charges filed against the agitators.
3. The representation of Federal Limbuwan State Council shall be ensured while forming the State Restructuring Commission.
4. The agreements reached in the previously mentioned points shall be ratified by the Council of Ministers and made public.
5. Following today's agreement between the two sides all programmes of agitation announced by the Federal Limbuwan State Council shall be adjourned and support shall be extended to create conducive atmosphere for the Constituent Assembly election.

Source: An Alternative Report of the Indigenous Peoples of Nepal

## Annexe Seven

### **Proposal Prepared by Indigenous Parliamentarian Caucus in Consultation with Indigenous Peoples, submitted to the First Constituent Assembly**

(None of these rights is incorporated in the New Constitution of Nepal, 2015)

1) **Right to Live with Dignity:**

Indigenous people shall have the right to live with dignity with due respect to their individual and collective identity and rights.

2) **Right to Freedom:**

Every citizen and community will have the freedom to establish organizations or run their cultural and representative organizations.

3) **Right to Equality:**

Every citizen and community will be equal in front of the law. No one shall be denied equal legal protection and benefit/services.

4) **Right to Justice:**

Every individual and community's right to justice shall be protected. Indigenous peoples will have the right to practice their judicial/legal organizations/structures and customary law in line with the constitution and international law. Judicial, quasi-judicial and administrative bodies and its respective jurisdiction will uphold the indigenous peoples' customary law in line with the international legal standard.

5) **Right of the Victim and the Accused:**

Any victim or the accused will have the right to represent themselves in their mother tongue during any prosecution, investigation procedures in which they are implicated.

6) **Right to Religious Freedom:**

The State will not conduct any activity that will directly or indirectly discriminate on the basis of religious or reflect such religious discrimination.

7) **Right to Information:**

The speaker of mother tongue will have the right to receive information of public interest and importance in their mother tongue.

8) **Right to Environment:**

Indigenous peoples shall have the right to protect, promote, manage, use and enjoy the environment of their ancestral land and settlement areas.

## 9) Right to Education:

Every community shall have the right to receive education in their mother tongue. The State will introduce/manage the effective structure for the enjoyment of this right.

## 10) Women's Rights :

- a) Women will have the right of absolute proportional representation in all of the State mechanisms. This will be based on the total women population. The State for the fulfilment of this right will prioritise Indigenous women, Dalit women, Muslim women, women from Terai and Madheshi community, and women from the severely marginalised community.
- b) Indigenous women will have the right to their identity. The State shall adopt special measures to protect the right to identity. Indigenous women will have the special right to receive their ancestral property bestowed on them by their customary law.

## 11) Right to Self-determination:

- a) Indigenous people will have the right to self-determination on the basis of which they can freely ascertain their political context; foster economic, social and cultural developments; own, control, use, enjoy and manage their ancestral land and natural resources.
- b) Indigenous peoples shall have rights to practice their right to self-determination through autonomy, self-rule and self-governance.
- c) On the basis of ethnic population, indigenous peoples will have the right to inclusive proportional representation at all decision making regions and levels of the State. The indigenous peoples shall have the right to inclusive proportional representation on election constituency (decided by the State) and decisive State structure. The State, through separate election constituency and electoral system, will manage a system that shall enable the indigenous peoples to enjoy their equal right and status.
- d) Indigenous peoples shall have the right to receive free, prior, informed, consent (FPIC) while the State formulates, reviews, or annual the legislation related or concerned with the indigenous peoples; while carrying out any work related to the land management, administrative, policy and development. The indigenous peoples shall have the right to receive such information through their customary and representative organisations.
- e) The State will formulate necessary law, policy and regulations for the implementation of free, prior, informed consultation (FPIC), participation and representation.

## 12) Right to land and natural resources:

Indigenous peoples will have the right to own, use, enjoy, manage, promote and control their ancestral land, geographical region and natural resource.

## 13) Right to indigenous knowledge and heritage:

a) Indigenous peoples shall have the right to protect, develop, promote and practice distinct traditional indigenous art, knowledge, skills, or expertise as intellectual property and enjoy, protect and promote accordingly. This right shall be inviolable and subject to punishment in the case of violation.

b) Indigenous peoples will have the right to conserve, promote and develop their cultural, archaeological, historical and natural heritage. This right shall be inviolable.

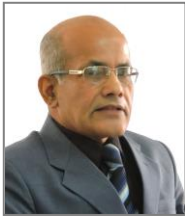
## 14) Indigenous Women's right to Women's right:

a) Indigenous women will have the right to their identity. They shall have the right to an effective remedy against any kind of descent and racial (identity) based discrimination and exploitation.

b) The State, through law, policy and programmes or special measures shall protect the progress, development and rights of the indigenous women.

*Source: Alternative Report of the Indigenous Peoples of Nepal*

### About the Author



**Professor Hari Bansh Jha**, a well regarded Nepali scholar, is the Executive Director of the Centre for Economic and Technical Studies, Lalitpur, Nepal.

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**VIVEKANANDA INTERNATIONAL FOUNDATION**

3, San Martin Marg, Chanakyapuri, New Delhi – 110021

Phone: +91-11-24121764, 24106698

Email: [info@vifindia.org](mailto:info@vifindia.org), Website: <https://www.vifindia.org>

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